

# VASSAR COLLEGE REGULATIONS FOR 2023-24

Vassar students are responsible for knowing the information, policies, and procedures outlined in this document.

Vassar College reserves the right to make changes to this handbook as necessary, and once those changes are posted online, they are in effect. Students, faculty, administrators, and staff are encouraged to check online at <https://offices.vassar.edu/dean-of-the-college/documents/college-regulations/> for the updated versions of all policies and procedures.

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## Introduction

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 their 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 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.

*Vassar College Regulations* is a guide for all students and employees 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, 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*
- *Administrator 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

## **Statement on Academic Responsibility and Respect for Persons**

Vassar College values freedom of expression and supports deep engagement in and equitable access to teaching, learning, scholarly research, and artistic endeavor. The College is committed to the pursuit of knowledge, freedom of inquiry, and informed, robust, and inclusive debate. Vassar's faculty and students may engage with an array of disciplines and issues and are free to explore contested ideas and political positions. Our community welcomes forms of dissent and protest that acknowledge and encourage the expression of different perspectives.

The College recognizes the legal limits to academic freedom and free expression. Unlawful conduct, such as defamation and the incitement of violence, will not be tolerated. As a private institution, Vassar is a voluntary association of persons who share a responsibility to respect the rights, dignity, and integrity of all community members and guests. In addition to adhering to federal and state laws, all community members and guests are expected to abide by Vassar's governing principles when engaging with one another. Abusive or bullying behavior has no place in this environment.

Membership in an intentional learning community also calls for a spirit of generosity and the ability to question our own assumptions. The College thus urges individuals to approach one another as partners in a learning process that facilitates the creation of knowledge, while fostering a rich intellectual and cultural environment in which all are empowered to thrive. Only a community that honors freedom of expression, different points of view, and mutual interdependence can serve the objectives of a liberal arts education and the needs of the complex, pluralistic society of which Vassar is a part.

(Approved by the Faculty November 18, 2020)

## 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

#### A. Authority of the Students

##### 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.

##### 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.

#### B. Relations of Trustees and Students

##### 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.

##### 2. Student Responsibilities

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

- (a) 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.
- (b) 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 the student such assistance as appropriate and practicable.
- (c) 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 them, in writing.

- (d) 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 their determination, have provided justifiable cause, whether on or off the campus, therefore.

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

### A. Article V. Officers of the College

#### 1. The President

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.**

#### 4. 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 their tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibilities for the College.

5. **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 93 percent. Additional graduation and retention rate information is available from the Office of the Registrar.

## B. Student Governance

Vassar has a long tradition of shared governance, affording students a significant role in the decision-making processes of the College. As set forth in the Governance of the College, students have control over the undergraduate student government pursuant to a constitution authorized by the President of the College and the Faculty Senate. Through its various branches and in accordance with its Governing Documents and the Governance of the College, the Vassar Student Association works to promote its mission of serving, representing, promoting the interests of and improving the welfare of its members.

All matriculated Vassar students are members of the VSA and enjoy the rights and responsibilities embodied in its governing documents.

### I. VSA Governing Documents

The Constitution, the Bylaws, and any additional established policies are the governing documents of the Vassar Student Association. The most current Constitution and bylaws were ratified and adopted in December 2022.

The Constitution establishes and enumerates the Association's and the bodies of the Association's powers and scope. The Bylaws are primary rules adopted and amended by the Senate. They establish subordinate organizations and officials, lay out procedures and offices described in the Constitution, and assign additional duties to officials of the Association. Policies are established by bodies within the VSA to provide for the mission, composition, and practices of that respective body.

All governing documents can be found on the VSA website, at [vsa.vassar.edu/governance](https://vsa.vassar.edu/governance)

### II. VSA Senate

The Senate, chaired by the President and supported by the Vice President, is the legislative body of the Vassar Student Association. The sixteen Class Senators work to advocate on behalf of the student community through the Senate resolutions and casework processes and their service on college committees (see Article IV below). The Senate also oversees the spending of the student activity fee (see article III below) and student organizations. Other Executives also regularly report to the Senate, and report as requested, though they are not themselves members of the Senate.

All Senate meetings, including committee meetings, are open to all students and will be properly publicized.

The Senate has six (6) standing committees:

1. Academic Affairs
2. Residential Affairs
3. Student Financial Affairs
4. Internal Affairs
5. Allocations
6. Organizations

#### A. Academic Affairs Committee

The Committee reviews, monitors, and proposes all main motions introduced in the Senate related to College actions and policies affecting the academic community, especially as it pertains to the academic life and experience of students.

#### B. Residential Affairs Committee

The Committee reviews, monitors, and proposes all main motions introduced in the Senate related to College actions and policies affecting the residential community, especially as it pertains to the residential life and experience of students.

**C. Student Financial Affairs Committee**

The Committee reviews, monitors, and proposes all main motions introduced in the Senate related to College actions and policies affecting the financial commitments of the College as it pertains to student employment and financial aid.

**D. Internal Affairs Committee**

The Committee reviews, monitors, and proposes all main motions introduced in the Senate related to: changes to the Constitution, the Bylaws, Senate Rules, or Senate Policies; the general outreach efforts and strategies of the Association to its constituents; the commissioning of subcommittees, select committees, and review committees; the official stances of the Association; and any other issues related to the internal affairs of the Association.

**E. Allocations Committee**

The Committee oversees the Funds of the Association and make final recommendations of disciplinary action against Student Organizations or its Treasurer for actions or inactions of a financial nature to the Judicial Council, or, in the recommendation of censures, to the Senate. The Committee also reviews the fund applications of the Special Purpose Funds and Capital Fund as requested by the Director of Finance and all appeals to allocation decisions made by the Division of Finance and makes final recommendations to the Senate.

**F. Organizations Committee**

The Committee oversees all Student Organizations and makes final recommendations of disciplinary action against Student Organizations or its officers for actions or inactions of a non-financial nature to the Judicial Council, or, in the recommendation of censures, to the Senate. The Committee, in overseeing Student Organizations, reviews certification applications of Preliminary and Certified Organizations and Student Organization policy changes and makes final recommendations to the Senate.

**III. VSA Executive**

The Executive Branch, led by the President and comprised of the Cabinet and their offices and divisions, serves as the executive authority of the Vassar Student Association, overseeing the day-to-day coordination, management, and operations of the Association and collaborating with faculty, administrators, alumnae/i, and the trustees.

The Cabinet consists of the ten Executive Officers are the President, Vice President, Equity Executive, Sustainability Executive, Wellness Executive, Director of Services, Director of Finance, Director of Student Organizations, Director of Student Events, and Director of Communications. Each officer oversees a respective office or division and relevant hired student employees, known as the Civil Service.

**IV. Student Activity Fee**

The VSA is funded through the collection of a student activity fee and the VSA Restricted Endowment Fund. The VSA Senate, in accordance with the procedures set forth in the Bylaws, is responsible for developing and approving an Annual Budget.

**V. Joint Committees of the College**

The VSA works with the administration, faculty, and staff to advance the educational, social, and residential objectives of Vassar College. 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. To this end, members of the VSA Senate serve on joint committees, such as the Committee on College Life and the Committee on Curricular Policies, to provide input on proposed policies that affect the student experience.

## **VI. Other Bodies**

### **A. Judicial Council**

Elected to uphold the Governance of the Association, the members of the Judicial Council work to adjudicate any disputes under the purview of the Association.

### **B. Elections and Appointments Commission**

Appointed to protect the integrity and independence of student elections, the members of the Elections and Appointments Commission control all VSA elections, appointments, recalls, and all related activities.

## C. Resources Available to Members of the College Community

The Associate Dean of the College for Student Living and Wellness, Director of Residential Education, Director of Health Education, Associate Dean of the College for Student Growth and Engagement, House Advisors, Students on House Team, and House Fellows are trained to provide support for students.

For academic support, the Dean of the Faculty, the Dean of Studies, Dean of First-Year Students, class advisors, major advisors, and pre-major advisors are also available to provide support and academic advice for students.

### I. On-Campus resources

#### A. The Counseling Service

The Counseling Service provides confidential, short-term individual and group counseling, medication management, a walk-in clinic, and emergency support. Call (845) 437-5700 or email [counseling@vassar.edu](mailto:counseling@vassar.edu) to make an appointment. A Counselor-on-Call is available 24/7 and may be contacted through the Campus Response Center, (845) 437-7333.

#### B. The Office of Equal Opportunity and Affirmative Action / Title IX

The Office of Equal Opportunity and Affirmative Action (EOAA) provides resources, training, and reporting options to students, faculty, administrators, and staff to address issues of discrimination, harassment, sexual harassment, and sexual misconduct, including sexual assault, dating and domestic violence, and stalking. The Equal Opportunity and Title IX Team serves in a neutral role and can speak with all parties involved in a case about their options and rights, and can assist parties with accessing resources on- and off-campus. An individual does not have to decide whether or not to file a formal complaint or participate in an investigation at the time the report is made. Vassar recognizes that choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. The Equal Opportunity and Title IX Team will respect an individual's autonomy in making these important decisions. Supportive measures and accommodations can be put into place without the submission of a Formal Complaint or an investigation.

##### 1. Office of Equal Opportunity and Affirmative Action / Title IX

Belinda Guthrie, AVP for Institutional Equity & Title IX Coordinator  
Jeff Schneider, Faculty Director of Affirmative Action / Associate Professor of German Studies  
Vassar College, Box 645  
124 Raymond Avenue  
Poughkeepsie, New York 12604-0645  
Phone: (845) 437-7924  
Fax: (845) 437-5715  
<http://eoaa.vassar.edu>  
Email: [TitleIX@vassar.edu](mailto:TitleIX@vassar.edu)

To report an incident or concern:

[EOAA/Title IX Reporting Form](#)

#### C. The Office of Campus Safety (845) 437-5221

The Office of Campus Safety promotes safety and security on campus, including round-the-clock protection by the uniformed, unarmed safety officers, escort and shuttle services during evening hours, and crime prevention programs. For campus emergencies, contact (845) 437-7333.

**D. The Campus Response Center (CRC) (845) 437-5221**

Operated by the Campus Safety Office, is located in the Main lobby and can be reached 24 hours a day, 7 days a week.

Call the CRC if you are in need of the Vassar Health Services EMT, an ambulance, the fire department, the Residential Living and Wellness Administrator on Call, the after-hours Counselor on Call services, or other emergency services.

Stay informed, watch for Timely Warning Notices (Emergency, Crime, and Safety Alerts) sent out from the Campus Safety Office. Please know, you will not receive emergency text alerts and phone calls if your cell phone is not on file with the College. Email [registrar@vassar.edu](mailto:registrar@vassar.edu) to update your cell phone number.

**E. Emergency Medical Services (VCEMS) (845) 437-7333,**

Emergency Medical Services (VCEMS) provides high quality, confidential, emergency medical care for the Vassar College community in collaboration with the Vassar Emergency Medical Technician during the academic year. Emergency service response can be requested for an after hours medical or mental health emergency by contacting the aforementioned number.

**F. The Health Service (845) 437-5800**

The Health Service is open from 9:00am to 5:00pm Monday-Friday and from 12:00 noon-4:00pm on Saturday and Sunday during the academic year, and is staffed by physician's assistants, nurse practitioners, a supervising physician and nurses. The Health Service provides routine and acute primary medical care to Vassar students. Travel health counseling is available and immunizations can be given, as well as allergy injections. Routine laboratory testing and EKG tracings are available, as is referral to outside agencies when needed. Routine gynecological and gender-affirming health services are offered as is men's health counseling. 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 after hours EMT can be contacted at (845) 437-5221 when the Health Service is closed.

**G. The Office of Health Promotion and Education**

The Office of Health Promotion and Education is open from 9:00am to 5:00pm Monday-Friday and from 12:00 noon-4:00pm on Saturday and Sunday during the academic year, and is staffed by physician's assistants, nurse practitioners, a supervising physician and nurses. The Health Service provides routine and acute primary medical care to Vassar students. Travel health counseling is available and immunizations can be given, as well as allergy injections.

Routine laboratory testing and EKG tracings are available, as is referral to outside agencies when needed. Routine gynecological and gender-affirming health services are offered as is men's health counseling. 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 after hours EMT can be contacted at (845) 437-5221 when the Health Service is closed.

**H. Case Management, Advocacy, Resources and Education (CARE Office)**

The CARE Office (Case Management, Advocacy, Resources, and Education) at Vassar provides compassionate and individualized Case Management support to any student going through a challenging time or experiencing distress. We believe that holistic support and connection to resources on-campus and in the community are essential to a student's overall wellness and their ability to thrive both academically and personally. We are committed to empowering students to attend to their needs holistically and access support services by providing a safe space focused on supportive care, advocacy, resources, and education. We provide support with a variety of needs including difficulties adjusting to campus, navigating multiple offices on-campus, connecting to resources on and off campus, as well as emotional support. Although Case Management is not counseling, it works closely with Counseling and other offices to ensure students are receiving the care and support they need. If your student is

experiencing a challenging time or if they would like to discuss resources available to them both on-campus and off campus, they can contact Erika Pappas or Jessie George at the CARE office to schedule an appointment. The CARE office email address is [care@vassar.edu](mailto:care@vassar.edu)

The CARE Office is located in Main S180. The sign on the glass door is the Live Well Lounge. The office is open from 9:00am-5:00pm during the academic year and can be reached at (845) 437-7825. Students are welcome to stop by or email the CARE office at [care@vassar.edu](mailto:care@vassar.edu) for information about services offered or to schedule a one-on-one consultation. For more information, please visit: <https://offices.vassar.edu/care/>

### **I. The Support, Advocacy, and Violence Prevention (SAVP) Office**

The Support, Advocacy, and Violence Prevention (SAVP) Office provides individualized support and advocacy to survivors of sexual violence, intimate partner violence, relationship abuse, dating violence, or sexual harassment, past or present. The SAVP Office also provides support to friends, family, or other direct supporters of someone impacted by interpersonal violence. In addition to providing support and advocacy, the SAVP Office oversees campus prevention programming, including bystander intervention trainings, consent education, healthy relationship education, community awareness, and other workshops for students, faculty, staff, and administrators. To schedule an appointment for support and advocacy with the SAVP Office, you can email [savp@vassar.edu](mailto:savp@vassar.edu) or call (845) 437-7863.

Support, Advocacy, & Violence Prevention (SAVP) Advocates are trained Vassar faculty, administrators, and staff who are available 24/7 to provide survivor-centered advocacy and support for survivors of sexual assault, relationship abuse, and stalking. They will discuss your options with you, even if you are not ready to take any action. They will go over your rights, give you support, and make sure that you have as much control of the process as possible. They can help connect you to resources on or off-campus. SAVP Advocates will let you make decisions based on what is safe and comfortable for you. SAVP Advocates can be reached 24/7 by calling the Campus Response Center, (845) 437- 7333 and asking to speak with the SAVP Advocate on call.

### **J. Administrator- On-Call**

Administrator- On-Call (AOCs) is one of your six House Advisors. They are on call 24/7 and can support you with any concerns, troubleshoot any issues you're having, connect you to necessary campus/community resources, and more. Students can speak to the AOC by calling the CRC at (845) 437-5221 or 7333. Please note that when you contact the AOC, they will return your call from a private number, so be sure to answer if you've requested contact from an AOC.

