

# STUDENT HANDBOOK

Dean of the College  
2020–2021





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*The information contained in this publication applies to the academic year 2020–2021, but this handbook is not to be regarded as a contract between the student and the University. The University reserves the right to change requirements, policies, rules, and regulations without prior notice in accordance with established procedures..*

# Colgate University Student Handbook 2020–2021

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# Introduction

## Mission

Colgate's mission is to provide a demanding, expansive, educational experience to a select group of diverse, talented, intellectually sophisticated students who are capable of challenging themselves, their peers, and their teachers in a setting that brings together living and learning. The purpose of the University is to develop wise, thoughtful, critical thinkers and perceptive leaders by challenging young men and women to fulfill their potential through residence in a community that values intellectual rigor and respects the complexity of human understanding.

Colgate University is a small highly selective residential liberal arts college for men and women of talent who are preparing for lives of leadership and productive citizenship. The Colgate faculty is a community of scholars committed to teaching in the classroom, the laboratory, the studio, and the library. Teaching is Colgate's first responsibility, serving not only to transmit knowledge but also to transform and extend it through a demanding, imaginative curriculum. Faculty scholarship complements teaching as it advances knowledge. Colgate maintains that ideal size which allows students to work closely with the faculty; it is neither a giant research university nor a tiny liberal arts college. The dialogue between faculty and students provides exciting opportunities for independent work.

As a residential college, Colgate is committed to the belief that learning takes place in many settings. Learning must serve life, and the opportunity to live together in a variety of settings encourages interpersonal exploration, expands mutual understanding, and supports a broadened perspective within a caring, humane community. The residential community provides a setting in which students gain maturity by taking responsibility for their actions and by coming to understand the impact of those actions upon others in an environment that is neither permissive nor authoritarian, but conducive to purposeful engagement.

Colgate is an inclusive institution with diverse students and faculty. With a mission to educate leaders who will and must come from all societal groups, Colgate is committed to educate students to virtue and encourages them to respond openly and sensitively to others who are different from themselves. Within the limitations of its resources, Colgate extends opportunities to academically qualified students without regard to their ability to finance their education.

While we celebrate our diversity, we function as one institution. Although we work together for the success of the University, we also recognize that our differences enrich the experiences of all of us. Groups that lead a separate existence do not support the whole, and those who forsake their culture impoverish all, depriving us of the richness of America's cultural background. We celebrate that difficult balance between the commonalities of human experience and the particularities of our individual lives.

The sense of community that begins in student/faculty dialogue and continues in the residential college is furthered by Colgate's general education program. The faculty at Colgate are deeply committed to the idea that the common experience of a shared core curriculum provides the foundation for dialogue both in the classroom and in campus residences. Students and faculty engage those persistent questions and problems that are general to human life as well as new questions raised by technological developments and the proliferation of knowledge. General education at Colgate focuses on questions that transcend disciplinary interests and lie at the intersection of the social, political, economic, and philosophical transformations that have marked the 20th century.

To understand the human condition and the world in which we live requires both analysis and synthesis. We divide knowledge into manageable pieces to achieve understanding in depth, and we integrate the particular to achieve general understanding. Colgate offers a broad array of academic majors, both disciplinary and interdisciplinary, to assure learning in depth, while the program of general education synthesizes the insights of the disciplines into a more coherent understanding of human experience.

The general education sequence of courses takes students not only to various historical moments but also to a variety of social and cultural locations. Colgate puts different cultures, Western and non-Western, in conversation with one another in order that students might see that culture, like the human condition, is not given a priori; it is learned. In order to build upon the knowledge gained in the general education program and to enable students to increase their capacity to view their own culture and to learn how others see us, Colgate annually offers an extensive array of faculty-directed study abroad programs in more than 20 locations in Europe, Asia, Africa, and Latin America. Orientation programs enable students, regardless of their area of study, to prepare for study abroad by examining what it means to live in another culture, and they share their experiences when they return to campus. Almost half of each class participates in some form of off-campus study during their undergraduate career.

Recognizing that we know the world in many ways, Colgate educates the whole person. Those ways of knowing include the engagement of both mind and body with the external world. The fine and performing arts add the challenge of self-discipline and self-expression to the Colgate experience. The arts, which lie at the center of our eternal reinvention of culture, engage students' creative capacities and enhance their understanding of the world even as they entertain us. With flourishing programs — both curricular and extracurricular — in writing, music, the visual arts, theater, and dance, Colgate is continually enriched by the talents of its students and faculty. In like manner, the exhilaration of physical challenge, the value of group effort to achieve common ends, and the confidence that comes with developing the skills we need to participate in a lifetime of healthy activity are brought together in challenging athletic and outdoor recreational programs that encourage students to develop their personal potential and experience the cohesion of shared purpose.

Finally, Colgate recognizes that those who lead are obligated to help others in need. That obligation must be nurtured, especially in a society that stresses the personal over the communal. Colgate is a nonsectarian institution, but it emphasizes individual and social responsibility to serve the less fortunate. Colgate engages this obligation through an extensive program of service learning and through fostering an ethos that balances individual freedom with social good. Service activities increasingly enhance classroom understanding of social institutions and their expression.

In sum, the mission of Colgate University is to create and nurture an environment most conducive to the creation of self-knowledge and public knowledge.

## Goals of a Colgate Education

A Colgate education should enable students to:

See themselves honestly and critically within a global and historical perspective: recognize that their beliefs, identities, interests, and values are in part a reflection of their background, education, and life experiences.

1. Understand the methodology, modes of thought, content, and discourse of a particular scholarly discipline: articulate questions for research and craft a coherent argument so as to produce a substantial work in their chosen field.
2. Conduct interdisciplinary inquiry: synthesize viewpoints from multiple disciplinary perspectives so as to overcome the limitations of any one perspective.
3. Appreciate the myriad modes of human creative expression across time and place.
4. Investigate human behavior, social relations, and institutions in order to understand the complex relationship between self and society.
5. Examine natural phenomena using the methods of science, and understand the role of science in contemporary society.
6. Acquire valuable habits of mind: listen and read well; think critically and creatively; ask challenging questions; gather relevant information and construct cogent arguments to answer them.
7. Communicate well: speak and write correctly and precisely; speak and read a second language; present information effectively.
8. Set an example of ethical behavior in public and in private: take a principled stand for what they believe and be accountable for their actions; uphold the legal and ethical uses of information.
9. Be engaged citizens and strive for a just society: embrace their responsibilities to local, national, and global communities; use their influence for the benefit of others.
10. Respect nature and the diversity of life on earth: recognize their individual and collective responsibilities for the stewardship of the earth's resources and the natural environment.
11. Grow in both confidence and humility: affirm a set of values while respecting and learning from the diverse perspectives, identities, ways of life, and philosophies of others.
12. Continue learning beyond college: sustain a lifelong curiosity and grow in knowledge and wisdom.

## Academic Freedom and Freedom of Expression

Colgate's Task Force on Academic Freedom and Freedom of Expression was formed by President Brian W. Casey in the summer of 2017, after consultation with Colgate's Faculty Affairs Committee. The Task Force was composed of 13 members of the Colgate community, including representatives of the faculty, staff, Board of Trustees, and student body. President Casey charged the task force with the following to guide the efforts of the Task Force:

“Academic freedom and freedom of expression being central to the academic mission of Colgate University and to the enterprise of higher education generally, the Colgate Task Force on Academic Freedom and Freedom of Expression is charged with reviewing the history of academic freedom and freedom of expression policies and developments at Colgate University and drafting a statement on academic freedom and the freedom of expression as it relates to all sectors of the University's community. The task force will recommend the statement for consideration by the faculty, the Board of Trustees, and the Student Government Association.”

In 2018, the Report on Academic Freedom and Freedom of Expression was endorsed by the Board of Trustees, faculty, and the Student Government Association.

See online at <https://www.colgate.edu/about/offices-centers-institutes/provost-and-dean-faculty/academic-freedom-and-freedom-expression>

## Student Life

The Vice President and Dean of the College, Paul J. McLoughlin II, members of the dean's staff, and numerous other offices and departments are concerned with the quality of student life beyond the classroom. Extracurricular activities at the University are intended to complement and enhance a student's academic experience, and a wide range of programs and services is conducted for this purpose. A listing of Student Life information can be found in the University Catalog.

### *Administrative Deans*

Every student at Colgate is assigned an administrative dean who can provide advice and assistance. The administrative deans work collaboratively with academic advisers to assist students in achieving personal and academic success. Students may refer to their portal for the names of both their academic adviser and administrative dean, and are encouraged to access these valuable resources throughout their time at Colgate.

Working collaboratively with academic advisers, administrative deans assist students with interpretation of the University's policies and procedures, and answer questions pertaining to: graduation requirements; attendance patterns; medical, personal, or academic leaves of absence; withdrawal from the University; disciplinary matters; or emergencies or problems that may affect the quality of a student's academic work. Administrative deans are available to assist students with personal issues and may, at the request of the student, contact others in the Colgate community or elsewhere who may be better positioned to assist, depending on the situation.

Administrative deans are also available for consultation with instructors and academic advisers regarding questions of University policy, as well as on student academic progress. In this regard, throughout the semester, faculty members are asked to alert a student's administrative dean if their absences from class are excessive and/or they are experiencing academic difficulty in a course. Administrative deans may also request a specific progress report at any time if the dean feels that the student's academic status is in question. Other areas of mutual concern between a faculty member and an administrative dean include: authorization of incomplete grades, verification of prolonged absence from class, and academic standing.

Colgate University, as a matter of policy, regards students as adults and therefore encourages them to take responsibility for their academic and personal lives at Colgate; however, in the event that an administrative dean feels that a student's Colgate career is in jeopardy for health, academic, or disciplinary reasons, the University may contact the student's parents, guardians, or next of kin.

### *Academic Adviser*

The academic adviser, as the title implies, provides advice to students on their academic life of the college, and assists them in planning their academic programs and course schedules, selecting majors, and examining postgraduate plans. The academic adviser is also frequently called upon to write letters of recommendation.



The faculty member who teaches a student's first-year seminar serves as their academic adviser for the first two years, although after the first semester, a student may change academic advisers. In the spring term of the second year, students choose an academic adviser in the academic department or program that they have chosen for their major. If their academic adviser goes on sabbatical, leave, or leaves the University, the student should request another academic adviser through the same department or program.

For more information on the role of the academic adviser, see Academic Advising in the *University Catalog*.

## Student Rights and Responsibilities

Colgate University has taken a number of steps to codify student rights and responsibilities. The resultant codes and policy statements are collected in this handbook.

### Code of Student Conduct

The Colgate University Code of Student Rights and Responsibilities was approved and adopted by the University Council on March 12, 1975, and modifications have been made periodically through the University governance system. The code deals with those rights and responsibilities that are of particular importance to students as members of Colgate University, and it appears below in its entirety.

#### *Preamble*

This Code of Student Rights and Responsibilities attempts to clarify, enumerate, and gather rights and responsibilities that are of particular importance to students as members of Colgate University. Students are also members of the community at large, and no enumeration of their rights and responsibilities as students shall be deemed to conflict with rights they enjoy and rightful responsibilities they acquire in becoming citizens of Colgate. Furthermore, this particular Code of Student Rights and Responsibilities shall not be presumed to preclude other rights and responsibilities that properly belong to students as members of an educational community. Colgate University is constantly evolving, and the rights and responsibilities of members of this community must be regularly reassessed.

In order to create the best possible climate for learning, the University recognizes the importance of providing personnel and facilities of high quality and of maintaining the rights of free inquiry, expression, and assembly. In addition, the University recognizes the need to protect the inviolability of the student's personal and civil rights: specifically, the right to be secure in one's person, speech, living quarters, papers, and effects against unreasonable search and seizure; and the freedom from disciplinary sanction except by due process, with avenues of recourse available when a student claims to have been subjected to prejudicious, discriminatory, or capricious treatment.

Students are expected to make the best possible use of the educational resources of the University. In addition, they are expected to abide by the rules, regulations, and procedures that the University has developed to implement its educational objectives and to respect the University's right to safeguard property, ensure the safety of individuals, and maintain public order on its premises.

It is not the intention of this Code nor in the power of the University governance system to change the bylaws of the Board of Trustees of Colgate University, nor is it the intention of this Code to abridge the rights and responsibilities of other members of the Colgate community who are not students.

The responsibility for interpreting and for maintaining the rights and responsibilities of students at Colgate University belongs to the Vice President and Dean of the College, who may be advised in this responsibility by the Student Affairs Board.

#### *Campus Expression*

Pursuit of a liberal education requires an atmosphere conducive to the full and free expression of opinion. Responsive membership in the Colgate University community also requires a respectful awareness of individual and group sensibilities.

1. The right of discussion and expression of all views is a basic principle within the University. In the course of any public lecture, a speaker has the right to present their subject without interruption. Students or other prospective members of the audience may request beforehand the right to question the speaker at the speaker's convenience and shall be informed prior to the speaker's presentation what the response has been to such a request.

2. Students, student groups, and student organizations may invite and hear any persons of their own choosing subject to the requirements of the use of University facilities.
3. A student, student group, or student organization may distribute without prior approval written material in areas wherein distribution shall not interfere with classes or University-authorized functions.
4. The right to peaceful demonstration is accepted by the University with the understanding that Colgate must act to ensure the safety of individuals, the protection of property, and the continuation of the academic process without interference on its premises.
5. The University condemns statements, symbols, and actions that denigrate or ridicule an individual or group because of race, religion, ethnicity, sex, or sexual orientation, when such statements, symbols, and actions clearly serve no educational purpose.

## ***College Residences***

1. As a residential college, Colgate recognizes the importance of offering living units that provide a supportive environment within which each student can develop to their fullest abilities. The right of students to sleep and study in their rooms, subject to reasonable needs and schedules, are the basic priorities of residential life at the University.
2. All first-year, sophomore, junior, and senior students are required to live in University-owned residences. Juniors and seniors who are members of a fraternity or sorority may live in the organization's chapter house owned by the University. Seniors may live in private off-campus housing, but only if approved through the private off-campus housing lottery and/or by permission of the Director of Residential Life.
3. Nothing in the residence hall housing agreement may expressly or implicitly give University officials authority to consent to a search of a student's room by police or other government officials without a warrant authorized by law. Staff members may enter a student's room out of concern for the health and safety of the residents.
4. Where there is a reasonable basis to believe that a violation has occurred or is taking place, the Vice President and Dean of the College may authorize a search of a student's room in a residence hall by members of the University to determine compliance with federal, state, and local criminal law or University regulations.
  - a. The Vice President and Dean of the College or designee shall authorize the search and state in writing the purpose thereof before the search takes place. Any search authorization may subsequently be reviewed by the Student Affairs Board upon request of the involved student. The purpose of such review is (a) to determine that the individual's rights were observed, and (b) to confirm that the authorization was well-founded. For example, authorization to search a room for stolen property would be considered well-founded and would not prevent punitive measures being taken on the basis of evidence discovered during the search that revealed another offense. If the Student Affairs Board determines that the authorization was improper, nothing discovered or seized during the search shall be used as evidence before the University Student Conduct Board, although stolen property shall be returned to the owner(s).
  - b. When a search of a student's room has been authorized, it should be done in the presence of that student or the students in question.
  - c. In the absence of the student, the Vice President and Dean of the College or their delegate shall have an officer of the living unit or an elected student representative of the student government association witness the search.
  - d. When a student has been absent while their room was searched, the student shall be informed of the search and of the basis for that search.
5. When the appropriate University officials plan to seek access to a student room in a residence hall for improvement, repairs, or for reasons of safety, including, but not limited to, fire safety checks, the occupant shall be notified in advance, although there may be entry without notice in connection with scheduled fire drills or in emergencies where imminent danger to life, safety, health, or property is reasonably feared (including, without limitation, responses to all fire alarms not triggered as part of a scheduled drill).

## ***Communications Media***

1. Participants in student campus communications media organizations, including editors and managers, are granted freedom of oral and written expression, freedom from advance approval of copy, and freedom from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes are editors and managers subject to sanctions.

2. This freedom of expression entails a corollary obligation on the part of the participants and any student making written or verbal statements on University premises or while a part of a University-sanctioned program, group, or organization to observe the standards of civil laws that protect the rights of individuals and institutions against slander, libel, and falsehood.
3. All student communications shall make periodic public statements that the opinions expressed are not necessarily those of the University or the Student Association.
4. Nothing in this section shall prevent the University from complying with the rules and regulations of the Federal Communications Commission that apply to Colgate media.

### ***Maintenance of Student Records***

1. Information regarding students may be recorded and retained when it has substantial, demonstrable relevance to the educational and related purposes of the University. Information lacking such relevance, including information that may be contained in files specified in part b of this section, shall be expunged by appropriate University officials whenever it is lawful to do so. Information “subject to student inspection” as defined by the Family Educational Rights and Privacy Act of 1974 may not be expunged or altered in any way until a student or former student who has properly requested to see such information has been given reasonable access to it.
2. Files shall be maintained of the following: academic records and supporting documents, general education records; records of disciplinary proceedings; medical and psychiatric records; financial aid records; and placement records.

Administrative records kept by the Vice President and Dean of the College or members of the staff shall be known as the student’s general education file. It shall include the student’s admission file, correspondence by or to the University pertaining to the student, interview reports made by the Dean or members of the Vice President and Dean of the College staff, official University Student Conduct Board correspondence, and any records about formal action taken by the University, officials of the University, or officially recognized groups of the University with regard to the student.

