

# Vassar College Regulations for 2018-19

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, College Regulations Panel, Vassar Student Association Student Judicial Board, Student Conduct Panel, Intersession Regulations Panel, Grievance Hearing Panel, Title IX hearing process, and student conduct administrators), 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 Privileges and Responsibilities**

Student 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The provisions of this Article II may be amended or repealed by vote of the trustees after conference with the students and faculty as provided above, by a two-thirds majority vote of the faculty after conference with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. The faculty shall not act on amendments at the meeting in which they are first discussed.

#### **Article III. Relations of Trustees and Students**

##### **Section 1. Student Rights and Privileges**

The undergraduate student body is recognized as an integral part of the academic community. As members of such student body, students are entitled to freedom of discussion, inquiry and expression in and outside of classes, of association and of publication, to privacy of their personal lives, properties 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) and to participation in the establishment of college policies directly affecting their interests through the means of student self-government and representation on appropriate college committees.

##### **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

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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 any 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 V. Officers of the College**

#### **Section 1. The President**

D. (1) The president shall be the official medium of communication between the board and the faculty, and between the board or the faculty, as the case may be, 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.

### **A. Rights afforded by FERPA:**

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 regarding 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 consent.

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 enforcement 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 committee, or assisting another school official in performing her or his tasks.

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A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill her or his 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

## **B. 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 online Student Directory by going to the Student Directory page of the Vassar website and logging into “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.**

## **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 Senate, represents the voice of students to the administration, faculty, staff, alumnae/i, and trustees. It also oversees student organizations, and, through 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 Senate 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, 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. 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 VSA 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 Senate, consisting of the three Senators from each class; two College Planning Senators; the VSA president; the VSA Vice President and VSA Chairs of Academics, Equity and Inclusion, Finance, Health and Wellness, Organizations, Planning, Programming, and Residential Affairs. 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 Senate 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 Senate 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 advance the educational, social, and residential objectives of Vassar College. To this end, students serve on joint committees such as the Committee on College Life and the Committee on Curricular Policies. Student involvement is at the core of the development of Vassar as an institution, and the intent of student participation in these committees is to forward those goals to the fullest extent possible.

## **V. VSA 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.

# PART C.

## Resources Available to Members of the College Community

The dean of students, director of residential life, associate director of residential life, director of health education, associate dean of the college for campus life and diversity, house advisors, house interns, student fellows, and house fellows are trained to provide support for students.

For **Academic Support** the dean of studies, dean of freshmen, class advisors, major advisors, and pre-major advisors are also available to provide support and academic advice for students.

The **Counseling Service** is available during the week for confidential individual or group counseling. Call (845) 437-5700 or visit the office at Metcalf House to make an appointment. A Counselor-on-Call is available when the Counseling Center is closed and may be contacted through the Campus Response Center, (845) 437-5221.

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

Office of Equal Opportunity and Affirmative Action  
Vassar College, Box 645  
124 Raymond Avenue Poughkeepsie, New York 12604-0645  
Phone: (845) 437-7924  
Fax: (845) 437-5715  
<http://eoaa.vassar.edu>

*For concerns involving students, administrators, or staff members:*  
Rachel Pereira and email to [rapereira@vassar.edu](mailto:rapereira@vassar.edu)

*For concerns that involve members of faculty:*  
Colleen Cohen, Faculty Director of Affirmative Action, [cocohen@vassar.edu](mailto:cocohen@vassar.edu)

The **Office of Safety and Security** (845) 437-5221, 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 (845) 437-7333.

The **Campus Response Center (CRC)**, (845) 437-5221, operated by the Office of Safety and Security, is located in Main lobby and can be reached 24 hours a day, 7 days a week.

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**The Emergency Medical Services (VCEMS)**, (845) 437-7333, provides quality, confidential, volunteer emergency medical care for the Vassar College community during the academic year. VCEMS operates from 5:00pm to 8:00am during the week and throughout the weekend.

**The Health Service** (845) 437-5800 is open from 9:00am to 5:00pm Monday-Friday and from 12:00noon-4:00pm on Saturday and Sunday during the academic year, and is staffed by physicians, physician's assistants, nurse practitioners, and nurses. The Health Service provides routine primary medical care to Vassar students. Travel health assessment 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 at (845) 437-5818; 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 (845) 437-7333. For non-emergency medical concerns, the Night Nurse Triage line may also be accessed by calling (845) 437-5800 when the Health Service is closed.

The **Office of Health Education** is staffed by a director and several student wellness peer educators (WPE). Students are encouraged to make an appointment for a one-on-one personalized consultation designed to fit their needs for self-improvement and knowledge of health and self-enhancement. WPEs are also available in the office or the houses to seek out education, referrals, or advice on all aspects of student health. Students are encouraged to use the resource library to learn more about wellness and health issues. Contact the Office of Health Education at (845) 437-7769.

**The Sexual Assault and Violence Prevention (SAVP) Program** aims to prevent and respond to sexual assault, dating/domestic violence, stalking, and sexual harassment through prevention education, collaboration, outreach, and survivor advocacy. The SAVP Coordinator is available during the week to provide private and individualized support to those impacted by interpersonal violence. Call (845)-437-7863 or email [savp@vassar.edu](mailto:savp@vassar.edu) to schedule an appointment for support, advocacy, and to discuss more information about your options.

**The Sexual Assault Response Team (SART)** is a group of trained faculty, administrators, and staff who provide 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 24/7 by calling the Campus Response Center, (845) 437-7333 and asking to speak with a SART advocate.

# PART D.

## Emergency Resources and Information

IN ANY EMERGENCY, call ext. 7333 from any campus telephone or (845) 437-7333.

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 Crisis Management Plan.

### I. EMERGENCY NOTIFICATION AND CAMPUS COMMUNICATION SYSTEMS

The college has developed multiple means of communicating emergency information, including the Vassar College website at <http://www.vassar.edu/emergency>, automated telephone and text messaging, an emergency siren, and other means.

#### A. Automated Telecommunications/Email/Text Message Systems

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

Twice a year the college tests the automated telephone and text systems by sending a text message to cell phones (students and employees) and recorded voice messages to cell phones (students and employees) and home phones (employees only) whose users have registered their contact information. These tests are always announced in advance. All students and employees are encouraged to provide contact information that can be used in the event of an emergency.

#### B. Responses to Emergency Siren on Campus

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

**THINK:** Except for testing announced in advance, the emergency siren will be sounded only in response to an imminent life-threatening event, such as the presence of an active shooter. Unless you know it's a test, stay where you are with doors locked if possible until you have been able to assess your circumstances. The college will use its emergency

communications system to send information as quickly as it can via text message. The most important first step is to THINK through your situation.

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

**HIDE:** If fleeing doesn't seem like a safe option, HIDE in the most effective way you can:

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

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

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

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

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

## II. FIRE SAFETY AND EVACUATION INSTRUCTIONS

Vassar students must become familiar with the policies and procedures outlined by the Office of Residential Life to prepare and respond properly whenever a fire alarm sounds, <http://residentiallife.vassar.edu/guide/services/emergencies.html>.

### A. Evacuation Procedure for All

When the fire alarm rings in a building, the following procedures should be followed:

1. Shut the windows and doors, if you are in your room. Do not, however, attempt to return to your room or your office 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, avoid the scene of the fire and keep campus roads clear for emergency responders.

## 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. The college therefore asks all individuals who may need assistance in an emergency to self-identify themselves to the Office for Accessibility and Educational Opportunity. Once an individual has self-identified, the college will work with the individual to develop a personal emergency plan that includes specific evacuation procedures from any building on campus including their residence, sheltering procedures, and means of communication in the event of an emergency.

Any individual who cannot evacuate a building in an emergency independently or safely with little assistance from others should stay in place within their room or office, or move to an area of refuge. If forced to stay in place during an emergency or if you need evacuation assistance:

1. Notify others evacuating that you are remaining in your room and ask them to contact Safety and Security with that information immediately upon exiting the building.
2. Call Safety and Security at (845) 437-7333 or 911 to notify emergency personnel of your exact location and need for assistance. Security will then dispatch an emergency responder to the location to assist with evacuation. You are strongly encouraged to have a cell phone with you at all times and program the Safety and Security emergency phone number (845) 437-7333 and 911 into your phone.

Any individual requiring evacuation assistance is encouraged to update her/his/their self-identification information semi-annually, no later than September 30 and January 30 of each calendar year, or whenever circumstances warrant an update (e.g., changes in her/his/their condition that would require a change in assistance). A list of persons needing evacuation assistance will be distributed to Safety and Security as well as the Arlington Fire Department.

## III. RESOURCES FOR STUDENTS ON EVENINGS AND WEEKENDS

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

**Security**, (845) 437-7333

**Administrator-on-Call**, (845) 437-5221. House advisors serve on a rotating basis; the dean of students, director or associate director of residential life, or director of health education serve as back-up administrator-on-call on a rotating basis.

**Vassar College Emergency Medical Services (VCEMS)**, (845) 437-7333. Campus emergency medical technicians provide first response for medical emergencies. The Health Service is open until 5:00pm weeknights and from 12:00noon to 4:00pm on weekends. Medical staff is on call. Night Nurse Triage Service is available when the Health Service is closed. Call (845) 437-5800.

**Counselor-on-Call**, (845) 437-5221 for a member of the Counseling Center staff.

**The Sexual Assault Response Team (SART)** advocates are trained faculty, administrators, and staff who provide support and information about resources for victims of sexual

assault, rape, relationship abuse, and stalking. SART members can be reached 24/7 by calling the Campus Response Center, (845) 437-7333 and asking to speak with a SART advocate.

**Title IX Coordinator**, (845) 437-5221. Emergency access to the Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault shall be available upon the first instance of disclosure by a reporting individual.

## IV. 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 her or his 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 her or his 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 Accessibility and Educational Opportunity, 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 –that includes the completion and submission of a reentry form by an outside health professional on behalf of the student that indicates the student appears to be prepared to return– 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.

## V. MISSING STUDENT POLICY AND PROTOCOL

Anyone who believes a student to be missing should immediately report her/his concern to the Safety and Security Office, (845) 437-7333. Reports of a missing student may also be made to one of the following Vassar College officials:

Dean of Students, (845) 437-5315

Dean of the College, (845) 437-5600

Director of Residential Life/Assistant Dean of Students, (845) 437-5860

Other college officials receiving a missing persons report relating to a student are required to notify the Dean of Students immediately. Any report of a missing student will be fully investigated by appropriate college personnel under the coordination of the dean of students and/or the director of Safety & Security. In order to determine if a student is missing, college officials will check a student's card access records, class attendance, student residence, and use other methods to determine the status of a missing student. Vassar will notify appropriate local law enforcement agencies not later than 24 hours after the time a student is determined to be missing. If the student has designated an emergency contact person, the college will notify that individual as well.

## **Emergency Contact Information**

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



# PART E.

## Discrimination and Harassment

### I. OFFICE OF EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

The Office of Equal Opportunity and Affirmative Action is responsible for monitoring the college's compliance with federal and state nondiscrimination laws, assisting with all aspects of reported violations of the college's Policy Against Discrimination and Harassment, investigating complaints, and managing the informal and formal grievance process. The college encourages those who have witnessed or experienced any form of discrimination or harassment to report the incident promptly, to seek all available assistance, and to pursue informal or formal resolution processes as described in this Policy.<sup>1</sup>

As discussed below, individuals who wish to report a concern, seek guidance or assistance, or file a formal grievance may do so by contacting the Director of Equal Opportunity for matters involving students, administrators or staff members and the Faculty Director of Affirmative Action for matters involving faculty. Individuals may also report a concern to a dean or director, an academic department chair or program director, an athletic coach or trainer, human resources, or a senior officer, who are mandated to consult immediately with the EO/AA Office to determine the best course of action for addressing concerns.

Office of Equal Opportunity and Affirmative Action  
 Vassar College, Box 645  
 124 Raymond Avenue  
 Poughkeepsie, New York 12604-0645  
 Phone: (845) 437-7924  
 Fax: (845) 437-5715  
 Email: eoaa@vassar.edu  
 Website: <http://eoaa.vassar.edu>

Rachel Pereira  
 Director of Equal Opportunity and Affirmative  
 Action/Title IX Coordinator

[rapereira@vassar.edu](mailto:rapereira@vassar.edu)  
 Colleen Cohen

Faculty Director of Affirmative Action and  
 Professor of Anthropology and Women's Studies  
[cocohen@vassar.edu](mailto:cocohen@vassar.edu)

EXTERNAL REPORTING OPTIONS: Individuals with complaints of this nature also have the right to seek recourse from outside of the college by filing a complaint with the Office of Civil Rights or the State Division of Human Rights.

U.S. Department of Education Office of Civil Rights, Headquarters  
 400 Maryland Avenue, SW

<sup>1</sup> The procedures as described in the Policy are supplemental to, and are not intended to displace, other procedures set forth in any applicable collective bargaining agreement, in the Governance, or in the rules and regulations of the College Regulations, Faculty Handbook, and Administrative Handbook. Employees at Vassar who are represented by a labor union are covered by collective bargaining agreements, which include arbitration procedures and equal opportunity provisions. While it is generally understood that union employees with grievances shall use those procedures, the grievance procedures outlined here are available to members of the union, in consultation with union officials, consistent with contractual agreements.

Washington, DC 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TTY#: (800) 877-8339  
Email: OCR@ed.gov  
Web: <http://www.ed.gov/ocr>  
Office for Civil Rights, New York Office  
U. S. Department of Education  
32 Old Slip, 26th Floor  
New York, NY 10005-2500  
Telephone: (646) 428-3800  
Facsimile: (646) 428-3843  
Email: OCR.NewYork@ed.gov  
New York State Division of Human Rights  
Phone: (888) 392-3644  
Website: [http://www.dhr.ny.gov/how\\_to\\_file\\_a\\_complaint.html](http://www.dhr.ny.gov/how_to_file_a_complaint.html)

## II. POLICY AGAINST DISCRIMINATION AND HARASSMENT

### A. Policy Statement

Vassar is committed to the principles of integrity in an academic community, as articulated in the statement on civility and responsibility. Vassar's policy is not to discriminate in the administration of its educational policies, admissions policies, scholarships and loan programs, athletics programs, or other College programs and activities, and not to tolerate discrimination or harassment of its faculty, administration, staff, students, or visitors. The College prohibits discrimination on the basis of race, color, religion or religious belief, citizenship status, sex, marital status, disability, pregnancy, sexual orientation, gender identity or expression, national origin, military service or affiliation, genetic information, age, or any other characteristics protected by law.

### B. Scope of Policy

This policy prohibits discrimination against or harassment of members of the College community and guests. Its scope includes, but is not limited to, any individuals regularly or temporarily employed, studying, living, visiting, or having any official capacity at Vassar College (such as volunteers and contractors). The filing of a complaint under this policy is independent of any external investigation or court proceeding. The College will not necessarily wait for the conclusion of any external investigation or proceeding before commencing its own investigation or proceeding and taking immediate steps to ensure the safety and well-being of members of the College community. An allegation of discrimination or harassment is not proof of prohibited conduct, and a claim will not be taken into account during performance review, promotion, reappointment, or other evaluation unless a final determination has been made that this policy has been violated or an agreement has been reached as part of an informal resolution process. If necessary and appropriate, decisions regarding extension, reappointment, or promotion may be deferred, in accordance with this policy, until any allegation is resolved.

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## C. Relationship to Academic Freedom and Responsibility

As articulated in the Vassar College Statement on Academic Freedom, Vassar is dedicated to freedom of inquiry in the pursuit of truth and is vigilant in defending the right of individuals to free speech. This may include the introduction and discussion of controversial and challenging matters both within and beyond the classroom. However, discrimination and harassment are neither legally protected nor excused by reference to academic freedom or freedom of speech.