## **II. Off-Campus Confidential Community Resources**

### **A. Center for Victim Safety and Support (CVSS) at Family Services:**

Rape Crisis/Crime Victim's Hotline (24/7): (845) 452-7272

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

By text: (845) 583.0800

Online: [www.resourceconnect.com/cvss/chat](http://www.resourceconnect.com/cvss/chat)

Phone: (845) 452-1110 ext. 3400

### **B. New York State Domestic Violence and Sexual Violence Hotline**

24/7, 1-800-942- 6906

## 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 Campus Safety, 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 typically announced in advance. All students and employees are encouraged to provide contact information that can be used in the event of an emergency.

Instructions on how to view and update your contact information can be found on the Crisis Communication System web page. (Note: you will need to log into the service desk site to view this page.) For updates, students will be directed to email the Registrar's office at [registrar@vassar.edu](mailto:registrar@vassar.edu) and employees will be directed to Workday. Know that it may take several days for phone number updates to reach the emergency communication system so you should do this as soon as possible. If you need assistance updating your information, please contact the service desk at x7224 or via email to [servicedesk@vassar.edu](mailto:servicedesk@vassar.edu)

You can visit the Crisis Communication System web page if you would like further information on this alert system.

#### 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, (845) 437-5200. Information is also available at <http://info.vassar.edu/resources/emergency/>.

In an emergency, call 911 and Campus Safety 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 the Associate Dean of the College, Residential Life and Wellness 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 the Campus Safety Office with that information immediately upon exiting the building.
2. Call 911 and the Campus Safety Office at (845) 437-7333 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 Campus Safety Office emergency phone number (845) 437-7333 and 911 into your phone.

Any individual requiring evacuation assistance is encouraged to update their/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 their/their condition that would require a change in assistance). A list of persons needing evacuation assistance will be distributed to the Arlington Fire Department as well as the Campus Safety Office.

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

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

#### A. The Office of Campus Safety (845) 437-7333

#### B. Administrator-on-call

House Advisors serve on a rotating basis; the Associate Dean of the College, the Director of Residential Education, the Director of Student Conduct and Housing, and the Residential Case Manager serve as back-up Administrator-on-call on a rotating basis.

#### C. Emergency Medical Services (VCEMS)

Emergency Medical Services (VCEMS), (845) 437-7333, provides quality, confidential, volunteer emergency medical care for the Vassar College community in collaboration with the Vassar after hours EMT during the academic year. Emergency services can be requested after hours by contacting the aforementioned number.

#### D. Counselor-on-call

Call (845) 437-7333 and request to speak to the Counselor-on-call. Licensed counselors are available 24/7 to speak to students

#### E. Support, Advocacy, and Violence Prevention (SAVP) Advocates

Support, Advocacy, and Violence Prevention (SAVP) Advocates are trained Vassar faculty, administrators, and staff who are available 24/7 to provide survivor-centered advocacy and support for survivors of sexual assault, relationship abuse or intimate partner violence, and stalking. SAVP Advocates can be reached 24/7 by calling the Campus Response Center, (845) 437-7333 and asking to speak with the SAVP Advocate on call.

#### F. New York State Department of Health-approved Rape Crisis Centers

New York State Department of Health-approved rape crisis centers provide free and confidential services for sexual assault victims, survivors, and their close family and friends. Services at most centers include:

- Free, confidential sexual assault hotline
- Information about sexual assault
- Referral to other community service providers as needed
- Crisis intervention and ongoing support
- Medical and legal advocacy
- Community awareness, outreach, and prevention activities
- Most crisis hotlines are available 24 hours a day, 7 days a week.

### IV. Off-Campus Confidential Community Resources

#### A. Rape Crisis/Crime Victim's Hotline (845) 452-7272

By text: (845) 583-0800

Online: [www.resourceconnect.com/cvss/chat](http://www.resourceconnect.com/cvss/chat)

Phone: (845) 452-1110 ext. 3400

## B. New York State Domestic Violence and Sexual Violence Hotline

24/7, 1-800-942-6906

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

Vassar is committed to protecting its community members from the risk of harm, and preserving the integrity of its learning, residential, and working environments. In extraordinary circumstances, a student may be required to leave the College if there is sufficient evidence that the student is engaging in, or is likely to engage in, behavior that poses a danger of harm to 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 Associate Dean of the College if, in their judgment, one of the following criteria is met:

- A. The student's behavior indicates a significant risk to the health and safety of others, or
- B. The student exhibits behavior that interferes with their ability to function in an academic or residential setting and 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 education, 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 Associate Dean of the College 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.

## VI. Missing Student Policy and Protocol

The following policy has been established concerning students who live in College-owned campus housing and who, based on the facts and circumstances known at the time to College officials, are presumed to be missing. Reports of a missing student should be made to one of the following Vassar College officials: **Director of Campus Safety**, (845) 437-7333, **Associate Dean of the College for Residential Living and Wellness**, (845) 437-5315, **Dean of the College**, (845)437-5600, **Director of Residential Education**, (845)437-5860.

Other College officials receiving a missing person's report relating to a student are required to notify the **Associate Dean of the College for Residential Living and Wellness** or **Campus Safety** immediately. Any report of a missing student will be fully investigated by appropriate college personnel under the coordination of the **Associate Dean of the College for Residential Living and Wellness** and/or the **Director of Campus Safety**. 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, or confidential contact person, the College will notify that individual as well.

### A. 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 such. Confidential contact information will be considered private and only accessible to authorized Vassar College individuals or law enforcement in the event the student is reported missing. Confidential contact information is distinct from general emergency contact information. It is kept by the Office of the Associate Dean of the College. For students under age eighteen (18) and not emancipated, Vassar is required to notify the custodial parent not later than twenty-four (24) hours after the time the student is determined to be missing. All enrolled students at the College, regardless of their living circumstances, should designate an emergency contact person. Every student (resident and non-resident) has their own student account and may enter or change, under personal information/address, a designated emergency contact person at any time by updating their contact information. Students should update their personal information at the beginning of each academic year as a part of the check-in process to their residence hall and room, and are solely responsible for the accuracy of the information provided and updating the information when needed.

## E. Discrimination and Harassment

### I. Office of Equal Opportunity and Affirmative Action / Title IX

Vassar College is committed to fostering a diverse community of outstanding faculty, staff, and students, as well as ensuring equal educational opportunity, employment, and access to services, programs, and activities, without regard to an race, color, national origin, ethnicity, citizenship status, religion, creed, age, sex (including pregnancy, childbirth and related medical conditions), gender identity, gender expression, sexual orientation, domestic violence victim status, marital status, familial status, disability, genetic information or characteristics, veteran or military status, criminal conviction, or other characteristic protected by law.

Employees, students, applicants or other members of the College community (including but not limited to vendors, visitors, and guests) may not be subjected to harassment that is prohibited by law, or treated adversely or retaliated against based upon a protected characteristic. The College's policy is in accordance with federal and state laws and regulations prohibiting discrimination and harassment. These laws include the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 as Amended by the Equal Employment Opportunity Act of 1972, and the New York State Human Rights Law. These laws prohibit discrimination and harassment, including sexual harassment and sexual violence.

Inquiries regarding the application of Title IX and other laws, regulations and Vassar College policies prohibiting discrimination may be directed to Assistant Vice President for Institutional Equity and Title IX Coordinator, Faculty Director of Affirmative Action, or Deputy Title IX Coordinator.

#### **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: [offices.vassar.edu/eoaa/](https://offices.vassar.edu/eoaa/)

Report Online: [go.vassar.edu/titleixreport](https://go.vassar.edu/titleixreport)

### A. Internal Reporting Options

1. For concerns involving students, administrators, or staff members, one may contact:  
Belinda Guthrie, Assistant Vice President for Institutional Equity & Title IX  
Coordinator, [guthrie@vassar.edu](mailto:guthrie@vassar.edu)
2. For concerns that involve members of faculty, one may also contact:  
Jeffrey Schneider, Acting Faculty Director of Affirmative Action,  
[jeschneider@vassar.edu](mailto:jeschneider@vassar.edu)

### B. 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:

Assistant Secretary of Education within the Office for Civil Rights (OCR).  
Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: [ed.gov/ocr](http://ed.gov/ocr)

Inquiries may be directed externally concerning employment discrimination to the EEOC.

#### 1. Equal Employment Opportunity Commission (EEOC)

Equal Employment Opportunity Commission (EEOC) has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

#### 2. Division of Human Rights (DHR)

A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court. DHR's main office contact information is NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. Phone: (718) 741-8400. Website: [www.dhr.ny.gov](http://www.dhr.ny.gov)

### C. Reporting a Crime

To report an incident of sexual violence, including sexual assault, dating or domestic violence, and stalking 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.

## II. TITLE IX GRIEVANCE POLICY

Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations

### A. Introduction

#### 1. What is the purpose of the Title IX Grievance Policy?

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance.

The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access our educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- (a) Defines the meaning of "sexual harassment" (including forms of sex-based violence)
- (b) Addresses how this institution must respond to reports of misconduct falling within that definition of sexual harassment, and
- (c) Mandates a grievance process that this institution must follow to comply with the law in these specific covered cases before issuing a disciplinary outcome against a person accused of sexual harassment.

See, 85 Fed. Reg. 30026 (May 19, 2020). The full text of the Final Rule and its extensive Preamble are available here: <https://www.govinfo.gov/content/pkg/FR-2020-05-19/pdf/2020-10512.pdf>

Based on the Final Rule, Vassar College will implement the following Title IX Grievance Policy, effective August 14, 2020.

**2. How does the Title IX Grievance Policy impact other campus disciplinary policies?**

Vassar College remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule.

In recent years, "Title IX" cases have become a short-hand for any campus disciplinary process involving sex-based discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, Vassar College must narrow both the geographic scope of its authority to act under Title IX and the types of "sexual harassment" that it must subject to its Title IX investigation and adjudication process. Only incidents falling within the Final Rule's definition of sexual harassment will be investigated and, if appropriate, brought to a live hearing through the Title IX Grievance Policy defined below.

To the extent that alleged misconduct falls outside the Title IX Grievance Policy, or misconduct falling outside the Title IX Grievance Policy is discovered in the course of investigating covered Title IX misconduct, the institution retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the College Regulations through a separate grievance proceeding. <https://deanofthecollege.vassar.edu/documents/college-regulations/>.

The elements established in the Title IX Grievance Policy under the Final Rule have no effect and are not transferable to any other policy of the College for any violation of the Code of Conduct, employment policies, or any civil rights violation except as narrowly defined in this Policy. This Policy does not set a precedent for other policies or processes of the College and may not be cited for or against any right or aspect of any other policy or process.

**3. How does the Title IX Grievance Policy impact the handling of complaints?**

Our existing Title IX office and reporting structure remains in place. What has changed is the way our Title IX office will handle different types of reports arising from sexual misconduct, as detailed in full throughout Section 2.

## B. The Title IX Grievance Policy General Rules of Application

### 1. Effective Date

The Title IX Grievance Policy will become effective on August 14, 2020, and will only apply to sexual harassment alleged to have occurred on or after August 14, 2020. Incidents of sexual harassment alleged to have occurred before August 14, 2020, will be investigated and adjudicated according to the process in place at the time the incident allegedly occurred.<sup>1</sup>

### 2. Revocation by Operation of Law

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title IX Grievance Policy be revoked in this manner, any conduct covered under the Title IX Grievance Policy shall be investigated and adjudicated under the pre-existing Sexual Misconduct Policy.

### 3. Non-Discrimination in Application

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the institution's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

## C. Definitions

### 1. Covered Sexual Harassment

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

- (a) An employee **conditioning educational benefits** on participation in unwelcome sexual conduct (i.e., **quid pro quo**);
- (b) **Unwelcome conduct** that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity;
- (c) **Sexual assault** (as defined in the Clery Act as rape, fondling, incest, statutory rape), which includes any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent;
  - i. **Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - ii. **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including

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<sup>1</sup> According to the Department of Education Office for Civil Rights Blog Post of August 5, 2020, "the Rule does not apply to schools' responses to sexual harassment that allegedly occurred prior to August 14, 2020. The Department will only enforce the Rule as to sexual harassment that allegedly occurred on or after August 14, 2020. With respect to sexual harassment that allegedly occurred prior to August 14, 2020, OCR will judge the school's Title IX compliance against the Title IX statute and the Title IX regulations in place at the time that the alleged sexual harassment occurred. In other words, the Rule governs how schools must respond to sexual harassment that allegedly occurs on or after August 14, 2020."



instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

- iii. **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - iv. **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent. The age of consent in New York is 17, but this varies by state.
- (d) **Dating violence** (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person:
- i. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - ii. where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - (1) The length of the relationship;
    - (2) The type of relationship;
    - (3) The frequency of interaction between the persons involved in the relationship.
  - iii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - iv. Dating violence does not include acts covered under the definition of domestic violence.
- (e) **Domestic violence** (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under New York State domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of New York.
- i. Please note that in order for an alleged Domestic Violence incident to be investigated under the policy, the relationship between the Complainant and Respondent must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have a relationship or status as described above.
- (f) **Stalking** (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress. For the purposes of this definition:
- i. **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
  - ii. **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the Complainant.
  - iii. **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  - iv. **Stalking** as defined above may not always be "on the basis of sex" (for example when an individual stalks an athlete due to celebrity worship rather than sex),

but when stalking is “on the basis of sex” (for example, when the stalker desires to date the victim) stalking constitutes “sexual harassment” for purposes of this policy. Stalking that does not constitute sexual harassment because it is not “on the basis of sex” may be addressed under other applicable College policies.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the Vassar College Regulations.

- (g) **Affirmative Consent** for the purposes of this Title IX Grievance Policy, “affirmative consent” is knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity, or gender expression.
- i. **Consent** to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time.
  - ii. **Consent** cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity.
  - iii. **Consent** cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop.
  - iv. In order to give effective consent, one must be of legal age; New York State defines 17 years as of legal age.

See Vassar College Regulations: <https://deanofthecollege.vassar.edu/documents/college-regulations/VassarCollegeRegulations.pdf>

## 2. **Education Program or Activity**

for the purposes of this Title IX Grievance Policy, Vassar’s “education program or activity” includes:

- (a) Any on-campus premises;
- (b) Any off-campus premises that Vassar has substantial control over. This includes buildings or property owned or controlled by a recognized student organization; and/or
- (c) Any activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Vassar’s programs and activities over which Vassar College has substantial control.

## 3. **Formal Complaint**

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

## 4. **Complainant**

for the purposes of this Title IX Grievance Policy, “Complainant” means any individual who has reported being or is alleged to be the victim of conduct that could constitute

covered sexual harassment as defined under this policy.

**5. Relevant Evidence and Questions**

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

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

**6. Respondent**

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

**7. Privacy vs. Confidentiality**

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

**8. Disability Accommodations**

This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Process that do not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

#### D. Making a Report Regarding Covered Sexual Harassment to the College

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

Belinda Guthrie,  
Assistant Vice President for Institutional Equity & Title IX Coordinator  
Vassar College, Box 645  
124 Raymond Avenue  
Poughkeepsie, New York 12604-0645  
Phone: (845) 437-7924  
[titleIX@vassar.edu](mailto:titleIX@vassar.edu)

##### 1. Online Report:

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

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

##### 2. Confidential and Private Reporting

- (a) The following Officials will provide *privacy*, but not confidentiality, upon receiving a report of conduct prohibited under this policy:
- i. Student Fellows & House Student Advisors (HSAs)
  - ii. Director of Health Promotion & Education
  - iii. Director of Case Management
  - iv. Support, Advocacy, & Violence Prevention (SAVP) Director and Program Coordinator; (845) 437-7863
  - v. Support, Advocacy, & Violence Prevention (SAVP) Advocates, (845) 437-7333 and ask for an SAVP Advocate
- (b) The following Officials may provide *confidentiality*, upon receiving a report of conduct prohibited under this policy:
- i. On-Campus Confidential Resources for Students
  - ii. Counseling Service, (845) 437-5700
  - iii. Health Services, (845) 437-5800

##### 3. Off-Campus Confidential Resources

- (a) Center for Victim Safety and Support (CVSS) 24-Hour Hotlines
- i. Domestic Violence Hotline: (845) 485-5550
  - ii. Rape Crisis/Crime Victim's Hotline: (845) 452-7272  
By text: (845) 583-0800  
Online: [www.resourceconnect.com/cvss/chat](http://www.resourceconnect.com/cvss/chat)  
Phone: (845) 452-1110 ext. 3400
  - iii. New York State Domestic Violence and Sexual Violence Hotline,  
24/7, 1-800-942- 6906

##### 4. Mandatory Reporter

Any employee not otherwise designated is a mandatory reporter under Title IX to the Title IX Coordinator.