- a. Official academic records, including transcripts thereof, should be an unabridged and chronological record of all courses undertaken with grades received and progress toward graduation. Transcripts of academic records shall contain only information about academic status, including any interruptions in the student’s progress. Except for intra-institutional use, academic records and transcripts shall be made available only with the formal consent of the student involved.
  - b. Disciplinary records maintained by the disciplinary officer are for internal use and as such shall not be made available to persons outside the institution except on formal authorization of the student involved, or under legal compulsion. Intra-institutional use shall be restricted to the Disciplinary Officer, who may disclose and interpret the record to other officials in the institution when necessary for the discharge of their duties.
  - c. Medical records shall be under the direct supervision of a member of the Student Health Service in order to ensure the special legal protection which is assured communications between physician and patient.
  - d. Counseling records kept by any member of the University whose position relative to students is defined by law as “privileged communication” shall be under the direct supervision of that counselor. Such counselors include people working as physicians, psychologists, psychiatrists, lawyers, and clergy working in that capacity for the University.
  - e. Consistent with state and federal regulations, financial records of students, including those related to the granting of scholarships and other assistance based on financial need, shall be kept strictly confidential at the discretion of the source of the information.
  - f. Center for Career Services records are created, maintained, and used to assist in the student’s education, development, and employment not only as an undergraduate, but also throughout their lifetime. The credentials provided by the institution shall contain chronological listings of the study and employment of the candidates with confidential references written by faculty and employers designated by the candidates and released only with the candidate’s permission. The credentials shall provide no information in conflict with fair employment legislation, nor any information the release of which is the responsibility of offices other than the Center for Career Services.
3. The privacy and confidentiality of all student records shall be preserved through observation of the following procedures:
    - a. Official student academic records, supporting documents, and other student files shall be maintained only by members of the institution staff employed for that purpose.

- b. No entry may be made on a student's academic record and no document may be placed in a student's academic file without actual notice to the student. Publication of grades and announcement of honors constitute notice.
  - c. No record identifying an individual student may be made in relation to any of the following matters except with the written permission of the student: race, religion, political or social views, and membership in any organization other than honorary and professional organizations related to the educational process.
  - d. The University complies with the Family Educational Rights and Privacy Act of 1974 and reserves the right to offer the additional protection to students enumerated in this code and by any other administrative ruling or regulation.
  - e. In releasing data for research, the institution must take due care to protect the identity of the student. Before submitting information from student records to a researcher, the institution shall be assured that the research agency will follow acceptable standards of confidentiality. Whenever the limits of confidentiality are in question, the institution shall obtain the formal consent of the student prior to using information about the student for research purposes.
4. It is the responsibility of the student to report their current local address, place of residence, and home address to the registrar.

### ***Visits of Consultants***

- 1. Consultants shall be free to appear on campus for the purpose of conducting interviews or distributing information regarding postgraduate employment or military service, provided that they conduct their activities under the auspices of the Center for Career Services or the relevant academic discipline and that they utilize the facilities provided by the University sponsor.
- 2. Advance notice of all visits by consultants to the Center for Career Services must be posted by the center at least one week before each visit.

### ***Student Organizations and Groups***

- 1. Organizations and groups may be established at Colgate University. They shall be defined as any number of individuals who: use the campus as the focus for their activities and/or use University facilities, or use student activity fees, or use the University name; or draw their membership primarily from among the student body of the University.
  - a. An organization is a formally organized body of students with an officer or officers, intending to remain organized on a regular and yearly basis.
  - b. A group is a number of persons gathered on an informal basis with a specific concern who designate one spokesperson for the group's activities.
- 2. The following requirements shall apply specifically to organizations: a statement of purpose or purposes, constitution and by-laws, and compliance with the Student Organization Relationship Statement and/or other applicable University requirements for recognition. The names and addresses of current officers must be filed with the University department designated for such purposes.
- 3. The following conditions shall apply specifically to groups: groups of a continuing nature may be asked to become organized if their activities become such that an informal structure no longer meets the necessity for establishing the group's responsibility, as determined by the University department designated for such purposes.
- 4. Membership in an extramural organization shall not, in itself, disqualify the campus branch or chapter of any group or organization from privileges to which it is entitled as a University group or organization, but where there is such affiliation, the extramural organization's constitution, by-laws, and amendments shall be filed with the University department designated for such purposes.
- 5. Recognition of a group or organization by Colgate University implies neither approval nor disapproval of the purposes, objectives, and policies of the organization.
- 6. Organizations and groups may keep membership lists confidential and solely for the use of the organization, with the exception that names and addresses of the relevant officers and spokespersons are required as a condition of recognition.
- 7. Upon request, the University department designated for such purposes may locate and assign Colgate University facilities to authorized organizations, groups, or individuals for regular business meetings, for social programs, or for programs open to the public with the following provisions:

- a. Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of the space assigned, to regulate time and use, and to ensure proper maintenance.
  - b. Allocation of space shall be made based on the order of receipt of requests and the demonstrated need of the organization, group, or individual.
  - c. The University shall publish any rental charges levied for use of its facilities.
  - d. Physical abuse of assigned facilities shall result in reasonable limitations on future allocation of space to offending parties, and the University will require restitution for damages.
  - e. The individual, group, or organization requesting space must inform the University of the general purpose of any meeting.
8. The Colgate University Student Senate may allocate institutional funds derived from student fees for use by recognized organizations and groups otherwise eligible that:
  - a. Submit their budgets to the Colgate Student Senate for approval; and
  - b. Provide on a schedule determined by the student senate a statement of income and expenses.
9. The University may require disclosure of sources of all funds of any organization that requests the use of University facilities or funds from the University or the student senate.
10. No individual, group, or organization may use the University's name without the explicit authorization of the University.
11. No member of the Colgate University community shall be denied membership in any organization or group because of gender, gender identity or expression, race, religion, national origin, ethnicity, color, age, marital status, citizenship, sexual orientation, or disability; provided that (1) the foregoing prohibition on discrimination on the basis of gender shall not apply to membership policies of student organizations recognized as single-gender organizations prior to October 11, 2013, and (2) fraternities and sororities may have policies that provide for single-gender membership.
12. A group or organization will be held collectively responsible (i.e., subject to group/organizational discipline) when it is reasonable to attribute the actions of at least some of its members to the group or organization as a whole. Among the situations in which group/organizational discipline may be imposed are the following:
  - a. Any act or omission in violation of the Colgate University Code of Student Conduct, or University policy, that has received the explicit or implicit consent or encouragement of one or more of the group's or organization's officers;
  - b. Any act or omission in violation of the Colgate University Code of Student Conduct, or University policy, that has been undertaken by one or more members of the group or organization as a result of the unreasonable failure of the officers to oversee the conduct of the group's or organization's membership and/or group or organizational activities;
  - c. Any failure of the officers of the group or organization to ensure the adoption of reasonable precautions to avoid a violation of the Colgate University Code of Conduct, or University policy; or
  - d. Any policy or practice of the group or organization that results in a violation of the Colgate University Code of Student Conduct, or University policy.

A group or organization found responsible in accordance with the foregoing may have sanctions imposed against it pursuant to applicable University disciplinary procedures. A group or organization will not be held responsible for its members' actions that do not fall under the conditions stated above.

### ***Termination of Employment***

1. No student shall be discharged from employment or suffer termination of student aid by the order or request of a University employee without written notice, an opportunity to be heard by the University employee issuing such an order or request and a right of appeal to the Vice President and Dean of the College (or their designate).

## ***Enforcement***

Any adversely affected student may present evidence of alleged violations of their rights outlined in this code by University employees or officers of Student Affairs Board. A majority of the Committee may report violations to the Vice President and Dean of the College for appropriate action to be determined by him/her. A majority of the Committee may also report violations of the code to the campus press.

## ***Distribution***

1. This code and all other University rules and regulations directly pertaining to students shall be published in one pamphlet and distributed to all members of the University community.

## **University Policy on Nondiscrimination**

Colgate fully subscribes to and complies with all federal and state civil rights laws banning discrimination in private institutions of higher education. These include but are not limited to Title IX and Title VI of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Rehabilitation Act, the New York State Human Rights Law, and New York State Education Law Article 129-B. Colgate is committed not only to compliance with these laws but also to promoting a community that lives out the values these equal opportunity laws envision.

Colgate will not discriminate against any person because of race, color, sex, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, sexual orientation, gender identity and expression, status as transgender or gender transitioning, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, or any other protected category under applicable local, state, or federal law.

The associate provost for equity and diversity serves as Title IX Coordinator and oversees implementation of the Non-discrimination/Title IX Procedures for responding to complaints of sexual harassment, sexual assault, discrimination, discriminatory harassment, and other violations of this policy.

Inquiries may be made to:

Marilyn ("Lyn") Rugg, Ph.D.  
Associate Provost for Equity and Diversity & Title IX Coordinator  
The Office of Equity and Diversity  
102 Lathrop Hall  
Colgate University  
13 Oak Drive  
Hamilton, NY 13346  
315-228-6161

Inquiries and complaints may be made externally to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline Phone: 800-421-3481

## **University Policy on Affirmative Action**

Colgate University is committed to diversity in its workforce among members of the faculty, administration, and staff. More specifically, Colgate takes affirmative action to seek out qualified candidates who are members of historically underrepresented groups, and women, for appointment to available positions at the University. Fundamental to this practice is the affirmation that the presence of women and members of diverse ethnic and racial groups is needed for the University to fulfill its educational mission. The intent of the policy is that affirmative action at Colgate be not simply formal compliance with the law, but a vigorous program of recruitment and appointment.



Furthermore, Colgate University is committed to ensuring equal opportunity and nondiscrimination in all of its employment practices, without regard to race, color, sex, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, sexual orientation, gender identity and expression, status as transgender or gender transitioning, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, or any other protected category under applicable local, state, or federal law.

This commitment applies to the University's practices in hiring, supervision, promotion, and termination.

The Director for EEO/AA (Office of Human Resources, 315-228-7014) oversees implementation of Colgate's Affirmative Action and Equal Opportunity plan.

## Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA), often referred to as the "Buckley Amendment," affords students certain rights with respect to their educational records. They are:

1. The right to inspect and review their own educational records within 45 days of the day the University receives their request for access. Students should submit to the registrar, dean, head of the academic department, or other appropriate official written requests that identify the record(s) they wish to inspect.
2. The University official will make arrangements for access and notify the student of the time and the place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official should advise the student of the correct official to whom the request should be addressed.
3. The right to request that the University amend an educational record that the student believes is inaccurate or misleading. The student should write to the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.
4. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of their 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.
5. The right to consent to disclosure of personally identifiable information contained in the student's educational records, except to the extent that FERPA authorizes disclosure without consent.

One exception that permits disclosures without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University 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 University has contracted (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 officer has a legitimate interest if they need to review an education record in order to fulfill their professional responsibility.

"Directory information" may be disclosed without the student's consent. "Directory information" includes the student's name, class year, address, telephone listing, email address, date and place of birth, major and minor field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, photographs, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student, and any other similar information.

A student has the right to withhold the public release of any or all information directly pertaining to them by giving advance notice to the Office of the Dean of the College. Such advance notice must be received in the Office of the Dean of the College prior to the end of the drop/add period for each term.

## QUESTIONS AND COMPLAINTS

Any questions pertaining to Colgate University's policy under the federal regulations protecting the privacy rights of students should be referred to the Office of the Registrar. Complaints regarding alleged violations by the University of rights protected by the federal statute and regulations may be submitted to: Family Policy Compliance Office, U.S. Dept. of Education, 600 Independence Ave., SW, Washington, DC 20202-4605.

## Recommendation Letters, Applications, and Inquiries

1. It is the student's responsibility to answer honestly and fully all questions asked on graduate school, graduate fellowship, employment, and other applications.
2. When providing a recommendation for students or former students, administrative deans and those acting on their behalf shall answer honestly and fully such questions asked of them.
3. Every recommendation mentioning a disciplinary action shall state that doing so is mandated by University policy. The recommender may comment on the relevance of the disciplinary action to the student's suitability for the program, job, or fellowship for which they are applying.
4. Academic dismissals, involuntary leaves of absence and University Student Conduct Board suspensions and expulsions shall always be mentioned in all recommendations.
5. When no questions about discipline are asked directly, the recommender shall:
  - a. mention all cases of disciplinary sanctions (Warnings, Probations, or University Student Conduct Board sanctions) currently in effect and any disciplinary sanctions within four months of the date of the recommendation.
  - b. mention past cases of discipline if they are relevant. For example:
    - i. any case of violent behavior and all cases of similar severity should be mentioned.
    - ii. a pattern of irresponsible behavior or immature behavior that raises concerns about the student's current maturity should be mentioned.

## Grievance Policy

### STUDENT'S FREEDOM OF EXPRESSION AND INQUIRY

At its meeting of January 21, 1974, the Committee on Faculty Affairs approved the following statement:

The professor in the classroom and in conference should, consistent with the nature of the course, encourage free discussion, inquiry, and expression. Student performance should be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

Students should have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

## The Academic Honor Code and Academic Dishonesty

### *Background*

In the spring term of 1999, Colgate University approved a new Academic Honor Code that went into effect in the fall term of 2000. The Academic Honor Code itself appears below, and all Colgate students are expected to be familiar with the code and abide by it. At the time of matriculation, all students are required to read and sign the Academic Honor Code. For a more extensive discussion of academic dishonesty, refer to The Colgate University Academic Honor Code, a booklet provided to students at the start of their first year. Additional copies may be obtained from the Office of the Dean of the College in McGregory Hall.

### *The Academic Honor Code*

At Colgate University, we believe honesty and integrity are fundamental in a community dedicated to learning, personal development, and a search for understanding. We revere these values and hold them essential in promoting personal responsibility, moral and intellectual leadership, and pride in ourselves and our University.

As Colgate students, we will represent ourselves truthfully, claim only work that is our own, and engage honestly in all academic assignments.



Since articulated standards and expectations can influence attitudes, and because each of us shares the responsibility for maintaining academic integrity, we are committed to upholding the Academic Honor Code.

### ***Academic Honor Pledge***

As a member of the Colgate community, I pledge to live by and to support the letter and spirit of Colgate's Academic Honor Code.

### ***Reporting Procedures***

Members of the Colgate community who misrepresent themselves or their work through cheating, fabrication, facilitation, or plagiarism, or who suspect another of such misrepresentation are expected to follow the outlined reporting procedures.

Consistent with the basic expectations of the Academic Honor Code, students who believe they may have violated Colgate's standards of academic integrity are expected to acknowledge their concerns to the course instructor or to their academic or administrative dean.

A student who observes what may be academically dishonest behavior on the part of another student is expected to share that concern with the other student in a timely fashion. If the observer and the other student determine that no violation of the Academic Honor Code has occurred, no further action is required; however, if either student believes that an Academic Honor Code violation may have occurred, the student in question is expected to self-report the incident immediately to the course instructor or to their academic or administrative dean. Self-reporting does not constitute an admission of guilt but is an essential step, necessary to prevent misunderstanding and apprehensions. Within three class days, the observer will also contact the associate dean for administrative advising to ensure that the self-report has indeed taken place.

The instructor will review the elements of the complaint, and if the instructor believes that the Academic Honor Code has been violated, they will contact the University disciplinary officer, who will convene a University Student Conduct Board hearing as outlined in this *Student Handbook*.

### ***Academic Dishonesty***

Briefly stated, Colgate University defines academic dishonesty as ***any attempt to misrepresent one's performance on any academic exercise submitted for evaluation***. Academic departments and programs, at their option, may further clarify this general definition in writing (and distribute this clarification to students taking courses in that department). A violation of the department's or program's statement shall be considered a violation of the academic dishonesty policy of the University as a whole. In any situation where a student questions the appropriateness of representing a work as their own, it will be the student's responsibility to raise the question with the instructor. ***Ignorance of University policy concerning academic dishonesty shall not be a defense in any conduct board proceeding.***

Colgate University recognizes four forms of academic dishonesty: Cheating, Fabrication (of data or sources), Facilitating Academic Dishonesty, and Plagiarism. The full definitions of these forms of academic dishonesty are listed below. All students are urged to read these definitions carefully to gain a complete understanding of behavior that the University considers academically dishonest. ***Ignorance of the definitions will not be seen as a defense in University Conduct Board proceedings.***

#### **CHEATING**

Cheating shall be defined as attempting to use prohibited materials, information, or study aids in any academic exercise. To prevent possible claims of cheating, there should be strict adherence to the following guidelines:

Faculty members should state, in advance, their policies and procedures concerning examinations and other academic exercises. Students should request such information if a faculty member neglects to offer it.

It is especially important that clear guidelines be established and followed concerning the use of "take-home" examinations.

Students completing an "in-class" or "take-home" examination should assume that any external assistance (e.g., books, notes, calculators, conversations with others) is prohibited unless specifically authorized by the instructor.

Substantial portions of the same academic work may not be submitted for credit or honors more than once without the permission of the instructor(s).

Students must not allow others to conduct research or prepare any work for them without advance authorization from the instructor. This parameter includes, but is not restricted to, commercial term paper companies and files of past papers.

## **FABRICATION**

Fabrication shall be defined as the attempt to falsify or invent without authorization any information or citation in an academic exercise. To prevent possible claims of fabrication, there should be strict adherence to the following guidelines:

1. “Invented” information may not be used in any laboratory experiment or other academic exercise without notice to and authorization from the instructor. It would be improper, for example, to analyze one sample in an experiment and covertly “invent” data based on that single experiment for several more required analyses.
2. A student should acknowledge the actual source from which he or she obtains cited information. For example, a writer should not reproduce a quotation found in a book review and indicate that the quotation was obtained from the book itself.