## D. Definitions

1. **Discrimination** is any distinction, preference, advantage for, or detriment to an individual compared to others that is based on an individual's actual or perceived race, color, religion or religious belief, citizenship status, sex, marital status, disability, pregnancy, sexual orientation, gender identity or expression, national origin, military service or affiliation, genetic information, age, or other characteristic protected by law that adversely affects a term or condition of an individual's employment, education, living environment, or participation in a College activity, or is used as the basis for, or a factor in, decisions affecting that individual's employment, education, living environment, or participation in a College activity.
2. **Discriminatory Harassment** is unwelcome conduct directed toward an individual based on the individual's actual or perceived race, color, religion or religious belief, citizenship status, sex, marital status, disability, pregnancy, sexual orientation, gender identity or expression, national origin, military service or affiliation, genetic information, age, or other characteristic protected by law that is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with an individual's employment or educational performance or creating an intimidating, hostile, offensive, or abusive environment for that individual's employment, education, living environment, or participation in a College activity.
3. **Retaliatory Harassment** is intentional action taken by an individual or allied third party, absent legitimate nondiscriminatory reasons, that harms an individual as reprisal for filing a grievance or for participating in an investigation or grievance proceeding.
4. **Sexual Harassment** is a form of unlawful gender-based discrimination. It may involve harassment of women by men, harassment of men by women, and harassment between persons of the same sex. Sexual harassment is defined as unwelcome gender-based verbal or physical conduct that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives someone of the ability to participate in or benefit from the college's educational program or activities or employment benefits or opportunities. The unwelcome behavior may be based on power differentials (such as in quid pro quo harassment where submission to or rejection of unwelcome sexual conduct by an individual is used as the basis for employment or academic decisions), the creation of a hostile environment, or retaliation. The College's policy on sexual misconduct may also apply when sexual harassment involves physical contact.<sup>2</sup> Examples of sexual harassment may include, but

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<sup>2</sup> Sexual Misconduct offenses include, but are not limited to, non-consensual sexual contact (or attempts to commit same), non-consensual sexual intercourse (or attempts to commit same), and sexual exploitation. See College Regulations and Section 21, Sexual Misconduct Policy for additional information about resources and applicable definitions and procedures for students.

are not limited to,

- a. Egregious, unwanted sexual attention or other verbal or physical conduct of a sexual nature;
- b. Implied or overt threats of punitive action, a result of rejection of sexual advances;
- c. Conditioning a benefit on an individual's acceding to sexual advances;
- d. Unwelcome, sexually explicit messages, statements, or materials;
- e. Attempting to coerce an unwilling person into a romantic or sexual relationship;
- f. Sexual violence;
- g. Intimate partner violence;
- h. Stalking, including cyberstalking; and
- i. Gender-based bullying.

### III. COMPLAINT PROCEDURE

The College has two approaches for resolving complaints of alleged discrimination and harassment: informal resolution and the formal grievance processes. Informal resolution efforts and the formal grievance processes are not mutually exclusive, and neither is a prerequisite for the other. Moreover, the informal resolution process may be ended at any time in order to initiate a formal complaint.

Individuals who believe that they have been victims of sexual or some other form of harassment can contact an EO/AA officer who will meet with them to hear their concerns and review available options for informal and formal resolution. Discussing a concern does not commit one to making a formal charge. However, an individual reporting harassment should be aware that the College may decide that it is necessary to take action to address the harassment beyond an informal discussion.

The College encourages the prompt reporting of any potential violations of this policy so that it can take appropriate steps to maintain an environment free of harassment and can ensure that its procedures are effective. While no fixed reporting period has been established, early reporting and intervention has proven to be the most effective method of resolving actual or perceived incidents of sexual and other forms of harassment.

#### A. Informal Resolution: Seeking Mediation

1. Whenever possible and perceived to be safe by all parties, informal resolution is encouraged but is not required. Informal resolution efforts may include, but are not limited to, presentation by complainant of her or his concerns and desired outcome to the respondent in writing or in a meeting convened by the EO/AA office, or mediated discussion between the complainant and respondent.
2. In cases of requests for mediation, the EO/AA officer(s) will assess the situation to determine whether mediation is appropriate and whether it will be conducted by a trained mediator, and/or in the presence of EO/AA officer(s), supervisor, dean, senior officer, human resources administrator, or other appropriate member of the College community. The complainant and the respondent may refuse mediation or may end mediation at any time. No adverse inference is to

be drawn from either decision. Mediation is never appropriate in cases of alleged sexual assault. The EO/AA Office will document all informal resolution efforts.

Informal resolution outcomes may include, but are not limited to,

- a. Explicit agreements about future conduct;
- b. Changes in the working, learning, or living environment;
- c. Targeted educational and training programs; and
- d. Other forms of corrective action, as appropriate.

## **B. Formal Grievance Process**

A formal grievance process may be initiated by meeting in person with the EO/AA Officer or, for matters involving the faculty, the Faculty Director of Affirmative Action, or by writing to the EO/AA Office. The College strongly encourages submission of grievances in writing after a grievance is initiated through an in-person meeting. The formal grievance should be emailed to [eoaa@vassar.edu](mailto:eoaa@vassar.edu). It may also be hand delivered, or sent by certified mail to the attention of either the Faculty Director of Affirmative Action or the EO/AA officer, as appropriate, at: Office of Equal Opportunity and Affirmative Action, Vassar College, Campus Box 645, 124 Raymond Ave, Poughkeepsie NY 12604-0645.. A formal grievance must identify and include the following information:

1. Complainant's signature and the date signed;
2. Name of the respondent, his or her position or status, and contact information, if known;
3. Clear and concise description of the alleged incident(s), and when and where it occurred;
4. Description of all informal efforts, if any, to resolve the issue(s) with the person involved. This includes names, dates, and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort;
5. Supporting documentation and evidence; and
6. Names of witnesses or individuals who may have direct and relevant information about the specific allegation (with accompanying addresses, email addresses, and telephone numbers).

## **Privacy**

The privacy of all parties to a complaint will be respected, except insofar as it interferes with the College's investigative, grievance, and appeal processes as described in this document. Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted except to those listed in Section IX of this policy. Violations of privacy of the complainant, the respondent, support persons, or parties to the investigation by any member of the EOAA office or any member of an investigative, grievance, or appeal panel may lead to disciplinary action by the College.

## Initial Investigation

The EO/AA Office will investigate any reported grievances regarding harassment or discrimination promptly and impartially. The investigation may include, but is not limited to, individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other knowledge relevant to the investigation. Based on the investigation, the EO/AA Office will determine if there is sufficient evidence to support reasonable cause.<sup>3</sup> The Office will inform the complainant and respondent of the outcome of the investigation and provide a summary of the investigative process, determination, and possible sanctions if appropriate. At this point, both parties may accept or reject the outcome and determination(s) of the investigation. If both parties accept a determination that there is insufficient evidence to support reasonable cause, then the case is closed. If both parties accept a determination that there is sufficient evidence to support reasonable cause, then the respondent's senior officer will assign sanctions and take corrective action designed to end the discrimination or harassment, prevent its recurrence, and remedy its effects on the complainant and the College community. A finding of the EO/AA Office that is accepted by both parties is final. Either the complainant or the respondent may reject the determination of the initial investigation, in part or entirely, and request a grievance hearing by sending a written request to the EO/AA Office within five (5) business days of receiving the written decision. The preferred mode of delivery for the grievance panel request is via email to [eoaa@vassar.edu](mailto:eoaa@vassar.edu). It may also be hand delivered, or sent by certified mail to the attention of either the Faculty Director of Affirmative Action or the EO/AA officer, as appropriate, at: Office of Equal Opportunity and Affirmative Action, Vassar College, Campus Box 645, 124 Raymond Ave, Poughkeepsie NY 12604-0645

## Grievance Hearing

Upon receipt of a written request, the College will act expeditiously to convene a grievance hearing panel, ordinarily within ten (10) business days.<sup>4</sup> The panel ordinarily is chaired by the respondent's senior officer when there is no conflict of interest as determined by the EO/AA officer(s) in consultation with the President. The hearing panel will review testimony from the complainant, the respondent, and any other relevant witnesses and will consider the determination of the investigation and any documentary evidence that the EO/AA officer(s) and the panel may deem appropriate. The determination of the initial investigation by the EO/AA office will be forwarded to, but is not binding on, the members of the panel.

The panel convened to hear a formal grievance against a student is the College Regulations Panel. All applicable College Regulations rules and procedures for the hearing will be applied. The Grievance Hearing Panel (hereafter the "panel") convened to hear a formal grievance against a member of the faculty is composed of three voting members of the faculty and the panel convened to hear a grievance against a member of the administration is composed of three administrators. In consultation with the EO/AA Officer, the Chair appoints an appropriate panel from a pool of trained faculty and administrators who are of equivalent or higher rank than the respondent to the grievance.

In the case of a formal grievance against an EO/AA officer in the performance of his or her duties, the grievance will be forwarded to the President who will investigate (or assign

<sup>3</sup> "Reasonable cause" is the preferred usage in civil cases and refers to inferences that can be drawn from specific and articulable facts

<sup>4</sup> The term "business days" refers to College business days when the College is in operation not including holidays or academic/institutional recesses

an investigator) and render a decision as to whether there has been a violation of the Policy. A decision may be appealed to the Chair of the Board of Trustees in accordance with the grounds for appeal outlined below. In the case of a formal grievance against a senior officer, the EO/AA Office will forward the grievance to the President who will investigate (or assign an investigator) and render a decision as to whether there has been a violation of this policy. A decision may be appealed to the Chair of the Board of Trustees in accordance with the grounds for appeal outlined below. In the case of a formal grievance against the President, the EO/AA Office will forward the grievance to the Chair of the Board of Trustees who will investigate (or assign an investigator) and render a decision as to whether there has been a violation of the Policy. The decision rendered by the Chair of the Board of Trustees is binding and final.

## Determination of the Panel

The Panel will deliberate in private session and will decide by closed vote whether a violation of the College's Policy Against Discrimination and Harassment and/or other College policies has occurred, based on the preponderance of the evidence. The Chair does not vote. A decision that a violation has occurred requires majority agreement among the members eligible to vote.

In the case of a determination of a violation, the Chair will determine the appropriate remedy or sanction, in consultation with the Panel, except where the appropriate remedy or sanction may require changes to the procedures or conduct of a faculty review.<sup>5</sup>

A written summary of the decision, prepared by the Chair, will be conveyed to the complainant, the respondent, and the EO/AA Office, ordinarily either within ten (10) business days after deliberations have been completed or, in cases that require consultation of the Faculty Appeal Committee, with thirty (30) business days after deliberations have been completed.

## Corrective Action

The College will impose prompt remedial and/or disciplinary action against any respondent found to have violated this policy. Responsive action may include, for example, targeted educational and training programs; the development and enforcement of explicit

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<sup>5</sup> If a remedy or sanction may require changes to the procedures or conduct of a faculty review for extension, reappointment, tenure, promotion, or post-tenure review, then, following the determination that a violation occurred, the case is referred to the faculty Appeal Committee by the EO/AA office and the Dean of the Faculty. Based on the investigation and determination

of the Panel, the Appeal Committee decides what changes, if any, to established review procedures are necessary to address the determination. While responding fully to the determination, the Appeal Committee strives to maintain the normal review process to the extent possible. The Appeal Committee may consult with the Faculty Policy and Conference Committee for clarification in weighing the effects of changes it is considering or in determining what established review procedures are.

The Appeal Committee provides a written statement of its decision to the President. Upon the approval of the President, the decision of the Appeal Committee is forwarded to Dean of the Faculty who incorporates it without change into any other sanctions or remedy. If the President objects to portions of the decision of the Appeal Committee, then the President asks the committee to reconsider those portions, explaining his or her concerns in writing and in a formal meeting with the committee. If the President still objects to the reconsidered decision, the matter is transmitted to the Academic Affairs Committee of the Board of Trustees, whose decision is final. In cases where the Appeal Committee decides that all or part of a past negative review must be repeated, it may also recommend to the President that the complainant receive a contract for a supplemental year. The President issues any specific instructions necessary to implement the decision of the Appeal Committee.

contractual agreements about future conduct; changes in the working, learning, or living environment; formal censure; reassignment or removal from an appointed position; suspension or expulsion; termination of employment; or other measures as the College believes will be effective in ending the misconduct and correcting the effects of the harassment.

### **Time Frame and Grounds for Filing a Request for Appeal**

Either party (complainant or respondent) may appeal the determination and/or sanctions of the Panel within five (5) business days of receiving the written decision by delivering a signed and dated appeal by hand or by certified mail to the Office of Equal Opportunity and Affirmative Action, Vassar College, Box 645, 124 Raymond Ave, Poughkeepsie NY 12604-0645 or by email to [eoaa@vassar.edu](mailto:eoaa@vassar.edu).

Dissatisfaction with the outcome of the hearing is not grounds for appeal. The only grounds for appeal are as follows:

- a. Procedural error(s) that substantially affected the outcome of the hearing (e.g., substantiated bias or material deviations from established procedures that resulted in significant prejudice);
- b. New evidence unavailable at the time of the original hearing or investigation that could substantially alter the outcome of the hearing. A summary of this new evidence and its potential impact must be included;
- c. Sanction(s) that are disproportionate to the severity of the violation and substantially outside the parameters set by the College.

In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately.

Sanctions will take effect immediately, notwithstanding an appeal. A request may be made to the hearing panel chair to defer the effective date of sanctions in exigent circumstances. In cases where the appeal results in reinstatement to the institution or of privileges, all reasonable attempts will be made to restore the individual to his or her prior status, recognizing that some opportunities may be irretrievable in the short term.

The EO/AA Office will provide a copy of the appeal to the other party, who may file a response within ten (10) business days. All appeals and responses are then forwarded to the appropriate appeal body for initial review. If the appeal body determines that the appeal meets the limited grounds and is timely, the documentation is taken under consideration.

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



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## Determination by Appeal Bodies

The appeal body ordinarily will render a written decision within seven (7) business days from the hearing of the appeal. The appeal body may take the following actions:

- a. Determine that new evidence raised on appeal should be considered and return the complaint to the original hearing panel to reconsider in light of the new evidence only.
- b. Determine that a material procedural or substantive error occurred, and return the complaint to the original hearing body with instructions to reconvene to address the error. In rare cases, where the procedural or substantive error cannot be addressed by the original hearing body (as in cases of bias), the appeal body may order a new hearing on the complaint with a newly constituted grievance hearing panel.
- c. Determine that the sanctions imposed are disproportionate to the severity of the violation and substantially outside the parameters set by the College. The appeal body will return the complaint to the Chair/senior officer of the Grievance Hearing Panel, who may then increase, decrease, or otherwise modify the sanctions.
- d. Deny the request for appeal.

## IV. RETALIATION

Retaliation against any person, including the complainant or the respondent, for making a complaint, cooperating with an investigation, or participating in a grievance procedure is a violation of College policy. Retaliation includes, but is not limited to, intimidation, coercion, harassment, making of threats, and any other adverse educational or employment action. Retaliation should be reported promptly to the EO/AA Office for investigation, which may result in disciplinary action independent of any sanction or interim measures imposed in response to the underlying allegations of discrimination and/or harassment.