5. **“Official with Authority” (“OWA”)**

Formal Reports of sex and gender based discrimination and sexual harassment may also be made to an “Official with Authority” (“OWA”)

- (a) President
- (b) Board of Trustee Members
- (c) Campus Safety
- (d) All Faculty
- (e) Assistant Vice President for Institutional Equity/Title IX Coordinator, Deputy Title IX Coordinator, and Faculty Director of Affirmative Action
- (f) Senior Officers/Deans/ Administrators/Directors or employees with supervisory responsibilities
- (g) Academic Deans/Dept Chairs/Program Directors
- (h) Coaches/Athletic Trainers/Athletic Directors

**E. Non-Investigatory Measures Available Under the Title IX Grievance Policy**

1. **Supportive Measures**

The College will offer and implement appropriate and reasonable supportive measures to the parties (“Complainant” and “Respondent”) upon notice of alleged harassment, discrimination, and/or retaliation. Supportive measures are non-disciplinary and non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the College’s education program or activity and/or the working environment. These measures are designed to protect the safety of all parties or the College’s educational environment, and/or deter harassment, discrimination, and/or retaliation.

Supportive Measures may include, but are not limited to include:

- (a) Counseling
- (b) Academic support, extensions of deadlines or other course-related adjustments
- (c) Modifications of work or class schedules
- (d) Implementing contact limitations between the parties (no contact orders)
- (e) Referral to community-based service providers
- (f) Visa and immigration assistance
- (g) Student financial aid counseling
- (h) Campus transport services and safety escorts
- (i) Changes in work or housing locations
- (j) Safety planning
- (k) Class schedule modifications, withdrawals, or leaves of absence
- (l) Increased security and monitoring of certain areas of the campus (see 85 fed. Reg.30401).
- (m) Trespass, Persona Non Grata, or Be-On-the-Lookout (BOLO) orders
- (n) To seek an Order of Protection from a court of competent jurisdiction; the College will enforce the Order of Protection once notified of its existence and terms (more information on how to obtain on Order of Protection is included in a later section); and/or
- (o) Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

**2. Emergency Removal**

Vassar retains the authority to remove a respondent from Vassar's program or activity on an emergency basis, where Vassar (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

**3. Administrative Leave**

Vassar retains the authority to place a non-student employee respondent on administrative leave during the Title IX Grievance Process, consistent with Vassar Faculty Handbook, and applicable Employee Handbooks.

**F. The Title IX Grievance Process**

**1. Filing a Written Formal Complaint**

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

To file a formal complaint, a Reporting Party must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of Vassar, including as an employee. For complainants who do not meet this criteria, the College will utilize existing policy in Vassar College Regulations.

<https://deanofthecollege.vassar.edu/documents/college-regulations/VassarCollegeRegulations.pdf>

If a complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. Vassar will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this Policy and Process. Nothing in the Title IX Grievance Policy Vassar College Regulations prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

**2. Multi-Party Situations**

The College may consolidate Formal Complaints alleging covered sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of covered sexual harassment arise out of the same facts or circumstances.

**3. Determining Jurisdiction**

The Title IX Coordinator will determine if the Title IX Grievance Process should apply to a Formal Complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator.

- (a) The conduct is alleged to have occurred on or after August 14, 2020;
- (b) The conduct is alleged to have occurred in the United States;
- (c) The conduct is alleged to have occurred in Vassar's education program or activity; and

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

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

**4. Allegations Potentially Falling Under Two Policies**

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Grievance Process will be applied in the investigation and adjudication of all of the allegations.

**5. Mandatory Dismissal**

If any one of these elements are not met, the Title IX Coordinator will notify the parties that the Formal Complaint is being dismissed for the purposes of the Title IX Grievance Policy. Each party may appeal this dismissal using the procedure outlined in “Appeals,” below.

**6. Discretionary Dismissal**

The Title IX Coordinator may dismiss a Formal Complaint brought under the Title IX Grievance Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- (a) A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- (b) The respondent is no longer enrolled or employed by Vassar;
- (c) If specific circumstances prevent Vassar from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.
- (d) Any party may appeal a dismissal determination using the process set forth in “Appeals,” below.

**7. Notice of Dismissal**

Upon reaching a decision that the Formal Complaint will be dismissed, the College will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties through their institutional email accounts. It is the responsibility of parties to maintain and regularly check their email accounts.

**8. Notice of Removal**

Upon Dismissal for the purposes of Title IX, Vassar retains discretion to utilize Vassar College Regulations, or other employment handbooks, to determine if a violation of the Code of Conduct has occurred. If so, Vassar will promptly send written notice of the dismissal of the Formal Complaint under the Title IX Grievance Process and will refer the matter for resolution accordingly.

**9. Notice of Allegations**

The Title IX Coordinator will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable, after the College receives a Formal Complaint of the allegations, if there are no extenuating circumstances. The parties will be notified by their institutional email accounts if they are a student or employee, and by other reasonable means if they are neither. The College will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

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

(a) Contents of Notice

The Notice of Allegations will include the following:

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

(b) Ongoing Notice

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

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

**10. Advisor of Choice and Participation of Advisor of Choice**

Vassar has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. Students, faculty, administrators, and staff participating as Complainant or Respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice is not an advocate. Except where explicitly stated by this Policy, as consistent with the Final Rule, Advisors of Choice shall not participate directly in the process as per standard policy and practice of Vassar. Vassar will provide the parties equal access to advisors and support persons; any restrictions on advisor participation will be applied equally.

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



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

(a) Notice of Meetings and Interviews

Vassar will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

(b) Delays

Each party may request a one-time delay in the Grievance Process of up to five (5) business days for good cause (granted or denied in the sole judgment of the Title IX Coordinator, Director of Student Conduct, or designee) provided that the requester provides reasonable notice and the delay does not overly inconvenience other parties.

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

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

11. Investigation

(a) General Rules of Investigations

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

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

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

(b) Inspection and Review of Evidence

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

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

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

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

The parties will have the opportunity to inspect and review the evidence, provide additional evidence in response to their inspection and review of the evidence, and submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing the Final Investigative Report. Those written responses may be disclosed to the parties. See, 85 Fed. Reg. 30026, 30307 (May 19, 2020).

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process. See 85 Fed. Reg. 30026, 30435 (May 19, 2020).

(c) Inclusion of Evidence Not Directly Related to the Allegations

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

12. Investigative Report

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

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

Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report. The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant. See, 85 Fed. Reg. 30026, 30304 (May 19, 2020).

13. Hearing

(a) General Rules of Hearings

- i. Vassar will not issue a disciplinary outcome arising from an allegation of covered sexual harassment without holding a live hearing, unless otherwise resolved through an informal resolution process.
- ii. The live hearing will be conducted with the parties and called witnesses via video conference (Zoom, Google Meet, Skype or similar technologies). This

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

- iii. All proceedings will be recorded through audio recording.
- iv. That transcript will be made available to the parties for inspection and review.
- v. Prior to obtaining access to any evidence, the parties and their advisors must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Grievance Process. Once signed, this Agreement may not be withdrawn See, 85 Fed. Reg. 30026, 30435 (May 19, 2020).

(b) Continuances or Granting Extensions

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

(c) Newly-Discovered Evidence

As a general rule, no new evidence or witnesses may be submitted during the live hearing. If a party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the live hearing.

The Decision-maker will consider this request and make a determination regarding

- i. whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing, and
- ii. whether such evidence or witness testimony could affect the outcome of the matter. The party offering the newly- discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.

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

(d) Participants in the Live Hearing

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

- i. Complainant and Respondent (The Parties)
  - (1) The parties cannot waive the right to a live hearing.
  - (2) The College may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence.
  - (3) Vassar will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party's participation. See 34 C.F.R. § 106.71; see also 85 Fed. Reg. 30026, 30216 (May 19,2020).
  - (4) The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross examination or other questions. See 34 C.F.R.§106.45(b)(6)(i).
  - (5) The parties shall be subject to the College's Rules of Decorum.
- ii. Decision-Maker
  - (1) The hearing body will consist of a single Decision-maker.

- (2) No member of the hearing body will also have served as the Title IX Coordinator, Title IX investigator, or advisor to any party in the case, nor may any member of the hearing body serve on the appeals body in the case.
- (3) No member of the hearing body will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- (4) The hearing body will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- (5) The parties will have an opportunity to raise any objections regarding a decision-maker's actual or perceived conflicts of interest or bias. Objections must be raised with the Title IX Coordinator within three (3) business days after notice of the hearing is delivered.

iii. Advisor of Choice

- (1) The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.
- (2) The advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination.
- (3) In addition to selecting an advisor to conduct cross-examination, the parties may select an advisor who may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party.
- (4) The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, the College will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party, regardless of the participation or non-participation of the advised party in the hearing itself. The College appointed advisor will be assigned at least ten (10) business days before the scheduled hearing following delivery of the Final Investigation Report.
- (5) The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- (6) The advisor is not prohibited from being a witness in the matter.
- (7) If a party does not attend the live hearing, the party's advisor may appear and conduct cross-examination on their behalf. 85 Fed. Reg. 30026, 30340 (May 19, 2020).
- (8) If neither a party nor their advisor appear at the hearing, Vassar will provide an advisor to appear on behalf of the non-appearing party. See 85 Fed. Reg. 30026, 30339-40 (May 19, 2020).
- (9) Advisors shall be subject to the College's Rules of Decorum, and may be removed upon violation of those Rules.

iv. Witnesses

- (1) Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation. See 85 Fed. Reg. 30026, 30360 (May 19, 2020).
- (2) Witnesses shall be subject to the College's Rules of Decorum.

(e) Hearing Procedures

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

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

(f) Live Cross-Examination Procedure

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

(g) Refusal to Submit to Questioning Inferences

- i. Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning.
- ii. The Decision-maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility.
- iii. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions.

(h) Review of Recording

A transcript of the recording of the hearing (but not deliberations) will be available for review in the event of an appeal. The recording of the hearing will not be provided to parties or advisors of choice. The parties may not record the proceedings and no other unauthorized recordings are permitted. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

(i) Determination Regarding Responsibility

i. Standard of Proof

Vassar uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of formal complaints covered under this Policy. This means that the investigation and hearing determines whether it is more likely than not that a violation of the Policy occurred.

ii. General Considerations for Evaluating Testimony and Evidence

- (1) While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision-maker.
- (2) Decision-makers shall not draw inferences regarding a party or witness' credibility based on the party's or witness' status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.
- (3) Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.
- (4) Still, credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.
- (5) Decision-makers will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.
- (6) Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.
- (7) The Final Rule requires that Vassar allow parties to call "expert witnesses" for direct and cross examination. While the expert witness will be allowed to testify and be cross-examined as required by the Final Rule, the Decision-maker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross-examination and regardless of whether all parties present experts as witnesses.
- (8) The Final Rule requires that Vassar allow parties to call character witnesses to testify. While the character witnesses will be allowed to testify and be cross-examined as required by the Final Rule, the Decision-maker will be instructed to afford very low weight to any non-factual character testimony of any witness.
- (9) The Final Rule requires that Vassar admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be cross-examined as required by the Final Rule, the Decision-maker will be

instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

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

iii. Components of the Determination Regarding Responsibility

The written determination regarding responsibility will be issued simultaneously to all parties through their College email account, or other reasonable means as necessary. The determination will include:

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

iv. Timeline of Determination Regarding Responsibility

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

v. Finality

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

vi. Appeals

- (1) Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) business days of being notified of the decision, indicating the grounds for the appeal.
- (2) The limited grounds for appeal available are as follows:
  - (i) Procedural irregularity that affected the outcome of the matter (i.e., a failure to follow the College's own procedures);

- (ii) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, and which could affect the outcome of the matter;
  - (iii) The Title IX Coordinator, investigator(s), or Decision-maker had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter. A perceived conflict of interest or bias is not alone or in itself grounds for appeal, without further evidence of bias, prejudice, or interest;
  - (iv) The outcomes imposed are disproportionate to the severity of the violation or outside the parameters set by the College. The appeal body will return the complaint to the Chair/senior officer of the Grievance Hearing Panel, who may then increase, decrease, or otherwise modify the outcomes.
- (3) The submission of appeal stays any outcomes for the pendency of an appeal. Supportive measures and remote learning and working opportunities remain available during the pendency of the appeal.
- (4) If a party appeals, the College will as soon as practicable notify the other party in writing of the appeal; however, the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.
  - (i) Appeals should be submitted in electronic form. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.
  - (ii) Appeals will be decided by the appropriate Appeal body, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing decision maker in the same matter. If the respondent in the original complaint is a faculty member, the elected faculty Appeal Committee hears all appeals, except for appeals of a remedy or outcomes determined by the Appeal Committee itself, which are heard by the Academic Affairs Committee of the Board of Trustees.
  - (iii) If the respondent in the original complaint is a student, the College Regulations Appeal Panel, chaired by the Dean of the College, hears all appeals. If the respondent in the original complaint is a non-faculty employee, the Vice President of Human Resources hears all appeals unless the initial grievance panel was chaired by the Vice President of Human Resources. In this case, the president appoints another senior officer to hear the appeal.
  - (iv) Outcome of appeal will be provided in writing simultaneously to both parties, and include rationale for the decision.
- vii. Retaliation under Title IX
  - (1) Vassar will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Grievance Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or



as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Grievance Policy.

- (2) No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.
- (3) No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Grievance Policy.
- (4) Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.
- (5) Complaints alleging retaliation may be filed according to Vassar's retaliation policy.

### **III. 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 Academic Responsibility and Respect for Persons. Vassar's policy is not to discriminate in the administration of its educational policies, admissions policies, scholarships and loan programs, athletics programs, or other College programs and activities, and not to tolerate discrimination or harassment of its faculty, administration, staff, students, or visitors.

The College prohibits discrimination based on an individual's actual or perceived race, color, national origin, ethnicity, citizenship status, religion, creed, age, sex (including pregnancy, childbirth and related medical conditions), gender identity, gender expression, sexual orientation, domestic violence victim status, marital status, familial status, disability, genetic information or characteristics, veteran or military status, criminal conviction, or other characteristic protected by law, or participation in activities protected by law, or participation in activities protected by law.

#### **B. Scope of Policy**

1. 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).

2. 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.

3. 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.

### **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, national origin, ethnicity, citizenship status, religion, creed, age, sex (including pregnancy, childbirth and related medical conditions), gender identity, gender expression, sexual orientation, domestic violence victim status, marital status, familial status, disability, genetic information or characteristics, veteran or military status, criminal conviction, 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 verbal or physical conduct directed toward an individual based on an individual's actual or perceived race, color, national origin, ethnicity, citizenship status, religion, creed, age, sex (including pregnancy, childbirth and related medical conditions), gender identity, gender expression, sexual orientation, domestic violence victim status, marital status, familial status, disability, genetic information or characteristics, veteran or military status, criminal conviction, or other characteristic protected by law, that 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.