## **FACILITATING ACADEMIC DISHONESTY**

Facilitating Academic Dishonesty shall be defined as attempting to help another to commit an act of academic dishonesty. For example, if a student gives another student a specific answer to a homework assignment and knows that such assistance was either prohibited or would not be acknowledged, they are facilitating academic dishonesty.

## **PLAGIARISM**

Plagiarism is the act of using another person’s work without clearly acknowledging your debt to the original source. This includes the borrowing of words, ideas, images, tables, charts, etc., from books, articles, web pages, interviews, television shows, films, songs, or any other medium.

To avoid plagiarizing, always provide a specific citation to the original source in each instance in which you have borrowed from another’s work. In addition, always use quotation marks or indented block quotations when phrases or sentences are borrowed directly, and put summaries and paraphrases in your own words (because merely rearranging someone else’s words in order to avoid using quotation marks is neither honest nor good scholarship).

Students should always consult with their professor if they have questions about proper scholarly procedures or what might constitute plagiarism on a particular assignment.

Colgate expects all students to understand what plagiarism is and to produce work that is honest and meets the high standards expected for scholarly discourse. Ignorance is not an excuse; any failure to acknowledge sources properly constitutes plagiarism. Nevertheless, plagiarism in an assignment may vary in extent — ranging from an isolated instance to being pervasive throughout — and in intent — ranging from some level of disregard for proper scholarly procedures to a clear and obvious intent to deceive.

Colgate’s procedures for handling cases of plagiarism and sanctions depend upon the nature of the offense. Instances of plagiarism that are less serious are normally handled directly by the faculty member for the course with a penalty in the form of an appropriate grade reduction on the particular assignment. In such cases, the faculty member must turn in a form, signed by the student, that will remain on file in the Office of the Dean of the College through the student’s career at Colgate and will be used to inform decisions on any later complaints of academic dishonesty against the student. Students who are dissatisfied with the resolution proposed by the faculty member may choose to exercise their right to a conduct board hearing.

Cases where plagiarism in an assignment is egregious or where it seems likely that the student’s work provides evidence of academic dishonesty — in particular, an intent to deceive — are referred to the University Student Conduct Board for a hearing. The usual standard is that if a student makes no obvious attempt to provide a citation or source for any significant borrowed material, then there is a presumption that the student has committed an act of academic dishonesty. If the board determines that the nature of the plagiarism in the assignment and the evidence presented in the hearing warrant a finding of academic dishonesty, then the minimum penalty will be failure in the course and either warning or probation. If the board determines that plagiarism has occurred but that the plagiarism does not constitute academic dishonesty, then the penalty in first-offense cases will be warning. If a warning is issued, then the faculty member will determine the appropriate penalty for the particular assignment. In the event that the conduct board finds the student not responsible, i.e., that plagiarism has not occurred, then the faculty member will grade the assignment without imposing any penalty.

## ***Avoiding Academic Dishonesty***

At Colgate University, academic honesty is assumed to be the norm, and there is no evidence that acts of academic dishonesty are commonplace. Nevertheless, in recognition of the importance the Academic Honor Code places on academic integrity, University Student Conduct Board penalties for infractions are severe. The community has high standards in this area, and students must be careful to avoid all forms of academic dishonesty. Acts of academic dishonesty can be avoided by: (a) Knowing the definitions of the

forms of academic dishonesty recognized and (b) Avoiding these dishonest behaviors scrupulously. Any questions concerning the standards or requirements in a course should be referred to the professor to whom the work will be submitted. Careful planning and skillful time management will also help a student avoid instances of academic dishonesty; experience has shown that most acts of plagiarism, cheating, etc., occur when a student runs out of time to properly prepare an assignment or study for an examination or quiz. In some cases, extensions (with or without a grade penalty) may be arranged, but in all cases, it is better to fail an assignment rather than risk the serious consequences of an academic dishonesty infraction. When time has run out, and a student does not believe they will be able to meet an academic deadline, a meeting with the course instructor and/or the administrative dean to consider viable options is in order.

In recent years, the University Student Conduct Board has been asked to consider a computer-related aspect in many academic dishonesty cases. Advances in information technology make it extremely easy to download and manipulate files, articles, and even whole manuscripts, and students suspected of academic dishonesty have occasionally sought to blame the computer for the situation. ***Students are reminded that a concern about academic dishonesty will be based on what the student submits for evaluation and not how the assignment was prepared.*** Claims that: “The computer printed out my notes (or first draft) and not my final paper” (or) “A friend printed out my paper and submitted it for me, but he got the wrong paper off my thumb drive” or similar explanations are not legitimate excuses.

## Other Rights and Responsibilities

Students matriculating at Colgate accept membership in a community of scholars dedicated to the pursuit of intellectual growth. The University attempts to provide an atmosphere in which individual freedom and diversity can flourish and where personal growth will accompany the formal learning process. Such a community relies upon the acceptance of individual responsibility as well as respect for the rights of others.

All members of the Colgate community are expected to adhere to local, state, and federal regulations as well as to the University Code of Student Conduct found in this Student Handbook. Colgate University reserves the right to amend any administrative policy contained in the Student Handbook without prior notice.

### ***Equity in Athletics Disclosure Act***

Pursuant to the Equity in Athletics Disclosure Act, students, prospective students, and members of the public can request information concerning Colgate’s intercollegiate athletics program. Interested parties should contact the Director of Athletics, 13 Oak Drive, Hamilton, NY 13346, 315-228-7611.

### ***Campus Crime Reporting and Statistics***

Colgate University is committed to providing a safe, supportive, and secure environment for the entire University community, including visitors. The Advisory Committee on Campus Safety will provide upon request all campus crime statistics as reported to the United States Department of Education. To obtain a copy, contact Daniel Gough, associate vice president for campus safety, emergency management, and environmental health and safety, at 315-228-7335 or via email at [dgough@colgate.edu](mailto:dgough@colgate.edu). You may also view U.S. Department of Education crime statistics for all colleges and universities.

## Student Policies

### Accommodations

#### ***Policy on Accommodations for Students with Disabilities***

The Director for EEO/AA (Office of Human Resources, 315-228-7014) oversees compliance with Section 504 of the Rehabilitation Act of 1973 and with the Americans with Disabilities Act (ADA). Colgate seeks to provide students with disabilities with the support services and other reasonable accommodations needed to ensure equal access to the programs and activities of the University. All accommodations are made on a case-by-case basis. A student requesting accommodations is asked to provide appropriate documentation to the director of academic support and disability services.

Student requests for accommodations should be directed to the Director of Academic Support and Disability Services (Center for Learning, Teaching, and Research, 315-228-7375).

## Conduct

### *University Policy on Public Order*

The University is committed to the conduct of its affairs in an orderly manner and to maintaining a sense of community. It is also committed to the discharge of legal and moral responsibilities, especially as they relate to the rights of freedom of speech and peaceful assembly in the University community; however, in that context, lawlessness in any form, or for any reason, will not be tolerated.

Individuals or groups who engage in acts that, in the judgment of the President of the University or designated representatives, violate public order on University property, or property supervised by the University, or who ignore or refuse to comply with specific University directives designed to maintain public order, or who pose a threat to the lives or safety of themselves or others, will be advised of the following consequences of such acts:

1. Visitors or licensees will be directed to leave the University property, or be subject to immediate arrest and removal.
2. Students — as well as faculty, staff, or other employees — will be suspended from whatever status the individual has with the University and/or will be subject to such other penalties deemed to be more effective. Disciplinary actions will be subject to review by the appropriate body: by procedures adopted by the faculty for faculty members, by the University Student Conduct Board for students, and by the President of Colgate University or designates for all others.
3. Failure to comply with University directives will result in civil or criminal prosecution of the individuals or groups concerned including, if necessary, ejection from the University property or property supervised by the University. Other disciplinary action, including expulsion or dismissal, will be taken by the University as deemed appropriate.
4. Any organization that authorizes or permits proscribed conduct referred to above shall be subject to revocation of permission for that organization to operate on campus property.

The above resolution was moved, duly seconded, and formally voted at the meeting of the Colgate University Board of Trustees on November 12, 1980, a quorum as required by the Bylaws being present for the conduct of business.

### *Policy on Hazing*

Hazing is any action or situation that recklessly or intentionally endangers mental or physical health, or creates substantial embarrassment, harassment, or ridicule, or involves the forced consumption of food, alcohol, or drugs in the course of initiation or continuing affiliation with an organization. Groups that violate the University Policy on Hazing will forfeit recognition. Hazing includes, but is not limited to, the following list of activities:

1. Participation in or creation of situations that cause physical harm or emotional strain, such as causing a member or nonmember to be the object of malicious amusement or ridicule.
2. Forced, required, or implicitly coerced participation in physical activities such as calisthenics exercises or games.
3. Participation in activities that involve illegal acts such as kidnapping or stealing, or acts that violate University policy.
4. Creation of excessive fatigue or distress through deprivation of privacy, sufficient sleep, or decent and edible meals.
5. Use of physical brutality or force (including paddling, striking with fists, open hands, or objects).
6. Forced, required, condoned, or implicitly coerced behavior resulting in lewdness or potential ridicule or bodily harm (such as forced nudity or partial nudity, including coercing an individual to dress in a degrading manner as part of initiation or affiliation).
7. Forced, required, or implicitly coerced consumption of any food, liquor, drug, or any other substance.
8. Permitted consumption of excessive amounts of alcohol.

In addition to the University Policy on Hazing, students must comply with the New York State Anti-Hazing Law, first passed in 1980. Hazing in the first degree is a Class D Felony carrying a prison sentence. Hazing in the Second Degree is a Class E Felony and also carries a prison sentence. Hazing in the Third Degree is a Class A Misdemeanor.

The above resolution was moved, duly seconded, and formally voted at the meeting of the Colgate University Board of Trustees on May 18, 1991, a quorum as required by the Bylaws being present for the conduct of business.

## ***Policy on Alcohol and Other Drugs***

As an institution dedicated to learning and the life of the mind, Colgate condemns the abuse of alcohol and other drugs. Because abuse of alcohol and other drugs is detrimental to the physical and psychological well-being of students, the University seeks to educate students about the dangers of drug and alcohol abuse and the importance of healthy and responsible choices. Repeated involvement with, or excessive use of, alcohol and/or other drugs will be viewed as a health concern as well as a disciplinary matter. The University may mandate treatment for abuse of alcohol and other drugs.

All Colgate University students are subject to New York State law, local statutes and ordinances, and Colgate's alcohol and other drugs policy. Students who violate state or local laws or University policies will be subject to criminal and/or University disciplinary action. Ignorance of the law and Colgate's policy is not an excuse for any violations.

Under New York State law, it is illegal:

1. to provide alcohol to persons under the age of 21 years;
2. for an underage person to possess any alcoholic beverage with the intent to consume;
3. for an underage person to misrepresent their age, or to use false identification for the purpose of buying or otherwise obtaining alcohol;
4. to sell alcohol without an Alcoholic Beverage Control license (this includes charging admission at the door of an event at which alcohol is distributed free of charge);
5. to use, possess, sell, or distribute illegal drugs.

Under New York State civil law, the provider of alcohol may be held liable for any damages or injuries caused by an intoxicated person.

Observed or reported violations of the University's policy or concerns about abusive behavior are to be directed to designated members of the Office of the Dean of the College's staff for appropriate action. Neither the University nor the police are in a position to ensure that students will not be harmed through drug or alcohol abuse by themselves or others. This policy is designed to promote understanding throughout the Colgate community that those who use alcohol or other drugs are fully and individually responsible for their own actions, including the personal and legal consequences associated with illegal use, possession, or distribution of these substances.

The residential life staff and the campus safety staff are on campus primarily to assist students and to promote the well-being of the residential community. As members of the Office of the Dean of the College, residential life staff members and community leaders are resources from whom students may seek clarification of the University's Policy on Alcohol and Drugs in a given situation. Programs around campus and in the residence halls provide opportunities for students to educate themselves about the impact of alcohol and other drug consumption on individuals and the community.

The residential life and campus safety staff reports student violations of the Policy on Alcohol and Drugs to members of the Office of the Dean of the College. These staff members may intervene when the pattern or frequency of a student's alcohol or other drug use poses a threat to the student's health and/or safety or to those around them.

### **REGULATIONS**

The following regulations apply to all members of the Colgate student community (throughout this document, the term "members of the Colgate student community" shall refer to all individual students as well as all recognized and sanctioned University organizations). The University also expects all visitors and guests on the Colgate campus to comply with the regulations listed below. (All Colgate employees must comply with the Colgate University Drug Free Schools and Workplace Policy, copies of which are available in the Office of Human Resources.)

1. The University reserves the right to prohibit the consumption of alcohol in certain facilities, and to limit the way alcohol is served and the amount that may be made available at a given event.
2. Individuals or organizations that sponsor events at which alcohol is served in public spaces on campus must obtain prior authorization from the Vice President and Dean of the College or their designate.
3. Individuals or organizations (and their leaders) that sponsor events at which alcohol is served shall be responsible for ensuring that University policies and New York State laws are strictly observed.

4. Possession of open containers of alcohol is prohibited on and immediately adjacent to public roads, parking lots, and in the common areas in and around residence halls on the campus.
5. Kegs are not permitted on University property or in the possession of recognized University organizations except when used by licensed caterers operating with proper University authorization. Large quantities of alcohol are subject to confiscation.
6. No one shall be coerced to drink alcohol or use other drugs. Events that encourage excessive drinking, including any drinking game or contest, are prohibited.
7. Being under the influence of alcohol or other drugs will not be a defense in any campus disciplinary or administrative proceeding.
8. Visitors and guests who violate the University's Policy on Alcohol and Drugs or New York State or federal law may be expelled from University property and/or subject to criminal action. Students may be held responsible for the behavior of their guests, and for any incidents or disruptions that result from possession, use, or distribution of alcohol or other drugs by their guests.
9. The consumption of alcohol should not be the primary purpose of any event, and advertisements for events displayed on campus shall not create such an impression. Nonalcoholic beverages and food (snacks, sandwiches, etc.) should be readily and continuously available at all functions where alcoholic beverages are being served.
10. Neither funds raised by the collection of the Center for Leadership and Student Involvement Fee nor programming funds provided to University residences by the University may be used to purchase alcohol.

### ***No-Contact Orders***

The University Disciplinary Officer or designee may issue a No Contact Order requiring a student to refrain from direct or indirect contact or other interaction with one or more other members of the campus community. This may occur, among other circumstances, when the Disciplinary Officer or designee determines that such restrictions are advisable to protect the physical or emotional safety or well-being of specific members of the campus community and/or the orderly functioning of campus operations. Students are expected to comply with No Contact Orders in accordance with the Code of Student Conduct, which provides that "Colgate students must abide by University policies and procedures and comply with directions of University officials acting in performance of their duties." The issuance of a No Contact Order is not a disciplinary sanction and is not considered part of a student's disciplinary record unless the student subsequently violates the No Contact Order. Different and additional conditions apply to the issuance of No Contact Orders pursuant to the University's Student Nondiscrimination, Anti-Harassment, and Sexual Misconduct Policy (see section VI. Interim Remedies).

### ***Policy Governing the Scheduling of Parties***

Social events and parties at which alcohol will be served may not be scheduled when classes are not in session, including new student orientation and final exam periods. Additionally, weeknight parties and catered events with alcohol are not permitted until the conclusion of the Drop/Add period at the beginning of each semester. Catered events requiring a liquor license and/or outdoor events involving excessive noise require approval by the University at least three weeks in advance of the event, regardless of the time of night or day for which it is scheduled. Weeknight parties are not permitted during the final two weeks of each semester.

## **Student Nondiscrimination, Anti-Harassment and Sexual Misconduct Policy**

Participation in or creation of situations that cause physical harm or emotional strain, such as causing a member or nonmember to be the object of malicious amusement or ridicule.

### ***I. Statement of Institutional Values***

Colgate values the social and intellectual vibrancy that occurs when students, faculty, and staff with different life experiences, viewpoints, and belief systems come together to share knowledge and foster understanding. We aim to create and maintain a Colgate community whose members can study, live, and work together in an environment characterized by equal opportunity, inclusiveness, safety, and mutual respect. To that end, this policy prohibits discrimination, harassment (including sexual harassment), sexual



assault, sexual exploitation, domestic violence, dating violence, stalking, and related retaliation (collectively “Prohibited Conduct”). Colgate is committed to maintaining an educational environment and workplace free from Prohibited Conduct. Any and all such acts are serious violations of our community values. They impede our educational mission. (See Colgate’s [Mission Statement](#), and the discussion of community values in Colgate’s [Statement on Academic Freedom and Freedom of Expression](#).)

Colgate fully subscribes to all federal and state civil rights laws banning discrimination in the context of its programs and activities. These include but are not limited to Title IX and Title VI of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Rehabilitation Act, the New York State Human Rights Law, and New York State Education Law Article 129-B. Colgate is committed not only to compliance with these laws but with promoting a community that lives out the values these equal opportunity laws envision.

This policy addresses Prohibited Conduct by individual members of the campus community. However, the university also accepts complaints about discrimination or discriminatory impact caused by a policy, procedure or practice of the university, or a specific university department, office or operating unit. A complaint about a policy, procedure or practice should be made to the Office of Equity and Diversity, who will conduct an inquiry into the policy, procedure or practice, and, if a discriminatory impact is found, will issue recommendations for corrective and remedial action to the appropriate university personnel.