## V. FALSE AND MALICIOUS COMPLAINTS

False and malicious accusations of harassment or discrimination, as opposed to complaints that, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

## VI. RECORD RETENTION FOR DISCRIMINATION AND HARASSMENT COMPLAINTS

The Office of Equal Opportunity and Affirmative Action is responsible for maintaining records relating to discrimination and harassment reports, investigations, and resolutions. Records will also be maintained in accordance with College records policies, generally for at least seven (7) years after the date the complaint is resolved. Records may be maintained longer at the discretion of the EO/AA officer in cases where the parties have a continuing affiliation with the College. All records pertaining to pending litigation or a request for records will be maintained in accordance with instructions from legal counsel.

## VII. SUPPORT RESOURCES

1. **Confidential Support and Counseling:** Individuals are encouraged to contact on-campus and off-campus counselors, or members of the clergy and chaplains for confidential counseling regarding any harassment matter. Employees and faculty members are encouraged to contact Vassar's Employee Assistance Program (EAP), (800) 828-6025, to access off-campus counseling resources, or to contact members of the clergy and chaplains for confidential counseling regarding any harassment matter. Seeking counseling is not meant to take the place of instituting the informal resolution or formal grievance processes described above.
2. **Support Person:** The complainant and the respondent each may have a support person present with them during the informal resolution and formal grievance processes to provide moral support. The support person cannot be a party to the grievance or serve as a potential witness (character or factual). This support person must be a member of the college community. Except as directed by the investigator or Chair, a support person will limit his/her role in a hearing to that of a support person to the complainant or the respondent. That is, a support person will have no speaking role at a hearing. A request may be made to the EO/AA officer(s) for special consideration to bring a support person who is not a member of the college community in extraordinary circumstances. Witnesses and others involved in an investigation are not entitled to have a support person. Support persons must be identified to the EO/AA officer at least two (2) business days before the date of the meeting with the EO/AA officer or the hearing.
3. **Legal Counsel:** It is the complainant's and the respondent's decision whether to seek the advice and assistance of an attorney at their own expense if they need legal advice. Although anyone has the right to seek legal advice, neither the complainant nor the respondent may be represented by legal counsel at investigatory interviews, informal resolution processes, or a college administrative hearing.

## VIII. 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, postings on social media, physical assault, sexual assault or abuse, stalking, vandalism, destruction of personal property, harassment, or coercion.

1. **Safety:** CALL SAFETY AND SECURITY AT (845) 437-7333 IF YOU ARE DEALING WITH AN EMERGENCY SITUATION OR TO REPORT A CRIME IN PROGRESS. Vassar College considers personal safety and well-being 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 Safety and Security Department, (845) 437-7333.
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 Safety and Security, (845) 437-7333, to inform them of the email. Safety and 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, (845) 437-7333. 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 an online written report with the Bias Incident and Response Team (BIRT) from the web pages of the offices Campus Life and Diversity or Equal Opportunity and Affirmative Action. You may also contact those offices directly. In the event of an emergency, you may email any administrator or contact Safety and Security. 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 (845) 437-7584.

## **IX. DEAN OF THE COLLEGE DIVISION BIAS INCIDENT RESPONSE TEAM (BIRT)**

The Dean of the College's division Bias Incident Response Team (BIRT) may be convened to ensure that affected students have access to appropriate resources, to assist the division in its response, and to facilitate a coordinated campus response to bias-related incidents and situations that may impact campus climate. Coordinated responses may include, but are not limited to, identification of and referral to appropriate support services and resources (on- or off-campus), informal resolution measures such as mediation, facilitated dialogue between parties, facilitated discussions in residence halls or other campus locations, recommendations for campus notices for fact sharing, and efforts towards wider educational awareness, prevention, and outreach. In the case of a potential violation of College Regulations, the Bias Incident Response Team does not play a role in the investigation of alleged incidents or play a role in separate adjudication and conduct processes where warranted.

### **A. Responsibilities of the BIRT**

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 principal parties involved as well as those connected to the principal parties.

4. Disseminating accurate information to the affected person(s) and the larger campus community, as appropriate.
5. Identifying other campus resources beyond BIRT for addressing an incident.
6. Recommending channels for educational outreach and prevention.

## **B. Standing Members of the BIRT**

The associate dean of the college for campus life and diversity, 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 Safety and Security, Residential Life, and the Counseling Service; a representative from the Office of Communications; representatives from the Campus Life and Diversity (ALANA, International Services, LGBTQ, Religious and Spiritual Life, Women's Center); the VSA Vice President for Student Life, and other members of the Vassar community as appropriate.

## **C. Role of the BIRT Coordinator**

The associate dean of the college for campus life, through the BIRT team, will coordinate the Dean of the College Division's efforts to respond to bias-related incidents. The associate dean may convene the a core group of BIRT members as soon as possible 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 her or his responsibilities, a designee from the Campus Life and Diversity Office or the BIRT team shall be appointed by the dean of the college.

The BIRT coordinator will inform the dean of the college and other senior administrative officers of BIRT's response and recommendations for institutional institutional responses, including disseminating information to the broader campus community. In consultation with appropriate college personnel, the BIRT 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 BIRT team will meet on a regular basis to review campus incidents and/or identify priorities for educational programming and intervention. The Campus Life and Diversity 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 BIRT 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. Contact information: Campus Life and Diversity Office, Main, N-163, at (845) 437-5426.

# PART F.

## Sexual Misconduct and Gender-based Violence

### I. OFFICE OF EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

The Office of Equal Opportunity and Affirmative Action is responsible for monitoring the college's compliance with federal and state nondiscrimination laws, assisting with all aspects of reported violations of the college's Policy Against Discrimination and Harassment, investigating complaints, and managing the informal and formal grievance process. The college encourages those who have witnessed or experienced any form of discrimination or harassment, including sexual misconduct and gender-based violence, to report the incident promptly, to seek all available assistance, and to pursue informal or formal resolution processes.

In accordance with Title IX of the Education Amendments of 1972, all colleges and universities must have a designated Title IX coordinator who is responsible for ensuring institutional compliance with state and federal nondiscrimination and harassment laws. Under Title IX, colleges and universities must also clearly articulate who are "responsible employees" in response to a notice of gender-based discrimination (i.e., sexual harassment, sexual assault and other forms of sexual misconduct) involving students. The director of equal opportunity in the Office of Equal Opportunity and Affirmative Action is Vassar's designated Title IX coordinator.

As discussed below, individuals who wish to report a concern, seek guidance or assistance, or file a formal grievance may do so by contacting the Director of Equal Opportunity/Title IX Coordinator for matters involving students, administrators or staff members and the Faculty Director of Affirmative Action for matters involving faculty. Individuals may also report a concern to a dean or director, an academic department chair or program director, an athletic coach or trainer, human resources, or a senior officer, who are mandated to consult immediately with the EO/AA Office to determine the best course of action for addressing concerns.

Office of Equal Opportunity and Affirmative Action  
Vassar College, Box 645  
124 Raymond Avenue  
Poughkeepsie, New York 12604-0645  
Phone: (845) 437-7924  
Fax: (845) 437-5715  
Email: [eoaa@vassar.edu](mailto:eoaa@vassar.edu)  
Website: <http://eoaa.vassar.edu>

Rachel Pereira  
Director of Equal Opportunity and Affirmative  
Action/Title IX Coordinator  
[rapereira@vassar.edu](mailto:rapereira@vassar.edu)

Colleen Cohen  
Faculty Director of Affirmative Action and  
Professor of Anthropology and Women's Studies  
cocohen@vassar.edu

Brittney L. Denley  
Associate Director of Equal Opportunity and Affirmative Action  
bdenley@vassar.edu

All students, faculty, administrators, and staff are subject to this Sexual Misconduct and Gender-Based Violence Policy.

**REPORTING A CRIME:** To report a sexual assault to local police, you can reach the Town of Poughkeepsie Police Department at 845-485-3666. Campus staff can assist you in contacting the police or you can contact them directly to file a police report or obtain a protective order. To report a sexual assault on any New York college campus to the State Police, you can reach the dedicated 24-hour hotline at 1-844-845-7269. In an emergency, call 911.

**EXTERNAL REPORTING OPTIONS:** Individuals with complaints of this nature also have the right to seek recourse from outside of the college by filing a complaint with the Office of Civil Rights or the State Division of Human Rights.

U.S. Department of Education Office of Civil Rights, Headquarters  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TTY#: (800) 877-8339  
Email: OCR@ed.gov  
Web: <http://www.ed.gov/ocr>

Office for Civil Rights, New York Office  
U. S. Department of Education  
32 Old Slip, 26th Floor  
New York, NY 10005-2500  
Telephone: (646) 428-3800  
Facsimile: (646) 428-3843  
Email: OCR.NewYork@ed.gov

New York State Division of Human Rights  
Phone: (888) 392-3644  
Website: [http://www.dhr.ny.gov/how\\_to\\_file\\_a\\_complaint.html](http://www.dhr.ny.gov/how_to_file_a_complaint.html)

## II. DEFINITIONS

### A. Sexual Misconduct

Members of the Vassar College community, guests, and visitors have the right to be free from sexual violence. Vassar College believes in a zero tolerance policy for sexual misconduct, and the College is committed to fostering a community that promotes the prompt reporting of sexual misconduct and timely and fair resolution of sexual misconduct complaints. The expectations of our community regarding sexual misconduct can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing, and voluntary consent prior to and during sexual activity. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

Sexual misconduct offenses include, but are not limited to, sexual harassment (see Policy Against Discrimination and Harassment), non-consensual sexual contact (or attempts to commit same), non-consensual sexual intercourse (or attempts to commit same), and sexual exploitation. Use of alcohol or other drugs will never function as a defense to a violation of this policy. The College will consider the concerns and rights of both the reporting individual and the accused.

**Sexual Harassment:** Engaging in unwelcome gender-based verbal or physical conduct that is so sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives someone of the ability to participate in or benefit from the college's educational program or activities or employment benefits or opportunities. It may involve harassment of women by men, harassment of men by women, and harassment between persons of the same sex. The unwelcome behavior may be based on power differentials (*quid pro quo*), the creation of a hostile environment, or retaliation. The college's policy on sexual misconduct may also apply when sexual harassment involves physical contact. Examples of sexual harassment may include, but are not limited to:

1. Egregious, unwanted sexual attention or other verbal or physical conduct of a sexual nature;
2. Implied or overt threats of punitive action, a result of rejection of sexual advances;
3. Conditioning a benefit on an individual's acceding to sexual advances;
4. Unwelcome, sexually explicit messages, statements, or materials;
5. Attempting to coerce an unwilling person into a romantic or sexual relationship;
6. Sexual violence;
7. Intimate partner violence;
8. Stalking; including cyberstalking;
9. Gender-based bullying.

**Non-Consensual Sexual Contact** is any intentional sexual touching, however slight, with any object, by a person upon a person, that is without consent and/or by force. Sexual contact includes intentional contact with the breasts, buttocks, groin, or genitals,



or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

**Non-Consensual Sexual Intercourse** is any sexual intercourse, however slight, with any object, by a person upon a person, that is without consent and/or by force. Intercourse includes vaginal penetration by a penis, object, tongue, or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

**Sexual Exploitation** occurs when a person takes or attempts to take non-consensual or abusive sexual advantage of another for her/his own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

1. Invasion of sexual privacy;
2. Prostituting another person;
3. Non-consensual taking of pictures, video recording, and/or audio recording of a sexual activity;
4. Non-consensual distribution of pictures, video recording, audio recording, or live-streaming of a sexual activity;
5. Allowing third parties to observe sexual activities without consent;
6. Engaging in voyeurism;
7. Knowingly transmitting an STI or HIV to another person;
8. Exposing one's genitals in non-consensual circumstances;
9. Inducing another to expose their genitals;
10. Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

## B. Dating and Domestic Violence

Vassar College is a residential educational community bound by common standards of conduct and adherence to its educational missions. Dating/domestic violence interferes with the College's educational mission and with students' aspirations and abilities, individually and collectively by:

1. Causing emotional and/or physical harm to community members;
2. Contributing to an atmosphere of fear;
3. Offending the dignity and violating the autonomy of community members; and
4. Disrupting the academic progress of affected community members.

**Dating/domestic violence** is a progressive and/or persistent pattern of abusive behaviors that are perpetrated by the abuser to gain and maintain power and control over the victim. Abuse can be physical, sexual, emotional/verbal, and/or economical. This includes (but not limited to) any behaviors that frighten, intimidate, terrorize, manipulate, hurt,

humiliate, blame, injure or wound someone. Dating/domestic violence not only affects those who are abused, but also has a substantial effect on family members, friends, co-workers, other witnesses, and the community at large.

Dating/domestic violence can occur in straight/heterosexual relationships, same-sex/gender relationships, marriages, cohabitation relationships, or dating and in intimate relationships that involve an emotional attachment. This also includes former intimate partners.

Dating/domestic violence can impact people regardless of race, age, sexual orientation, religion, or gender. Dating/domestic violence affects people of all socioeconomic backgrounds and education levels.

Domestic violence is a crime of violence committed by:

1. A current or former spouse of the victim;
2. A person with whom the victim shares a child in common;
3. A person who is cohabitating with or has cohabitated with the victim as a spouse;
4. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies;
5. Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating violence is a crime of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship may include the consideration of the following factors:

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

## C. Stalking

Students who think they are being stalked are encouraged to access the resources of the Sexual Assault and Violence Prevention (SAVP) program. 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.

**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. The following are some examples of stalking type behavior:

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

**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.

## D. Additional Applicable Definitions

**Emotional/Verbal Abuse** is persistent abuse that undermines an individual’s sense of self-worth and/or self-esteem. This may include, but is not limited to constant criticism, diminishing one’s abilities, name-calling, and/or damaging one’s relationship with her or his friends and/or family.

**Psychological Abuse** is abuse that would cause fear in a reasonable person. This includes but it not limited to intimidation; threatening physical harm to self, partner, children, or partner’s family or friends; threatening to disclose partners orientation, destruction of pets and property; and isolating from family, friends, or school and/or work.

**Economic Abuse** is intending to make or attempting to make an individual financially dependent on their partner. This includes but is not limited to maintaining control over financial resources, withholding one’s access to money, or forbidding attendance at school, employment or other activities.

**Physical Abuse** is physical harm by partner. This includes but is not limited to hitting, slapping, shoving, grabbing, pinching, biting, hair-pulling, spitting, physical restraint and/or restricting breathing. Physical abuse may also include denying a partner medical care or coercing use of alcohol and/or other drugs, touching in ways that make a person uncomfortable, and persistent treatment of the victim and other people as objects via actions and remarks.

**Sexual Abuse** involves violating an individual’s autonomy over her/ his body. Sexual abuse may include, but is not limited to, coercing or attempting to coerce any sexual

contact or behavior, forcing the partner to dress in a sexually explicit way, forcing to watch or simulate pornography, rape, or accusing the victim of sexual activity with others.

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

1. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time.
2. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity.
3. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop.
4. In order to give effective consent, one must be of legal age; New York State defines 17 years as of legal age.

**Incapacitation** may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

**Force** is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that overcome resistance or produce consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

1. There is no requirement that a person resist a sexual advance or request, but resistance is a clear demonstration of non-consent.
2. The use of force is not "worse" than the subjective experience of violation of someone who has experienced sexual contact or intercourse without consent.
3. The use of physical force constitutes a stand-alone, non-sexual misconduct offense as well, and it is the college's expectation that those who use physical force (assault, restricting movement or activity, battery, etc.) would face not just the sexual misconduct charge, but also charges under the College Regulations for the additional assaultive behavior.

**Coercion** is unreasonable pressure for sexual activity.

1. Coercing someone into sexual activity is comparable to physically forcing someone into a sexual activity.

2. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to obtain consent from another.
3. When someone makes clear that they do not want to engage in sex or a sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

### III. COMPLAINT PROCEDURE

Every student has the right to request that student conduct charges be filed against an individual pursuant to the procedures outlined in this policy.