Additionally, in the State of New York, the following definition of discriminatory harassment may be applied. Harassment need not be so severe or pervasive to be unlawful and can be any harassing conduct that consists of more than petty slights or trivial inconveniences based on the circumstances and the parties involved and the nature and duration of the conduct. The College reserves the right to address conduct that does not rise to the level of creating a hostile environment when the conduct violates other expectations for appropriate or /professional faculty, administrator, staff and student conduct set by the College Regulations, Administrative Handbook, and the Faculty Handbook, and, accordingly, may result in discipline as determined appropriate by the College.

Retaliation is a form of unlawful discrimination, which includes intentional action taken by an individual or allied third party as reprisal for engaging in a "protected activity," that 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; and/ or participation in a College activity. Protected activities for which protections apply, include but are not limited to:

- (a) Reporting, making a complaint, participating in an investigation or grievance proceeding or for assisting in any such proceeding;
- (b) Communicating with a supervisor or manager about employment discrimination, including harassment;
- (c) Refusing to follow orders that would result in discrimination;
- (d) Resisting sexual advances, or intervening to protect others;
- (e) Requesting accommodation of a disability or for a religious practice;
- (f) Asking managers or co-workers about salary information to uncover potentially discriminatory wages.

Retaliation includes, but is not limited to, intimidation, coercion, harassment, making 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 outcome or interim measures imposed in response to any underlying allegations of discrimination and/or harassment.

### 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 engaging in a “protected activity.”

### 4. **Sexual Harassment**

is unwelcome conduct that does not fall under Vassar College’s Title IX Policy, and which is either of a sexual nature, or which is directed at an individual because of that individual’s sex, that 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; and/or participation in a College activity. This includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

- (a) The College’s policy on sexual misconduct may also apply when sexual harassment involves physical contact. Examples of sexual harassment can include, but are not limited to:
  - i. Egregious, unwanted sexual attention or other verbal or physical conduct of a sexual nature;
  - ii. Sex stereotyping;
  - iii. Implied or overt threats of punitive action resulting from rejection of sexual advances;
  - iv. Conditioning a benefit on an individual’s acceding to sexual advances/making such assent a term or condition of employment (either explicitly or implicitly);
  - v. Unwelcome, sexually explicit messages, statements, or materials;
  - vi. Attempting to coerce an unwilling person into a romantic or sexual relationship;
  - vii. Sexual violence;
  - viii. Intimate partner violence;
  - ix. Stalking, including cyberstalking; and
  - x. Gender-based bullying.
- (b) Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-

employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor. The unwelcome behavior may be based on power differentials, the creation of a hostile environment, or retaliation.

- (c) Outcomes and corrective measures will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue.
- (d) To make a report of sexual harassment, please contact the Title IX Coordinator, Office of Equal Opportunity and Affirmative Action/Title IX or submit or submit an online report at <http://eoaa.vassar.edu>. To file a complaint, please see complaint procedures below.

#### **IV. COMPLAINT PROCEDURE<sup>2</sup>**

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. Alternative Resolution Process and Policy**

###### **1. What is the purpose of this Policy?**

On May 19, 2020, the U.S. Department of Education issued a Final Rule governing the Title IX grievance process, effective August 14, 2020. The Final Rule requires that all colleges and universities hold a live hearing before making any determination regarding responsibility for covered reports of Title IX sexual harassment, including sexual violence. This hearing must provide for live cross-examination by the parties' advisors.

However, under § 106.45(b)(9) of the Final Rule, colleges and universities may offer and facilitate informal resolution processes (referred to as alternative resolution process hence forth), as long as each party voluntarily agrees to the process through an informed, written consent. This option is a change from long-standing Departmental guidance discouraging the use of alternative procedures to address sexual harassment and prohibiting the use of mediation to address sexual assault. In the Preamble to the

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<sup>2</sup> Discrimination and harassment are not only prohibited by the College but is also prohibited by state, federal, and, where applicable, local law. Aside from the internal process at Vassar College, employees may also choose to pursue legal remedies with the following governmental entities: Employees seeking to make a complaint alleging violation of the NY State Human Rights Law may file either with the Division of Human Rights (DHR) or in New York State Supreme Court. Employees seeking to make a complaint alleging violation of Title VII of the 1964 federal Civil Rights Act can file a "Charge of Discrimination" with the EEOC.

Final Rule, the Department states that it views alternative resolutions as a way to resolve sexual harassment allegations in a less adversarial manner than the investigation and adjudication procedures that comprise the § 106.45 grievance process.

**2. Alternative Resolution Process (ARP)**

An alternative resolution to the formal investigation and adjudication model and generally involves a facilitated resolution that is acceptable to the Complainant and Respondent. A full investigation of the allegation is not conducted in the alternative resolution process; however, the details of the allegation will be gathered to allow the College to engage in an assessment of risk. An alternative resolution can be the full and final resolution to a Formal Complaint.

An alternative resolution can be requested by a Complainant or Respondent at any time after a Formal Complaint has been submitted up to the start of a Title IX hearing. Generally, alternative resolutions are pursued when the Complainant and Respondent, having been fully informed of all available options, have explicitly and voluntarily made that choice. An alternative resolution process is voluntary for both the Complainant and the Respondent. Engaging in the ARP is not an admission of responsibility for the allegation or an admission of the falsehood of the allegations. The existence of an alternative resolution is not viewed as a finding against the Respondent.

The Complainant or Respondent may withdraw from an alternative resolution process at any time before its completion. If an ARP is ended prior to its completion, any information obtained will not be used in a subsequent investigation of the Formal Complaint.

Once a Formal Complaint has been resolved through an ARP, the matter will be closed. This means allegations resolved through an alternative resolution will not advance through the formal resolution process unless the terms of the alternative resolution are broken or incomplete. If a term of the alternative resolution is broken or incomplete, the information obtained may be submitted as evidence in a subsequent investigation involving the Complainant and/or Respondent.

For some limited types of alleged Prohibited Conduct, an alternative resolution may include mediation. Mediation may not be an appropriate option for cases involving a report of sexual assault and/or relationship and interpersonal violence, nor for circumstances involving severe misconduct.

In all student cases, the Title IX Coordinator (or designee) and Associate Dean of the College, for Student Living and Wellness will have the discretion to determine whether an alternative resolution or mediation is appropriate to the circumstances. The College will generally allow only one alternative resolution per Respondent. Alternative resolutions are not permitted between Student Complainants and Employee Respondents.

**3. Notice of the Formal Complaint**

The Title IX Coordinator (or designee) will provide the Complainant or Respondent written notice of the other party's interest in resolving a Formal Complaint through the ARP. Written notice will include a copy of the Formal Complaint, the alleged Prohibited Conduct at issue, and a summary of the guidelines to an alternative resolution and the participant's rights in the process. The Complainant or Respondent will have five (5) business days to respond to the alternative resolution request, indicating their interest in participating in the alternative process. In the instance when a party does not reply to the notice or a party does not voluntarily agree to participate in the ARP, the alternative resolution process will end and the College will begin an investigation into the Formal Complaint.

#### 4. **Privacy of Alternative Resolution**

The existence of an alternative resolution and/or the agreed upon terms is considered private information maintained in the Title IX Office. The existence of an alternative resolution and/or the agreed upon terms may be shared with a limited circle of individuals in the College who “need to know” in order to

- (a) assist in implementing the agreed upon terms,
- (b) monitor the agreed upon terms,
- (c) engage in a risk assessment involving the Complainant or Respondent,
- (d) implement support measures, or
- (e) perform college operations.

The Title IX Coordinator may use the information obtained during an ARP as evidence when investigating the Formal Complaint when the terms of an alternative resolution are broken or not complete.

The Title IX Coordinator may also use the information obtained during an alternative resolution as evidence when investigating a Formal Complaint if a subsequent allegation of Prohibited Conduct involving the same Respondent is made and the alleged Prohibited Conduct is distinctively similar to the conduct alleged in the ARP. If this occurs, the relevant portion of the Formal Complaint may be shared with an investigator and the Complainant may be called as a witness.

#### 5. **Acceptance of Responsibility for Impact**

As a component of the ARP involving Students as the Complainant and Respondent, the Student Respondent must accept responsibility for the harm or impact caused by the Prohibited Conduct alleged in the Formal Complaint. Accepting responsibility for the harm or impact does not mean the Student Respondent accepts responsibility for violating college policy.

A student Respondent who is interested in accepting responsibility for a policy violation is welcome to do so and should note accepting responsibility for Prohibited Conduct may be considered factual evidence in a Formal Complaint investigation when an alternative resolution is not reached or the terms are not completed or breached.

#### 6. **Developing Terms of the Alternative Resolution**

The Complainant and Respondent may propose terms for the alternative resolution. The terms should be designed to remedy the adverse effects the Prohibited Conduct alleged has on the Complainant and/or to restore the Complainant’s equal access to the programs and activities of Vassar. Alternative resolutions involving faculty and staff will include a supervisor, Senior Dean, or college Human Resources who may also suggest proposed terms.

The Title IX Coordinator (or designee) and Associate Dean of the College, for Student Living and Wellness will review the proposed and final terms and will remove those terms that are not permissible under college policy or practice and/or federal or state law. They may consult with the relevant college officials such as a supervisor, Department Chair, Dean of Faculty, Dean of the College, or college Human Resources when determining the permissibility of a proposed term(s).

After a review by the Title IX Coordinator (or designee) and Associate Dean of the College, for Student Living and Wellness, the parties will have five (5) business days from the date of delivery of the alternative agreement to review the terms. They should indicate their willingness to accept all, some, or none of the proposed terms. They may also propose alternative strategies to meet a specific term they reject.

The Associate Dean of the College, for Student Living and Wellness will send the Complainant and/or Respondent a copy of the other party's response to the proposed terms. The Complainant or Respondent will have a subsequent five (5) business days from the date of delivery of the new terms to consider and respond to the revised terms.

The alternative agreement is reached when both parties independently and voluntarily come to agreement on terms. Upon agreement and signature (in hard copy or electronically) by both the Complainant and Respondent, the Formal Complaint is considered resolved and closed.

Examples of agreed upon measures include:

- (a) No Contact Order (Standard/Proximity)
- (b) Counseling and/or Professional Assessment
- (c) Voluntary Personal Leave
- (d) Change in student housing
- (e) Change in on-campus work schedule or job assignment
- (f) Change in class schedule or other academic measures (in conjunction with and approval by the appropriate faculty or academic office)
- (g) Community Service
- (h) Acceptance of responsibility
- (i) Recurring meetings with an appropriate administrator
- (j) Other specific measures or restrictions, such as
- (k) Schedules for when certain buildings/facilities/services can be accessed
- (l) Schedules for when certain off-campus buildings, establishments, and other locations can be accessed
- (m) Limitations on participating in clubs, activities, sports teams, SGA, or other College programs
- (n) Reimbursement for lost or damaged property
- (o) An approved written apology or self-reflection paper from the Responding Student
- (p) Increasing monitoring or security at specified locations
- (q) Any other remedy that can be tailored to the parties to achieve the goals of the Policy.

#### **7. Violations of the Alternative Resolution**

The Complainant and Respondent will be asked to identify and agree upon the consequences for violating the terms of the alternative resolution. The Associate Dean of the College, for Student Living and Wellness will consult with the relevant college officials such as a supervisor, Department Chair, Senior Dean, or college Human Resources when determining the permissibility or appropriateness of the proposed consequences. If the consequences for violating the alternative resolution are not determined, the matter will continue in the Formal Resolution Process.

#### **8. Right of Appeal**

The alternative resolution is grounded in the voluntary participation of the Complainant and Respondent. For this reason, there is no right of appeal associated with the alternative resolution process.

#### **9. Time-frame for the Alternative Resolution Process**

The College cannot promise a definitive time-frame for an alternative resolution process

as the time to complete the agreement is unique to each set of Complainant and Respondent. The alternative resolution will ordinarily take an average of 30 business days to complete.

Below is an overview of the approximate time associated with the major stages of the ARP after the Title IX Coordinator receives a Formal Complaint. All time-frames set forth in this process may be adjusted at the discretion of the Title IX Coordinator. The Complainant and Respondent will be notified of any delays or extensions of these time-frames and will be provided with a revised timeline to resolve the complaint.

- (a) Written notice of Formal Complaint– Two (2) business days from receipt of the Formal Complaint.
- (b) Written notice of a request for alternative resolution – Two (2) business days from receipt of the request from either the Complainant or Respondent.
- (c) Drafting of terms - Five to ten business days (this step may be repeated as necessary)
- (d) Review of proposed terms – Five to ten business days (this step may be repeated as necessary)
- (e) Review and sign off on the final terms – Five (5) business days.

#### 10. Record Keeping

The Formal Complaint and final alternative resolution agreement will be maintained for a minimum period of seven years in accordance with the records retention schedule of the College. Records of supportive measures will be maintained for a minimum period of seven (7) years.

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.

Whenever the application of any time deadline or procedure set forth in the grievance procedure creates a problem owing to the nature of the complaint or the urgency of the matter, the faculty director of affirmative action or the EO/AA officer, as appropriate, will determine whether an appropriately expedited grievance procedure can be fashioned. Time periods may be extended if the grievant has good reason as determined by the faculty director of affirmative action or the equal opportunity/affirmative action officer. Complaints alleging discrimination or harassment related to a faculty member's review for extension, reappointment, tenure, promotion, or post-tenure review may be submitted before, during, or after the review. If a review is ongoing or upcoming when the complaint is made, the review is stopped or delayed until the complaint is resolved in accordance with this policy. Complaints alleging that discrimination or harassment contributed to a negative outcome of a faculty review should be made within sixty (60) days of receiving notification from the President of the outcome of the review.



## B. Formal Grievance Process

### 1. Submitting a Grievance

A formal grievance process may be initiated by meeting in person with the Assistant Vice President for Institutional Equity or the Faculty Director of Affirmative Action for matters involving the faculty 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 preferred mode of delivery for the formal grievance is via email to [eoaa@vassar.edu](mailto:eoaa@vassar.edu). The grievance may also be hand delivered or sent by certified mail to the attention of either the Faculty Director of Affirmative Action or the Assistant Vice President for Institutional Equity & Title IX Coordinator, as appropriate, at: Office of Equal Opportunity and Affirmative Action / Title IX, Vassar College, Campus Box 645, 124 Raymond Ave, Poughkeepsie NY 12604-0645. A formal grievance must identify and include the following information:

- (a) Complainant's signature and the date signed;
- (b) Name of the respondent, the respondent's position or status, and contact information, if known;
- (c) Clear and concise description of the alleged incident(s) and when and where it (they) occurred;
- (d) 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;
- (e) Supporting documentation and evidence; and
- (f) Names of witnesses or individuals who may have direct and relevant information about the specific allegation (with accompanying addresses, email addresses, and telephone numbers).

### 2. 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.

### 3. Initial Investigation

The EO/AA Office will investigate any reported grievances regarding violations of the Policy Against Discrimination and Harassment, Sexual Misconduct, Intimate Partner Violence and Stalking 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, the determination, and possible sanctions if appropriate.

At this point, both parties may accept or reject the outcome and determination(s)

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<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.

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.

#### 4. 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 Assistant Vice President for Institutional Equity / Title IX Coordinator, 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.

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.

In the case of a formal grievance against an EO/AA officer in the performance of the officer's duties, the grievance will be forwarded to the President who will investigate (or assign 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. The decision rendered by the Chair of the Board of Trustees is binding and final.