## *II. Policy Coverage*

This policy sets forth behavioral expectations for all Colgate University students. This policy applies to conduct that occurs on Colgate’s campus or property and to all Colgate programs and sponsored activities. This policy also applies to off-campus conduct under certain circumstances. For example, certain aspects of the policy apply when students travel off campus as part of a university activity or team.

Conduct that occurs off campus and not in connection with Colgate programs may violate certain aspects of this policy if the conduct creates a threatening or hostile environment on campus or within a Colgate program, or if the incident causes concern for the safety or security of Colgate’s campus.

A complaint that this policy has been violated will be addressed through one of the following university processes:

- If the complaint includes allegations of Prohibited Conduct by or against a student or student organization that include alleged discrimination or harassment based upon sex, gender, sexual orientation, or gender identity or expression; sexual assault; sexual exploitation; domestic violence; dating violence; stalking based on sex; or related acts of retaliation, the complaint will be addressed pursuant to the [Colgate University Student Sex- or Gender-Based Discrimination and Harassment and Sexual Misconduct Resources and Response Procedures](#).
- If the complaint involves Prohibited Conduct by a student or student organization including alleged discrimination or harassment based only on other characteristics protected by applicable law (including race, color, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, or domestic violence victim status), it will be addressed pursuant to the [Colgate University Student Discrimination and Harassment Resources and Response Procedures](#).

Complaints involving Prohibited Conduct by or against employees, other than complaints addressed under the Student Sex- or Gender-Based Discrimination and Harassment and Sexual Misconduct Resources and Response Procedures because they involve allegations of Prohibited Conduct by or against a student or student organization as described above, will be addressed through applicable Colgate University procedures governing faculty or staff.

The Associate Provost for Equity and Diversity and Title IX Coordinator oversees implementation of the applicable processes for responding to complaints of Prohibited Conduct. Any person assigned a role pursuant to this policy may delegate their authority, or the Associate Provost for Equity and Diversity and Title IX Coordinator may require reassignment of such authority, to another appropriate person to avoid bias or conflicts of interest, or in other circumstances, as deemed necessary. In addition, to the extent permitted by applicable law (including Title IX and New York Education Law Article 129-B), appropriately trained personnel other than the Title IX Coordinator may oversee cases for reasons including, but not limited to, the need to facilitate efficient and timely administration of such cases. The university may also utilize appropriately trained individuals for any role under this policy as it may deem necessary or appropriate.

*Inquiries may be made to:*

Marilyn (“Lyn”) Rugg, Ph.D.  
Associate Provost for Equity and Diversity & Title IX Coordinator  
The Office of Equity and Diversity  
102 Lathrop Hall  
Colgate University  
13 Oak Drive  
Hamilton, NY 13346  
315-228-6161

### ***III. Definitions of Prohibited Conduct***

#### **A. DISCRIMINATION**

Colgate University complies with all federal and state civil rights laws banning discrimination in private institutions of higher education. Colgate will not discriminate against, and prohibits discrimination against, any person because of race, color, sex, gender, sexual orientation, gender identity or expression, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, or any other protected category under applicable local, state, or federal law (collectively, “Protected Characteristics”).

The term “discrimination” refers to an act that disadvantages a person and that occurs because of the affected individual’s Protected Characteristics. Examples of discrimination include but are not limited to excluding a student from membership in an organization, denying a student a research opportunity, or giving a student a lower grade than deserved, because of the student’s Protected Characteristic.

#### **B. HARASSMENT (OTHER THAN SEXUAL HARASSMENT)**

Harassment is unwelcome, offensive conduct that occurs on the basis of race, color, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, or domestic violence victim status.

Harassing conduct can occur in various forms, including:

- Verbal – Conduct such as unwelcome, demeaning, or graphic comments; using ethnic, racial, religious, or other slurs to refer to a person or group; or jokes or comments that demean a person or a group on the basis of one of the above-referenced Protected Characteristics.
- Physical – Conduct such as physical threats toward or intimidation of another on the basis of one of the above-referenced Protected Characteristics.
- Visual – Conduct such as creating or displaying racially, ethnically, or religiously offensive pictures, symbols, flags, cartoons, or graffiti that disparages another person or group because of one of the above-referenced Protected Characteristics.
- Communication-based – Conduct such as phone calls, e-mails, text messages, chats, blogs or online communications that offend, demean, or intimidate another on the basis of one of the above-referenced Protected Characteristics. Members of the community are expected to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome messaging, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of, or group within, the university community.

A determination as to whether harassment occurred depends on the totality of the circumstances, including the context of a communication or incident, the relationship of the individuals involved in the communication or incident, whether an incident was an isolated incident or part of a broader pattern or course of offensive conduct, the seriousness or severity of the incident, the intent of the individual who engaged in the allegedly offensive conduct, and its effect or impact on the individual or group and the learning community. A “hostile environment” is created when the offensive behavior interferes with an individual’s ability to participate in the university’s programs (i.e., to work and to learn) when judged against a reasonable person standard. However, Colgate encourages individuals experiencing or witnessing offensive behavior to make a report as early as possible so as to have the situation corrected before it reaches the level of a hostile environment. Individuals with a concern need not worry about whether



the behavior is sufficiently serious to constitute a hostile environment. The University reserves the right to remedy harassment pursuant to this policy even if the behavior in question does not rise to the level of legally recognized or actionable discrimination or harassment.

The fact that a person was personally offended by a statement or incident does not alone constitute a violation of this policy. The determination as to whether this policy has been violated takes into account the totality of the circumstances as described above. In all instances, a key factor is whether the complained-of behavior occurred because of Protected Characteristics. If it did not, the behavior is not regulated by this policy. However, even if the conduct is not based upon a Protected Characteristic and/or does not rise to the level of Prohibited Conduct under this policy, the university may respond by providing individual and community support and resources to those who have been impacted. In addition, such conduct that is not based on Protected Characteristics may constitute a violation of the university's Code of Student Conduct and, if so, will be addressed pursuant to the System of University Standards and Student Conduct.

### **C. SEX-BASED, GENDER-BASED, AND SEXUAL MISCONDUCT**

Sexual activity or contact must be based on mutual and affirmative consent to the specific activity or contact. 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. Whenever the word "consent" is used in this policy, it should be understood to mean affirmative consent as defined here.

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to take reasonable steps to ensure that the other has consented before engaging in the activity.

A person cannot consent if that individual is incapacitated. Incapacitation is defined as a state where someone lacks the ability to knowingly choose to participate in a specific activity. Incapacity may be caused by the lack of consciousness, sleep, involuntary restraint, or other factors that prevent voluntary choice. 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. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy. "Should know" is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment. Consent is required regardless of whether the initiator is under the influence of alcohol or other drugs. It is not an excuse that the person initiating the sexual activity was intoxicated or incapacitated due to alcohol or other drugs and, therefore, did not realize the incapacity of the other.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. Further, past consent to engage in sexual activity with any person cannot be presumed to be consent to sexual activity in the future with the same or a different person.

The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. A person can withdraw consent at any time during sexual activity by expressing in words or actions that they no longer want the act to continue. When consent is withdrawn or can no longer be given, the other person must stop immediately.

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

In New York State, a minor (meaning a person under the age of 17 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 17 years old is a crime as well as a violation of this policy, even if the minor wanted to engage in the act.

Acts of sexual harassment, sex offenses, dating violence, domestic violence and stalking can occur regardless of the sex, gender, sexual orientation and/or gender identity of those involved. The issue in any case is not the gender or gender identity of the persons involved, but rather the activity and whether the parties to the activity affirmatively consented to engage in it.

### **DEFINITIONS OF SPECIFIC VIOLATIONS**

This policy applies to alleged conduct violative of Title IX of the Education Amendments of 1972 ("Title IX Violations"), and also applies to a broader range of contexts and behaviors inconsistent with the university's commitment to equal opportunity and, in some cases, the university's obligations under other applicable laws such as New York Education Law Article 129-B (i.e., "University Standards Violations").

The designation of conduct or allegations as either “Title IX Violations” or “University Standards Violations” is not a function of the seriousness of the alleged conduct but rather a function of the scope and coverage of Title IX versus the university’s broader obligations under New York Education Law Article 129-B and its discretion to prohibit and discipline a larger scope of inappropriate behavior.

## ***1. Title IX Violations***

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

In accordance with Title IX as interpreted by the United States Department of Education, the university recognizes the following as conduct violations within the meaning of Title IX, provided that the context and circumstances of the conduct fall within the scope of Title IX. Among other things, this means that the complainant was in the United States at the time of the alleged conduct, that the complainant is participating in or seeking to participate in the university’s education program or activity at the time of the complaint, and that the conduct is alleged to have occurred in the context of the university’s education program or activity:

Sexual harassment. “Sexual harassment”, as a Title IX Violation, means conduct on the basis of sex, gender, sexual orientation, or gender identity or expression, that satisfies one or more of the following:

- An employee of the university conditioning the provision of an aid, benefit, or service of the university on an individual’s participation in unwelcome sexual conduct (commonly referred to as a “quid pro quo”); or
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university’s education program or activity (commonly referred to as a sexually or gender-based “hostile environment”).
- Unwelcomed conduct on the basis of sex, gender, sexual orientation, or gender identity or expression, that does not rise to the level described above may be addressed as a University Standards Violation as described below, provided that it meets the definition of sexual harassment as a University Standards Violation.

Sexual Assault. Consistent with federal law, Colgate defines sexual assault as a sexual act directed against another person, without consent of the other person, including instances where the other person is incapable of giving consent. Sexual assault consists of the following specific acts:

- Non-Consensual Sexual Intercourse. Sexual assault of this type includes 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 other person.
- Non-Consensual Sexual Contact. This form of sexual assault includes any intentional touching, however slight, for purposes of sexual gratification, of the private body parts (including genitalia, anus, groin, breast, inner thigh, or buttocks) of another person without the consent of the other person, including instances where the other person is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity. This may include non-penetrative acts, touching directly or with an object, and/or touching the private body parts of another over clothing.
- Incest. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in New York is 17.

Dating Violence. Dating violence refers to violence (including but not limited to sexual or physical abuse or the threat of such abuse) committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating violence can include behavior such as coercion, isolation or other forms of emotional,

verbal or economic abuse if it reflects a threat of sexual or physical abuse as described above. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence.** Domestic violence refers to violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the university is located, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship as described above.

**Stalking.** Stalking is engaging in a course of conduct directed at a specific person on the basis of sex that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition, (i) a "course of conduct" means two or more acts, including, but not limited to, acts in which the individual 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; and (iii) "substantial emotional distress" means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling. Examples of behavior that may constitute stalking include repeated, intentional following, observing or lying in wait for another; using "spyware" or other electronic means to gain impermissible access to a person's private information; repeated, unwanted, intrusive, and frightening communications by phone, mail, email, text, etc.; making direct or indirect threats to harm an individual or the individual's relatives, friends, or pets; or damaging or threatening to damage the property of the targeted individual. Stalking that does not occur on the basis of sex may be addressed as a University Standards Violation as described below.

## ***2. University Standards Violations***

The university prohibits the following behavior under circumstances in which a university interest is implicated (such as an impact on individuals as members of the university community). For the purpose of University Standards Violations, the below conduct is prohibited even if the conduct occurs off-campus, outside the United States, if the complainant is not participating or seeking to participate in the university's education program or activity, or otherwise in circumstances over which the university does not have influence or control, including but not limited to during university academic breaks.

**Sexual harassment.** "Sexual harassment" means unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex or gender, sexual orientation, or gender identity or expression, when such conduct has the purpose or effect of unreasonably interfering with an individual's work, academic, or extracurricular performance, or creating an intimidating, hostile, or offensive work or learning environment, even if the reporting individual is not the intended target of the sexual harassment.

### **Harassing conduct can occur in various forms, including:**

- **Verbal** – Conduct such as unwelcome sexually suggestive, demeaning, or graphic comments; unwelcome verbal sexual advances; using slurs to refer to a person; bullying, yelling or name-calling; refusing to use a person's preferred pronouns or name; or jokes or comments that demean a person on the basis of sex or gender, sexual orientation, gender identity or gender expression.
- **Physical** – Conduct such as unwanted sexual contact or physical sexual advances (e.g., unwanted touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body); sexual intimidation through physical threats; or physical threats toward or intimidation of another on the basis of sex or gender, sexual orientation, gender identity or gender expression.
- **Visual** – Conduct such as exposing another person to unwanted pornographic images; creating or displaying pictures, symbols, flags, cartoons, or graffiti that is/are sexually offensive or disparage(s) another person or group based on sex or gender, sexual orientation, gender identity or gender expression.

- **Communication-based** – Conduct such as phone calls, e-mails, text messages, chats, blogs or online communications that offend, demean, or intimidate another on the basis of sex or gender, sexual orientation, gender identity or gender expression. Members of the community are expected to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of, or group within, the university community.
- **Sex stereotyping** – Conduct in which another person's or group's conduct or personality traits are treated as inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.

A determination as to whether sexual harassment occurred depends on the totality of the circumstances, including the context of a communication or incident, the relationship of the individuals involved in the communication or incident, whether an incident was an isolated incident or part of a broader pattern or course of offensive conduct, the seriousness or severity of the incident, the intent of the individual who engaged in the allegedly offensive conduct, and its effect or impact on the individual or group and the learning community.

A “hostile environment” is created when the offensive behavior interferes with an individual's ability to participate in the University's programs (i.e., to work and to learn) when judged against a reasonable person standard. However, Colgate encourages individuals experiencing or witnessing offensive behavior to make a report as early as possible so as to have the situation corrected before it reaches the level of a hostile environment. Individuals with a concern need not worry about whether the behavior is sufficiently serious to constitute a hostile environment. The University reserves the right to remedy sexual harassment pursuant to this policy even if the behavior in question does not rise to the level of legally recognized or actionable harassment.

The fact that a person was personally offended by a statement or incident does not alone constitute a violation of this policy. The determination as to whether this policy has been violated takes into account the totality of the circumstances as described above. In all instances, a key factor is whether the complained-of behavior occurred based on sex or gender, sexual orientation, gender identity or gender expression or was sexual in nature. If it did not, the behavior is not regulated by this policy. However, even if the conduct is not sexual in nature or based upon on sex or gender, sexual orientation, gender identity or gender expression and/or does not otherwise constitute Prohibited Conduct under this policy, the university may respond by providing individual and community support and resources to those who have been impacted. In addition, such conduct that is not sexual in nature or based on sex or gender, sexual orientation, gender identity or gender expression may constitute a violation the university's Code of Student Conduct and, if so, will be addressed pursuant to the System of University Standards and Student Conduct.

Colgate also prohibits “quid pro quo” sexual harassment, which means “this for that” harassment. It is a violation of this policy for any person to condition any benefit on submission to sexual activity.

**Sexual Assault.** “Sexual assault” includes any sexual act directed against another person without the consent of the other person, including instances where the victim is incapable of giving affirmative consent, but that does not constitute sexual assault as a Title IX Violation as defined above because of the nature of the behavior or the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the university's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the university's education program or activity). Sexual assault consists of the following specific acts:

- **Non-Consensual Sexual Intercourse.** Sexual assault of this type includes the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, forcibly or without the affirmative consent of the other person or where the other person is incapable of consent due to mental or physical incapacity. This type of sexual assault also includes non-forcible sexual intercourse with a person who is under the statutory age of consent. In New York, the statutory age of consent is 17 years old.
- **Non-Consensual Sexual Contact.** This form of sexual assault includes any intentional touching, however slight, for purposes of sexual gratification or with sexual intent, of the private body parts (including genitalia, anus, groin, breast, inner thigh, or buttocks) of another person without the affirmative consent of the other person, including

instances where the other person is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity. This may include non-penetrative acts, touching directly or with an object, and/or touching the private body parts of another over clothing. This may also include forcing or causing another without affirmative consent to touch one's own private body parts.

**Sexual Exploitation.** Taking non-consensual or abusive sexual advantage of another for one's own benefit or for the benefit of anyone other than the person being exploited, if the conduct does not otherwise constitute another offense under this policy. Examples of Sexual Exploitation include (a) sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed); (b) taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent or beyond the parameters of consent), including the making or posting of revenge pornography; (c) exposing one's genitals in non-consensual circumstances or non-consensual disrobing of another person so as to expose the other person's private body parts; (d) prostituting another person; (e) engaging in sexual activity with another person while knowingly infected with a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the STD or STI; (f) causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity; (g) misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections; (h) forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity; (i) knowingly soliciting a minor for sexual activity.

**Dating Violence.** Dating violence refers to violence (including but not limited to sexual or physical abuse or the threat of such abuse) committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, but that does not constitute dating violence as a Title IX Violation as defined above because of the nature of the behavior or the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the university's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the university's education program or activity). The existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating violence can include behavior such as coercion, isolation or other forms of emotional, verbal or economic abuse if it reflects a threat of sexual or physical abuse as described above. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence.** Domestic violence refers to violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the university is located, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the act of violence occurs, that does not constitute domestic violence as a Title IX Violation as defined above because of the nature of the behavior or the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the university's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the university's education program or activity). To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship as described above.

**Stalking.** Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress, but that does not constitute stalking as a Title IX Violation as defined above because of the nature of the behavior or the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the university's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the university's education program or activity). For the purposes of this definition, (i) a "course of conduct" means two or more acts, including, but not limited to, acts in which the individual 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; and (iii) "substantial emotional distress" means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling. Stalking behavior may include but is not limited to repeated, intentional following, observing or lying in wait for another; using "spyware" or other electronic means to gain impermissible access to a person's private information; repeated, unwanted, intrusive, and frightening communications by phone, mail, email, text, etc.; making direct or indirect threats to harm an individual or the individual's relatives, friends, or pets; or damaging or threatening to damage the property of the targeted individual.