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

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

#### A. Reporting an Incident

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

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

Advance written notice will be provided to the accused/respondent describing the date, time, location and factual allegations concerning the violation, a reference to the conduct provisions alleged to have been violated, and possible sanctions. Both parties will receive advance written notice of any meeting they are required or eligible to attend, the specific rules or laws alleged to have been violated and in what manner, and the sanction that could be imposed if found responsible.

Both parties will be provided an opportunity to offer evidence during the investigation related to the allegations.

Parties have the right to exclude their own prior sexual history with persons other than the other party as well as their own mental health diagnosis and/or treatment from the investigation and adjudication process. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the sanctioning stage of this process.

## **B. Confidentiality and Privacy**

Vassar College will endeavor to maintain confidentiality in all informal and formal proceedings, except as otherwise specified in these statements of procedure. Even College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

## **C. Interim Accommodations**

Interim accommodations are available to both parties while an investigation is occurring. Forms of interim accommodations can vary from a campus no-contact order, reassigning an individual to a different course schedule or class, adjusting work schedules, housing assignments, limiting access on campus, and/or interim suspension from campus. Interim action that maximizes the ability for all parties involved to continue their education/work on campus, while minimizing adverse effects will be sought. Many forms of interim accommodations can be utilized even if you do not want to seek disciplinary action against a person.

Both parties will be afforded a prompt review, reasonable under the circumstances, of the need for and the terms of any interim measure and accommodation that directly affects him or her, and will be allowed to submit evidence in support of his or her request.

For more information, contact the Title IX Coordinator.

### **1. No-Contact Orders**

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

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

Continued intentional contact with the reporting individual where there is a no-contact order in place is a violation of College policy and subject to additional conduct charges. If the parties observe each other in a public place, it is the responsibility of the person subject to the no-contact order, not the protected individual, to leave the area without

contacting the protected individual. The College will work with both parties to arrange for a schedule for access to certain locations in order assist students in compliance with the terms of the no-contact order.

## D. Students' Bill of Rights

All students have the right to:

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

## E. Alcohol and/or Drug Use Amnesty

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

In order to encourage those who may be in danger from alcohol poisoning or alcohol/drug-related injury to get proper assistance, no student in need of medical treatment for her or his alcohol or other drug-related overdose, or assisting another student in obtaining such medical treatment, will be found responsible for the violation of using alcohol or drugs or of providing alcohol or drugs to the student they have assisted in obtaining treatment. Students may, however, be found responsible for violations outside of drug/alcohol use and/or distribution of drugs/alcohol if they are identified.

The college also recognizes that students who have been drinking and/ or using drugs (whether such use is voluntary or involuntary) in situations involving domestic violence,

dating violence, stalking, or sexual assault may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Vassar strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A reporting individual acting in good faith or a bystander acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to college officials or law enforcement will not be subject to Vassar's code of conduct for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

## **F. Support Resources**

### **1. Advisor/Support Person**

The reporting individual and the respondent each may have an advisor/support person present with them during the informal and formal resolution process to provide moral support. The support person cannot be a party to the grievance or serve as a potential witness. Lawyers may function as advisors/support persons. Except as directed by the chair, an advisor/support person will limit her/his role in a hearing to that of a support person to the accused or the complainant/alleged victim. That is, an advisor/support person will have no speaking role. Witnesses and others involved in an investigation are not entitled to have an advisor/support person. Advisors/support persons must be identified at least two business days before any meeting or hearing.

### **2. Private Resources**

A student may seek assistance from campus "private resources" without starting a formal process. These resources focus primarily on advocacy and support for students impacted by gender-based discrimination including sexual harassment, sexual assault, and other forms of sexual misconduct.

The following individuals are designated as "private resources."

1. Student Fellows,
2. Sexual Assault and Violence Prevention (SAVP) Director and Violence Prevention Educator,
3. Sexual Assault Response Team (SART) Advocates.

Neither the college nor the law requires private resources to divulge personally identifiable information except in certain circumstances as described below. Some of these resources may need to share incident reports with their supervisors, but they will not share any personally identifiable information about the student's report unless the student gives permission, except in the rare event that the incident reveals an imminent need to protect the student or other members of the community. If any personally identifiable information must be shared, the student will be informed, and it will only be shared as necessary with as few people as possible and making every effort to protect the student's privacy.

**Sexual Assault and Violence Prevention Coordinator, (845) 437-7863**

**Sexual Assault Response Team, (845) 437-7333 and ask for SART**



### 3. Confidential Resources

Students who desire that details of an incident be kept confidential should speak with mental health counselors, medical providers, or members of the clergy. These persons are not required to disclose information unless there is a concern for imminent health and safety of the student or others. Students may also seek confidential support from off-campus resources, such as a rape crisis center counselor.

#### On-Campus Resources for Students

Counseling Service, (845) 437-5700

Health Services, (845) 437-5800

#### Off-Campus Resources

Poughkeepsie Center for Victim Safety & Support 24/7, (845) 452-7272

New York State Domestic Violence and Sexual Violence Hotline, 24/7, 1-800-942-6906

**Legal Counsel** It is the reporting individual's and the respondent's decision whether to seek the advice and assistance of an attorney at their own expense if they need legal advice. Although anyone has the right to seek legal advice, and legal counsel may act as a support person, neither the complainant nor the respondent may be represented by legal counsel at investigatory interviews, informal resolution processes, or a college administrative hearing.

## G. Sanction Statement

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

Any student found responsible for violating the sexual misconduct policy for non-consensual or forced sexual intercourse will likely face a recommended sanction of suspension or expulsion, and taking into account any concurrent or previous college regulations violations.

## H. Record Retention

The Office of Equal Opportunity and Affirmative Action is responsible for maintaining records relating to discrimination and harassment reports, investigations, and resolutions. Records will also be maintained in accordance with college records policies, generally for at least seven years after the date the complaint is resolved. Records may be maintained longer at the discretion of the EO/AA officer in cases where the parties have

a continuing affiliation with the college. All records pertaining to pending litigation or a request for records will be maintained in accordance with instructions from legal counsel. For information about record retention and the reporting of disciplinary records for students, refer to Part K, Section O of the Student Handbook.

## **I. False and Malicious Complaints**

False and malicious accusations of sexual or other harassment, as opposed to complaints which, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

## **J. Retaliation**

Retaliation against any person, including the accuser or person accused, for making a complaint, cooperating with an investigation, or participating in a grievance procedure is a violation of college policy. Retaliation includes, but is not limited to, intimidation, coercion, harassment, making of threats, and any other adverse educational or employment action. Retaliation should be reported promptly to the Office of Equal Opportunity and Affirmative Action for investigation, which may result in corrective action independent of any sanction or interim measures imposed in response to the underlying allegations.

## **K. Interim Suspension While Conduct Charges Pending**

When the College determines that a person (e.g. accused/respondent) poses a continuing threat to the health and safety of the community, the College may place the person on an interim suspension pending the outcome of the judicial/conduct process. Both the accused/respondent and the reporting individual shall be granted a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modifications, and will be allowed to submit evidence in support of his or her request.

## **L. Reporting to Law Enforcement**

Students have the right to make a report to local law enforcement and/or the state police. The College's investigation and adjudication process is separate from and will run concurrently with a criminal justice investigation and proceeding. In some cases, temporary delays in the College process, usually not to exceed 10 days, may be necessary while law enforcement gathers evidence.

The College will assist students in notifying law enforcement authorities if the student would like assistance.

Students do not have to notify law enforcement; students have the right to decline to notify such authorities. A student's decision to decline to notify law enforcement will not impact the student's ability to report the conduct to the College or impact the College's obligations under this policy.

## IV. REPORTING DUTIES

Different people on campus have different reporting responsibilities and different abilities to maintain confidentiality, depending on their roles at the College and College policy. At Vassar, some individuals and campus resources can offer confidentiality while others have specific obligations to respond when they receive a report of a crime or a campus policy violation. Even offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek resolution.

***If a student is unsure of someone’s duties and ability to maintain privacy, the student should ask them before disclosing any details of the incident.***

### A. Responsible Employees

Reporting an incident of sexual or gender-based misconduct to the Title IX coordinator or a “responsible employee” is official notice to the institution. Students have the right and can expect to have reports taken seriously by the institution, and to have those incidents investigated and properly resolved through administrative procedures.

All “responsible employees” must report the incident to the Director of Equal Opportunity/Title IX Coordinator, who will determine the most appropriate course of action to ensure a prompt and equitable response. Formal reporting means that only people who need to know will be told, and information will be shared only as necessary with investigators, witnesses, and the accused individual.

All non-student employees except those listed as Private Resources or Confidential Resources below are designated as “responsible employees” when they receive reports or complaints of alleged gender-based discrimination including sexual harassment, sexual assault, and other forms of sexual misconduct involving students. In addition, all non-student members of the campus community in unpaid official capacities (e.g., partners of faculty house fellows) or non-student volunteers (e.g., athletic team volunteer assistants) have the same reporting responsibilities as responsible employees.

At Vassar College, the following officers and individuals are designated as “responsible employees”:

1. President
2. Senior officers (dean of the faculty, dean of the college, dean of strategic planning and academic resources, vice president for communications, vice president for alumnae/i affairs and development, and vice president for finance and administration)
3. Director of equal opportunity/Title IX coordinator and faculty director of affirmative action
4. Safety and Security Office personnel
5. Human resources administrators
6. Other deans, associate deans and administrators with supervisory responsibilities
7. Student conduct administrators
8. Residential life professional staff

9. Academic department chairs and program directors
10. Faculty and other employees supervising overnight domestic or international student trips

## **B. Private Resources**

A student may seek assistance from campus “private resources” without starting a formal process. These resources focus primarily on advocacy and support for students impacted by gender-based discrimination including sexual harassment, sexual assault, and other forms of sexual misconduct. The following individuals are designated as “private resources.”

1. Student Fellows
2. Sexual Assault and Violence Prevention (SAVP) Director and Violence Prevention
3. Educator
4. Sexual Assault Response Team (SART) Advocates.
5. Neither the college nor the law requires private resources to divulge personally identifiable information except in certain circumstances as described below. Some of these resources may need to share incident reports with their supervisors, but they will not share any personally identifiable information about the student’s report unless the student gives permission, except in the rare event that the incident reveals an imminent need to protect the student or other members of the community. If any personally identifiable information must be shared, the student will be informed, and it will only be shared as necessary with as few people as possible and making every effort to protect the student’s privacy.
6. Sexual Assault and Violence Prevention Coordinator, (845) 437-7863 Sexual Assault Response Team, (845) 437-7333 and ask for SART

## **C. Confidential Resources**

Students who desire that details of an incident be kept confidential should speak with mental health counselors, medical providers, or members of the clergy. These persons are not required to disclose information unless there is a concern for imminent health and safety of the student or others. Students may also seek confidential support from off-campus resources, such as a rape crisis center counselor.

### **On-Campus Resources for Students**

Counseling Service, (845) 437-5700

Health Services, (845) 437-5800

### **Off-Campus Resources**

Poughkeepsie Center for Victim Safety & Support 24/7, (845) 452-7272

New York State Domestic Violence and Sexual Violence Hotline, 24/7, 1-800-942-6906

## **D. Reporting Obligations under the Clery Act**

Certain campus officials also have a duty to report sexual assault and other crimes for federal statistical reporting purposes; and to determine if there is a continuing threat to the safety of the campus community, which would require an alert. These reports may

also need to be included in security department logs. All personally identifiable information is kept confidential. General incident location (on or off-campus, in the surrounding area, but no addresses are given) must be included for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.

Mandated federal reporters include employees who have significant responsibility for students, student groups and campus activities. College counselors, medical providers, and pastoral providers are not considered Federal mandated reporters.

All Clery reports of sexual assault and other crimes should be reported to Safety and Security, (845) 437-7333, <http://security.vassar.edu/forms/report/>.

Anonymous reports can also be filed with the Sexual Assault Violence Prevention Program (SAVP) or with a Sexual Assault Response Team (SART) advocate.

## **E. Special Duties Involving Child Abuse or Mistreatment of a Minor**

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

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

## **F. Hearing**

At the conclusion of a investigation the matter may be resolved administratively at the discretion of the Title IX Coordinator and with the consent of both the reporting individual and the respondent. The College will proceed to the adjudication phase if, after an investigation, the matter is not resolved administratively. The adjudication phase consists of a hearing before a trained external neutral adjudicator and College liaison. The adjudicator will hear allegations of violations of College regulations involving sexual misconduct, stalking, dating/domestic violence and other similar incidents of gender-based harassment or violence defined in this Policy and will have received specialized training with respect to these issues. The Title IX Coordinator is responsible for this hearing process. At the conclusion of either the administrative resolution or hearing, written notice

will be provided to both parties with the findings and sanction(s), if applicable, as well as a rationale for both.

The standard of proof used throughout this process will be a preponderance of the evidence standard, which means that the adjudicator will assess whether, based on the evidence and information available, it is more likely than not that the alleged conduct in whole or in part occurred.

The accused/respondent will be presumed “not responsible” for the alleged conduct until, and if, a finding of “responsible” is made pursuant to the terms of this policy.

#### Hearing Procedures:

1. The reporting individual and respondent may review the College’s investigation file in hardcopy at the College at least two days prior to the hearing. Separate copies of the file will not be emailed or sent to either party. The hearing body and both parties will have access to the investigative file for review during the hearing.
2. The reporting individual and respondent may make a statement, present evidence and witnesses, and/or submit relevant information at the hearing. The College may also present witnesses and/or information. All witnesses must be identified to the Title IX Coordinator at least two business days before the date of the hearing. Both parties will be notified of the names of all witnesses that will be present at the hearing.
3. Neither party is required to make a statement in the physical presence of the other party. Each party will have the option of presenting evidence and attending all or part of the hearing by live video or audio conference call so that a party does not have to be in the same physical space as the other party during the hearing.
4. The reporting individual and respondent may ask questions of each other, witnesses or other individuals during the hearing by submitting questions to the hearing body. All reasonable questions will be asked by the hearing body on behalf of the reporting individual and respondent. The hearing body may also ask questions of the parties.
5. The reporting individual and respondent may be accompanied by an advisor/support person of his/her choice during the hearing. The advisor/support person may assist the reporting individual or respondent, but may not participate in the hearing. Advisors/support persons must be identified to the Title IX Coordinator at least two business days before the date of the hearing.
6. When necessary or appropriate, witnesses, parties, and/or advisors/support persons may participate by video or conference call if they are not able to be present on campus.
7. The hearing body will provide a written finding on the charges to the Dean of the College or his designee and may recommend sanctions. The parties may submit an impact statement to the hearing body after it has made a determination as to responsibility so that the hearing body may consider such written statements before it recommends a sanction, if any, to the Dean. It may be necessary to provide the hearing body an extension of time to submit its report depending on the circumstances of a case, such as if the parties submit

an impact statement. In all cases the hearing body will submit its report to the Dean of the College or his designee as soon as possible. The Dean of the College or his designee will make a final judgment on the findings and assign an appropriate sanction, if any, after reviewing the findings and consulting with the hearing body.

8. The reporting individual and respondent will receive a notice of the hearing outcome and the imposed sanction(s) generally within 3 business days after the date of the hearing.
9. The reporting individual and respondent may appeal the findings of the hearing body and/or final determination and sanction(s) within 5 business days in accordance with the standards and procedures for appeal in the Student Handbook.
10. Retaliation, intimidation, or reprisal of any kind following a hearing, or during or after any phase of the Title IX investigative process, will not be tolerated. Both parties are encouraged to report such incidents promptly to the Title IX Coordinator.