#### 5. Determination of the Panel

The Panel will deliberate in private session and will decide by closed vote whether a

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<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

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 outcome, in consultation with the Panel, except where the appropriate remedy or outcome may require changes to the procedures or conduct of a faculty review.

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, within thirty (30) business days after deliberations have been completed.

#### 6. **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 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.

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

Either party (complainant or respondent) may appeal the determination and/or outcomes 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 irregularity that affected the outcome of the matter (i.e., a failure to follow the institution's own procedures);
- (b) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- (c) The Title IX Coordinator, investigator(s), or decision-maker had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.
- (d) The outcomes imposed are disproportionate to the severity of the violation or outside the parameters set by the College. The appeal body will return the complaint to the Chair/senior officer of the Grievance Hearing Panel, who may then increase, decrease, or otherwise modify the outcomes.

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

Outcomes will take effect immediately, notwithstanding an appeal. A request may be made to the hearing panel chair to defer the effective date of outcomes 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 their 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 outcomes 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.

#### 8. **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 Decision-maker 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 Decision-maker with instructions to reconvene to address the error. In rare cases, where the procedural or substantive error cannot be addressed by the original Decision-maker (as in cases of bias), the appeal body may order a new Decision-maker.
- (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 Dean of the Faculty who may then increase, decrease, or otherwise modify the sanctions.
- (d) Deny the request for appeal.

### **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 / Title IX 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.

## F. Sexual Misconduct and Gender-based Violence Policy

### I. Sexual Misconduct Policy

#### A. Policy Statement

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

Any allegations or incidents of sexual misconduct that do not fall under the Vassar Title IX policy will be addressed under these policies.

Sexual misconduct offenses include, but are not limited to, sexual harassment (see Policy Against Discrimination and Harassment above), 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.

#### B. Definitions

##### 1. 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.

##### 2. 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.

##### 3. Sexual Exploitation

occurs when a person takes or attempts to take non-consensual or abusive sexual advantage of another for their 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:

- (a) Invasion of sexual privacy;
- (b) Prostituting another person;
- (c) Non-consensual taking of pictures, video recording, and/or audio recording of a sexual activity;
- (d) Non-consensual distribution of pictures, video recording, audio recording, or live-streaming of a sexual activity;

- (e) Allowing third parties to observe sexual activities without consent;
- (f) Engaging in voyeurism;
- (g) Knowingly transmitting an STI or HIV to another person;
- (h) Exposing one's genitals in non-consensual circumstances;
- (i) Inducing another to expose their genitals; or
- (j) Sexually-based stalking and/or bullying.

## II. Intimate Partner Violence Policy

### A. Policy Statement

Vassar's policy is to prohibit Intimate Partner Violence. Intimate Partner Violence is any instance of violence or abuse that occurs between those who are in or have been in an intimate relationship with each other. Abuse can be physical, sexual, emotional/ verbal, psychological and/or economical. This includes (but not limited to) any behaviors that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure or wound someone.

### B. Definitions

#### 1. Intimate Partner

To be considered intimate, a relationship must include (or have included) some romantic, sexual, and/or domestic element. Common intimate partner relationships are:

- (a) **Married Partners** – individuals who are legally married;
- (b) **Domestic Partners** – individuals who live together AND who are romantically interested in one another (not simply roommates, regardless of state law); can be married or unmarried; can include a sexual component, but does not have to;
- (c) **Dating Partners** – individuals who are romantically interested in one another; can be a couple (dating each other exclusively) or dating casually (concurrently dating other people); can include a sexual component, but does not have to;
- (d) **Sexual Partners** – individuals who have engaged in at least one sexual act with one another.

#### 2. 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 their friends and/or family.

#### 3. 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.

#### 4. 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.

#### 5. Physical Abuse

is physical harm by partner. This includes but is not limited to hitting, slapping, shoving, kicking, 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.

6. **Sexual Abuse**

involves violating an individual's autonomy over their 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, non-consensual intercourse or contact, or accusing the victim of sexual activity with others.

### III. Stalking Policy

#### A. Policy Statement

Vassar's policy is to prohibit stalking. Stalking occurs when a person engages in repetitive behavior 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 the person's 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

#### B. 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.

## IV. Additional Applicable Definitions

### A. Definitions

1. **Affirmative consent** is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.
  - (a) 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 anytime.
  - (b) 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.
  - (c) 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.
  - (d) In order to give effective consent, one must be of legal age; New York State defines 17 years as of legal age.
2. **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.
3. **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.
  - (a) There is no requirement that a person resist a sexual advance or request, but resistance is a clear demonstration of non-consent.
  - (b) The use of force is not "worse" than the subjective experience of violation of someone who has experienced sexual contact or intercourse without consent.
  - (c) 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.
4. **Coercion**  
is unreasonable pressure for sexual activity.
  - (a) Coercing someone into sexual activity is comparable to physically forcing someone into a sexual activity.
  - (b) Coercive behavior differs from seductive behavior based on the type of pressure someone uses to obtain consent from another.
  - (c) 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.



## V. COMPLAINT PROCEDURE

Every member of the Vassar community has the right to request that student conduct charges be filed against an individual pursuant to the procedures outlined in 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:

- Whether the accused has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation in unlawful conduct on behalf of the accused from previously noted behavior;
- The increased risk that the accused will commit additional acts of violence;
- Whether the accused used a weapon or force;
- Whether the reporting individual is a minor; and
- 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 Assistant Vice President for Institutional Equity / 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 outcomes. 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 outcome 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 with 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 within 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 EOAA Office/Title IX Coordinator to investigate and/or seek a resolution.

### **C. Accommodations and Interim Measures**

Regardless of whether the Reporting Individual wishes to pursue a Formal Report or Complaint, the College will undertake an appropriate inquiry and take such prompt and effective action as is reasonably possible under the circumstances to support and protect the parties involved and protect the College community. This may include taking appropriate interim measures before the final outcome of the investigation and/or adjudication, including interim suspension of the Responding Student. Interim measures are available at the request of either the Reporting Individual or Responding Student.

Additionally, the College may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader College community, and/or the integrity of the process.

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The College will take immediate and responsive action to enforce a previously implemented measure. Additional interim measures include, but are not limited to:

1. Access to counseling and health services;
2. Imposition of a no contact order;
3. Campus escorts;
4. Change of on-campus student housing to different on-campus location;
5. Rescheduling an academic exam, paper, assignment, etc.
6. Taking an incomplete in a class;
7. Transferring of class sections;
8. Alternative course completion options;
9. Employment modification (change of schedule or assignment, etc.);
10. College-imposed leave or separation;
11. To seek an Order of Protection from a court of competent jurisdiction; the College will enforce the Order of Protection once notified of its existence and terms (more information on how to obtain an Order of Protection is included in a later section); and/or
12. Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

Additionally, if a Reporting Individual does not wish to file a formal complaint with the College, they can request a negotiated accommodation as well as a standard No Contact Order (see below).

### **D. No Contact Orders**

College administrators may unilaterally or by request issue a No Contact Order (NCO) when there exists a reasonable concern that physical, psychological, and/or emotional harm may result from such contact. The College will consider all facts and circumstances that may be relevant to whether a standard or proximity 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 or harassment by 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;
- (f) When there are allegations of serious college policy violations; and
- (g) Emergency situations involving personal safety in which the Director of Campus Safety or designee may issue a temporary No Contact Order, which shall be confirmed, modified or rescinded within 72 hours by the Associate Dean of the College for Student Living & Wellness or Title IX Coordinator once all relevant information is reviewed.

When at least one of these factors or a closely related factor is present, the College may issue a No Contact Order.

1. Standard No Contact Order

A standard No Contact Order (NCO) is a written document mutually prohibiting two students from contacting each other. Students subject to a NCO must:

- (a) Avoid any form of contact with the other party subject to the same NCO. This includes, but is not limited to,
  - i. Calling the other party;
  - ii. Sending electronic communication (text message/email/social media) to the other party,
  - iii. Sending campus or regular mail to the other party; and/or
  - iv. Contacting or communicating with the other party through a third party

A standard NCO does not restrict a person's movement on campus, and it is mutual, meaning that all parties are expected to abide by the terms. A standard NCO constitutes neither a waiver by any party of the right to file a formal complaint, nor does it constitute an admission of responsibility or wrongdoing by any party. Failure to comply with the agreement would result in additional and/or separate conduct charges and outcomes. The terms of the NCO remain in place until the directive expires, or the terms are modified.

2. Proximity No Contact Order

A proximity No Contact Order is a written document mutually prohibiting a Reporting Individual and Responding Student involved in a formal complaint of Sexual Misconduct and Gender-Based Violence from communicating with each other while also temporarily requiring the Responding Student to leave an area if they were to observe the Reporting Individual in a public place among other areas<sup>5</sup>. Other restrictions may also be applied. A Reporting Individual and Responding Student subject to a proximity NCO must both:

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5 Per NYS's Enough is Enough (129-B): When the accused or respondent is a student, to have the institution issue a "no contact order" consistent with institution policies and procedures, whereby continued intentional contact with the reporting individual would be a violation of institution policy subject to additional conduct charges; if the accused or respondent and a reporting individual observe each other in a public place, it shall be the responsibility of the accused or respondent to leave the area immediately and without directly contacting the reporting individual. Both the accused or respondent and the reporting individual shall, upon request and consistent with institution policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of a no contact order, including potential modification, and shall be allowed to submit evidence in support of their request. Institutions may establish an appropriate schedule for the accused and respondents to access applicable institution buildings and property at a time when such buildings and property are not being accessed by the reporting individual.

- (a) Avoid any form of contact with the other party subject to the same NCO. This includes, but is not limited to,
    - i. Calling the other party;
    - ii. Sending electronic communication (text message/email/social media) to the other party;
    - iii. Sending campus or regular mail to the other party; and/or
    - iv. Contacting or communicating with the other party through a third party
  - (b) However, the Responding Student subject to the proximity NCO must also:
    - i. Abide by any requirements to avoid contact with the Reporting Individual in the Reporting Individual's residence, in academic settings such as classrooms, laboratories, etc., and at any location where the Reporting Individual is scheduled or known to be present, such as a work or internship location, volunteer activity, etc.
    - ii. Abide by requirements to leave a public place when the Reporting Individual is present as detailed in the NCO. The NCO will indicate whether the Responding Student is required to leave all public places where they observe the other party or if there are restrictions related to specific public places and locations.
  - (c) Other restrictions may include but are not limited to:
    - i. Restricting a student from being in close proximity to the other student in other spaces;
    - ii. Restricting a student's access to certain campus locations, including another student's residence hall;
    - iii. Restricting the times a student may be present in on-campus dining facilities;
    - iv. Requiring that the students not be enrolled in the same academic course(s); and
    - v. Requiring that the students not participate in the same co-curricular or extra-curricular activities.
  - (d) A proximity NCO can only be implemented when a formal complaint of Sexual Misconduct and Gender-Based Violence is made through the Title IX Office, and it is only in place as an interim measure for the duration of the investigation and adjudication of the alleged sexual misconduct and gender-based violence (unless there is a finding of responsibility in which case a long term proximity NCO could be issued as an outcome). A proximity NCO constitutes neither a waiver by any party of the right to file any complaint, nor does it constitute an admission of responsibility or wrongdoing by any party. Failure to comply with the order would result in further conduct charges and outcomes.
3. Reviewing a No Contact Order for Modification or Rescission
- While any NCO is in place, both students have the right to request that the document be reviewed for modification or rescission. Reviews will be conducted promptly, and modifications to NCOs will be made as needed. Requests must be submitted, in writing, to the appropriate college official as indicated on the issued No Contact Order and should include the basis and any evidence in support of the request.
4. Enforcement of No Contact Orders
- Intentional violation of a No Contact Order is grounds for conduct charges. All reported potential violations will be reviewed and if necessary investigated and adjudicated under the "Failure to Comply" section of the code of social conduct in the Student Handbook.

No Contact Orders are only enforceable by the College and only apply when at least one of the parties subject to the No Contact Order is a student at Vassar College. Any student subject to No Contact Order issued by the College is required to comply with the order both on and off Vassar College property.

Violations of a No Contact Order should be reported to Safety & Security or Student Conduct. Although the College encourages individuals to report violations of a NCO promptly, safety is always the top priority. Whenever a student is off campus and believes that their safety is at risk, that student should call 911 immediately. Whenever a student is on campus and believes that their safety is at risk, that student should call the Campus Safety Office at (845) 437-7333.

(a) On-Campus Violations:

- i. If safety is at risk: Immediately call the Campus Safety Office at (845) 437-7333.
- ii. To report a violation of a NCO, Contact the Campus Safety Office at (845) 437-7333 or in person at the CRC desk in Main Building.

(b) Off-Campus Violations:

- i. If safety is at risk: Immediately call 911. Vassar College is not able to provide immediate assistance in off-campus incidents.
- ii. To report a violation of a NCO, contact the Campus Safety Office at (845) 437-7333 or in person at the CRC desk in Main Building
- iii. The existence or alleged violation of a NCO is not a police matter. If you call 911 to report a safety risk, you should tell the police about your NCO, but they will only enforce violations of law, not college policy related to a NCO or violations of a NCO.

(c) Determination

In determining whether a NCO violation has occurred, the Office of Student Conduct will consider multiple factors, including but not limited to:

- i. Size and layout of the space where the alleged NCO violation took place;
- ii. Any attempted contact or communication by the subject of the NCO;
- iii. Duration of time before the student vacated the space;
- iv. Frequency and nature of alleged contact; and
- v. Obligation of the subject of the NCO to be present in the space (i.e., place of work, athletic competition, internship location, etc.)

Any reported alleged violation of a NCO will be investigated promptly. Students who fail to comply with the terms of an NCO may be found in violation of the code of social conduct under "Failure to Comply." Alleged violations of proximity NCOs are subject to review by the Title IX Coordinator. Additionally, depending on the nature, severity and frequency of the alleged NCO violation as well as other potential relevant factors, the College reserves the right to apply additional violations under the Sexual Misconduct and Gender-Based Violence Policies.

These may include but are not limited to retaliation, stalking, attempted act, and other prohibited conduct. Any such alleged violation will be addressed consistent with the appropriate college policy.

### **E. 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 College.

### **F. 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 their 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.

### **G. College Imposed Interim Suspension or Leave**

If the Associate Dean of the College for Student Living and Wellness, in consultation with the Title IX Coordinator, decides at any point that the safety of a student or of any member of the College community is at stake, an interim suspension may be imposed on a student who is suspected of violating the College Regulations, any rules, regulations, or procedures of the College, or otherwise poses a risk of safety to the campus, until the time student conduct resolution or disciplinary action can be completed. This action assumes no determination of responsibility and the student conduct process will be held as soon as possible. This action cannot be taken unless the Reporting Individual files a formal report or complaint with the Title IX Coordinator designee. A student subject to such interim measures may appeal the decision to impose them to the Dean of College within 3 business days after being notified of the decision.

### **H. 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.

## **VI. 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 or supervisees. 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.

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

Certain campus officials (called Campus Security Authorities, or CSAs) also have a duty to report sexual assault and other crimes for federal statistical reporting purposes; and to determine if there is a continuing threat to the safety of the campus community, which would require an alert. These reports may also need to be included in the Campus Safety Office daily crime logs. All personally identifiable information is kept confidential. General incident location (in student housing, on campus, adjacent public property, off campus) must be included for publication in the annual Campus Fire Safety and Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.

CSAs include employees who have significant responsibility for students, student groups and campus activities. College counselors, physicians, licensed medical professionals or supervised medical interns when they are engaged in a physician/clinical/patient relationship, and pastoral providers are not considered CSAs.