Prohibited Consensual Relationships. Colgate University employees (including both faculty and staff) need to be especially sensitive to the power/authority relation in their interactions with students. Consensual romantic, sexual or dating relationships between University employees and students contradict both professional ethics and this policy and are prohibited by Colgate. Consensual relationships that begin prior to the date on which the involved parties become student and employee are not prohibited by this policy, but the employee is required to report the existing relationship to their supervisor as of the date the parties are simultaneously enrolled and employed by the university. In such circumstances the university reserves the right to take such actions as may be necessary to address any resulting conflict of interest (for example, ensuring that the employee does not have responsibility for evaluating work submitted by the student for academic credit).

Retaliation. Retaliation is an adverse act perpetrated to "get back" at a person because the person reported misconduct, filed a complaint, or participated or refused to participate as a complainant, respondent or witness in an investigation or proceeding conducted in response to reported violation of this policy by the university or by an external agency. Retaliation also includes an adverse act against someone for the purpose of interfering with any right or privilege under this policy or applicable law. Retaliation can take many forms, including, but not limited to, adverse action or violence, threats and intimidation that would discourage a reasonable person (under similar circumstances and with similar identities to the targeted individual or group) from engaging in protected activity. A person who acts in good faith is protected from retaliation. The fact that a statement is not determined to be proven or established following investigation and adjudication does not mean that the statement lacked good faith; a person may provide inaccurate information believing it is accurate, which is still good faith. If a person makes a statement knowing that it is false, the person has acted without good faith.

Hate Crimes. For the purpose of this policy, a "hate crime" is defined as violence to a person or damage to property (or a threat to do so) or any other criminal act that is motivated entirely or partly by hostility toward or intolerance of another's Protected Characteristics.

The following example demonstrates the difference between a non-hate crime and a hate crime: A student who selects a car at random in a campus parking lot and smashes the windshield has committed criminal mischief. A student who is biased against Muslims and smashes a windshield because they know that the car belongs to a Muslim student has likewise committed criminal mischief. However, this second incident is also a hate crime because the student was motivated by anti-Muslim bias.

Federal and state laws prohibit hate crimes, and hate crimes often result in enhanced criminal penalties. Students who commit hate crimes are subject to criminal prosecution in addition to discipline pursuant to this policy. The criminal process is separate and distinct from this policy. The fact that a criminal complaint has been filed, prosecuted, or dismissed will not prevent Colgate from pursuing disciplinary action.

## ***IV. Amnesty***

The health and safety of every student at Colgate is of utmost importance. Colgate recognizes that students who have been underage drinking and/or using drugs (whether such use is voluntary or involuntary), and/or engaged in other minor violations of Colgate policy, at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault, or other conduct in violation of this policy, occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Colgate strongly encourages students to report domestic violence, dating violence, stalking, sexual assault or other violations of this policy to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, sexual assault or other violation of this policy to Colgate's

officials or law enforcement will not be subject to Colgate's code of conduct action (including but not limited to action under this policy) for violations of alcohol and/or drug use policies, or other minor policy violations, occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault. For purposes of this provision, "other minor policy violations" do not include more serious allegations such as physical abuse, hazing, unlawful sale or distribution of drugs, or other conduct that would typically result in a sanction of suspension or expulsion if the student is found responsible.

## ***V. Supportive Resources and Reporting Options***

Individuals experiencing conduct that may violate this policy have a variety of options to obtain supportive or protective resources, and/or to request that the university pursue disciplinary action in response to violations:

- For information about confidential resources, reporting procedures (including confidentiality and privacy), supportive or protective measures and/or applicable investigation and adjudication processes for incidents that include discrimination or harassment based upon sex, gender, sexual orientation, or gender identity or expression; sexual assault; sexual exploitation; domestic violence; dating violence; stalking; or related acts of retaliation, please see the [Colgate University Sex- or Gender-Based Discrimination and Harassment and Sexual Misconduct Resources and Procedures](#).
- For information about confidential resources, reporting procedures (including confidentiality and privacy), supportive or protective measures and/or applicable investigation and adjudication processes for incidents of discrimination or harassment based only upon Protected Characteristics other than sex, gender, sexual orientation, or gender identity or expression, see the [Colgate University Student Discrimination and Harassment Resources and Response Procedures](#).

## ***VI. Disability Accommodations***

Colgate University is committed to full compliance with the Americans With Disabilities Act (ADA) and its amendments, Section 504 of the Rehabilitation Act of 1973, and the New York State Human Rights Law, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities.

This policy covers claims of disability-related harassment and discrimination. Disability accommodation requests are handled separately from this policy. The Director of Disability Services is responsible for coordinating efforts to comply with these disability laws, including evaluation of accommodation requests. Procedures for requesting accommodations are described elsewhere in the Student Handbook. Student requests for accommodations should be directed to the [Director of Disability Services](#).

The Executive Director for Equity and Inclusion, Equal Opportunity and Affirmative Action has been designated as the ADA Coordinator and is authorized to receive employee complaints alleging noncompliance with these requirements.

## ***VII. Role of Academic Freedom***

Colgate is a vibrant academic environment that encourages discussion of competing ideas both inside and outside the classroom and in both formal and informal settings. Consistent with the university's policy on [academic freedom](#), and the principles articulated by the university's [Task Force on Academic Freedom and Freedom of Expression](#), this policy is not meant to inhibit or prohibit germane educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters. The expression of ideas offered in the course of respectful, responsible teaching, learning, working and academic debate are not violations of this policy.

## ***VIII. Policy Enforcement***

The person responsible for the implementation of this policy internally is:

Marilyn "Lyn" Rugg, Ph.D.  
Associate Provost for Equity and Diversity & Title IX Coordinator  
The Office of Equity and Diversity  
102 Lathrop Hall  
Colgate University  
13 Oak Drive  
Hamilton, NY 13346  
315-228-6161

Inquiries and complaints may be made externally to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline #: 800-421-3481  
Facsimile: 202-453-6012 TDD#: 877-521-2172  
E-mail: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/oc>

# Colgate University Student Discrimination and Harassment Resources and Response Procedures

## *Introduction*

This procedural document provides information about supportive and protective measures available to members of the Colgate University community experiencing discrimination or harassment based upon characteristics protected by applicable law including race, color, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, or domestic violence victim status (collectively, “Prohibited Conduct”). This document also provides procedures for the investigation and adjudication of allegations of Prohibited Conduct by or between students or student organizations.

## *I. Policy and Procedure Summary*

This procedural document provides options for persons who have experienced any form of Prohibited Conduct. As described more fully below, these options include the following:

**A report to a Confidential Resource.** A confidential resource provides emotional and/or medical services and maintains confidentiality. A report to a confidential resource does not result in a university investigation or any other action to respond to the incident.

**A report to a Policy Administrator.** Certain personnel at the university have the responsibility to receive reports of Prohibited Conduct and to take action based on those reports. A Policy Administrator will forward the information about the incident to the Associate Provost for Equity and Diversity and Title IX Coordinator. The Associate Provost for Equity and Diversity and Title IX Coordinator will discuss options with the Reporting Individual. The assistance the Associate Provost for Equity and Diversity and Title IX Coordinator can facilitate includes the following:

- *Initial or Interim Remedies.* Initial or interim remedies are intended to support the individual who experienced Prohibited Conduct to continue in their involvement in the university’s programs and activities. These remedies may include no contact orders; academic accommodations; changes in housing assignment; or other academic, residential or work accommodations.
- *Informal Resolution.* Informal resolution is a process that enables the parties (i.e., the Complainant and the Respondent) to agree upon a resolution to the situation. Not all incidents are appropriate for informal resolution, and no party may be forced to participate in or accept informal resolution. This is a voluntary process.
- *Formal Grievance Process.* A grievance process includes an investigation and adjudication process. The outcome of a grievance process is that the person accused of Prohibited Conduct is found either responsible or not responsible for having committed a violation of university policy. A violation results in appropriate sanctions and other remedies to address the violation.

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

The options for reporting above are not mutually exclusive, and an individual may pursue one option but not another. An individual may obtain the services of a confidential resource and decide at that time or a later time to report to the university. An individual may report to the university and also make a report to law enforcement, or may make a report to only the university or only to law enforcement.

## *III. Delegation or Reassignment of Authority; Use of External Resources*

Any person assigned a role pursuant to this procedural document may delegate their authority, or the Associate Provost for Equity and Diversity and Title IX Coordinator may require reassignment of such authority, to another appropriate person to avoid bias or



conflicts of interest, or in other circumstances, as deemed necessary. In addition, to the extent permitted by applicable law (including Title IX and New York Education Law Article 129-B), appropriately trained personnel other than the Title IX Coordinator may oversee cases for reasons including, but not limited to, the need to facilitate efficient and timely administration of such cases. The university may also utilize appropriately trained individuals for any role under this process as it may deem necessary or appropriate.

#### ***IV. Definitions***

In addition to terms defined elsewhere in this procedural document, the following terms have the meanings set forth below:

- A. The term Complainant refers to the person who allegedly experienced conduct in violation of university policy. In some cases, the Associate Provost for Equity and Diversity and Title IX Coordinator may initiate the investigation and adjudication process pursuant to this procedural document. In that instance, the Associate Provost for Equity and Diversity and Title IX Coordinator is not the “Complainant”; the Complainant remains the person who allegedly experienced the misconduct.
- B. The term Reporting Individual refers to a person who reports alleged misconduct. This may or may not be the same as the Complainant, and may be a witness, a bystander, or someone else with information about the alleged misconduct.
- C. The term Respondent refers to the person or organization alleged to have committed misconduct.

#### ***V. Prohibited Conduct Response Group (PCRG)***

The Colgate University Prohibited Conduct Response Group (PCRG) consists of members of the campus community dedicated to prevention of and response to Prohibited Conduct as defined in the Nondiscrimination, Anti-Harassment and Sexual Misconduct Policies for students, faculty and staff, including prevention of and response to discrimination or harassment based upon race, color, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, or domestic violence victim status. Members of the PCRG are announced in an annual distribution to campus. The list of members and a description of the group can be found here. Members of the PCRG are trained to serve in the following roles:

- To serve as a first point of contact and provide information and resources to a reporting individual or respondent,
- To serve in a facilitation role in informal resolution,
- To investigate complaints,
- To act as advisors to those involved in complaints,
- To serve on hearing panels to adjudicate allegations of Prohibited Conduct (as noted in Section XIV.A, a panel consisting of three members of the PCRG plus a nonvoting panel chair is responsible for adjudicating those allegations brought to a formal hearing under this procedural document),
- To serve on appellate panels, and
- To serve in an educative role for the community.

The PCRG membership includes faculty and staff drawn from across the institution. The President appoints the members, who report to the Associate Provost for Equity and Diversity and Title IX Coordinator. PCRG members receive annual training organized by the Associate Provost for Equity and Diversity and Title IX Coordinator, including a review of Colgate policies and procedures so that they are able to provide accurate information to members of the community. All PCRG members are required to attend this annual training, which includes issues related to harassment or discrimination on the basis of the protected characteristics listed in Section I. above (e.g. race, religion, citizenship status, etc.), impartiality, and the rights of Complainants and Respondents (including the right to a presumption that the Respondent is “not responsible” until a finding of responsibility is made pursuant to the applicable provisions of this procedural document), as well as how to conduct a fair and impartial investigation and a hearing process that protect the safety of all parties and promote accountability. All administrative advisors and on-call staff also undergo training with the PCRG regardless of whether they are formally appointed to the PCRG. Additional advanced training in investigation protocol, the conduct of adjudication hearings, informal resolution processes and the appellate process is provided annually to subsets of the PCRG members who serve in these roles.

PCRG members are usually appointed to three-year terms. Individuals who are interested in serving on the PCRG are encouraged to contact the Associate Provost for Equity and Diversity and Title IX Coordinator.

## ***VI. Confidential Resources***

Any person who has experienced Prohibited Conduct is encouraged to understand their options and to seek support for their emotional and physical needs. A person seeking confidential emotional support or healthcare may contact the following resources.

### **Students may contact:**

- The Counseling Center, Conant House, 315-228-7385 or for an after-hours emergency, call Campus Safety at 315-228-7333 and ask to speak with the counselor on-call.
- Office of the Chaplains, garden level of the Memorial Chapel, 315-228-7682.
- Student Health Services, 150 Broad Street, 315-228-7750.

### **Employees may contact:**

- Employee Assistance Program, 315-451-2161.

Sharing information with a Confidential Resource listed above does not constitute a report to the university and will not result in an investigation or in any remedial or disciplinary action. Information shared with the university's Counseling Center, Student Health Center, and the university's chaplains will not ordinarily be shared with the Associate Provost for Equity and Diversity and Title IX Coordinator. When an individual shares information with a Confidential Resource (on campus or in the community) as a confidential communication in the course of a protected relationship, the Confidential Resource cannot disclose the information (including information about whether an individual has received services) to any third party without the individual's written permission or unless permitted or required consistent with ethical or legal obligations (e.g. an individual poses a threat to self or others). Similarly, medical and counseling records cannot be released without the individual's written permission or unless permitted or required consistent with ethical or legal obligations.

Confidential Resources submit non-personally identifying information about Clery-reportable crimes to Colgate Campus Safety for purposes of anonymous statistical reporting under the Clery Act.

Because Confidential Resources are there to support emotional, physical and spiritual needs and not to serve as part of the university disciplinary process, any person who desires for the university to take investigatory/disciplinary action must make a report to one of the Policy Administrators, listed below.

## ***VII. Reporting Options***

The university encourages all individuals to report Prohibited Conduct to the university and/or (in the case of criminal conduct) to local law enforcement. An individual may make a report to the university, to law enforcement, to neither, or to both. Campus processes and law enforcement investigations operate independently of one another, although appropriate officials may coordinate information with Campus Safety as part of an initial assessment of reports. Options for reporting to the university and/or to law enforcement are described below:

### **A. Reporting to the University**

#### **1. Where to Report**

Anyone may make a report of Prohibited Conduct to the university in person, by telephone, or by email or online. The following offices and individuals have been trained to receive and respond to reports:

Marilyn "Lyn" Rugg, Associate Provost for Equity & Diversity and Title IX Coordinator  
Office of Equity and Diversity  
102 Lathrop Hall  
315-228-7288  
[mrugg@colgate.edu](mailto:mrugg@colgate.edu)

Tamala Flack, Executive Director for Equity and Inclusion, Equal Opportunity and Affirmative Action  
Office of Equity and Diversity  
102 Lathrop Hall  
315-228-7014  
[tflack@colgate.edu](mailto:tflack@colgate.edu)

Dorsey Spencer, Dean of Students  
Office of the Dean of the College  
121 McGregory Hall  
315-228-7425  
[dspencer@colgate.edu](mailto:dspencer@colgate.edu)

Kim Taylor, Dean for Administrative Advising and Student Conduct  
Office of the Dean of the College  
121D McGregory Hall  
315-228-7426  
[ktaylor@colgate.edu](mailto:ktaylor@colgate.edu)

Any **PCRG member**

You may also use one of Colgate's **online reporting forms**. The forms provide the option for you to report anonymously or non-anonymously. Providing anonymous information may help the university maintain accurate records regarding the number of incidents involving students, employees, and third parties; determine if there is a pattern of conduct with regard to a particular location or person; and alert the campus community to potential dangers when appropriate. Depending on the amount of information available in the anonymous report, however, the university's ability to respond with an investigation or disciplinary action may be limited.

If a report is made to anyone other than the Policy Administrators listed above, the Reporting Individual risks the possibility that the information will not come to the attention of the proper university officials and may, therefore, not be acted upon.

There is no time limit for making a report. However, the passage of time may make effective responsive action difficult. Further, if the Respondent is no longer a member of the university community, the university's ability to respond may be limited. Individuals with a concern are encouraged to make a report promptly.

*Note: You may also contact the Associate Provost for Equity and Diversity and Title IX Coordinator, the Executive Director for Equity, Inclusion, Equal Opportunity and Affirmative Action, or a PCRG member to discuss how Colgate's investigatory and disciplinary processes work. You need not disclose information about a specific incident in order to obtain general information about Colgate's policies and procedures.*

## **2. What Happens after Contacting a Policy Administrator**

A Policy Administrator will discuss with the Reporting Individual available avenues and options. A Reporting Individual may be able to take advantage of multiple options simultaneously. Options include contacting local law enforcement (if the incident involves a crime) and/or a disciplinary proceeding against the Respondent or, in appropriate circumstances, informal resolution. In situations where the Reporting Individual's well-being requires, other options may include interim measures as described in Section IX below. The university will review the facts and circumstances of each case, as well the Reporting Individual's wishes, in deciding whether and what steps are reasonable and appropriate.

## **3. How Information is Shared Within the University**

A Policy Administrator is not a confidential resource. However, even Colgate 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 Associate Provost for Equity and Diversity and Title IX coordinator to investigate and/or seek a resolution and subject to other legal requirements. This is described further below.

#### **4. How Decisions about Taking Action are Handled**

A report to a Policy Administrator often does, but need not necessarily, lead to an investigation or disciplinary action. The decision about what action(s) to take depends on many factors, including the Reporting Individual's wishes. A Reporting Individual may make a report to a Policy Administrator and request that the university take no investigatory or disciplinary action. The university endeavors to comply with Reporting Individuals' wishes with respect to whether responsive action is taken. However, that is not always possible, as the university must weigh the Reporting Individual's wishes against its obligation to provide a safe, non-discriminatory environment for all members of its community and meet other legal obligations.