## G. Appeal

Any party (alleged victim or accused student) may request an appeal of the findings and/or sanctions only under the grounds described below.

General dissatisfaction with the outcome of the hearing is not grounds for appeal. When a violation of college regulations is established and a penalty determined, sanctions will take effect immediately, even pending an appeal.

1. **Procedures:** The following procedures will be used for reviewing requests for appeals:
  - a. The decision of the College Regulations Panel may be appealed by petitioning the College Regulations Appeals Committee chaired by the dean of the college, or her or his designee, within five business days of receiving the written decision for a review of the decision or the sanctions imposed. The signed and dated request for appeal must be hand delivered or sent by certified mail 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.
  - b. A request may be made to the dean of the college for special consideration in exigent circumstances, but the presumptive stance of the college is that the sanctions will stand. In cases where the appeal results in reinstatement to the institution or of privileges, all reasonable attempts will be made to restore the individual to her or his prior status, recognizing that some opportunities may be irretrievable in the short term.
  - c. The chair will review the request for appeal to determine if the appeal meets the limited grounds and is timely. The chair will then share the appeal with the other party (e.g., if the accused individual appeals, the appeal is shared with the victim, who may also wish to file a response), and to the investigator who presented the case to the panel who will then

draft a response memorandum (also shared with all parties).

- d. The original finding and sanction will stand if the appeal is not timely or substantively eligible, and the decision is final. If the appeal has standing, the documentation is forwarded to the College Regulations Appeals Committee for consideration. The party requesting appeal must show error as the original finding and sanctions are presumed to have been decided reasonably and appropriately.
  - e. The chair's decision to deny appeal requests is final.
  - f. Requests for appeal granted by the chair will be heard before an Appeal Panel.
2. **Principles:** The following principles will govern the hearing of all appeals:
- a. All parties will be informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision in a timely manner.
  - b. Every opportunity to return the appeal to the original hearing body for reconsideration (remand) shall be pursued.
  - c. Appeals are not intended to be a rehearing of the complaint (*de novo*). In most cases, appeals will be confined to a review of written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal.
  - d. Appeal decisions shall be deferential to the original hearing body, making changes to the finding only where there is clear error and to the sanction only if there is compelling justification to do so.
3. **Grounds for Appeal:** The only grounds for appeal are as follows:
- a. A procedural error that substantially affected the outcome of the hearing (e.g., substantiated bias, material deviations from established procedures). Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice resulted.
  - b. To consider new evidence, unavailable at the time of the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; and alter the outcome of the hearing.
  - c. The sanction(s) imposed are disproportionate to the severity of the violation and substantially outside the parameters set by the college.
4. **Possible Outcomes:** The College Regulations Appeals Committee will make one of the following decisions:
- a. If the College Regulations Appeals Committee determines that new evidence should be considered, it will return the complaint to the original hearing body to reconsider in light of the new evidence only. The reconsideration of the hearing body is not appealable.
  - b. If the College Regulations Appeals Committee determines that material



procedural (or substantive) error occurred, it may return the complaint to the original hearing body with instructions to reconvene to cure the error. In rare cases, where the procedural (or substantive) error cannot be cured by the original hearing body (as in cases of bias), the College Regulations Appeals Committee may order a new hearing on the complaint with a new body of hearing panel members. The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed, once, on the three applicable grounds for appeal.

- c. If the College Regulations Appeals Committee determines that the sanctions imposed are disproportionate to the severity of the violation and substantially outside the parameters set by the college, the College Regulations Appeals Committee will return the complaint to the sanctioning body (i.e. College Regulations Panel, Dean of the College or his designee), who may then increase, decrease, or otherwise modify the sanctions, in consultation with the dean of students.
  - d. This decision is final.
5. **Decision on Appeal:** The chair of the College Regulations Appeals Committee will render a written decision ordinarily within seven College business days from the hearing of the appeal, and will notify all relevant parties. The decision will include a finding of fact, the decision, and sanction as well as the rationale for the decision and sanction. The decision of the College Regulations Appeals Committee is final and binding upon all involved

## H. Sanctions

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

When a charge of misconduct covered by this policy is formally processed, and a respondent is found to have violated this policy, serious sanctions will be imposed. The College reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The College also reserves the right to broaden or lessen any range of recommended sanctions when appropriate in light of mitigating circumstances or the nature of the behavior. The College will not deviate from the range of recommended sanctions unless compelling justification exists to do so.

1. Any person found responsible for violating the Sexual Misconduct Policy for non-consensual sexual contact (where no intercourse has occurred) may receive a sanction ranging from probation to expulsion/termination, depending on the severity of the incident, and taking into account any concurrent or previous College regulations violations.
2. Any person found responsible for violating the Sexual Misconduct Policy for non-consensual or forced sexual intercourse will likely face a recommended sanction of suspension or expulsion/termination, and taking into account any concurrent or previous College regulations violations.
3. Any student found responsible for violating the Sexual Misconduct Policy for sexual exploitation or sexual harassment will likely receive a recommended sanction ranging from warning to expulsion/termination, depending on the severity of the incident, and taking into account any concurrent or previous College regulations violations

## I. Transcript Notations

When a student is suspended or expelled because of a responsible finding for a violent offense<sup>6</sup>, Vassar will make a notation on the student's transcript that they were "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." Individuals who withdraw from the college while such conduct charges are pending will have "withdrew with conduct charges pending" on their transcript until the case is resolved. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed. Students may submit a written request to the Dean of Studies Office that the suspension notation be removed from the transcript. Notation for suspensions is not eligible for removal until one year after the suspension has been completed. In considering a student's request, the College will look at whether there has been any further conduct violations in the year following conclusion of the suspension. The college will keep a confidential, internal record of the suspension. Notation for expulsions shall not be removed.

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<sup>6</sup> Article 129-B of the New York Education Law requires transcript notations for "violent crimes" which include murder, sexual offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, manslaughter, and arson, as defined by the Jeanne Clery Act.

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# PART G.

## 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 her or his 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:

#### **Statement on Civility and Responsibility in an Academic Community**

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.

**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 the section on Students' Bill of Rights.

## 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.

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### 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 (845-437-7333) 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 safety and health of students is the overriding concern of the college. In order to encourage those who may be in danger from alcohol poisoning or alcohol/drug-related injury to get proper assistance, no student in need of medical treatment for her or his alcohol or other drug-related overdose, or assisting another student in obtaining such medical treatment, will be found responsible for the violation of using alcohol or drugs or of providing alcohol or drugs to the student they have assisted in obtaining treatment. Students may, however, be found responsible for violations outside of drug/alcohol use and/or distribution of drugs/alcohol if they are identified.

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

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.

## D. Room Entry

The college respects a student's right to privacy and reserves the right to enter a room only in the circumstances listed below.

1. Members of the Office of Residential Life will infrequently conduct health and safety inspections in order to ensure that fire safety regulations are not being violated. Announcements will be made in advance to notify students of these inspections.
2. Members of the Office of Residential Life will enter rooms after closing housing for breaks in order to ensure that students have vacated, doors and windows are closed and locked, the heat is on a medium setting, and there are no obvious safety or security concerns.
3. Safety and Security officers may enter a room if there is a reason to believe that one or more college regulations are being violated within the room. Examples of such behavior and situations include, but are not limited to, the smell of smoke, yelling, and loud noises. Ordinarily, when students refuse to cooperate in such a scenario, the security officer will:
  - a. Identify him/herself and formally state the perceived need to enter and ask for cooperation.
  - b. Communicate that if the door is not opened, a master key will be obtained and the room entered; and
  - c. Have another security officer or administrator present.
4. Safety and Security or Residential Life staff may enter a room if there is reason to believe that the occupant's health or safety is in immediate jeopardy.
5. Safety and Security officers may enter rooms when residence halls are officially closed if the door to the room is left open or unlocked (after the Office of Residential Life members have closed and locked them all—see #2 above) in order to identify if someone is illegally residing within the room or someone has broken into it.
6. Members of Buildings and Grounds may enter a room to address physical plant emergencies as well as in response to a work request.

In cases of room entry in the absence of a resident, with the exception of situations described in #1 or #2 (above), a note will be left indicating the time, date, reason, and name of the college person or office responsible. It is important to note that Vassar staff and security are expected to fully and effectively address any situation that suggests the violation of Vassar College regulations. Requests to open refrigerators, closets, or other rooms within a room may be necessary in order to do so.

## IV. PUBLIC ORDER

In accordance with Article 129-A 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.

## V. SPECIFIC COLLEGE REGULATIONS

- 1: Alcohol
- 2: Assault
- 3: Automobile Regulations
- 4: Confidentiality
- 5: Discrimination and Harassment
- 6: Disruptive Conduct
- 7: Dating/Domestic Violence
- 8: Drugs
- 9: Employment
- 10: Endangerment
- 11: Failure to Comply
- 12: Fire Safety
- 13: Hazing
- 14: Identification/Keys
- 15: Motorcycles
- 16: Pet Regulations
- 17: Public Areas and Facilities
- 18: Publicity



- 19: Residential Facilities
- 20: Retaliation
- 21: Skateboards, Rollerskates, Rollerblades, Scooters, and Longboards
- 22: Smoking
- 23: Stalking
- 24: Theft
- 25: Unauthorized Entry/Exit/Occupancy
- 26: Vandalism
- 27: Visitation/Guest
- 28: Weapons/Dangerous Items

Anyone found to have engaged in the following behavior is subject to the disciplinary sanctions outlined in Part K.

## **SECTION 1: Alcohol**

1.01 Distributing to anyone under the age of 21.

1.02 Consuming, possessing, purchasing, and/or selling by anyone under the age of 21.

1.03 Consuming and/or possessing opened containers in public areas without permission.

1.04 Publicly or privately gathering (four or more people in a single, eight or more people in a double or triple, 12 or more in a suite, 15 or more in apartment area) in relation to the consumption of alcohol without proper approval.

- a. The Office of Residential Life must approve any gatherings in the houses, Town Houses, Terrace Apartments, South Commons, and Co-Operative Housing Units.
- b. The director of campus activities must approve the use of public spaces on campus.

1.05 Possessing or using kegs or common containers of alcoholic beverages without permission from the Office of Campus Activities. Unauthorized kegs or common containers will be confiscated and emptied and will not be returned.

1.06 Bringing alcoholic beverages either into any facility where alcohol is being sold or to any public or private event.

1.07 Hosting of any gathering of any number of students at which alcoholic beverages are being, or are likely to be, used in any manner inconsistent with college regulations.

## **SECTION 2: Assault**

2.01 Acting in an intentional or reckless way that threatens physical injury, or violence, to another person.

2.02 Acting in an intentional or reckless way that inflicts physical injury, or violence, on another person.

2.03 Aggravated assault: an unlawful attack by one person upon another for the purpose

of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

### SECTION 3: Automobile

3.01 Driving in a reckless or dangerous manner.

3.02 Operating any moving vehicle while under the influence of alcohol or other drugs.

3.03 Failing to comply with all posted traffic regulations and the campus speed limit of 15 miles per hour.

3.04 Parking illegally.

### SECTION 4: Confidentiality

4.01 Failing to maintain confidentiality on all aspects of cases heard when serving on Academic, Student Conduct, and/or College Regulations Panels.

### SECTION 5: Discrimination and Harassment

5.01 **Discrimination:** Using or creating any distinction, preference, advantage for or detriment to an individual compared to others that is based on an individual's actual or perceived race, color, religion or religious belief, citizenship status, sex, marital status, disability, pregnancy, sexual orientation, gender identity or expression, national origin, military service or affiliation, genetic information, or age that adversely affects a term or condition of an individual's employment, education, living environment or participation in a college activity, or is used as the basis for or a factor in decisions affecting that individual's employment, education, living environment or participation in a college activity.

5.02 **Discriminatory Harassment:** Engaging in unwelcome conduct directed toward an individual based on the individual's actual or perceived race, color, religion or religious belief, citizenship status, sex, marital status, disability, pregnancy, sexual orientation, gender identity or expression, national origin, military service or affiliation, genetic information, or age, that is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with an individual's employment or educational performance or creating an intimidating, hostile, offensive, or abusive environment for that individual's employment, education, living environment, or participation in a college activity.

5.03 **Retaliatory Harassment:** Intentionally acting—by an individual or allied third party—absent legitimate nondiscriminatory reasons, in a manner that harms an individual as reprisal for filing a grievance or for participating in an investigation or grievance proceeding.

5.04 **Sexual Harassment:** Engaging in unwelcome gender-based verbal or physical conduct that is so sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives someone of the ability to participate in or benefit from the college's educational program or activities or employment benefits or opportunities. It may involve harassment of women by men, harassment of men by women, and harassment between persons of the same sex. The unwelcome behavior may be based on power

differentials (quid pro quo), the creation of a hostile environment, or retaliation. The college's policy on sexual misconduct may also apply when sexual harassment involves physical contact. Examples of sexual harassment may include, but are not limited to:

1. Egregious, unwanted sexual attention or other verbal or physical conduct of a sexual nature;
2. Implied or overt threats of punitive action, a result of rejection of sexual advances;
3. Conditioning a benefit on an individual's acceding to sexual advances;
4. Unwelcome, sexually explicit messages, statements, or materials;
5. Attempting to coerce an unwilling person into a romantic or sexual relationship;
6. Sexual violence;
7. Intimate partner violence;
8. Stalking; including cyberstalking;
9. Gender-based bullying.

**5.05 Sexual Misconduct:** Engaging in non-consensual sexual contact (or attempts to commit same), non-consensual sexual intercourse (or attempts to commit same), and/or sexual exploitation.<sup>7</sup>

5.05A Non-consensual sexual contact is any intentional sexual touching, however slight, or with any object, by a person upon a person, that is without consent and/or by force. Sexual contact includes intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch yourself or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

5.05B Non-consensual sexual intercourse is any sexual intercourse, however slight, or with any object, by a person upon a person, that is without consent and/ or by force. Intercourse includes vaginal penetration by a penis, object, tongue, or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

5.05C Sexual exploitation occurs when a person takes or attempts to take non-consensual or abusive sexual advantage of another for her/his own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Sexually based stalking and/or bullying may also be forms of sexual exploitation. Examples of sexual exploitation may include, but are not limited to:

1. Invasion of sexual privacy;
2. Prostituting another person;
3. Non-consensual taking of pictures, video recording, and/or audio recording of a sexual activity;
4. Non-consensual distribution of pictures, video recording, audio recording, or

<sup>7</sup> See Part F Sexual Misconduct and Gender-based Violence for additional information about resources and applicable student conduct procedures.

- live-streaming of a sexual activity;
5. Allowing third parties to observe sexual activities without consent;
  6. Engaging in voyeurism;
  7. Exposing one's genitals in non-consensual circumstances;
  8. Knowingly transmitting an STI or HIV to another person;
  9. Inducing another to expose their genitals.
10. Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

## SECTION 6: Disruptive Conduct

6.01 Substantially interfering with the living, learning, or working environment of another individual.

6.02 Using or attempting to use electronic or other devices to make an audio or visual record of any person while on college premises or during a Vassar College sponsored event without her or his knowledge or prior consent when such a recording is likely to cause harm or distress.

## SECTION 7: Dating/Domestic Violence

7.01 **Emotional/Verbal Abuse** is persistent abuse that undermines an individual's sense of self-worth and/or self-esteem. This may include, but is not limited to constant criticism, diminishing one's abilities, name-calling, and/or damaging one's relationship with her or his friends and/or family.