All Clery reports of sexual assault and other crimes should be reported to the Campus Safety Office, (845) 437-7333,

<https://offices.vassar.edu/campus-safety/forms/clery-act-crime-incident-report/>

Confidential reports can also be filed with the Support, Advocacy, and Violence Prevention (SAVP) Office or with an SAVP Advocate.

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

Any employee or volunteer for Vassar College who witnesses or has reasonable cause to suspect any sexual abuse or mistreatment of a child occurring on college property or while off campus during official college business or at Vassar-sponsored event, program or activity should immediately report the concern by calling one of the numbers listed below. Such reports should include the names of the alleged victim and alleged assailant (if known), other identifying information, the location of the activity, and the nature of the activity. It is not the responsibility of the reporting party to investigate.

### **1. How to report child abuse or neglect:**

- (a) If a child is in immediate danger, notify the police (911) immediately.
- (b) Report any suspected or known child abuse and/or neglect immediately and call the New York State Central Registry (Child Abuse Reporting Hotline) at 1-800-342-3720.
- (c) Members of the College community should also contact the Vassar College Safety Office at (845) 437-7333, but not before contacting local law enforcement or the Child Abuse Reporting Hotline.
- (d) If you are deaf or hard of hearing, call TDD/TTY at 1-800-638-5163 or have your Video Relay System provider call 1-800-342-3720.

## **D. Hearing**

The College will proceed to the adjudication phase if, after an investigation, there is sufficient evidence to support reasonable cause and 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 outcome(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.

1. Hearing Procedures:

The reporting individual and respondent may review the College’s investigation file in hard copy 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.

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) The reporting individual and respondent may be accompanied by an advisor/support person of their 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.
- (f) 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.
- (g) The hearing body will provide a written finding on the charges to the Dean of the College or their designee and may recommend outcomes. 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 an outcome, 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 their designee as soon as possible. The Dean of the College or their designee will make a final judgment on the findings and assign an appropriate outcome, if any, after reviewing the findings and consulting with the hearing body.
- (h) The reporting individual and respondent will receive a notice of the hearing outcome and the imposed outcome(s) generally within 3 business days after the date of the hearing.

- (i) The reporting individual and respondent may appeal the findings of the hearing body and/or final determination and outcome(s) within 5 business days in accordance with the standards and procedures for appeal in the Student Handbook.
- (j) 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.

## E. Appeal

Any party (complainant or respondent) may request an appeal of the findings and/or outcomes 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, outcomes 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 Title IX hearing or administrative resolution may be appealed by petitioning the College Regulations Appeals Committee chaired by the Dean of the College, or their designee. Requests for the review of an appeal are at the discretion of the Dean of the College and are not summarily accepted upon request. Requests must be made in writing and either electronically sent or hand delivered to the Office of the Dean of the College (Main Building- Room 215) within five (5) business days from the date of receiving the outcome letter.
- (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 outcomes 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 their 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 who will then draft a response memorandum (also shared with all parties.)
- (d) The original finding and outcome 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 outcomes 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 outcome only if there is compelling justification to do so.

3. Grounds for Appeal

The only grounds for appeal are as follows:

- (a) Procedural irregularity that affected the outcome of the matter (i.e., a failure to follow the institution's own procedures);
- (b) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.
- (c) The Title IX Coordinator, investigator(s), or decision-maker had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.
- (d) The outcomes imposed are disproportionate to the severity of the violation or outside the parameters set by the College. The appeal body will return the complaint to the Chair/senior officer of the Grievance Hearing Panel, who may then increase, decrease, or otherwise modify the outcomes.

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 outcomes 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 outgoing body (i.e. College Regulations Panel, Dean of the College or their designee), who may then increase, decrease, or otherwise modify the outcomes, in consultation with the Associate Dean of the College.
- (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 outcome as well as the rationale for the decision and outcome. The decision of the College Regulations Appeals Committee is final and binding upon all involved.

## F. Outcomes

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 outcomes 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 outcomes, 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 outcomes 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 outcomes 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 outcomes will be imposed. The College reserves the right to impose different outcomes, 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 outcomes when appropriate in light of mitigating circumstances or the nature of the behavior. The College will not deviate from the range of recommended outcomes 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 an outcome 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 outcome 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 outcome ranging from warning to expulsion/termination, depending on the severity of the incident, and taking into account any concurrent or previous College regulations violations.

## G. 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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6 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.

## **G. College Regulations/Expectations**

### **I. 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 outcomes on any member of the College community (student, administrator, staff, or faculty) who is in violation of the law. These outcomes 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. The College Safety Office will confiscate, and not return, any item that is used as part of any violation of these regulations.

### **II. 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 their 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.

### **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.

## **B. Alcohol and Drug Education Program**

Vassar College's primary goal is to educate students to make informed decisions grounded in evidence-based research with regard to alcohol and other drug use. The College centers a harm reduction lens for alcohol and other drug education, and in these efforts takes several steps. The College provides an alcohol and drug education program for all new students, as well as ongoing programming about alcohol and substance use or abuse for students throughout the academic year. Some of the alcohol and drug education programs are the following: OneLess: a peer led alcohol program to all first-year students; Responsible Brewers: an alcohol workshop required for all sophomore student athletes to provide evidence based research on how alcohol affects one's athletic performance. Sober Host Training: an alcohol training refresher for all students 21 and over who register a party with residential life. The training highlights the importance of having a sober host, upstander awareness, the City of Poughkeepsie noise ordinance, and the importance of calling the CRC to help when a student shows signs of alcohol overdose.

Additionally, the College provides educational opportunities for students who are found to have violated campus policy on alcohol and other drugs. Students found responsible for violating college policy take a self assessment called BASICS ( Brief Alcohol Screening and Intervention for College Students) and also engage in Motivational Interviewing (MI) with the Director of Health Promotion and Education. BASICS is designed to assist students in examining their use of alcohol and/or other drugs in a judgment- free and private environment. Motivational Interviewing is a series of techniques that focus on teaching effective communication strategies. It is designed to strengthen personal motivation for and commitment to a specific goal. 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 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 Promotion and Education, and urges all community members to be informed about the potentially harmful or negative effects of alcohol. The Harm Reduction Committee, composed of students, faculty, and administrators, helps to formulate college policy and programs relating to alcohol and drug use in a harm reduction approach. Questions or concerns related to the use of alcohol and drugs on our campus should be referred to the Harm Reduction Committee, chaired by the Director of Health Promotion and Education. .
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 discuss treatment options and resources for those who misuse drugs and/or alcohol. Confidential counseling services and medical services are available.
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 Good Samaritan Policy**

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 believed to be in need of medical treatment for their 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.

#### IV. Room Entry

The College respects students' right to privacy and reserves the right to enter a room only in the circumstances listed below.

1. Members of the Office of the Associate Dean of the College, Residential Life and Wellness 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 the Associate Dean of the College, Residential Life and Wellness 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. Campus Safety 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.
- (a) When doors are open and someone closes a door to prevent a Campus Safety officer from performing their assigned duties, officers may enter or open the door in the furtherance of their immediate responsibilities.
4. Ordinarily, when students refuse to cooperate in such a scenario, the Campus Safety 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 Campus Safety officer or administrator present.
  5. Campus Safety 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.
  6. Campus Safety 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 the Associate Dean of the College, Residential Life and Wellness 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.
  7. Members of Facilities Operations 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 Campus Safety 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.

## V. 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 Office 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.



## **VI. SPECIFIC COLLEGE REGULATIONS**

1. Alcohol
2. Automobile
3. Confidentiality
4. Discrimination and Harassment/Sexual Misconduct
5. Disruptive Conduct
6. Intimate Partner Violence
7. Drugs
8. Employment
9. Endangerment
10. Failure to Comply
11. Fire Safety
12. Harm to Others
13. Hazing
14. Identification/Keys
15. Motorcycles
16. Pets
17. Property Damage
18. Public Areas and Facilities
19. Publicity
20. Residential Facilities
21. Retaliation
22. Skateboards, Roller skates, Rollerblades, Scooters, and Longboards
23. Smoking
24. Stalking
25. Theft
26. Unauthorized Entry/Exit/Occupancy
27. Visitation/Guest
28. Weapons/Dangerous Items

Anyone found to have engaged in the following behavior is subject to the outcomes that are 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 the Associate Dean of the College for Residential Life and Wellness must approve any gatherings in the houses, Town Houses, Terrace Apartments, South Commons, and Co-Operative Housing Units.
  - (b) The Office of the Associate Dean of the College for 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 a 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: Automobile

- 2.01 Driving in a reckless or dangerous manner.
- 2.02 Operating any moving vehicle while under the influence of alcohol or other drugs.
- 2.03 Failing to comply with posted traffic regulations and the campus speed limit of 15 miles per hour.
- 2.04 Parking illegally.

## SECTION 3: Confidentiality

- 4.01 For students who participate in the processing of student behavioral matters, failing to maintain confidentiality on all aspects of cases.

## SECTION 4: Discrimination and Harassment/Sexual Misconduct

- 4.01 **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, national origin, ethnicity, citizenship status, religion, creed, age, sex (including pregnancy, childbirth and related medical conditions), gender identity, gender expression, sexual orientation, domestic/dating violence victim status, marital status, familial status, disability, genetic information or characteristic, veteran or military status, criminal conviction, or other characteristics, veteran or military status, criminal conviction, 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.
- 4.02 **Discriminatory Harassment:** Engaging in unwelcome conduct directed toward an individual based on an individual's actual or perceived race, color, national origin, ethnicity, citizenship status, religion, creed, age, sex (including pregnancy, childbirth and related medical conditions), gender identity, gender expression, sexual orientation,

domestic/dating violence victim status, marital status, familial status, disability, genetic information or characteristics, veteran or military status, criminal conviction, or other characteristic protected by law, that 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. Harassment needs only to rise above the threshold of petty slights or trivial inconveniences.

- 4.03 **Retaliation:** Intentional action taken by an individual or allied third party as reprisal for engaging in a "protected activity," that 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; and/or participation in a College activity. Protected activities for which protections apply, include but are not limited to:
- (a) Reporting, making a complaint, participating in an investigation or grievance proceeding or for assisting in any such proceeding.
  - (b) Communicating with a supervisor or manager about employment discrimination, including harassment
  - (c) Refusing to follow orders that would result in discrimination
  - (d) Resisting sexual advances, or intervening to protect others
  - (e) Requesting accommodation of a disability or for a religious practice
  - (f) Asking managers or co-workers about salary information to uncover potentially discriminatory wages.
  - (g) Retaliation includes, but is not limited to, intimidation, coercion, harassment, making 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 outcome or interim measures imposed in response to any underlying allegations of discrimination and/or harassment.
- 4.04 **Retaliatory Harassment:** Intentional action taken by an individual or allied third party, absent legitimate nondiscriminatory reasons, that harms an individual as reprisal for engaging in a "protected activity."
- 4.05 **Sexual Harassment:** unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex that 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; and/or participation in a College activity. This includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. The College's policy on sexual misconduct may also apply when sexual harassment involves physical contact. Examples of sexual harassment can include, but 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;
  - (i) Gender-based bullying.
- 4.06 **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>
- 4.06A **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.
- 4.06B **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.
- 4.06C **Sexual exploitation** occurs when a person takes or attempts to take non- consensual or abusive sexual advantage of another for their 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:
- (a) Invasion of sexual privacy;
  - (b) Prostituting another person;
  - (c) Non-consensual taking of pictures, video recording, and/or audio recording of a sexual activity;
  - (d) Non-consensual distribution of pictures, video recording, audio recording, or live-streaming of a sexual activity;
  - (e) Allowing third parties to observe sexual activities without consent;
  - (f) Engaging in voyeurism;
  - (g) Exposing one's genitals in non-consensual circumstances;
  - (h) Knowingly transmitting an STI or HIV to another person;
  - (i) Inducing another to expose their genitals.
  - (j) Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

## SECTION 5: Disruptive Conduct

- 5.01 Substantially interfering with the living, learning, or working environment of another individual; regardless of intentionality.
- 5.02 Behaving in a manner that has the appearance of seeking to harm, coerce, or intimidate for any reason.
- 5.03 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 their knowledge or prior consent when such a recording is likely to cause harm or distress.

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

## SECTION 6: Intimate Partner Violence

Intimate Partner Violence: any instance of violence or abuse that occurs between those who are in or have been in an intimate relationship with each other. Abuse can be physical, sexual, emotional/verbal, psychological and/or economical. This includes (but not limited to) any behaviors that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure or wound someone.

- 6.01 **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 their friends and/or family.
- 6.02 **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.
- 6.03 **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.
- 6.04 **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.
- 6.05 **Sexual Abuse** involves violating an individual's autonomy over their 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 7: Drugs

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

- 7.01 Possessing
- 7.02 Using
- 7.03 Intending to distribute
- 7.04 Distributing
- 7.05 Selling
- 7.06 Manufacturing
- 7.07 Altering a prescription
- 7.08 Possessing drug paraphernalia

## SECTION 8: Employment

- 8.01 Acting as an agent on campus for any company or organization without permission from Campus Activities .
- 8.02 Soliciting funds or selling articles on the campus without permission from the Office of Campus Activities.
- 8.03 Soliciting door-to-door, face-to-face, and/or electronically in residential areas.

- 8.04 Undertaking a commercial enterprise that does not provide a necessary service or educational benefit to the College community without approval of the Office of Campus Activities
- 8.05 Using post office boxes for any purpose except personal correspondence and college-related business.
- 8.06 Abusing student employment assignments, including but not limited to the falsification of time sheets.

### **SECTION 9: Endangerment**

- 9.01 Acting in a reckless or intentional way that endangers the welfare of any member of the College community.

### **SECTION 10: Failure to Comply**

- 10.01 Failing to comply with the terms of community expectation outcomes.
- 10.02 Violating a ban, suspension, or expulsion.
- 10.03 Interfering with efforts by personnel to perform their duties.
- 10.04 Failing to comply with a reasonable mandate or restriction given by a college official.

### **SECTION 11: Fire Safety**

- 11.01 Tampering with fire equipment, including but not limited to extinguishers, sprinkler systems, smoke detectors, decals, fire doors, exit lights, fire hoses, pull stations, or the fire alarm system.
- 11.02 Falsely reporting fires.
- 11.03 Remaining in a building when the building's fire alarm has been activated.
- 11.04 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 Facilities Operations and only if consistent with Town of Poughkeepsie and NYS Department of Environmental Conservation regulations.
- 11.05 Burning of any kind (e.g., candles, incense, cigarettes, pipes, hookahs, nonelectric lanterns, camp stoves, etc.) within a Vassar College building.
- 11.06 Possessing candles or incense without prior approval from house advisor or director of residential education.
- 11.07 Hanging any fabric to walls/ceilings.
- 11.08 Hanging anything on sprinkler pipes.
- 11.09 Littering within room to extent that ability to quickly and efficiently vacate is significantly hampered.
- 11.10 Failing to gain approval for all decorations, flats, or scenery in auditoriums, stages, or other public rooms.
- 11.11 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.
- 11.12 Using extension cords or multi-plug adapters that do not have power strips with circuit breakers and UL stickers.
- 11.13 Changing the electrical, data, or telephone wiring (including attachment of dimmer switches).
- 11.14 Obstructing the free flow of pedestrian or vehicular traffic on college premises or at a college-sponsored event.

- 11.15 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 12: Harm to Others**

- 12.01 Acting in an intentional or reckless way that threatens injury or violence to another person.
- 12.02 Acting in an intentional or reckless way that inflicts physical injury, or violence, on another person.