If a Reporting Individual requests that no action be taken against the Respondent (i.e., no investigation or disciplinary action), the Policy Administrator will consult with the Associate Provost for Equity and Diversity and Title IX Coordinator. The university's decision as to responsive action will depend on the nature of the offense, whether the Respondent has a history of violent behavior or is a repeat offender, whether the incident represents escalation in unlawful conduct from previously noted behavior, the risk that the Respondent will commit future acts of violence, whether there was a single perpetrator or multiple, whether the Respondent used a weapon or force, whether the Reporting Individual is a minor, whether available information reveals a pattern of perpetration at a given location or by a particular group or organization, whether the circumstances otherwise suggest an ongoing or future risk to the campus community or the Reporting Individual, impact upon the university community, and similar considerations. A decision will be made and shared with the Reporting Individual. Ultimately, the university retains the right to act upon information that interferes with the university's obligation to maintain a safe and non-discriminatory environment for all community members.

In its annual report of campus crime statistics, the university must report statistics concerning the occurrence on campus of certain crimes. This statistical report does not include any personally identifiable information concerning the Reporting Individual or the Respondent. Similarly, if Colgate issues a timely warning pursuant to the Clery Act to warn the campus community about a perceived immediate threat, the warning issued will not include any personally identifying information concerning a Reporting Individual.

Records concerning reports, investigations and disciplinary proceedings pursuant to this procedural document will be kept in private, secure files and only individuals with a legitimate right to know will be permitted access.

#### **B. Reporting to Law Enforcement**

*Any person may call 911 or Campus Safety at any time for immediate safety assistance. If you or someone else is experiencing an emergency, please call for immediate assistance.*

##### **1. General Considerations**

Anyone who believes they were or may have been the victim of a crime is encouraged to report the incident to local law enforcement and pursue criminal charges. A Reporting Individual has the right to report, or decline to report, potential criminal conduct to law enforcement. Upon request, the university will assist a Reporting Individual in contacting law enforcement at any time. Under limited circumstances posing a threat to the health or safety of any individual or to comply with applicable law, the university may independently notify law enforcement.

Orders of protection and other forms of legal protection may be available to individuals who have experienced or are threatened with violence by another person. Colgate will reasonably assist such individuals in obtaining available legal protections, provide a copy of any order of protection or similar document it receives to the parties affected by it, explain the order of protection or similar document and the consequences for violating it, call upon and assist local law enforcement in effecting an arrest for violation of the order of protection or similar document, and abide by all legally issued orders of protection or similar documents, including denying the restricted person access to Colgate's property, if necessary.

The existence of a criminal complaint does not relieve the university from the need to investigate or otherwise determine what occurred and take appropriate steps in response. Although the university and law enforcement processes are separate, in some cases, the university may delay temporarily the initiation of its internal processes while a law enforcement investigation is ongoing.

## **2. Options for reporting to law enforcement are described below.**

### **Assistance from Campus Safety**

Any member of the campus community may contact Colgate's Campus Safety Department for assistance in filing a criminal complaint and preserving evidence at:

Colgate Campus Safety  
88 Hamilton Street  
315-228-7911 or 911 from a campus phone [Emergency line]  
315-228-7333 [Non-emergency line]  
cusafety@colgate.edu

### **3. Reporting Directly to Law Enforcement**

Anyone may make a report directly to local law enforcement authorities. The Hamilton Police Department (315-824-3311, or 911 in an emergency) can assist in filing a criminal complaint and preserving evidence.

## ***VIII. Complaint Intake***

A third party or anyone other than the victim of Prohibited Conduct may report an incident as described above, but the person who allegedly experienced Prohibited Conduct is the Complainant for purposes of this procedure. If the person who allegedly experienced Prohibited Conduct does not wish to participate in the complaint and adjudication process, or the Complainant's identity is unknown, and the Associate Provost for Equity and Diversity and Title IX Coordinator determines that there is sufficient cause to pursue the matter, the Associate Provost for Equity and Diversity and Title IX Coordinator may initiate the investigation and adjudication process pursuant to this procedural document.

Following receipt of notice of a violation or of a complaint, the Complainant (if any) is promptly given the opportunity to select a PCRG member or other individual, who must be a member of the campus community and may not be a practicing attorney, to serve as their advisor throughout the PCRG process, including during all meetings and hearings related to the process. The Complainant is also provided a document delineating their rights, resources, and options for reporting, including the right to make a report to Campus Safety, to local law enforcement, to the state police, or a combination thereof, or to choose not to report, to be protected from retaliation for reporting an incident, and to receive support and resources through Colgate or other community organizations.

An initial determination is made by the Associate Provost for Equity and Diversity and Title IX Coordinator as to whether a policy violation may have occurred and/or whether informal resolution might be appropriate. If the complaint does not appear to allege Prohibited Conduct or if informal resolution is agreed to by the involved parties and appears appropriate given the nature of the alleged behavior, then the complaint does not proceed to investigation. In making a decision as to whether to proceed to investigation, the Associate Provost for Equity and Diversity and Title IX Coordinator also considers the wishes of the Complainant. As noted above, a full investigation will be pursued if, among other reasons, there is evidence of a pattern of misconduct or a perceived threat of further harm to the community or any of its members.

## ***XI. Interim Remedies***

Initial or interim remedies may be implemented in appropriate circumstances. The Associate Provost for Equity and Diversity and Title IX Coordinator will determine such remedies as are necessary to protect the safety or well-being of any member(s) of the campus community. Initial or interim remedies are intended to address the immediate and ongoing effects of Prohibited Conduct, or to prevent further harm to the alleged victim and to prevent further violations. These remedies may include referral to counseling and health services, education to the community, altering the housing situation of one or more of the involved students, altering work arrangements for student employees, providing campus escorts, implementing contact limitations between the parties, offering adjustments to academic deadlines, course schedules, etc. In circumstances where the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on campus of the Respondent or the ongoing activity of a student organization whose behavior is in question, the university may, for the interim, suspend a student or organization pending completion of the PCRG investigation and procedures.

## ***X. Informal Resolution***

### **A. Informal Resolution Process**

An informal resolution process is a voluntary process in which a trained facilitator assists the parties in resolving the allegations made by a Complainant. An informal resolution prioritizes educational and conciliatory approaches over more adversarial contestation of the facts. One objective of the informal resolution is to provide to the parties an opportunity to learn and understand each other's concerns and address them as collaboratively and usefully for the parties as possible, with the assistance of the facilitator.

The intent of an informal resolution process is for the parties to undertake a facilitated dialogue regarding the matters at issue related to the allegations to see if they can reach agreement on a resolution that leaves both parties feeling satisfied with that resolution.

The informal resolution process is not available in a complaint involving more than two parties unless (a) all parties voluntarily consent to use the informal resolution process, (b) there is an understanding among all parties about what happens when the right of any party to stop the informal resolution process and commence (or return to) the formal investigation and resolution process is invoked, and (c) there is an understanding among all parties about whether some parties, but not all, can agree to a resolution. No party should feel intimidated, coerced or threatened to participate in an informal resolution process, and the Associate Provost for Equity and Diversity and Title IX Coordinator will not authorize use of the informal resolution process where there is reason to believe that a party's consent to use the process is not truly voluntary.

The informal resolution process may also be used if the Respondent wishes to accept responsibility for all or part of the alleged policy violations. If the Respondent indicates an intent to accept responsibility for all or part of the alleged misconduct, the formal investigation and adjudication process will be paused, and the Associate Provost for Equity and Diversity and Title IX Coordinator will determine whether informal resolution can be used according to the criteria above. If so, the informal resolution process will be used to determine whether all parties and the university are able to agree on sanctions and/or remedies. This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution.

Supportive measures are available to both parties in the same manner as they would be if the complaint were proceeding under the formal investigation and resolution process.

### **B. Steps Prior to the Informal Resolution Process**

The Associate Provost for Equity and Diversity and Title IX Coordinator will offer the informal resolution process to the parties after a complaint is filed by a Complainant if the Associate Provost for Equity and Diversity and Title IX Coordinator believes informal resolution may be appropriate. Both parties must consent to use the informal resolution process. Either party in an informal resolution process may terminate it at any time and the complaint will proceed (or return) to the formal investigation and resolution process. In some instances, as detailed below, the facilitator in the informal resolution process may terminate the process as well.

If both parties consent to participate in the informal resolution process, the university will assign a facilitator who will act in an independent, impartial manner to facilitate a resolution between the parties. The facilitator will be trained on how to perform the role. The facilitator will also be screened to ensure that such person is free from conflicts of interest and bias.

### **C. How the Process Works - General**

The facilitator will schedule one or more meetings with the parties. The facilitator will assist the parties in communicating information and opinions to the facilitator and each other regarding the allegations in an effort to find common ground and a resolution of the allegations that is satisfactory to all parties. The facilitator may meet separately with each party to explore the party's views about the allegations and desired outcome from the process. Either party can elect to have any meeting occur so that the parties are in different rooms and the facilitator "shuttles" between the parties.

Informal resolution may be appropriate if the parties are willing to openly exchange views and reach a resolution acceptable to both parties. The parties to this process should have a clear understanding of the allegations in the complaint



and the issues that are in dispute since the investigation phase of the formal investigation and resolution process will not occur (or resume) if an informal resolution is reached.

#### **D. Role of the Facilitator**

The facilitator's role is to conduct the informal resolution process in a way that is impartial and does not favor one party over the other. If the facilitator believes at any point in the informal resolution process that one party is not behaving in a way that allows for a productive resolution between the parties, the facilitator will discuss the matter in confidence with the Associate Provost for Equity and Diversity and Title IX Coordinator, and either another facilitator will be appointed or the university will require that the informal resolution process be cancelled and the complaint will be addressed through the formal investigation and resolution process.

#### **E. Confidentiality**

For the informal resolution process to have the best chance for success, the parties should be free to express themselves. As a result, the information received from both parties during the informal resolution process will be kept confidential by the facilitator but the facilitator may share information with the Associate Provost for Equity and Diversity and Title IX Coordinator as necessary to enable the Associate Provost for Equity and Diversity and Title IX Coordinator to oversee the process in accordance with this procedural document.

In addition, the facilitator will not be available as a witness in any hearing that may occur should either party or the university terminate the informal resolution process before a resolution. This is in keeping with the concept that the facilitator is impartial and is only facilitating the interaction between the two parties.

Should the formal complaint proceed or be returned to the formal investigation and resolution process, the parties and any support persons may not disclose information shared by the other party during the informal resolution process in the hearing. All persons participating in the informal resolution process must sign a confidentiality agreement that provides that no information revealed by a party in the informal resolution process will be used against that party in a hearing. This confidentiality protection does not apply to information that is learned outside the informal resolution process through the investigation or otherwise (but not learned through a violation of the confidentiality agreement).

#### **F. Support Persons During Informal Resolution Process**

Each party may have a support person accompanying them to any informal resolution meeting. A support person is someone who provides support to a party during the informal resolution process. This role should be distinguished from the role of an advisor under the formal investigation and resolution process of this procedural document. For instance, the support person will not be permitted to question the other party.

A support person can help a party understand or explain the issues under discussion or simply help the party feel more comfortable during the informal resolution process. A support person should be someone with whom the party feels comfortable. A party may need to tell their support person sensitive things related to the facts and circumstances surrounding the allegations. The support person may be a friend or relative or any other person the party trusts.

A support person cannot be someone who has been involved in the facts and circumstances in the allegations in any way. In addition, the other party and the facilitator must agree to the support person attending. The facilitator can also exclude a support person if their presence is disruptive during the informal resolution process.

A party must let the facilitator know in advance if they would like a support person to attend any informal resolution meeting and the name of the support person and that person's relationship to the party. The facilitator will check with the other party to confirm that such party agrees to continue with the informal resolution with the support person present.

Support can be provided in several ways. Support people do not necessarily have to be present in an informal resolution session. Support people can be available to offer support in a nearby area and the facilitator can schedule breaks so that a party can talk with their support person outside the meeting. The support person can attend the informal resolution meeting but may not participate or speak during it. The support person can ask for a break if the person wishes to confer with the party.

## **G. Possible Outcomes of the Process**

A resolution is reached only if both parties agree and if the resolution is accepted by the Associate Provost for Equity and Diversity and Title IX Coordinator. The facilitator will not impose an outcome, although they may assist the parties in suggesting resolutions that appear to meet the parties' needs. If there is no agreement on a resolution, the complaint will proceed (or be returned) to the formal investigation and resolution process outlined in this procedural document.

The university imposes no restrictions on the possible outcomes reflected in a resolution so that the parties are free to fashion a resolution that meets their needs, subject to acceptance by the Associate Provost for Equity and Diversity and Title IX Coordinator. A resolution may include discipline, up to and including expulsion/termination of employment, if the parties agree.

The facilitator will draft a document reflecting the agreement between the parties that becomes final once it is signed by all parties and accepted by the Associate Provost for Equity and Diversity and Title IX Coordinator. This written and signed resolution indicates that the complaint has been resolved under this process without the need to pursue the formal investigation and resolution process.

After a written resolution has been finalized, the university will keep a record of the parties' written consent to the informal resolution process and the written resolution. Results of complaints resolved by informal resolution are not appealable under this process.

## **H. What Happens if the Informal Resolution Process Does Not Result in an Agreed-Upon Resolution**

Once a complaint has been filed, the informal resolution process should proceed with due promptness. The university imposes no specified timeframe for the process but the facilitator may choose to terminate the informal resolution process (and either party may elect to terminate the process) if insufficient progress is being made.

If an informal resolution process does not result in an agreed-upon resolution, investigation of the allegations in the complaint will commence (or resume) and the formal investigation and resolution process will proceed from there.

# ***XI. Investigation***

In cases where the Associate Provost for Equity and Diversity and Title IX Coordinator determines that a complaint appears to allege Prohibited Conduct, and the Complainant wishes to pursue a formal complaint or the Associate Provost for Equity and Diversity and Title IX Coordinator decides that the university, based on the alleged policy violation, wishes to pursue a formal complaint, then the Associate Provost for Equity and Diversity and Title IX Coordinator appoints PCRG member(s) who do not have a conflict of interest to conduct the investigation. The university reserves the right to consult with legal counsel throughout the complaint resolution process, and to utilize external investigators if warranted in the discretion of the Associate Provost for Equity and Diversity and Title IX Coordinator. The university may temporarily withhold a student's degree and/or diploma if the student is the subject of a pending complaint or investigation, or has disciplinary charges pending.

## **A. Scope and Timing of Investigation**

Investigation of complaints will be completed within ninety (90) days when reasonably possible, but an investigation may take longer when (among other things) the university is not in session. The university also may, but shall not be obligated to, delay the institution of its processes when criminal charges on the basis of the same behaviors that invoke this process are being investigated. University action will not be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

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



## **B. Notice of Investigation**

The Respondent will receive notice, in advance of any interview or other meeting they are required or entitled to attend, of the PCRG investigation including the date, time, location and factual allegations concerning the violation, the specific policy provisions alleged to have been violated, and the possible sanctions. The Respondent will also be notified of their right to select a PCRG member or other individual, who must be a member of the campus community and may not be a practicing attorney, to serve as their advisor throughout the PCRG process, including during all meetings and hearings related to such process. If, in the course of the investigation, the university decides to investigate allegations that are not included in the notice initially provided to the parties, the Associate Provost for Equity and Diversity and Title IX Coordinator will provide notice of the additional allegations to the parties.

The Complainant and Respondent will be provided with notice of the name of the appointed investigator(s) and an opportunity of not more than three (3) days after the notice to raise an objection to the investigator(s) based on any alleged bias or conflict of interest known to the party. If an objection is raised, the Associate Provost for Equity and Diversity and Title IX Coordinator will determine whether bias or a conflict of interest in fact exists and necessitates the replacement of the investigator(s).

## **C. Rights During Investigation Process**

During the investigation, which is an impartial fact-finding process, the Complainant and the Respondent will have an equal opportunity to share information and request that witnesses be interviewed. In the absence of their consent, the Complainant and Respondent will not be interviewed together or be required to meet. The investigator(s) retains discretion to determine how to conduct the investigation and what information is necessary and relevant.

No unauthorized audio or video recording of any kind is permitted during investigation meetings or interviews. If the investigator(s) elect(s) to audio and/or video record interviews, all parties involved in the meeting or interview will be made aware that audio and/or video recording is occurring.

## ***XII. Assessment Following Investigation***

Once an investigation is completed, the investigator(s) will meet with the Associate Provost for Equity and Diversity and Title IX Coordinator and the Dean for Administrative Advising and Student Conduct. Based on that meeting, the Associate Provost for Equity and Diversity and Title IX Coordinator will make a decision as to whether the results of the investigation warrant proceeding with the complaint process. If the Associate Provost for Equity and Diversity and Title IX Coordinator determines that the alleged incident is more properly handled pursuant to another university policy or procedure, the Associate Provost for Equity and Diversity and Title IX Coordinator will direct the matter to the appropriate procedure or personnel.

If the Associate Provost for Equity and Diversity and Title IX Coordinator determines that the allegations and available information warrant a continuation of the process, then the Associate Provost for Equity and Diversity and Title IX Coordinator may authorize informal resolution, or may direct the complaint for a resolution without a hearing, or a formal hearing, based on the below criteria. If the Associate Provost for Equity and Diversity and Title IX Coordinator determines that continuing with the complaint process is not warranted, the process will end, and the Complainant and Respondent will be so informed. This notice will include findings of fact and the rationale for the determination.