7.02 **Psychological Abuse** is abuse that would cause fear in a reasonable person. This includes but is not limited to intimidation; threatening physical harm to self, partner, children, or partner's family or friends; threatening to disclose partners orientation, destruction of pets and property; and isolating from family, friends, or school and/or work.

7.03 **Economic Abuse** is intending to make or attempting to make an individual financially dependent on their partner. This includes but is not limited to maintaining control over financial resources, withholding one's access to money, or forbidding attendance at school, employment or other activities.

7.04 **Physical Abuse** is physical harm by partner. This includes but is not limited to hitting, slapping, shoving, grabbing, pinching, biting, hair-pulling, spitting, physical restraint and/or restricting breathing. Physical abuse may also include denying a partner medical care or coercing use of alcohol and/or other drugs, touching in ways that make a person uncomfortable, and persistent treatment of the victim and other people as objects via actions and remarks.

7.05 **Sexual Abuse** involves violating an individual's autonomy over her/ his body. Sexual abuse may include, but is not limited to, coercing or attempting to coerce any sexual contact or behavior, forcing the partner to dress in a sexually explicit way, forcing to watch or simulate pornography, rape, or accusing the victim of sexual activity with others.

## SECTION 8: Drugs

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This includes hallucinogenics, barbiturates, amphetamines, narcotics, and prescription and controlled drugs, except as expressly permitted by law.

8.01 Possessing.

8.02 Using.

8.03 Intending to distribute.

8.04 Distributing.

8.05 Selling.

8.06 Manufacturing.

8.07 Altering a prescription.

8.08 Possessing drug paraphernalia.

## **SECTION 9: Employment**

9.01 Acting as an agent on campus for any company or organization, including travel agencies, without permission from the director of campus activities.

9.02 Soliciting funds or selling articles on the campus without permission from the director of campus activities.

9.03 Soliciting door-to-door, face-to-face, and/or electronically in residential areas.

9.04 Undertaking a commercial enterprise that does not provide a necessary service or educational benefit to the college community without approval of the director of campus activities.

9.05 Using post office boxes for any purpose except personal correspondence and college-related business.

9.06 Abusing student employment assignments, including but not limited to the falsification of timesheets.

## **SECTION 10: Endangerment**

10.01 Acting in a reckless or intentional way that endangers the welfare of any member of the college community.

10.02 Acting in a way that interferes with the operation of any vital safety-providing service, including but not limited to the Campus Response Center, law enforcement, or emergency medical or fire services.

## **SECTION 11: Failure to Comply**

11.01 Failing to comply with the terms of sanctions.

11.02 Violating a ban, suspension, or expulsion sanction.

11.03 Interfering with efforts by personnel to perform their duties.

11.04 Failing to comply with a reasonable mandate or restriction given by a college official.

## **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.

12.02 Falsely reporting fires.

12.03 Remaining in a building when the building's fire alarm has been activated.

12.04 With the exception of charcoal fueled grills no closer than 10 feet to a building, creating open fires in any public area, including but not limited to tiki torches and portable fireplaces, without written permission from Vassar College Buildings and Grounds and only if consistent with Town of Poughkeepsie and NYS Department of Environmental Conservation regulations.

12.05 Burning of any kind (e.g., candles, incense, cigarettes, pipes, hookahs, nonelectric lanterns, camp stoves, etc.) within a Vassar College building.

12.06 Possessing candles or incense without prior approval from house advisor or director of residential life.

12.07 Hanging excessive fabric to walls/ceilings.

12.08 Hanging anything on sprinkler pipes.

12.09 Littering within room to extent that ability to quickly and efficiently vacate is significantly hampered.

12.10 Failing to gain approval for all decorations, flats, or scenery in auditoriums, stages, or other public rooms.

12.11 Possessing/using appliances that are not permitted by the college, including items that do not have an automatic shutoff or UL approval. Please refer to the Residential Life website for a list of prohibited appliances.

12.12 Using extension cords or multi-plug adaptors that do not have power strips with circuit breakers.

12.13 Changing the electrical, data, or telephone wiring (including attachment of dimmer switches).

12.14 Obstructing the free flow of pedestrian or vehicular traffic on college premises or at a college-sponsored event.

12.15 Having a gathering of four or more people in a single room, eight or more people in a double room, 15 or more people in a suite, or over 50 people in any apartment (TA, TH, or SoCo), or over 60 people in a co-op.

## SECTION 13: Hazing

Hazing is a fundamental violation of human dignity and is strictly prohibited by Vassar College, the VSA, and New York State law. Individuals and groups that engage in hazing may also be subject to consequences imposed by sponsoring departments (e.g., VSA, Department of Athletics and Physical Education, etc.). The expressed or implied consent of the victim is not a defense. Apathy or acquiescence in the presence of hazing is also not a neutral act, and is a violation of college regulations.

13.01 Acting in any reckless or intentional manner, occurring on or off campus, that produces physical, mental or emotional pain, discomfort, humiliation, embarrassment, or ridicule directed toward other students or groups (regardless of willingness to participate), that is required or expected of new members and which is not related to the mission of the team, group, or organization. Prohibited acts of hazing include, but are not limited to:

1. Any physical act of violence or brutality expected of, or inflicted upon, another, including paddling; striking with fists, open hands or objects; branding and tattooing;
2. Any forced or coerced physical activity including calisthenics, exercises, or so-called games;
3. Any forced or coerced consumption of food, alcohol, other drugs, or any other substance;
4. Deprivation of food;
5. Excessive fatigue resulting from sleep deprivation, physical activities, or exercises;
6. Kidnapping, unauthorized road trips, or stranding of individuals;
7. Forced weather exposure;
8. Required carrying of or possessing a specific item or items;
9. Servitude (expecting a new member to do the tasks of an experienced member);
10. Verbal abuse, including "line-ups" and berating of individuals;
11. Any activity that intimidates or threatens the student with ostracism;
12. Coerced lewd conduct;
13. Engaging in morally degrading or humiliating games, pranks, activities, or public

stunts;

14. Requiring individuals to walk or march in formation of any kind;
15. Interference with academic, athletic, or occupational obligations;
16. Forcing or endorsing members to violate any college policy or any local, state or federal law.

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

Guests must have a New York State required form of identification, as well as a Vassar College guest pass.

14.01 Failing to identify and show Vassar ID card at the request of any member of the community.

14.02 Using or possessing a fraudulent identification or key.

## **SECTION 15: Motorcycles**

15.01 Possessing or using a motorcycle, motor scooter, moped, or similar vehicle on the campus.

## **SECTION 16: Pets**

16.01 Possessing an unauthorized pet. Except for very small animals kept at all times within cages, aquariums, or terrariums, students are not allowed to bring pets into any college-owned buildings. All roommates within a room, suite, or apartment must approve of the pet. Students are strictly prohibited from having any venomous or dangerous pets. Other than service animals trained to provide assistance for the benefit of a student with a disability, dogs and cats are strictly prohibited.

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

Permission must be obtained from the Office of Campus Activities for the use of any auditorium, lecture hall, or classroom. Permission for the use of residence hall space—except for the use of house parlors by students living in the house—must be obtained from the house advisor of the respective house. The Registrar's Office approves requests for daytime use of classrooms.

17.01 Improperly using areas and facilities, or using without necessary permission.

17.02 Going on any roof or balcony without the consent of the appropriate administrative officer.

17.03 Sleeping outside on campus grounds without written authorization from the director of campus activities.

17.04 Removing college property from public areas without the consent of the appropriate administrative officer.

17.05 Consuming food or drink in an uncovered container in public auditoriums or the libraries.



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## **SECTION 18: Publicity**

18.01 Using the name of the college or of students' names, as Vassar students, for commercial promotion.

18.02 Using the Vassar seal and logo on anything other than official college publications.

18.03 Failing to include contact information of the individual or student organization responsible for the posting to all fliers and posters.

## **SECTION 19: Residential Facilities**

19.01 Painting college property.

19.02 Possessing a waterbed in campus housing.

19.03 Removing college furniture from student rooms without the permission of the director of residential life or her/his designee.

19.04 Changing rooms without authorization.

19.05 Possessing or using unauthorized items as outlined in the Vassar College Regulations or on the Residential Life website.

## **SECTION 20: Retaliation**

20.01 Retaliation against any person, including the accuser or person accused, for making a complaint, cooperating with an investigation, or participating in a grievance procedure is a violation of college policy. Retaliation includes, but is not limited to, intimidation, coercion, harassment, making of threats, and any other adverse educational or employment action.

## **SECTION 21: Skateboards, Rollerskates, Rollerblades, Scooters, and Longboards**

21.01 Using skateboards, rollerskates, rollerblades, scooters, and longboards inside any college building and on all ramps, patios, stairs, and areas around building entrances.

## **SECTION 22: Smoking**

22.01 Smoking of any substance in the buildings and exterior grounds of the college. "Smoking", means consumption, inhaling, exhaling, or burning any type of matter or substance that contains tobacco or plant product intended for inhalation including but not limited to cigarettes, electronic nicotine delivery systems, cigars, pipes, chewing tobacco, hookahs and marijuana whether natural or synthetic, in any manner or any form. Smoking will also be prohibited in college and personal vehicles on campus.

## SECTION 23: Stalking

23.01 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. The following are some examples of stalking type behavior:

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

23.02 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 24: Theft

24.01 Participating in the theft (attempted or actual theft) of property or services.

24.02 Possessing and/or using goods that should reasonably be known to be illegally procured.

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## **SECTION 25: Unauthorized Entry/Exit/Occupancy**

25.01 Entering or using Vassar premises without authorization.

25.02 Entering or being present within a building—without authorization—after it is closed.

25.03 Failing to vacate rooms and residence halls by the posted closing time at all vacation periods, including the end of the academic year.

25.04 Failing to leave campus within 48 hours after effective date of leave or withdrawal.

## **SECTION 26: Vandalism**

26.01 Damaging college or personal property in a reckless or intentional manner.

26.02 Behaving in a manner that is likely to cause damage to college or personal property.

26.03 Using paint, chalk, or any other marker on the grounds and buildings of the college unless approved by the campus activities office.

## **SECTION 27: Visitation/Guest**

When an individual or group invites guests not directly connected with the college, the individual or group assumes responsibility for their guest's awareness of, and compliance with, Vassar College regulations and should expect to be held responsible for the behavior of their guests. All guests, licensees, and visitors are subject to the Vassar College regulations. 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.

27.01 Failing to register the guest properly to obtain a guest pass or failing to ensure that the guest has valid guest passes at all times. Guest passes may be obtained at each residence hall or at the Residential Operations Center during its hours of operation and at the Campus Response Center at all other times.

27.02 Failing to be with guest at all times.

27.03 Sponsoring more than two guests on campus at any one time.

27.04 Hosting a guest for more than three consecutive nights without prior authorization from the Office of Residential Life.

27.05 Hosting anyone who has been suspended, expelled, or otherwise excluded from the campus by prior college action.

## SECTION 28: Weapons/Dangerous Items

28.01 Possessing a dangerous item. Dangerous items may include but are not limited to bows and arrows, firearms, explosives, unauthorized dangerous chemicals, ammunition, knives, fireworks, paintball guns, foils, and air guns (including BB guns). Permission to sponsor events where prohibited items may be used must be obtained from the director of campus activities or, when appropriate, the individual responsible for fire safety on the campus of Vassar College.

28.02 Using any object in a dangerous manner.

28.03 Using real firearms that are functional 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 onand 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 her or his person. Prop weapons must be stored in secured locations designated by the Drama and Film Departments or the Campus Activities Office.

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# PART H.

## 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 that 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 Safety and Security.

### I. PRIVACY

Individual usernames and passwords belong solely to the owner of the accounts to which they pertain. 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 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.

## IV. CYBERETHICS, INTERNET SAFETY, AND COMMUNITY STANDARDS

Vassar's computer regulations set clear guidelines in accordance with college regulations to govern conduct on computers (see above). Cyberethics and Internet safety are issues that all community members must be aware of to ensure a healthy, safe, and respectful campus environment. Cyberethics codes of responsible and safe online behavior consider the effects of behaviors both on individuals and on groups in our community. Behaviors that create harmful effects include illegal activities, offensive and defaming language, hate speech, postings of private information such as phone numbers and addresses, posting private photos, and anonymous messages that target individuals or groups.

Vassar encourages community members to consider and be mindful of potential effects on the individual and the community and to make responsible decisions when engaging in online communication. Certain online behaviors may violate particular college regulations and, when connected to known individuals, can be adjudicated. Other behaviors, however, may fall outside of sanctionable conduct either because they do not violate a college regulation or are anonymous in nature. Nonetheless, when such behaviors are damaging to individuals and community values, those responsible for the actions have an ethical obligation to come forward and engage with others in community restoration and dialogue. Vassar takes pride both in the rights afforded to individual students and, at the same time, in the community responsibility that comes with those rights (see Part A, Student Rights, Privileges, and Responsibilities and Academic Freedom and Responsibility in Part G, Section I). Vassar is committed to diversity and the creation of inclusive environments. When engaging in any form of communication, members of the college community should be mindful of these values.

# PART I.

## 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 extra-curricular 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. 92-225. 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.

**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.



**Postal Service:** Each politically active organization may use the Mail Room facilities on the campus for outgoing mail. Use of intra-campus, 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 §§ 220 and § 221; New York State Public Health Law, § 3306.

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 of or possession of with intent to distribute narcotics. For unlawful possession of a controlled substance, a person is subject to one year of imprisonment and fines up to \$5,000. Any person who unlawfully distributes a controlled substance to a person under 21 years of age may be punished by up to twice the term of imprisonment and fine otherwise authorized by law. Federal trafficking penalties for first offense Schedule I and II drugs range from a minimum of five years to a maximum of life in prison and a fine of \$1 million for an individual or \$10 million if not an individual. Penalties for first offense trafficking Schedule III and IV drugs range up to five years in prison and a fine of \$250,000 for an individual or \$1 million if not an individual. Federal penalties for first offense trafficking marijuana range up to a maximum of life in prison and up to \$4 million fine for an individual or \$10 million if not an individual, depending on the quantity of marijuana.

### A. Definition of Controlled Substance Schedules

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

schedule are outlined below.

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

### **Schedule I Controlled Substances**

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

### **Schedule II Controlled Substances**

Substances in this schedule have a high potential for abuse which may lead to severe psychological or physical dependence.

Examples of single entity schedule II narcotics include morphine and opium. Other schedule II narcotic substances and their common name brand products include: hydro-morphone (Dilaudid®), methadone (Dolophine®), meperidine (Demerol®), oxycodone (OxyContin®), and fentanyl (Sublimaze® or Duragesic®).

Examples of schedule II stimulants include: amphetamine (Dexedrine®, Adderall®), methamphetamine (Desoxyn®), and methylphenidate (Ritalin®). Other schedule II substances include: cocaine, amobarbital, glutethimide, and pentobarbital.

### **Schedule III Controlled Substances**

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

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

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

### **Schedule IV Controlled Substances**

Substances in this schedule have a low potential for abuse relative to substances in schedule III. An example of a schedule IV narcotic is propoxyphene (Darvon® and Darvocet-N 100®).

Other schedule IV substances include: alprazolam (Xanax®), clonazepam (Klonopin®), clorazepate (Tranxene®), diazepam (Valium®), lorazepam (Ativan®), midazolam (Versed®), temazepam (Restoril®), and triazolam (Halcion®).

## Schedule V Controlled Substances

Substances in this schedule have a low potential for abuse relative to substances listed in schedule IV and consist primarily of preparations containing limited quantities of certain narcotics. These are generally used for antitussive, antidiarrheal, and analgesic purposes.

Examples include cough preparations containing not more than 200 milligrams of codeine per 100 milliliters or per 100 grams (Robitussin AC® and Phenergan with Codeine®).