## **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:
- (a) 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;
  - (b) Any forced or coerced physical activity including calisthenics, exercises, or so-called games;
  - (c) Any forced or coerced consumption of food, alcohol, other drugs, or any other substance;
  - (d) Deprivation of food;
  - (e) Excessive fatigue resulting from sleep deprivation, physical activities, or exercises;
  - (f) Kidnapping, unauthorized road trips, or stranding of individuals;
  - (g) Forced weather exposure;
  - (h) Required carrying of or possessing a specific item or items;
  - (i) Servitude (expecting a new member to do the tasks of an experienced member);
  - (j) Verbal abuse, including “line-ups” and berating of individuals;
  - (k) Any activity that intimidates or threatens the student with ostracism;
  - (l) Coerced lewd conduct;
  - (m) Engaging in morally degrading or humiliating games, pranks, activities, or public stunts;
  - (n) Requiring individuals to walk or march in formation of any kind;
  - (o) Interference with academic, athletic, or occupational obligations;
  - (p) 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: Property Damage**

- 17.01 Damaging college or personal property in a reckless or intentional manner.
- 17.02 Behaving in a manner that is likely to cause damage to college or personal property.
- 17.03 Using paint, chalk, or any other marker on the grounds and buildings of the College unless approved by the Office of Campus Activities.

## **SECTION 18: 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.

- 18.01 Improperly using areas and facilities, or using without necessary permission.
- 18.02 Going on any roof or balcony without the consent of the appropriate administrative officer.
- 18.03 Sleeping outside on campus grounds without written authorization from the Office of Campus Activities.
- 18.04 Removing college property from public areas without the consent of the appropriate administrative officer.
- 18.05 Consuming food or drink in an uncovered container in public auditoriums or the libraries.

## **SECTION 19: Publicity**

- 19.01 Using the name of the College or of students' names, as Vassar students, for commercial promotion.
- 19.02 Using the Vassar seal and logo on anything other than official college publications.
- 19.03 Failing to include contact information of the individual or student organization responsible for the posting to all fliers and posters.

## **SECTION 20: Residential Facilities**

- 20.01 Painting college property.
- 20.02 Possessing a waterbed in campus housing.
- 20.03 Removing college furniture from student rooms without the permission of the residential operations center.



- 20.04 Changing rooms without authorization.
- 20.05 Possessing or using unauthorized items as outlined in the Vassar College Regulations or on the Residential Life website.

### **SECTION 21: Retaliation**

- 21.01 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 22: Skateboards, Roller Skates, Rollerblades, Scooters, and Longboards**

- 22.01 Using skateboards, roller skates, roller blades, scooters, and longboards inside any college building and on all ramps, patios, stairs, and areas around building entrances.

### **SECTION 23: Smoking**

- 23.01 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 24: Stalking**

- 24.01 **Stalking** occurs when a person engages in repetitive behavior 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 or injury may be to the person's 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:
  - (a) Unwelcome communication, including, but not limited to: face-to-face, telephone, voice message, electronic mail, written letter, and/or contact; unwelcome gifts or flowers, etc.
  - (b) Threatening or obscene gestures
  - (c) Surveillance
  - (d) Trespassing
  - (e) Vandalism
  - (f) "Peeping-tommery"
  - (g) Voyeurism
  - (h) Unwelcome touching or physical contact
  - (i) Gaining unauthorized access to personal, medical, financial, and/or other identifying information, including, but not limited to: access by computer network, mail, telephone, or written communication
- 24.02 **Cyber-stalking** is an extension of the physical form of stalking where electronic media such as the internet, pagers, cell phones, or other similar devices are used to pursue, harass or to make unwanted contact with another person in an unsolicited fashion and

will not be tolerated. Some examples of cyber-stalking include but are not limited to: unwanted/unsolicited emails or instant messages, disturbing messages on online bulletin boards, unsolicited communications about a person, their family, friends, or co-workers, or sending/posting disturbing messages with another username.

### **SECTION 25: Theft**

- 25.01 Participating in the theft (attempted or actual theft) of property or services.
- 25.02 Possessing and/or using goods that should reasonably be known to be illegally procured.

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

- 26.01 Entering or using Vassar premises without authorization.
- 26.02 Entering or being present within a building—without authorization—after it is closed.
- 26.03 Failing to vacate rooms and residence halls by the posted closing time at all vacation periods, including the end of the academic year.
- 26.04 Failing to leave campus within 48 hours after effective date of leave or withdrawal.

### **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 the Associate Dean of the College, Residential Life and Wellness.
- 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, paint ball guns, foils, and air guns (including BB guns). Permission to sponsor events where prohibited items may be used must be obtained from the Office of the Associate Dean of the College for Campus Activities in consultation with the Director of Campus Safety 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 Office of the Associate Dean of the College for Campus Activities, as appropriate. Students must also inform Vassar College Campus Safety 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 Associate Dean of the College for 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

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

## H. Computer Regulations

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), audio-visual 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. 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.

The use of Vassar's computer systems and network facilities is subject to the same regulations and outcomes 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 or off campus, electronic mail, and internet accounts, or email 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 misuse equipment, systems, or services paid for or supplied by Vassar College. 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 Vassar resources from unauthorized use, and to report suspected infringements by contacting the Campus Safety Office.

## **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 those addressed by Student 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.

## **I. Federal and State Regulations**

### **I. Political Activity and College Facilities**

#### **A. Prohibition on Political Campaigning by Vassar**

As a not-for-profit institution, Vassar is prohibited from directly or indirectly participating in, or intervening in, any political campaign on behalf of (or in opposition to) any candidate for elective public office. Vassar may not make contributions to political campaigns and may not endorse any candidate for public office. Violating these prohibitions could result in the revocation of Vassar's tax-exempt status and result in the imposition of certain excise taxes. (See 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.) Vassar may engage in other forms of advocacy, including non-partisan election-related activity.

#### **B. Permitted Political Activity by Individuals and Groups**

Vassar supports the expression of ideas, robust discussion of opinions, and engagement by members of the Vassar community in their role as citizens in the political process. Activities of individuals or organized groups (such as various student clubs), which are part of the educational process or are a part of extracurricular non-political activities are permitted without restriction. From time to time, students, faculty, and staff, either individually or in organized groups, may engage in political activities for the purpose of influencing legislation or as participating in political campaigns on behalf of candidates for public office ("Political Activities"). It is vitally important that the activity of these individuals or groups not constitute action by Vassar as an institution.

#### **C. Prohibited Uses of Vassar Resources by Individual or Groups**

No person may, on behalf of Vassar, may engage in any political campaign activity or use Vassar resources be used for such purpose. Vassar will not provide money, services, or facilities (including computing facilities such as electronic mail servers and the College's internet connection), to individuals or groups for Political Activities. Therefore, individuals and groups should avoid the use of Vassar facilities and services for Political Activities. The Vassar name and seal shall not be used on letters or other materials related to Political Activities. No Vassar phone number, email, or physical address should be used for Political Activities.

#### **D. Fees for Use of Vassar Resources**

If an individual or group seeks to utilize Vassar facilities or services for Political Activities, they must obtain advance permission and will be charged a fee for such use. The comptroller will assign an account number to each individual or organization, 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 they will be personally responsible for payment of the charges.

**E. 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.

**F. Mail 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.

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

**A. Drug-Free Workplace Act**

On November 18, 1988, Congress enacted the Drug-Free Workplace Act requiring Federal agency contractors and grantees to certify that they will provide a drug-free workplace as a pre-condition of receiving a contract or a grant. Pursuant to this law, Vassar must publish and distribute the following statement to its employees: the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Vassar workplace, and to specify action that will be taken against employees for violation of such prohibition.

**B. Drug-Free Schools and Communities (Campuses) Act of 1989**

The Drug-Free Campuses Act Amendments requires Vassar to adopt and maintain a program to prevent the unlawful manufacture, distribution, dispensation, possession or use of illegal drugs or alcohol by students on the Vassar campus, and at Vassar activities and events, and to offer an anti-drug and alcohol abuse program.

**C. More Lenient State Laws**

Although the NYS Marijuana Regulation and Taxation Act, which went into effect on March 31, 2021, changed the way New York State regulates cannabis, using and possessing cannabis in any form remains a crime under federal law. As recipients of federal funds, all New York colleges and universities, including Vassar, remain bound by the more stringent federal requirements, which provide that the use, possession, and distribution of cannabis for any reason must be prohibited. 21 U.S.C. § 801, et. seq.

**D. Required Disclosures**

Federal regulations require that Vassar provide the following information to its employees and students regarding use of drugs and alcohol:

**E. Standards of Conduct**

See Part G III and Part G V (1) and (8) of these Vassar Rules Regulations

**F. Health Risks Associated with Drug and Alcohol Abuse**

See Part G III (A) of these Vassar Rules Regulations

**G. Resources for Those Dealing with a Substance Abuse Issue**

See [Part C I \(G\) - The Office of Health Promotion and Education](#) and [Part G \(B\)](#) of these Vassar Rules Regulations

## H. Legal penalties under local, State, or Federal law

See below

### I. Federal Drug Schedule

The penalties for 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, based on the drug's known or potential medical value, its potential for physical or psychological dependence, and its risk to public health. Schedule I drugs carry the most severe penalty, and Schedule V drugs carry the least severe penalty. (See 21 C.F.R. Sections 1308.11 through 1308.15).

#### 1. 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-methylenedioxyamphetamine ("ecstasy").

#### 2. 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: hydromorphone (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.

#### 3. Schedule III Controlled Substances

Substances in this schedule have a potential for abuse less than substances in schedules I or II and abuse may lead to moderate or low physical dependence or high psychological dependence. Examples of schedule III narcotics include combination products containing less than 15 milligrams of hydrocodone per dosage unit (Vicodin®) and products containing not more than 90 milligrams of codeine per dosage unit (Tylenol with codeine®). Also included are buprenorphine products (Suboxone® and Subutex®) used to treat opioid addiction. Examples of schedule III non-narcotics include benzphetamine (Didrex®), phendimetrazine, ketamine, and anabolic steroids such as oxandrolone (Oxandrin®). 102 updated January 2023 Regulations for 2022-23.

#### 4. 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®).

#### 5. 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®).

## **J. Federal Drug Penalties.**

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.

## **K. State Penalties:**

### **1. Use, Possession and Distribution of Controlled Substances.**

The State of New York has established outcomes 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).

## **L. New York State Traffic Laws**

The New York State Vehicle Traffic Law § 1192 prohibits the following:

### **1. Driving While Ability Impaired (BAC .05-.07) with the following penalties:**

- (a) 1st offense: up to a \$300-\$500 fine, up to 15 days in prison, 90-day license suspension;
- (b) 2nd offense: \$500-\$750 fine, up to 30 days in prison, minimum 6-month license revocation;
- (c) 3rd offense (misdemeanor) \$750-\$1,500 fine, up to 180 days in prison, minimum 6-month license revocation.

### **2. Driving While Intoxicated (BAC .08 or more) with the following penalties:**

- (a) 1st offense: up to a \$500-\$1,000 fine, up to 1 year in prison, minimum 6-month license revocation.
- (b) 2nd Offense: up to a \$1,000-\$5,000 fine, up to 4 years in prison, minimum 1 year license revocation (if the 2nd Offense occurs with 10 years of the 1st, it is a Felony);
- (c) 3rd offense: \$2,000-\$10,000 fine, Class D Felony, up to 7 years in prison, minimum 1 year license revocation.

## **M. New York State Laws Prohibiting Furnishing Alcohol or Tobacco to Others:**

### **1. 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.

### **2. 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. 103 updated January 2023 Regulations for 2022-23



#### **N. Public Intoxication Prohibited:**

##### **1. 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 they may endanger themselves 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 Four 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 substantially 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.

In addition to the above, other factors may also be considered and the outcome of any given case depends on a fact-specific inquiry. This means that there is no formula to ensure that a predetermined percentage or amount of a work—or specific number of words, lines, pages, copies—may be used without permission.

The College will consult with members of the Vassar community to assist in interpreting the legal requirements in order to assure legal compliance and the widest possible 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)**

##### **1. Digital Copyright Infringement.**

All members of the Vassar community are required to follow applicable federal, state and local laws pertaining to copyright. Although technology may make it possible for someone to download or copy videos, recording or digital materials from third parties, these actions may violate US copyright laws. The 1998 Digital Millennium Copyright Act (DMCA), 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) is considered a violation of these regulations.

##### **2. Copyright Compliance Officer**

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 Andrew Ashton ([anashton@vassar.edu](mailto:anashton@vassar.edu)), the Director of the Libraries. The copyright compliance officer will be notified by any party accusing a member of the Vassar College community of copyright infringement.

##### **3. Procedure After Notice of Violation**

Should the copyright compliance officer be notified by a bona fide copyright holder, or their authorized representative, of an alleged DMCA violation by a member of the Vassar

Community, the following procedure will be initiated: The copyright compliance officer

- (a) will determine whether the accused individual is in violation of copyright;
  - (b) will order that the individual cease and desist in distributing the copyrighted material; and
  - (c) (3) will order that the copyrighted files be removed from the computer.
4. Individual Responsibility; Penalties.

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 outcomes 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**

1. 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)
2. 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)
3. 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)
4. 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)
5. 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.

6. 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)
7. Facilitated Sex Offense with a Controlled Substance (NYS § 130.90)  
occurs when
  - (a) 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
  - (b) 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)
8. 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
  - (a) 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
  - (b) the person has engaged in similar conduct as described above against one or more additional persons; or
  - (c) 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

1. **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).
2. 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.
3. 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.
4. **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).

5. **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, over the most recent three years, and are reported to the Campus Safety 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.

The Advisory Committee on Campus Safety will provide, upon request, all campus crime statistics as reported to the United States Department of Education. Vassar's campus crime statistics and Annual Security Report can be accessed on the College's website at [offices.vassar.edu/campus-safety/statistics/](https://offices.vassar.edu/campus-safety/statistics/) or by contacting the Director of Campus Safety at (845) 437-5301. Information can also be obtained directly from the U.S. Department of Education website at [ope.ed.gov/security/](https://ope.ed.gov/security/).

## 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 through registration, 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, they do so on their 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 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 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 their 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.
6. 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 *Going to the Source: A Guide to Academic Integrity and Attribution at Vassar College*, 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 their 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 their 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 themselves.
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 outcome or outcome(s) to impose. The chair shall not vote on the matter of responsibility. The chair shall not vote on outcomes except in the case of a tie.

#### **B. Outcomes**

When a student is found responsible for any breach of academic integrity, a notation is placed in the student's academic file (for dean's use only). The work will be invalidated, and the academic panel may, at its discretion, recommend that the instructor permit the invalidated piece of work to be redone. In addition, the academic panel may impose sanctions that it considers appropriate, including (but not limited to) the following:

1. A grade penalty or a grade of F for the course, with the approval of the instructor.
2. 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).

3. A recommendation to the president of expulsion from Vassar College.
4. Require that the student work with the Learning, Teaching, and Research Center or other relevant resources of the College.

A student found responsible for a breach of academic integrity that results in a formal sanction must report that they have been the subject of disciplinary action if asked.

In cases involving first-time, minor offenses, the Academic Panel may issue a warning that is strictly for the dean's internal file. A warning is intended to signal that a student has violated the academic standards of the College and requires additional education. In addition, a warning alerts a student that future offenses will result in more severe consequences. A warning does not constitute a formal disciplinary action and is not part of a student's permanent academic file. A warning will be removed upon graduation provided there are no subsequent violations. Students who receive a warning without further incident may respond negatively if asked whether they have been the subject of disciplinary action by the College.