## ***XIII. Resolution without a Hearing***

In cases where the alleged violations, and therefore the range of possible sanctions, are minor (less than suspension or expulsion), the Dean for Administrative Advising and Student Conduct may make a decision as to responsibility using a preponderance of the evidence standard and may implement a sanction, with a statement of the findings of fact and rationale for the sanction. A Complainant or Respondent dissatisfied with the sanction may request reconsideration of the sanction (but not the finding of responsibility) in writing within five calendar days of notification of the sanction to the Associate Provost for Equity and Diversity and Title IX Coordinator, who will determine whether to uphold or modify the sanction. In cases where the alleged behavior is of a nature that may warrant the imposition of a sanction of suspension or expulsion, or that are otherwise not appropriate for resolution without a hearing as set forth above, the matter will normally proceed to a formal hearing as described below.

## ***XIV. Formal Hearing Procedure***

In any cases that are not appropriate for informal resolution and are not resolved without a hearing, the Associate Provost for Equity and Diversity and Title IX Coordinator will initiate a formal hearing.

### **A. Hearing Panel Membership**

The Associate Provost for Equity and Diversity and Title IX Coordinator will appoint a non-voting panel chair and three members of the PCRG to the hearing panel who do not have a conflict of interest in the case. PCRG members who served as investigators or as advisors to the Complainant or Respondent may not serve as hearing panel members. The panel will meet at times determined by the chair.

### **B. Notification of Charges**

At least one week prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the consent of the parties, the designated hearing panel chair will send a letter to the parties stating the following:

1. A description of the alleged violation(s) (including, to the extent known, the date, time, location and factual allegations, and a reference to the specific Colgate policy provision(s) alleged to have been violated); a description of the applicable procedures; and the sanction or sanctions that could be imposed.
2. The time, date, and location of the hearing. If any party does not appear at the scheduled hearing, the hearing will be held in absentia. For compelling reasons, the hearing panel chair may reschedule the hearing.
3. The names of the hearing panel members, and how to challenge participation by any hearing panel member for bias or conflict of interest.
4. The right to an advisor. The parties may have the assistance of one PCRG member or other individual at the hearing. The advisor must be a member of the campus community and may not be a practicing attorney.
5. A statement about the university's policy on retaliation.

### **C. Hearing Process - General**

Participants in the hearing will include the non-voting chair, the three members of the panel, the investigator(s) who conducted the investigation on the complaint, the Complainant and Respondent (or up to three organizational representatives in a case where an organization is charged), advisors to the parties, and any called witnesses. Hearings are private, and observers, other than the parties' advisors, are not allowed. Hearings involve the discussion of sensitive, private topics. Therefore, any person present for any part of the hearing is urged to use discretion in discussing the hearing with uninvolved parties. Panel members are required to treat the hearing as completely confidential.

Prior to the hearing (or, if prior exchange is not feasible, at commencement of the hearing), the parties will submit to the chair the names of all witnesses the party intends to call and a brief description of the subject(s) about which the party believes the witness has relevant information. The chair will exclude any witness the chair deems unnecessary. The chair will share with all parties the names of all witnesses whom the chair has approved to be called (and/or from whom a written statement will be accepted), and all relevant and available documentary information. The chair may decide that certain witnesses do not need to participate in the hearing if their testimony can be adequately summarized by the investigator(s) during the hearing. The chair of the hearing panel is in charge of organizing the presentation of information to be considered by the hearing panel.

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

If desired, the Complainant and the Respondent will have a reasonable opportunity to present facts and arguments and to present questions through the chair, or otherwise if determined by the chair, to witnesses appearing before the hearing panel. If alternative appearance mechanisms are desired (screens, remote participation as described above, etc.), the parties should request

them from the chair at least five calendar days prior to the hearing. Neither party (Complainant nor Respondent) is required to attend, and, if either or both fail or decline to attend, the hearing will be held in that person's absence. The chair may allow a party to submit a written statement in lieu of attendance and/or the chair and panel may rely on the party's statements as gathered in the investigation and presented at the hearing by the investigator(s).

Hearings will be recorded by the university. Cell phones and recording devices may not be used by the parties or their advisors in the hearing room(s).

#### **D. Advisors**

The Complainant and Respondent may have present with them during the hearing an advisor. The advisor must be a member of the campus community and may not be a practicing attorney. The advisor's role is limited to consulting with their advisee. The advisor may not speak during the hearing, object to any aspect of the proceeding, or disrupt the hearing in any way, and any consultation with the advisee while the hearing is in progress must be done in writing only. The advisor may consult with the advisee verbally outside the hearing during breaks, when such breaks are requested and granted by the chair. If the chair determines that an advisor is not adhering to these or other ground rules, the advisor will be expelled from the hearing, and the hearing will continue without opportunity for the party to secure a new advisor.

#### **E. Procedural Matters**

The chair will explain procedural ground rules prior to or at the outset of the proceeding, and the chair may impose additional ground rules as may be reasonably necessary for the orderly and efficient progress of the proceeding. Once the procedures are explained and the participants are introduced, the chair may call the investigator(s) to present the report of the investigation. The investigator(s) may be asked to respond to questions posed by the chair or PCRG panel members. The investigator(s) may be present during the entire hearing process. The findings of the investigation and the investigator(s)'s findings are not binding on the panel, though any undisputed conclusions of the investigation report will not be revisited, except as necessary to determine sanctions/responsive actions or as determined necessary by the chair.

Formal rules of evidence will not apply. Any information that the chair and panel believe is relevant and credible may be considered, including hearsay, history and information indicating a pattern of behavior.

The chair will address any concerns regarding the consideration of information prior to and/or during the hearing and may exclude irrelevant or immaterial information. The chair will have discretionary authority to determine all questions of procedure, including but not limited to the method by which questions will be posed to parties (including the method by which a party will be allowed to pose questions to be answered by the other party, the investigator, or any witness). The chair is also empowered to determine whether particular questions, evidence or information will be accepted or considered, including whether a particular witness will or will not be called and, if called, the topic(s) that the witness or the parties will be permitted to address. Anyone appearing at the hearing to provide information will present and respond to questions on their own behalf and not through anyone else.

Unless the chair determines it is appropriate, no one will present information or raise questions concerning:

Incidents not directly related to the possible violation unless they show a pattern, or the character of the Complainant or Respondent. Prior disciplinary violations and character information may be considered for purposes of assessing sanctions (if applicable) as and to the extent provided below.

#### **F. Decisions**

Following conclusion of the hearing, the hearing panel will deliberate and render a determination by majority vote as to whether the Respondent is responsible or not responsible for the alleged violation(s). The hearing panel will use "preponderance of the evidence" as the standard of proof to determine whether each alleged violation occurred. "Preponderance of the evidence" means that the hearing panel must determine whether, based on the evidence presented, it is more likely than not that the Respondent engaged in the conduct charged. A lack of preponderance does not necessarily mean that the Complainant has been dishonest or made a false complaint, but rather that the weight of the evidence did not indicate that it was "more likely than not" that a violation occurred.

If the hearing panel determines that the Respondent is responsible for the violation(s) in question, it moves to a consideration of sanctions. Each party may submit a written personal impact statement to the Dean for Administrative Advising and Student Conduct for consideration by the hearing panel in determining an appropriate sanction if there is a finding of responsibility on one or more of the charges. The parties must submit their statements to the Associate Provost for Equity and Diversity and Title IX Coordinator prior to the hearing. Up to two character reference letters submitted on behalf of each party will be introduced into consideration, and sanctions will be determined by the hearing panel. In addition to the impact statement(s) and character references, if any, factors considered when determining sanctions may include:

1. the nature and severity of, and circumstances surrounding, the violation(s);
2. the Respondent's state of mind at the time of the violation(s) (intentional, knowing, bias-motivated, reckless, negligent, etc.);
3. the Respondent's previous disciplinary history (or lack thereof);
4. the need for sanctions to bring an end to the conduct; and/or to prevent the future recurrence of similar conduct;
5. the need to remedy the effects of the conduct on the Complainant and/or the community;
6. the impact of potential sanctions on the Respondent;
7. sanctions imposed by the university in other matters involving comparable conduct; and
8. any other lawful factors deemed relevant by the hearing panel.

### **Sanctions**

The following are the sanctions that may be imposed upon students or organizations singly or in combination:

1. **Warning:** A formal statement that the behavior was unacceptable and a warning that further infractions of any university policy, procedure, or directive will result in more severe disciplinary action.
2. **Probation:** A written reprimand for violation of the policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any university policy, procedure, or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders, and/or other measures deemed appropriate.
3. **Suspension:** Termination of student or organizational status for a definite period of time and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at Colgate.
4. **Expulsion:** Permanent termination of student status or indefinite revocation of university recognition of organizational status.
5. **Withholding Diploma:** The university may withhold a student's degree and/or diploma for a specified period of time and/or deny a student participation in commencement activities.
6. **Revocation of Degree:** The university reserves the right to revoke a degree awarded from the university for fraud, misrepresentation, or other violation of university policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
7. **Other Actions:** In addition to or in place of the above sanctions, the hearing panel may assign any other sanctions as deemed appropriate, including but not limited to the following:
  - a. Mandated counseling so a student has the opportunity to gain more insight into their behavior.
  - b. "No contact" directive (including but not limited to continuation of a no contact directive imposed as a supportive measure): a prohibition against having contact with one or more identified persons, in person or through telephonic, electronic, written or other means. A no contact directive may include additional restrictions and terms.
  - c. Apology: Requiring the student or organization to write a letter of apology to those involved.
  - d. Campus or Community Service: Requiring unpaid service to the university or area community stated in terms of type and hours of service.
  - e. Restitution: Reimbursement for damage to or misappropriation of property, or for personal injury, and other related costs.
  - f. Housing related sanctions:

- i. Loss, revocation or restriction of privilege (e.g., exclusion from specified locations or alteration of status in the housing lottery or other selection system) to live in university housing.
- i. Loss, revocation or restriction of off-campus living privileges.

Sanctions take effect immediately, unless the Associate Provost for Equity and Diversity and Title IX Coordinator stays implementation pending completion of any appeal process.

For those crimes of violence that the university is required by federal law to include in its Annual Security Report, the transcripts of suspended or expelled students found responsible after a hearing and appeal, if any, shall include the notation “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”. Transcript notations for suspensions imposed under this procedural document may be removed at the discretion of the registrar in consultation with the Associate Provost for Equity and Diversity and Title IX Coordinator, but no earlier than one year after the conclusion of the suspension. Transcript notations for expulsion shall not be removed.

#### Other Remedial Actions

In appropriate cases, the university may take other steps as may be necessary to correct the effects of or prevent further discrimination or harassment (e.g., banning an individual from campus, changing housing assignments, arranging for the retaking of an exam, removal or reversal of a discriminatory performance evaluation, etc.).

### **G. Notification of Outcome**

The parties will receive simultaneous written notification of the outcome of the hearing without a commitment to protect the confidentiality of the outcome. It shall be the decision of each party whether that party will disclose or discuss the outcome of any hearing or appeal. The notification will include written notice of the findings of fact, the decision and (if applicable) the sanction, as well as a rationale for the decision and (if applicable) the sanction and information with respect to appeal procedures.

### **H. Withdrawal While Charges Pending**

The university reserves the right to not permit a student to withdraw, and to place a hold on the release of a student’s transcript, if that student has an investigation or charges against them pending under this procedural document. Should a student decide to leave and not participate in the investigation and/or hearing, the university may opt to proceed in absentia to a reasonable resolution and that student will not be permitted to return to Colgate unless all levied sanctions have been satisfied. If a student withdraws while subject to a complaint, investigation or charges based upon alleged conduct constituting a crime of violence that the university is required by federal law to include in its Annual Security Report, the transcript of the student shall include the notation “Withdrew with conduct charges pending.”

### **I. Appeal**

#### **1. Grounds for Appeal; Submission Requirements**

A Complainant or Respondent may appeal the result of any formal hearing. All appeals must be submitted in writing within ten calendar days of the delivery of the written findings of the hearing panel. Appeals shall be submitted to an appellate panel comprised of the Dean of the College and a PCRG member designated by the Title IX Coordinator. Any party may appeal a decision, but only on the basis of one or more of the following grounds:

- a. A procedural error or omission occurred during the process which, based upon the entire record, is reasonably likely to have changed the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.); or
- b. New information, unavailable prior to or during the hearing, has come to the attention of one of the parties which, had it been known at the time of the hearing, and based upon the entire record, is reasonably likely to have changed the outcome of the hearing or the nature or severity of any sanction that may have been imposed; or
- c. Any sanction imposed is disproportionate to the nature or severity of the violation or violations.

Any appeal must include a clear statement of the nature of any claimed procedural error or new information, or the basis of any claim of disproportionality. In the case of a claimed procedural error or new information, the appeal must also include a statement of the likely impact of the claimed error or newly discovered information on the proceedings.

## **2. Appeal Procedures**

In the event of an appeal by any party, all parties and the chair of the PCRG hearing panel shall be notified that the appeal has been submitted and shall have a reasonable opportunity to respond to the appeal in a manner determined by the appellate panel. The decision will be sustained if the appeal is not timely or is not made on the basis of one or more of the grounds listed above, or the appellate panel concludes that the grounds for appeal are not supported by the record as a whole. Any decision that is not appealed, or that is sustained on appeal, is final. The appellant shall have the burden of establishing, by a preponderance of the evidence, that one or more of the grounds for appeal are meritorious, and any party may also attempt to show that this burden has not been met.

Additional principles governing appeals are the following:

- a. Because the appellate panel has not heard the evidence directly, deference must be given to the PCRG hearing panel on evidentiary matters and the appellate panel must sustain the decision unless one of the three grounds for appeal listed above has been established.
- b. In the event that the appellate panel determines that the appellant has met the burden of establishing that one or more grounds for appeal have merit, the appellate panel has discretion to take action consistent with that determination. That may include, without limitation, in the case of procedural error or new information, remanding the case in whole or in part to the original hearing panel, remanding the case in whole or in part to a new hearing panel and, in the case of disproportionality of a sanction, modifying that sanction as appropriate.
- c. Once an appeal of a case is concluded no further appeals are allowed, except to the extent that one or more parties seek review of proceedings ordered by the appellate panel on remand.

## ***XV. Records***

In implementing this procedure, records of all complaints, resolutions, and hearings will be kept by the Associate Provost for Equity and Diversity and Title IX Coordinator. Others will have access to the records only on a need-to-know basis. Except as required by law, no public release of such records may be made until a final determination is made (i.e., when no appeal of the decision of the hearing is sought, or in the event of an appeal, when the decision of the appellate panel is communicated to the parties). Any such release shall be made in accordance with any applicable Colgate policy and federal and state laws.

## ***XVI. Disability Accommodations***

A Complainant or Respondent with a disability who requires accommodation in the complaint, investigation, hearing or any other phase of the process is responsible for disclosing the need for accommodation to the Associate Provost for Equity and Diversity and Title IX Coordinator. The Associate Provost for Equity and Diversity and Title IX Coordinator may consult with the Office of Disability Services in deciding whether to grant a disability accommodation request.

## ***XVII. Coordination with Other Policies and Procedures***

A particular situation may potentially implicate one or more university policies or processes. The university reserves the right to determine the most applicable policy or process and to utilize that policy or process. Without limiting the foregoing, if determined appropriate by the Associate Provost for Equity and Diversity and Title IX Coordinator, the processes described in this procedural document may be used to respond to, investigate and adjudicate conduct allegedly violating the University Code of Student Conduct and/or other policies if the alleged conduct is related to or arises out of the same facts, circumstances or incidents as alleged Prohibited Conduct to be addressed pursuant to this procedural document.

## ***XVIII. Complaints Against Non-Community Members***

A complaint against a non-community member for violation of the Colgate University Student Nondiscrimination, Anti-Harassment and Sexual Misconduct Policy will be handled and addressed as the Associate Provost for Equity and Diversity and Title IX Coordinator deems appropriate. However, in all such cases, the Associate Provost for Equity and Diversity and Title IX Coordinator



will ensure that the matter is appropriately investigated and that appropriate responsive action is taken, up to and including banning the non-community member from Colgate property.

## ***XIX. Campus Crime Reporting and Statistics***

Colgate University is committed to providing a safe, supportive, and secure environment for the entire university community, including visitors. The University will provide upon request all campus crime statistics as reported to the United States Department of Education. To obtain a copy, contact the associate director of campus safety, 315-228-7333. You may also view crime statistics for all colleges and universities at the [United States Department of Education's website](#).

In its annual report of campus crime statistics, the university must report statistics concerning the occurrence on campus of certain crimes, including certain sex offenses. This statistical report does not include any personally identifiable information concerning the victim or the accused. Similarly, if Colgate issues a timely warning pursuant to the Clery Act to warn the campus community about a perceived immediate threat, the warning issued will not include any personally identifying information concerning a victim.

## ***XX. Bias/Conflict of Interest***

In the event that any person assigned a role pursuant to this procedural document is aware of any relationship, fact, circumstance or occurrence that they reasonably believe creates or constitutes bias or a conflict of interest that would render them incapable of performing the role in an impartial manner, that person shall identify the bias or conflict of interest to the Associate Provost for Equity and Diversity and Title IX Coordinator at the earliest practicable time. Similarly, any Complainant or Respondent who objects to the participation of any person assigned a role pursuant to this procedural document based upon bias or a conflict of interest shall identify the conflict of interest to the Associate Provost for Equity and Diversity and Title IX Coordinator at the earliest practicable time. The Associate Provost for Equity and Diversity and Title IX Coordinator will determine whether bias or a conflict of interest in fact exists and necessitates replacement of the person in question.