## B. 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: punishable by a fine and imprisonment up to 1 year.

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

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

### 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 FEDERAL AND NEW YORK STATE LAWS REGARDING SEXUAL OFFENSES

The following summary provides information about sexual offenses recognized under New York State Penal Law and Federal definitions when required. 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. New York State Penal Law

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

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

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

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

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

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

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

2; Title H; Article 130). (NYS Class D Felony)

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

## B. Federal Definitions

**Sexual Activity** shall have the same meaning as “sexual act” and “sexual contact” as provided in 18 U.S.C. 2246(2) and 18 U.S.C. 2246(3).

The term “**sexual act**” means: (A) contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight; (B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; (C) the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or (D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

The term “**sexual contact**” means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

**Sexual assault** is any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Falling under the definition of sexual assault are sexual activities such as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape. (Office on Violence Against Women, Department of Justice).

**Rape** is defined as penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. (Federal Bureau of Investigation’s Uniform Crime Reporting).

## 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/index.aspx>), the Vassar Safety and Security website (<http://security.vassar.edu/>), or call the director of security at (845) 437-5201

## PART J.

# 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 the regulations concerning the integrity of academic work are handled by the Academic Panel, composed of three members of the faculty and three students, and chaired by the dean of studies. 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 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. In such cases, the student is not graded according to the work he/she has completed, but has, in effect, failed 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 her/his 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**

Graduating seniors are expected to attend commencement exercises. However, if attendance is not possible, the senior shall notify the dean of studies in writing.

## **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 72 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 72 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



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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 that actually replaces a final examination, which is assigned during the last week of classes and due prior to the end of the third day of the examination period. 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 Office 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. It is the student's responsibility to complete delivery of written work. Delivery of work submitted electronically or left for an instructor (in a department box, for example) is completed only when the instructor receives the work. Electronic delivery is completed only when the work is received in a format readable by the instructor. It is strongly suggested that students back up their files and 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 the Dean of Studies Office. (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 Dean of Studies Office 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. If an extension of library materials is needed, the Dean of Studies Office should make arrangements with the Head of Access Services.

## **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 and others who may give pertinent information. Students may be placed on probation, required to change their majors, advised to take a leave, required to take a leave, advised to withdraw, or required to withdraw from the college. A student's record will be reviewed 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, if the grade average in the major is deficient, or if the student's number of units completed indicates a lack of progress toward the degree.

## **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. The student will remain on probation until he or she reaches standard grade.

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

Students who are advised to take a leave of absence or withdraw, but who choose to return, are permitted to do so but warned that they are placed on review after the end of the following semester, at which point they may be required to take a leave or withdraw after reconsideration by the Committee on Student Records. Students who withdraw or go on leave are responsible for any library materials and/or fines on their library accounts. Unresolved fines and replacement costs for unreturned books will be sent to Students Accounts.

## **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 from the college, the committee may impose upon the student a required leave of absence.

The committee may require that the student successfully complete coursework at another institution before returning from the leave; otherwise, 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 and the overall progress toward the degree. 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 her or his 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. Materials used in the preparation of academic work must be obtained in a manner that is consistent with the standards of Vassar's Institutional Review Board and with the policies of any laboratory setting, including the Wimpfheimer Nursery School, community agencies, or field work positions.
4. No student shall infringe upon the rights of others to have fair and equal access to library or other academic resources.
5. 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

In presenting themselves for examinations, 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 her or his 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.

## E. Other Academic Misconduct

Any action or attempted action that may result in creating an unfair academic advantage for oneself or an unfair academic advantage or disadvantage for any other member or members of the academic community may be a violation of academic integrity. These include (but are not limited to):

1. Sabotaging or stealing course materials and/or another student's work
2. Interfering with the course of instruction to the detriment of other students
3. Failing to comply with the instructions or directives of the course instructor
4. Furnishing false or misleading information to a course instructor or other college official
5. Altering a previously graded exam or assignment for the purpose of a grade appeal

## 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 her or his 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 respondent and the panel. The respondent shall plead responsible or not responsible 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 respondent and the faculty member who made the allegation, after which the panel shall determine by majority vote whether it considers the respondent responsible based on the preponderance of the evidence, and if so, what sanction or sanction(s) to impose. The chair shall not vote on the matter of responsibility. The chair shall not vote on sanctions except in the case of a tie.

### B. Sanctions

When a student is found responsible for any 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 sanctions that it considers appropriate, including (but not limited to) the following:

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. A grade penalty or a grade of F for the course, with the approval of the instructor.
3. 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).
4. A recommendation to the president of expulsion from Vassar College.
5. Require that the student work with the Learning, Teaching, and Research Center or other relevant resources of the college.

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## VI. LIBRARY REGULATIONS

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

### A. Food and Drink Policy

Food and drink pose a risk to library collections, equipment, and furnishings.

1. Main Library: To minimize damage to collections and maintain a clean environment conducive to quiet study, library users are expected to act responsibly when consuming food and drink in the Library; to be considerate of others studying nearby; and to dispose of trash. The Library reserves the right to ask any user to remove her/his food and/or beverage from the library if the above guidelines are not observed.
2. Archives and Special Collections Library: To minimize damage to collections and maintain a clean environment conducive to quiet study, no food or beverages are permitted.
3. Music Library: To minimize damage to collections and maintain a clean environment conducive to quiet study, no food or beverages are permitted.

### B. Fines for Overdue Library Materials

1. Circulating books, browsing books, scores, floppy disks, government documents, Main Library audio cassettes, and CDs: Three overdue notices will be sent after the due date has passed. Library privileges, except for the borrowing of reserve materials, will be suspended if materials are not returned within four weeks of the due date. At that point, students will receive a bill, payable at the Circulation desk, for replacement cost plus a processing fee, for each overdue item. Replacement and processing fees are dropped upon return of the item if it has not been reordered. Unpaid bills will be sent to Student Accounts. Borrowing privileges will be restored upon return of the material, payment of the bill, or transfer of charges to Student Accounts.
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 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 are dropped upon return of the overdue item if it has not been reordered.
4. Main Library Reserve: Most reserve materials have a four-hour loan period; however some faculty set three-day or two-week loans. Students are responsible for checking their circulation records (<http://vaslib.vassar.edu/patroninfo>) to verify the exact time materials are due. Overdue notices are sent after the due date has passed. Fines for four-hour materials, including visual media (DVDs, VHS, or laserdiscs) are \$.50 for the first hour and \$1.00 per hour thereafter until the material is returned. Fines for three-day and two-week loans are \$2.00 per day.
5. Main Library DVDs, VHS, and laserdiscs: These items circulate from the Circulation desk. Non-reserve films circulate for three days and must be returned to the Circulation desk by the date due. Students are responsible for checking their circulation records (<http://vaslib.vassar.edu/patroninfo>) to verify the exact time materials are due. Overdue notices are sent after the due date has passed. The fine for overdue non-reserve films is \$2.00 per day. Students will be billed for replacement costs, payable at the Circulation desk, for damaged films or those not returned within fifteen days. The bill will include replacement charges plus a processing fee. Replacement and processing fees are dropped upon return of the item if it has not been reordered. Unpaid bills will be sent to Student Accounts.
6. Art Library and Music Library Reserves: Art Library Reserve fines are \$1.00 per hour per item; Music Library reserve materials are due at the end of each day; however some books and scores may be borrowed overnight just before closing. Students are responsible for checking their circulation records (<http://vaslib.vassar.edu/patroninfo>) to verify the exact time materials are due. 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.

## C. Blocking and Billing for Outstanding Fines

1. Blocking: Students will be blocked from taking out library materials if 50 or more fines are outstanding. Students must come in to speak with the circulation supervisor during daytime business hours to resolve charges before their patron record is cleared.
2. Billing: Periodically throughout the year, unpaid charges (overdue charges and replacement costs) will be transferred to Student Accounts.



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## 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 replacement cost of the item plus a processing fee (which varies by material type). Overdue items that have reached BILLED status are considered lost and are subject to replacement charges.
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.

## G. Graduation Requirements

All library materials must be returned or paid for (cash only is accepted the last week of the semester) by 3:00pm the Friday before Commencement. Charges for unreturned library materials will be sent to Student Accounts.

## PART K.

# 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 non-harassment 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 her or his 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. "Reporting individual" shall encompass the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used to reference an individual who brings forth a report of a violation.
10. "Respondent" shall mean a person accused of a violation that has entered a student conduct process.
11. "Accused" shall mean a person accused of a violation who has not yet entered a student conduct process.
12. The term "grievant" means any person who submits a complaint under Vassar's nondiscrimination and non-harassment policy.
13. 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 well-being and/or rights she/he 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."*
14. "Bystander" shall mean a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of the college."
15. 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.
16. The term "College Regulations Panel" refers to 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.
17. 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 non-harassment policy, and to recommend sanctions that may be imposed when a violation has been committed.
18. The term "College Regulations Appeal Committee" means persons authorized by the dean of the college to consider an appeal from the College Regulations Panel.
19. The term "shall" is used in the imperative sense.
20. The term "may" is used in the permissive sense.

21. 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 her or his designee, has the following responsibilities:

1. Oversee the policies and procedural rules for the administration of the student conduct system.
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, the Title IX Hearings, the Intersession 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 her or his 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, Student Conduct Panel, or Inter-session 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.
5. Issuing “No Contact Orders.” The Dean of Students or their designee is authorized to issue a No Contact Order (NCO) prohibiting contact between students when there exists a reasonable concern that physical or psychological harm may result from such contact.

The College will consider all facts and circumstances that may be relevant to whether an NCO should be issued, including, but not limited to, the following factors:

- a. When there are allegations, threats, or evidence of physical violence by one student against another;
- b. When there are allegations, threats, or evidence of emotional abuse against or harassment of one student against another;
- c. When there is a substantial risk of emotional harm from continued contact between students;
- d. When continued contact between students may have a material impact on campus disciplinary proceedings;
- e. When requested or agreed to in good faith by both students involved; and
- f. When there are allegations of serious College policy violations.

All NCOs shall provide that neither student may have contact with the other. “Contact” includes, but is not necessarily limited to, in-person contact, telephone calls, email, texts and other forms of electronic communication, social media-based messages or postings, and third party communications including through proxies.

NCOs may include additional protective measures or other terms specific to the safety, well-being, or other needs of either or both students subject to the NCO, when deemed necessary by the College. Any additional terms shall be expressly stated in the NCO. Additional protective measures or other terms need not be reciprocal. They may include, but are not limited to, the following:

- a. Restricting a student’s access to certain campus locations, including the other student’s residence hall;
- b. Restricting the times a student may be present in on-campus dining facilities or athletic facilities;
- c. Requiring that the students not be enrolled in the same academic course(s); and

- d. Requiring that the students not participate in the same co-curricular or extracurricular activities.

NCOs may be issued by the following administrators:

- a. For matters pertaining to the College Regulations: Dean of Students or their designee;
- b. For matters pertaining to the Sexual Misconduct and Discrimination and Harassment Policy: the Title IX Coordinator/Director of EOAA, or their designee;
- c. For emergency situations involving personal safety: the Administrator on Call (AOC) will issue temporary NCO which shall be confirmed, modified, or rescinded by the Dean of Students or Title IX Coordinator/Director of EOAA once all relevant information is reviewed.

The College will review all NCOs annually. Each NCO will remain in effect until the graduation or withdrawal of at least one of the parties, unless the NCO expressly provides otherwise or is modified or rescinded by the College. A student seeking the modification or rescission of an NCO shall so request the administrator who issued the NCO. The issuing administrator shall consult with both parties before determining whether or not to modify or rescind the NCO.

Violations of No Contact Orders are subject to discipline under the College Regulations or the Retaliation provisions of the Sexual Misconduct and Discrimination and Harassment Policy, as appropriate.

Students who have interpersonal conflicts that do not raise concerns for individual health and safety will not be granted NCOs. These individuals should pursue other forms of conflict resolution, such as mediation or restorative justice, offered through the Office of Residential Life.

## D. Student Conduct Meetings

For possible violations that do not warrant hearing by the College Regulations Panel, the Intersession Regulations Panel, or the Title IX Hearing/Administrative Resolution, a student may have a student conduct meeting either with the Student Conduct Panel (composed of three student members of the Student Conduct Board) or with an administrator designated by the dean of students. Upon receipt of an incident report or written complaint, the following procedures will be initiated:

1. The student will be contacted to discuss the alleged violation.
2. The student will be given an opportunity to respond.
3. The panel or 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 student conduct administrator or dean of students designee will communicate all findings and decisions in writing to the student and to the dean of students or dean of students designee.

## E. Requests for 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 business days of receipt of the student conduct administrator's written decision. Requests for appeals are not intended to be a rehearing of the complaint. In most cases, appeals will be confined to a review of written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. Appeal decisions shall be deferential to the original hearing body, making changes to the finding only where there is clear error and to the sanction only if there is compelling justification to do so.

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 her or his case.
  - b. Existence of new and relevant information or 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.

If one or more of the above criteria for being granted an appeal is met, the resulting appeal will be heard by the Student Conduct Panel or the designee of the Dean of Students.

2. If an appeal request results in an appeal, the individual(s) 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 or panel for a new student conduct meeting.

Decisions made by the appellate administrator or panel are final.

## F. College Regulations Panel

The College Regulations Panel is a committee established by the president and composed of four students, two appointed faculty members, and one faculty member or administrator who 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.

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 her or his designee (See section Section II. A: The Dean of the College and Section II. C: Dean of Students).

- b. Hear appeals of administrative actions taken by the dean of the college in accordance with Section II. A. Decisions made by the College Regulations Panel on appeal are final.
2. The Procedures of the College Regulations Panel.
    - a. The College will proceed to the adjudication phase after a fair and impartial investigation of all credible complaints made in good faith to appropriate college personnel. The respondent and reporting individual (if applicable) may suggest names of witnesses whose statements might be useful in the investigation. The investigator will interview pertinent witnesses and then include a summary of these discussions in her/his investigator's report.
    - b. The adjudication phase consists of a hearing before a trained a committee established by the president and composed of four students, two appointed faculty members, and one faculty member or administrator who serves as chair. The chair oversees the College Regulations Panel hearing process and does not vote. Whenever possible, the full Panel will meet; however, at times, a panel may consist of as few as 4 panelists, as long as there is at least one student and one faculty/administrator.
    - c. The respondent and reporting individual (if applicable) will be given notification of the charges filed, a notice of when and where the hearing will take place, and a copy of the Rules and Procedures at least three college business days prior to the scheduled meeting time.
    - d. In the event that the either the respondent or reporting individual (if applicable) does not appear for the hearing, the panel will review the available evidence and testimony and reach a decision in the absence of the respondent. If, in the opinion of the Dean of Students or Dean of Students designee, there is a valid reason for delaying the hearing, a second date and time will be established.
    - e. The respondent and reporting individual (if applicable) may review the College's investigation file in hardcopy at the Dean of Students Office at least two days prior to the hearing. All parties have the right to review the following information contained in the case file:
      1. the letter outlining the alleged violations
      2. the investigator's Investigation Report
      3. relevant Security Reports
      4. any written statements by witnesses to the incident
      5. the number of witnesses attending the hearing
      6. the names of participating panel members



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Separate copies of the file will not be emailed or sent to either party. Material may not be removed from the office or photocopied, but personal notes may be taken while reviewing the file. The panel and both parties will have access to the investigative file for review during the hearing.