### C. Appeal

A student respondent may appeal the outcome of an Academic Panel hearing in cases where there is a finding of responsibility and reportable sanctions are imposed. A written appeal letter must be received by the Dean of Studies within 5 business days of the original panel decision date and must indicate one of the following grounds for appeal:

1. A procedural irregularity that affected the outcome of the matter;
2. The availability of new evidence that was not presented at the original hearing;
3. Evidence that a panel member hearing the case had a conflict of interest.
4. Appeals will be heard by the Committee on Student Records. Student respondents will be notified of the outcome of an appeal within 5 business days. The appeal decision letter will include a brief rationale.

## 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 their 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:** An email containing the due date will be sent when materials are checked out and three overdue notices will be sent after the due date has passed. Once an overdue item is declared lost, 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.

2. **All Music Library audio and visual 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 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. **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 ([https://vassar.primo.exlibrisgroup.com/discovery/search?vid=01VAC\\_INST:VAC](https://vassar.primo.exlibrisgroup.com/discovery/search?vid=01VAC_INST:VAC)) 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 \$1.00 per hour thereafter until the material is returned. Fines for three-day and two-week loans are \$5.00 per day.
4. **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 ([https://vassar.primo.exlibrisgroup.com/discovery/search?vid=01VAC\\_INST:VAC](https://vassar.primo.exlibrisgroup.com/discovery/search?vid=01VAC_INST:VAC)) 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 \$1.00 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.
5. **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 ([https://vassar.primo.exlibrisgroup.com/discovery/search?vid=01VAC\\_INST:VAC](https://vassar.primo.exlibrisgroup.com/discovery/search?vid=01VAC_INST:VAC)) to verify the exact time materials are due. Music Library Reserve fines are \$1.00 per hour per item.
6. **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.

### 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 a violation of academic integrity. Included are such actions as unauthorized removal of library materials; destruction of, tampering with, or defacement of library materials; 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 by cash or check by 3:00pm the Friday before Commencement. Charges for unreturned library materials will be sent to Student Accounts.

## K. Organization of Community Expectations System and Procedures

Vassar seeks to address situations in which it appears that a student has not met expectations in a fair, educational, developmental, 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 their 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.
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 community expectations process.
11. “Accused” shall mean a person accused of a violation who has not yet entered a community expectations 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 “community expectations administrator” means a college official authorized by the Associate Dean of the College to determine whether a student has violated the rules and regulations of the College, and to identify and provide outcomes upon a student found to have violated the College expectations.
- 16. The term “Community Expectations Panel” refers to the group of individuals authorized by the College to determine whether a Student Expectations meeting has resulted in an appropriate outcome in incidents that have resulted in any outcome beyond a warning.
- 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 outcomes 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 appeals.
- 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 *Administrator Handbook*, the *Vassar College Regulations*, the *Student Handbook*, or as published on the Vassar College website (<http://www.vassar.edu>).

## II. Community Expectations (CE)

### A. The Dean of the College

The Dean of the College is the senior officer presiding over the Community expectations (CE) system. The Dean of the College, or their designee, has the following responsibilities

- 1. Oversee the policies and procedural rules for the administration of the community expectations system.
- 2. Hear alleged student violations of college regulations. In such cases, the ruling of the Dean of the College or designee establishes whether the student is responsible for not meeting Vassar’s behavioral expectations and determines the appropriate outcome 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 community expectations process.
- 4. Receive appeals of decisions of the director of community expectations, the Title IX

Hearings, 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 Associate Dean of the College**

The Office of the Associate Dean of the College, reporting to the Dean of the College, is responsible for the administration of the community expectations (CE) system. Within the system, there are a variety of individuals and offices that have responsibility for addressing alleged violations of the College regulations. The Associate Dean of the College or their 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 Community expectations outreach or meeting with the accused student.
3. Implementing outcomes and monitoring completion of all outcome related requirements.
4. Maintaining the community expectations database, and forwarding all permanent conduct files to the Dean of Studies Office.
5. Issuing “No Contact Orders” and “No Contact Expectations”. The Associate Dean of the College or their designee is authorized to issue both No Contact Orders (NCOs) prohibiting contact between students when there exists a reasonable concern that physical or psychological harm may result from such contact and No Contact Expectations (NCEs) when there exists merely a preference from one student to not have contact with another student.
  - (a) 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:
    - i. When there are allegations, threats, or evidence of physical violence by one student against another;
    - ii. When there are allegations, threats, or evidence of emotional abuse against or harassment of one student against another;
    - iii. When there is a substantial risk of emotional harm from continued contact between students;
    - iv. When continued contact between students may have a material impact on campus disciplinary proceedings;
    - v. When requested or agreed to in good faith by both students involved; and
    - vi. When there are of allegations of serious College policy violations.
  - (b) 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.
  - (c) 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:

- i. Restricting a student's access to certain campus locations, including the other student's residence hall;
  - ii. Restricting the times a student may be present in on-campus dining facilities or athletic facilities;
  - iii. Requiring that the students not be enrolled in the same academic course(s); and
  - iv. Requiring that the students not participate in the same co-curricular or extracurricular activities.
- (d) NCOs may be issued by the following administrators:
- i. For matters pertaining to the community expectations: Associate Dean of the College or their designee;
  - ii. For matters pertaining to the Sexual Misconduct and Discrimination and Harassment Policy: the Title IX Coordinator/Director of EOAA, or their designee;
  - iii. For emergency situations involving personal safety: the Administrator on Call (AOC) will issue temporary NCO which shall be confirmed, modified, or rescinded by the Associate Dean of the College or Title IX Coordinator/Director of EOAA once all relevant information is reviewed.
- (e) 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 but can be granted NCEs. These individuals will also be encouraged to pursue forms of conflict resolution, such as mediation or restorative justice, when it appears possible to prevent the perceived need for a NCE. Mediations and restorative efforts are offered through the Office of the Associate Dean of the College, Residential Life and Wellness.

#### **D. Community Expectations Outreach and Meetings**

Serving as educational and developmental efforts to encourage a mindful navigation of expectations, community expectations efforts serve the purpose of notifying a student when there is the appearance of one or more of Vassar College's behavioral expectations not being met and then offer students a means of providing an opportunity to share their account of any such incident. The Office of Community Expectations does not address either Title IX or academic related incidents as these would be addressed by the Title IX or Dean of Studies Offices

A student is most likely to receive a community expectations outreach or invitation to a meeting from their house advisor but such meetings can also take place with the Director of the Community Expectations. In latter cases, students are strongly encouraged to consult with their process advisor—normally their house advisor—for any additional information related to the process. Community expectations efforts can be used to address any sort of incident and will begin with a review of the incident to identify whether informal or formal resolution would be appropriate.

1. Informal resolution may include, but is not limited to, one or more of any of the following outcomes; discussion, financial restitution, restorative effort, mediated conversation, apology. The student will receive an outcome that does not include a formal finding of responsibility for failing to meet any expectations.
2. Formal resolution includes a review of all pertinent facts related to the specific allegation(s).
  - (a) The student will be given the opportunity to be heard and to deny or accept responsibility for failing to meet expectations.
  - (b) Any denial of responsibility will result an effort--on the part of the community expectations administrator--to review pertinent facts related to the alleged behavior in order to identify if they appear to "more likely than not"--a preponderance of evidence standard--suggest that a student is, or is not, responsible for what is alleged.
  - (c) If it is identified that there is responsibility for what is alleged then a determination of an appropriate outcome will be identified by the community expectations administrator. Outcomes will be issued in writing directly by the administrator. Outcomes other than Warning 1 will be conveyed to the students as a recommendation that will be reviewed by the Community Expectations Panel.
  - (d) The Community Expectations Panel may either accept the recommended outcome or identify that outcome should be re-visited by the administrator along with a directive for change. In this latter case, the community expectations administrator will receive the directive from the Community Expectations Panel and work to integrate it within a new outcome that will be re-submitted to the Community Expectations Panel. The process for confirmation of outcome in such cases is likely to take additional time to reach resolution. The student will receive the written final outcome.
  - (e) Students will be notified in writing if it is determined that they were not responsible for violating a Vassar regulation.

#### **E. Requests for Appeals of Community Expectations Meeting Decisions**

Students may request an appeal to the outcome of their Community expectations meeting through use of an Appeal Request Form. Appeal request forms are available from the Office of the Associate Dean of the College, Residential Life and Wellness, or the director of community expectations and must be submitted within three business days of when the outcome letter is sent. Responses to requests for appeals will be limited to a review of the written documentation within the appeal request in order to identify if it appears to substantially support the cited ground(s) for appeal. As appeal request reviews are not re-hearings of the matter they shall be deferential to the original hearing body, granting appeals only in cases in which there is clear error or compelling justification to do so.

1. **Grounds for Appeal:** Appeals for community expectations meeting decisions may be requested on the following grounds:
  - (a) Alleged procedural error, which impaired the ability of the student to adequately present their 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 outcome issued by the community expectations administrator.
  - (d) Outcome of the case was not supported by the preponderance of the evidence.
2. If substantial evidence is provided that one or more of the above criteria is met, corrective action will be taken as the matter will either be returned to the original

community expectations meeting administrator with directives for change or forwarded to a different administrator for a new meeting opportunity. In appeal requests that result in the former, the individual hearing the appeal will make one of the following rulings in all cases:

- (a) Uphold the finding, and also uphold the outcome.
  - (b) Uphold the finding, but revise the outcome.
  - (c) Overturn the finding, and dismiss the complaint.
3. In appeal requests that result in a new community expectations meeting, a new administrator will be chosen to meet with the student and review that matter.
  4. If there is a perceived lack of substantial evidence that one or more of the above criteria has been met the request for an appeal will be denied and the student notified.

Decisions made by this second administrator are final.

## **F. 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, there is sufficient evidence to support reasonable cause and 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 outcome(s), if applicable.

1. Hearing Procedures:
  - (a) The reporting individual and respondent may review the College's investigation file in hard copy 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.
  - (b) 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.
  - (c) 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.
  - (d) 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.
  - (e) The reporting individual and respondent may be accompanied by an advisor/support person of their 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.

- (f) 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.
- (g) The hearing body will provide a written finding on the charges to the Dean of the College or their designee and may recommend outcomes. 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 an outcome, 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 their designee will make a final judgment on the findings and assign an appropriate outcome, if any, after reviewing the findings and consulting with the hearing body.
- (h) The reporting individual and respondent will receive a notice of the hearing outcome and the imposed outcome(s) generally within 3 business days after the date of the hearing.
- (i) The reporting individual and respondent may appeal the findings of the hearing body and/or final determination and outcome(s) within 5 business days in accordance with the standards and procedures for appeal in the Student Handbook.
- (j) 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. Intersession Community Expectations Meetings**

Intersession community expectations meetings may occur when classes are not in session. The procedures, and appeal request process, of these meetings are identical to those of the community expectations meetings.

#### **H. Title IX Hearing Appeals Committee**

Following a Title IX hearing, any party (alleged victim or accused student) may request an appeal of the findings and/or outcomes 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, outcomes 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 their designee, within five business days of receiving the written decision for a review of the decision or the provided outcomes. 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 outcomes 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 their 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 outcome 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 Appeals Committee for consideration. The party requesting appeal must show error as the original finding and outcomes 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 outcome 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 outcome. A summary of this new evidence and its potential impact must be included; and alter the outcome of the hearing.
  - (c) The outcome(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 can- not 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 provided outcome is 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 body that initially hear the incident (i.e. College Regulations Panel, Dean of the College or their designee), who may then increase, decrease, or otherwise modify the outcome, in consultation with the Associate Dean of the College. 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

**I. Accommodations for Students with Disabilities Participating in the Community Expectations Process**

A student requesting an accommodation on the basis of a disability in regard to a community expectations meeting, Title IX 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.

**J. 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.

**K. 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 Expectations/Regulations, the Constitution of the Vassar Student Association, and the Bylaws of the Vassar Student Association.

**L. Interim Measures**

Prior to the processing of an incident, when the situation recommends such action, the Associate Dean of the College for Student Living and Wellness, in consultation with Campus Safety, may implement appropriate action to maintain the safety of the campus community (or specific persons within the campus community) until the investigation and/or conduct process is complete. Such action may include No Contact Orders, No Contact Expectations, removal from campus residential facilities, removing a student from a class or classes, and/or interim suspension from the College. A student subject to such interim measures may appeal the decision to impose them to the Dean of the College within three business days after being notified of the decision.

**M. Outcomes**

After determining that a violation has occurred, a community expectations meeting shall result in an outcome 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 conduct history.

In all cases in which a student is found responsible for violating a college regulation, the outcome provided for the offense will ordinarily go into immediate effect. A list of outcome parameters is available at the Office of the Associate Dean of the College. Outcomes for

violations of college regulations include but are not limited to:

1. **Warning 1- Awareness:** A communication that a logical consequence of not meeting expectations in the future may be a more substantial outcome.
2. **Warning 2 - Advisory:** A communication that a logical consequence of not meeting expectations in the future may be a more substantial outcome that would include an outreach to the student's parent(s)/guardian(s).
3. **Warning 3 - Intervention:** A communication that a logical consequence of not meeting expectations in the future may likely result in a temporary or permanent removal from Vassar College. In an effort to feel confident that everything has been done to avoid removal from Vassar, this outcome includes an outreach to the student's parent(s)/guardian(s). *This outreach would be made regardless of concerns regarding how parent(s)/guardian(s) might respond.*<sup>8</sup>
4. **Restorative interventions:** Particularly for use when an incident results in harm done to one or more individuals, a community expectations administrator will work with the student(s) who accepted responsibility in an effort to repair the relationship(s) that have been adversely affected by the incident and possibly engage in an educational effort related to the behavior and/or the impact of the behavior.
5. **Restitution:** Monetary restitution is applied to cover the cost of damage or loss of property or services.
6. **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.
7. **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.
8. **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.
9. **Removal from campus housing:** Removal from campus housing may be permanent or temporary. A student barred from the residences may also be banned from entering any college student housing without written authorization from the Associate Dean of the College or their designee.
10. **Suspension from the College** represents a temporary dismissal for a specified duration. During this period, all rights and privileges linked to student status are temporarily revoked. This includes, but is not limited to:
  - (a) The right to attend classes.
  - (b) Access and use of the college library or other facilities.
  - (c) Obtaining credit for academic work.
  - (d) Participation in any college programs or activities.
  - (e) Holding any position on college committees or student organizations, whether by appointment or election.
  - (f) Being on the college property without written authorization from the Associate Dean of the College, Student Living and Wellness or their designated representative.

Upon return from a suspension, the student will be placed on probation for the remainder of their time at the college until graduation. Any further violations during this probationary period may result in additional disciplinary actions. Financial

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8 It is the responsibility of financially independent students to immediately notify the individual issuing this outcome of their financial independence in order to avoid any such outreach.

reimbursements for suspended students will follow the tuition refund schedule as outlined in the college catalogue.

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

## L. 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. Records 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.

1. **Community expectations records** will be expunged at the conclusion of each academic year (denoted by Commencement) if there was no finding of responsibility or if there was a finding of responsibility with an outcome that did not rise to the level of warning 2, warning 3, suspension or expulsion. Records that do not include the outcome of suspension or expulsion will be expunged upon graduation from Vassar College.
2. **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.
3. 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.
4. 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.

5. 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 their records in response to a judicial order, subpoena, or as required by law.

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9 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.



## **M. Interpretation and Revision**

1. Any question of interpretation or application of the Vassar College Regulations/Expectations shall be referred to the Dean of the College or their designee for final determination.
2. The Vassar College Regulations/Expectations 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.