- f. The investigator will read the Investigation Report to the panel which will include a review of available evidence from a summary of interviews with involved parties and pertinent witnesses.
- g. The respondent and reporting individual (if applicable) may suggest names of witnesses whose statements might be useful in the investigation. The investigator will interview pertinent witnesses and then include a summary of information related to any allegations that resulted from these discussions in the investigator's report. Efforts will be made to convey pertinent witness information to respondents and reporting individuals prior to the creation of final investigation notes to allow for an opportunity for reaction and/or questions. Generally, since pertinent witness statements are included in the investigator's report, witnesses do not attend the hearing. If, after reviewing the investigation notes, the respondent or reporting individual have any remaining questions related to information submitted by witnesses, said questions should be immediately submitted to the investigator so that an effort can be made to identify if it would be beneficial to invite the witness to participate in the panel meeting to receive questions in person. If the investigator believes that it would be helpful to the panel for a witness to be present, such individuals must be identified to the Dean of Students at least two business days before the date of the hearing. Both parties will be notified of the names of all witnesses that will be present at the hearing.
- h. The respondent and reporting individual (if applicable) may make a statement to add any factual information that might be missing from the investigator's report. These additions should be factual and related to the incidents in question, and not related to the impact. In cases where there is a respondent and reporting individual, neither party is required to make a statement in the physical presence of the other party. Each party will have the option of attending all or part of the hearing by live video or audio conference call so that a party does not have to be in the same physical space as the other party during the hearing.
- i. The respondent and reporting individual (if applicable) may ask questions of each other, witnesses, and/or the investigator during the hearing by submitting questions to the chair. All reasonable questions will be asked by the chair on behalf of the parties. The panel may also ask questions of the parties, witnesses, and the investigator.
- j. A support person may accompany the respondent and reporting individual (if applicable) at all phases of the investigation and at a College Regulations Panel hearing. This support person must be a member of the college community. Except as directed by the investigator or chair, a support person shall limit her/his role in a hearing to that of a support person to the complainant/alleged victim. A request may be made to the Dean of Students for special consideration to bring a support person who is not a

member of the college community in extraordinary circumstances, but the presumptive stance of the college is that support persons must be members of the college community. Support persons may not make comments or gestures at the hearing, may not take notes, and may not communicate with the person they are accompanying in any way, including whispers, gestures, notes, etc. Any support person who does not adhere to these guidelines will be asked to leave by the panel chair.

- k. The respondent and reporting individual (if applicable) may object to the assignment of a member of the panel; however, the College will only replace a member upon demonstrated bias or conflict of interest.
- l. When necessary or appropriate, witnesses, parties, and/or support persons may participate by live video or audio conference call if they are not able to be present on campus.
- m. The College Regulations Panel will determine by a two-thirds majority vote based on the preponderance of the evidence whether the respondent is responsible for each charge. If less than two thirds of the panelists vote for a responsible finding, the respondent shall be considered “not responsible.”
- n. The respondent and reporting individual (if applicable) may submit a written Impact Statement to the Dean of Students one college business day before the hearing. This statement would address the impact on the submitter of the incident being discussed at the hearing. Impact Statements will be provided to the panel after decisions have been made regarding responsibility for violations, but before the panelists discuss possible sanctions if the respondent is found responsible.
- o. If the respondent is found responsible for any of the charges the panel will consider sanctions. The chair will provide the panel with the following additional information: Impact Statements, information about any prior violations and sanctions related to the respondent, the results of any previous College Regulations Panel hearings involving very similar violations, and the list of suggested parameters for all violations of College Regulations. The panel will, by consensus, determine an appropriate package of sanctions for the violations.
- p. The respondent and reporting individual (if applicable) will receive a notice of the hearing outcome and the imposed sanction(s) generally within 3 business days after the date of the hearing.
- q. The respondent and reporting individual (if applicable) may appeal the findings of the hearing body and/or final determination and sanction(s) within 5 business days in accordance with the standards and procedures for appeal in the Student Handbook.
- r. A summary of the findings and sanctions (if applicable), with names omitted, will be posted on the Dean of Students bulletin board and the Presidents’ bulletin board.
- s. Retaliation, intimidation, or reprisal of any kind following a hearing, or during or after any phase of the investigative or adjudicative process, will

not be tolerated. Both parties are encouraged to report such incidents promptly to the Dean of Students.

## G. Title IX Hearing

At the conclusion of a Title IX investigation the matter can be resolved administratively at the discretion of the Title IX Coordinator and with the consent of both the reporting individual and the respondent. The College will proceed to the adjudication phase if, after an investigation, the matter is not resolved administratively. The adjudication phase consists of a hearing before a trained external neutral adjudicator and college liaison. The adjudicator will hear allegations of violations of college regulations involving sexual misconduct, stalking, dating/domestic violence and other similar incidents of gender-based harassment or violence and will have received specialized training with respect to these issues. The Title IX Coordinator is responsible for this hearing process. At the conclusion of either the administrative resolution or hearing, written notice will be provided to both parties to communicate the findings and sanction(s), if applicable.

### Hearing Procedures:

1. The reporting individual and respondent may review the College's investigation file in hardcopy at the College at least two days prior to the hearing. Separate copies of the file will not be emailed or sent to either party. The hearing body and both parties will have access to the investigative file for review during the hearing.
2. The reporting individual and respondent may make a statement, present evidence and witnesses, and/or submit relevant information at the hearing. The College may also present witnesses and/or information. All witnesses must be identified to the Title IX Coordinator at least two business days before the date of the hearing. Both parties will be notified of the names of all witnesses that will be present at the hearing.
3. Neither party is required to make a statement in the physical presence of the other party. Each party will have the option of presenting evidence and attending all or part of the hearing by live video or audio conference call so that a party does not have to be in the same physical space as the other party during the hearing.
4. The reporting individual and respondent may ask questions of each other, witnesses or other individuals during the hearing by submitting questions to the hearing body. All reasonable questions will be asked by the hearing body on behalf of the reporting individual and respondent. The hearing body may also ask questions of the parties.
5. The reporting individual and respondent may be accompanied by an advisor/support person of his/her choice during the hearing. The advisor/support person may assist the reporting individual or respondent, but may not participate in the hearing. Advisors/support persons must be identified to the Title IX Coordinator at least two business days before the date of the hearing.
6. When necessary or appropriate, witnesses, parties, and/or advisors/support persons may participate by video or conference call if they are not able to be present on campus.

7. The hearing body will provide a written finding on the charges to the Dean of the College or his designee and may recommend sanctions. The parties may submit an impact statement to the hearing body after it has made a determination as to responsibility so that the hearing body may consider such written statements before it recommends a sanction, if any, to the Dean. It may be necessary to provide the hearing body an extension of time to submit its report depending on the circumstances of a case, such as if the parties submit an impact statement. In all cases the hearing body will submit its report to the Dean of the College or his designee as soon as possible. The Dean of the College or his designee will make a final judgment on the findings and assign an appropriate sanction, if any, after reviewing the findings and consulting with the hearing body.
8. The reporting individual and respondent will receive a notice of the hearing outcome and the imposed sanction(s) generally within 3 business days after the date of the hearing.
9. The reporting individual and respondent may appeal the findings of the hearing body and/or final determination and sanction(s) within 5 business days in accordance with the standards and procedures for appeal in the Student Handbook.
10. Retaliation, intimidation, or reprisal of any kind following a hearing, or during or after any phase of the Title IX investigative process, will not be tolerated. Both parties are encouraged to report such incidents promptly to the Title IX Coordinator.

## **H. Intersession Regulations Panel**

The Intersession Regulations Panel, a special subset of the College Regulations Panel is composed of three members, at least two of which are members of the faculty or administration. A student panelist will be included if, in the opinion of the dean of students and the chairperson of the Student Conduct Board, there is a member of the Student Conduct Board available. This panel is in session when the College Regulations Panel is not in session, that is, when classes are not in session. This panel hears allegations of violations of college regulations that would be handled by the College Regulations Panel if it was in session. Panelists will have received the same training as that received by College Regulations Panel panelists. The procedures of this panel are identical to those of the College Regulations Panel, and appeals of decisions will be directed to the College Regulations Appeals Committee.

## **I. College Regulations, Intersession Regulations, and Title IX Hearing Appeals Committee**

Following a College Regulations, Intersession Regulations Panel, or Title IX hearing, any party (alleged victim or accused student) may request an appeal of the findings and/or sanctions only under the grounds described below.

General dissatisfaction with the outcome of the hearing is not grounds for appeal. When a violation of college regulations is established and a penalty determined, sanctions will take effect immediately, even pending an appeal.

1. Procedures: The following procedures will be used for reviewing requests for appeals:
  - a. The decision of the College Regulations Panel may be appealed by petitioning the College Regulations Appeals Committee chaired by the dean of the college, or her or his designee, within five business days of receiving the written decision for a review of the decision or the sanctions imposed. The signed and dated request for appeal must be hand delivered or sent by certified mail 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.
  - b. A request may be made to the dean of the college for special consideration in exigent circumstances, but the presumptive stance of the college is that the sanctions will stand. In cases where the appeal results in reinstatement to the institution or of privileges, all reasonable attempts will be made to restore the individual to her or his prior status, recognizing that some opportunities may be irretrievable in the short term.
  - c. The chair will review the request for appeal to determine if the appeal meets the limited grounds and is timely. The chair will then share the appeal with the other party (e.g., if the accused individual appeals, the appeal is shared with the victim, who may also wish to file a response), and to the investigator who presented the case to the panel who will then draft a response memorandum (also shared with all parties).
  - d. The original finding and sanction will stand if the appeal is not timely or substantively eligible, and the decision is final. If the appeal has standing, the documentation is forwarded to the College Regulations Appeals Committee for consideration. The party requesting appeal must show error as the original finding and sanctions are presumed to have been decided reasonably and appropriately.
  - e. The chair's decision to deny appeal requests is final.
2. Principles: The following principles will govern the hearing of all appeals:
  - a. All parties will be informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision in a timely manner.
  - b. Every opportunity to return the appeal to the original hearing body for reconsideration (remand) shall be pursued.
  - c. Appeals are not intended to be a rehearing of the complaint (de novo). In most cases, appeals will be confined to a review of written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal.
  - d. Appeal decisions shall be deferential to the original hearing body, making changes to the finding only where there is clear error and to the sanction only if there is compelling justification to do so.
3. Grounds for Appeal: The only grounds for appeal are as follows:

- a. A procedural error that substantially affected the outcome of the hearing (e.g., substantiated bias, material deviations from established procedures). Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice resulted.
  - b. To consider new evidence, unavailable at the time of the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; and alter the outcome of the hearing.
  - c. The sanction(s) imposed are disproportionate to the severity of the violation and substantially outside the parameters set by the college.
4. Possible Outcomes: The College Regulations Appeals Committee will make one of the following decisions:
- a. If the College Regulations Appeals Committee determines that new evidence should be considered, it will return the complaint to the original hearing body to reconsider in light of the new evidence only. The reconsideration of the hearing body is not appealable.
  - b. If the College Regulations Appeals Committee determines that material procedural (or substantive) error occurred, it may return the complaint to the original hearing body with instructions to reconvene to cure the error. In rare cases, where the procedural (or substantive) error cannot be cured by the original hearing body (as in cases of bias), the College Regulations Appeals Committee may order a new hearing on the complaint with a new body of hearing panel members. The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed, once, on the three applicable grounds for appeal.
  - c. If the College Regulations Appeals Committee determines that the sanctions imposed are disproportionate to the severity of the violation and substantially outside the parameters set by the college, the College Regulations Appeals Committee will return the complaint to the sanctioning body (i.e. College Regulations Panel, Dean of the College or his designee), who may then increase, decrease, or otherwise modify the sanctions, in consultation with the dean of students. This decision is final.
5. Notification: The chair will render a written decision ordinarily within seven college business days from the hearing of the appeal, and will notify all relevant parties. The decision of the College Regulations Appeals Committee is final and binding upon all involved

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## J. Accommodations for Students with Disabilities Participating in the Student Conduct Process

A student requesting an accommodation on the basis of a disability in regard to a student conduct meeting, college regulations panel hearing, or VSA judicial board hearing must follow the appropriate process for requesting an accommodation through the Office for Accessibility and Educational Opportunity (AEO). The AEO office will make a determination regarding the request and notify the appropriate parties.

## K. Academic Panel

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

## L. 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*.

## M. Sanctions

After determining that a violation has occurred, the appropriate panel or 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 responsible for violating a college regulation, the sanction(s) assessed for the offense will ordinarily go into immediate effect. A list of sanctioning parameters is available at the Office of the Dean of Students. 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 onor off-campus course, or participation in a college-sponsored drug and alcohol workshop for violations of the college's drug and alcohol policy.
2. Warning: A written warning or censure is an official statement from the student conduct administrator, Student Conduct Panel, 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. Reassignment: A student who is reassigned will be required to move from one assigned space to another; most often in a different house. It will often include a ban from the previous house.
8. 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, Student Conduct Panel, 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.
9. 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 her/his designee.
10. 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.
11. 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 her or his designee. Financial reimbursement is made according to the tuition refund schedule listed in the college catalogue.
12. 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.



## N. Students' Bill of Rights<sup>8</sup>

All students have the right to:

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

## O. Retention and Reporting of Disciplinary Records

Student conduct records, including related documents, are confidential to the extent allowed by college policy and the law and in accordance with FERPA (Family Educational Rights and Privacy Act of 1974, as amended). Access to disciplinary records is also provided in accordance with FERPA.

1. Student conduct records (warning and probation) shall be maintained for a minimum of seven years from the academic year in which the case was resolved except in cases as described below, as required by law, or in matters that may result in future litigation.
2. Disciplinary matters that result in suspension, expulsion, other prohibition from future enrollment, or other withdrawal for disciplinary reasons are kept indefinitely.

<sup>8</sup> The "Students' Bill of Rights" is a statewide uniform list of rights as prescribed by Article 129-B of the New York Education Law which was signed into effect on July 7, 2015.

3. Academic Panel Records are permanent records, except in extraordinary circumstances when by vote of the Panel and by recommendation of the President they are expunged.
4. In cases where the student does not graduate, the record will be maintained as long as the student remains eligible to re-enroll. Records of pending matters are kept indefinitely; once resolved, they are kept and maintained according to the policy stated above.
5. When a student is suspended or expelled because of a responsible finding for a violent offense<sup>9</sup>, Vassar will make a notation on the student's transcript that they were "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." Individuals who withdraw from the college while such conduct charges are pending will have "withdrew with conduct charges pending" on their transcript until the case is resolved. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed. Students may submit a written request to the Dean of Studies Office that the suspension notation be removed from the transcript. Notation for suspensions is not eligible for removal until one year after the suspension has been completed. In considering a student's request, the College will look at whether there has been any further conduct violations in the year following conclusion of the suspension. The college will keep a confidential, internal record of the suspension. Notation for expulsions shall not be removed.

Generally, information from the files is not released without the written consent of the student. When presented with a signed release by the student, the dean of studies will write a narrative disclosing student conduct information to third parties designated by the student. Certain information may be provided to individuals within or outside the college who have a legitimate legal or educational interest in obtaining it. Student disciplinary records may also be subject to subpoena or court order. The college will make a reasonable effort to notify a student prior to releasing her or his records in response to a judicial order, subpoena, or as required by law.

## **P. 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 her or his designee for final determination.
2. The Vassar College Regulations shall be reviewed at least every three years under the direction of the dean of the college.
3. Changes to the policies and procedures may occur at any time in response to legal and/or regulatory developments. Any such revisions will be published electronically and posted online.

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<sup>9</sup> Article 129-B of the New York Education Law requires transcript notations for "violent crimes" which include murder, sexual offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, manslaughter, and arson, as defined by the Jeanne Clery Act.