## ***XXI. Discretionary Authority; Change in Applicable Law***

The Associate Provost for Equity and Diversity and Title IX Coordinator shall have discretionary authority to construe and interpret this procedural document, and to determine the meaning of any disputed or uncertain provisions. In the course of any process under this procedural document, the Associate Provost for Equity and Diversity and Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party. The Associate Provost for Equity and Diversity and Title IX Coordinator may also vary procedures materially with notice (on the university website, with the appropriate effective date identified) upon determining that changes to law or regulation, or interpretations thereof, require policy or procedural alterations not reflected in this document. If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this procedural document will be construed to comply with the most recent government regulations or holdings.

## ***XXII. Procedure Enforcement***

Marilyn “Lyn” Rugg, Ph.D.  
Associate Provost for Equity and Diversity & Title IX Coordinator  
The Office of Equity and Diversity  
102 Lathrop Hall  
Colgate University  
13 Oak Drive  
Hamilton, NY 13346  
315-228-6161

Inquiries and complaints may be made externally to:  
Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline #: 800-421-3481  
Facsimile: 202-453-6012 TDD#: 877-521-2172  
E-mail: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/oc>

# Colgate University Student Sex- or Gender-Based Discrimination and Harassment and Sexual Misconduct Resources and Response Procedures

## ***I. Introduction***

This procedural document provides information about supportive and protective measures available to members of the Colgate University community experiencing discrimination or harassment based upon sex, gender, sexual orientation, or gender identity or expression; sexual assault; domestic violence; dating violence; or stalking based on sex; other forms of sexual misconduct described below; or related acts of retaliation (collectively, “Sex- or Gender-Based Prohibited Conduct”). This document also provides procedures for the investigation and adjudication of allegations of Sex- or Gender-Based Prohibited Conduct by, against or between students or student organizations.

One or more of the university’s personnel policies or faculty or staff handbook policies may overlap with this procedure in a particular situation. The processes described herein apply to any situation where a student or a student organization is the Complainant or Respondent. In all other situations, the university reserves the right to apply this process or another applicable university policy or process. The university will apply this process to any situation where the university determines that Title IX requires the application of this process. Once a matter is adjudicated and a final result is reached using this process, the result is not subject to further review or appeal under other Colgate University policies or procedures.

## ***II. Policy and Procedure Summary***

This procedural document provides options for persons who have experienced any form of Sex- or Gender-Based Prohibited Conduct. As described more fully below, these options include the following:

### **A report to a confidential resource**

A confidential resource provides emotional and/or medical services and maintains confidentiality. A report to a confidential resource does not result in a university investigation or any other action to respond to the incident unless the reporting individual requests it.

### **A report to a Policy Administrator**

Certain personnel at the university have the responsibility to receive reports of Sex- or Gender-Prohibited Conduct and to take action based on those reports. A Policy Administrator will forward the information about the incident to the Associate Provost for Equity and Diversity and Title IX Coordinator. The Associate Provost for Equity and Diversity and Title IX Coordinator will discuss options with the Reporting Individual. The assistance the Associate Provost for Equity and Diversity and Title IX Coordinator can facilitate includes the following:

*Supportive Measures.* Supportive measures are intended to support the individual who experienced Sex- or Gender-Based Prohibited Conduct to continue in their involvement in the university’s programs and activities. Supportive measures may include no contact orders; academic accommodations; changes in housing assignment; or other academic, residential or work accommodations.

*Informal Resolution.* An informal resolution is a resolution that the parties (i.e., the Complainant and the Respondent) agree upon to address the situation. Not all incidents are appropriate for informal resolution, and no party may be forced to participate in or accept an informal resolution. This is a voluntary process.

*Formal Grievance Process.* A grievance process includes an investigation and adjudication process. The outcome of a grievance process is that the person accused of Sex- or Gender-Based Prohibited Conduct is found either responsible or not responsible for having committed a violation of university policy. A violation results in appropriate sanctions and other remedies to address the violation.

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

The options for reporting listed above are not mutually exclusive. Furthermore, an individual may pursue any of the listed options without needing to pursue any of the others. An individual may obtain the services of a confidential resource and decide at that time or a later time to report to the university. An individual may report to the university and also make a report to law enforcement, or may make a report to only the university or only to law enforcement.

### ***III. Delegation or Reassignment of Authority; Use of External Resources***

Any person assigned a role pursuant to this procedural document may delegate their authority, or the Associate Provost for Equity and Diversity and Title IX Coordinator may require reassignment of such authority, to another appropriate person to avoid bias or conflicts of interest, or in other circumstances, as deemed necessary. In addition, to the extent permitted by applicable law (including Title IX and New York Education Law Article 129-B), appropriately trained personnel other than the Title IX Coordinator may oversee cases for reasons including, but not limited to, the need to facilitate efficient and timely administration of such cases. The university may also utilize appropriately trained individuals for any role under this process as it may deem necessary or appropriate.

### ***IV. Definitions***

In addition to terms defined elsewhere in this procedural document, the following terms have the meanings set forth below:

1. The term Complaint means a formal written complaint filed in accordance with Section VIII below. A formal complaint is necessary to initiate an investigation and adjudication process or the informal resolution process but is not necessary to access supportive measures.
2. The term Complainant refers to the person who allegedly experienced conduct in violation of university policy. In some cases, the Title IX Coordinator may file a formal complaint and thereby initiate the investigation and adjudication process pursuant to this procedural document. In that instance, the Title IX Coordinator is not the “Complainant”; the Complainant remains the person who allegedly experienced the misconduct.
3. The term Reporting Individual refers to a person who reports alleged misconduct. This may or may not be the same as the Complainant, and may be a witness, a bystander, or someone else with information about the alleged misconduct.
4. The term Respondent refers to the person or organization alleged to have committed misconduct.
5. The term Title IX Violation means conduct defined as a Title IX Violation in the Colgate University Student Nondiscrimination, Anti-Harassment and Sexual Misconduct Policy.
6. The term University Standards Violation means conduct defined as a University Standards Violation in the Colgate University Student Nondiscrimination, Anti-Harassment and Sexual Misconduct Policy.

### ***V. Prohibited Conduct Response Group (PCRG)***

The Colgate University Prohibited Conduct Response Group (PCRG) consists of members of the campus community dedicated to prevention of and response to all Prohibited Conduct as defined in the Nondiscrimination, Anti-Harassment and Sexual Misconduct Policies for students, faculty and staff, including prevention of and response to discrimination or harassment based upon sex, gender, sexual orientation, or gender identity or expression; sexual assault; domestic violence, dating violence, or stalking based on sex; or other forms of sexual misconduct. Members of the PCRG are announced in an annual distribution to campus. **The list of members and a description of the group can be found [here](#).** Members of the PCRG are trained to serve in the following roles:

- To serve as a first point of contact and provide information and resources to a reporting individual or respondent,
- To serve in a facilitation role in informal resolution,
- To investigate complaints,

- To act as advisors to those involved in complaints,
- To serve on hearing panels to adjudicate allegations of Prohibited Conduct (as noted in Section XIV.A, a panel consisting of two members of the PCRG plus a voting panel chair who is responsible for adjudicating those allegations brought to a formal hearing under this procedural document),
- To serve on appellate panels, and
- To serve in an educative role for the community.

The PCRG membership includes faculty and staff drawn from across the institution. The President appoints the members, who report to the Associate Provost for Equity and Diversity and Title IX Coordinator. PCRG members receive annual training organized by the Associate Provost for Equity and Diversity and Title IX Coordinator, including a review of Colgate policies and procedures so that they are able to provide accurate information to members of the community. All PCRG members are required to attend this annual training, which includes issues related to sexual assault, dating violence, domestic violence, and stalking, impartiality, and the rights of Complainants and Respondents (including the right to a presumption that the Respondent is “not responsible” until a finding of responsibility is made pursuant to the applicable provisions of this procedural document), as well as how to conduct a fair and impartial investigation and a hearing process that protect the safety of all parties and promote accountability. All administrative advisors and on-call staff also undergo training with the PCRG regardless of whether they are formally appointed to the PCRG. Additional advanced training in investigation protocol, the conduct of adjudication hearings, informal resolution processes and the appellate process is provided annually to subsets of the PCRG members who serve in these roles.

PCRG members are usually appointed to three-year terms. Individuals who are interested in serving on the PCRG are encouraged to contact the Associate Provost for Equity and Diversity and Title IX Coordinator.

## ***VI. Confidential Resources***

Any person who has experienced Sex- or Gender-Based Prohibited Conduct is encouraged to understand their options and to seek support for their emotional and physical needs. A person seeking confidential emotional support or healthcare may contact the following resources.

### **Students may contact**

- The Counseling Center, Conant House, 315-228-7385 or for an after-hours emergency, call Campus Safety at 315-228-7333 and ask to speak with the counselor on-call.
- Office of the Chaplains, garden level of the Memorial Chapel, 315-228-7682.
- Student Health Services, 150 Broad Street, 315-228-7750.
- Help Restore Hope Center, 24-hour hotline 855-966-9723.

### **Employees may contact**

- Employee Assistance Program, 315-451-2161.
- Help Restore Hope Center, 24-hour hotline 855-966-9723.

Sharing information with a Confidential Resource listed above does not constitute a report to the university and will not result in an investigation or in any remedial or disciplinary action. Information shared with the university’s Counseling Center, Student Health Center, or the university’s chaplains will not ordinarily be shared with the Associate Provost for Equity and Diversity and Title IX Coordinator. When an individual shares information with a Confidential Resource (on campus or in the community) as a confidential communication in the course of a protected relationship, the Confidential Resource cannot disclose the information (including information about whether an individual has received services) to any third party without the individual’s written permission or unless permitted or required consistent with ethical or legal obligations (such as extreme circumstances involving an immediate threat or danger, abuse of a minor, elder or individual with a disability, or when disclosure is required by law or court order). Similarly, medical and counseling records cannot be released without the individual’s written permission or unless permitted or required consistent with ethical or legal obligations.

Confidential Resources submit non-personally identifying information about Clery-reportable crimes to Colgate Campus Safety for purposes of anonymous statistical reporting under the Clery Act.

Because Confidential Resources are there to support emotional, physical and spiritual needs and not to serve as part of the university disciplinary process, any person who desires the university to take investigatory/disciplinary action must make a report to one of the Policy Administrators, listed below.

## ***VII. Reporting Options***

The university encourages all individuals to report Sex- or Gender-Based Prohibited Conduct to the university and/or (in the case of criminal conduct) to local law enforcement. An individual may make a report to the university, to law enforcement, to neither, or to both. Campus processes and law enforcement investigations operate independently of one another, although appropriate officials may coordinate information with Campus Safety as part of an initial assessment of reports. Options for reporting to the university and/or to law enforcement are described below:

### **A. REPORTING TO THE UNIVERSITY**

#### **1. Where to Report**

Anyone may make a report of Sex- or Gender-Based Prohibited Conduct to the university in person, by telephone, by email, or online. The following offices and individuals have been trained to receive and respond to reports:

Marilyn “Lyn” Rugg, Associate Provost for Equity & Diversity and Title IX Coordinator  
Office of Equity and Diversity  
102 Lathrop Hall  
315-228-7288  
[mrugg@colgate.edu](mailto:mrugg@colgate.edu)

Tamala Flack, Executive Director for Equity and Inclusion, Equal Opportunity and Affirmative Action  
Office of Equity and Diversity  
102 Lathrop Hall  
315-228-7014  
[tflack@colgate.edu](mailto:tflack@colgate.edu)

Dorsey Spencer, Dean of Students  
Office of the Dean of the College  
121 McGregory Hall  
315-228-7425  
[dspencer@colgate.edu](mailto:dspencer@colgate.edu)

Kim Taylor, Dean for Administrative Advising and Student Conduct  
Office of the Dean of the College  
121D McGregory Hall  
315-228-7426  
[ktaylor@colgate.edu](mailto:ktaylor@colgate.edu)

Any **PCRG member**

Individuals may also use one of Colgate’s **online reporting forms**. The forms provide the option for you to report anonymously or non-anonymously. Providing anonymous information may help the university maintain accurate records regarding the number of incidents involving students, employees, and third parties; determine if there is a pattern of conduct with regard to a particular location or person; and alert the campus community to potential dangers when appropriate. Depending on the amount of information available in the anonymous report, however, the university’s ability to respond with an investigation or disciplinary action may be limited.

If a report is made to anyone other than the Policy Administrators listed above, the Reporting Individual risks the possibility that the information will not come to the attention of the proper university officials and may, therefore, not be acted upon.

There is no time limit for making a report. However, the passage of time may make effective responsive action difficult. Further, if the Respondent is no longer a member of the university community, the university's ability to respond may be limited. Individuals with a concern are encouraged to make a report promptly.

*Note: You may also contact the Title IX Coordinator, the Executive Director for Equity and Inclusion, Equal Opportunity and Affirmative Action, or a PCRG member to discuss how Colgate's investigatory and disciplinary processes work. You need not disclose information about a specific incident in order to obtain general information about Colgate's policies and procedures.*

## **2. What Happens after Contacting a Policy Administrator**

A Policy Administrator will discuss with the Reporting Individual available avenues and options. A Reporting Individual may be able to take advantage of multiple options simultaneously. Options include contacting local law enforcement (if the incident involves a crime) and/or a disciplinary proceeding against the Respondent or, in appropriate circumstances, informal resolution. In situations where the Reporting Individual's well-being requires, other options may include supportive measures as described in Section IX below. The university will review the facts and circumstances of each case, as well the Reporting Individual's wishes, in deciding whether and what steps are reasonable and appropriate.

## **3. How Information is Shared Within the University**

A Policy Administrator is not a confidential resource. However, even Colgate offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX coordinator to investigate and/or seek a resolution and subject to other legal requirements. This is described further below.

## **4. How Decisions about Taking Action are Handled**

A report to a Policy Administrator often does, but need not necessarily, lead to an investigation or disciplinary action. The decision about what action(s) to take depends on many factors, including the Reporting Individual's wishes, particularly in cases of sexual misconduct. A Reporting Individual may make a report to a Policy Administrator and request that the university take no investigatory or disciplinary action. The university endeavors to comply with Reporting Individuals' wishes with respect to whether responsive action is taken. However, that is not always possible, as the university must weigh the Reporting Individual's wishes against its obligation to provide a safe, non-discriminatory environment for all members of its community and to meet other legal obligations.

If a Reporting Individual requests that no action be taken against the Respondent (i.e., no investigation or disciplinary action), the Policy Administrator will consult with the Title IX Coordinator and/or the Executive Director for Equity and Inclusion, Equal Opportunity and Affirmative Action (for cases involving employees). The university's decision as to responsive action will depend on the nature of the offense, whether the Respondent has a history of violent behavior or is a repeat offender, whether the incident represents escalation in unlawful conduct from previously noted behavior, the risk that the Respondent will commit future acts of violence, whether there was a single perpetrator or multiple, whether the Respondent used a weapon or force, whether the Reporting Individual is a minor, whether available information reveals a pattern of perpetration at a given location or by a particular group or organization, whether the circumstances otherwise suggest an ongoing or future risk to the campus community or the Reporting Individual, and similar considerations. A decision will be made and shared with the Reporting Individual. Ultimately, the university retains the right to act upon information relevant to the university's obligation to maintain a safe and non-discriminatory environment for all community members.

In its annual report of campus crime statistics, the university must report statistics concerning the occurrence on campus of certain crimes, including certain sex offenses. This statistical report does not include any personally identifiable information concerning the Reporting Individual or the Respondent. Similarly, if Colgate issues a timely warning pursuant to the Clery Act to warn the campus community about a perceived immediate threat, the warning issued will not include any personally identifying information concerning a Reporting Individual.

Records concerning reports, investigations and disciplinary proceedings pursuant to this procedural document will be kept in private, secure files and only individuals with a legitimate right to know will be permitted access.



## **B. REPORTING TO LAW ENFORCEMENT**

*Any person may call 911 or Campus Safety at any time for immediate safety assistance. If you or someone else is experiencing an emergency, please call for immediate assistance.*

### **1. General Considerations**

Anyone who believes they were or may have been the victim of a crime is encouraged to report the incident to local law enforcement and pursue criminal charges. A Reporting Individual has the right to report, or decline to report, potential criminal conduct to law enforcement. Upon request, the university will assist a Reporting Individual in contacting law enforcement at any time. Under limited circumstances posing a threat to the health or safety of any individual or when required to comply with applicable law, the university may independently notify law enforcement.

In criminal cases, the preservation of evidence is critical and must be done properly and promptly. For example, in cases of sexual assault, it may be important not to shower, change clothes, or brush one's hair, as physical evidence may be lost. In cases of violence or physical abuse, it may be important to document injuries by taking photographs. As described below, Campus Safety or the Hamilton Police Department can assist in filing a criminal complaint and in securing an appropriate physical examination, including by a Sexual Assault Nurse Examiner.

Additionally, orders of protection and other forms of legal protection may be available to individuals who have experienced or are threatened with violence by another person. Colgate will reasonably assist such individuals in obtaining available legal protections, provide a copy of any order of protection or similar document it receives to the parties affected by it, explain the order of protection or similar document and the consequences for violating it, call upon and assist local law enforcement in effecting an arrest for violation of the order of protection or similar document, and abide by all legally issued orders of protection or similar documents, including denying the restricted person access to Colgate's property, if necessary.

The existence of a criminal complaint does not relieve the university from the need to investigate or otherwise determine what occurred and take appropriate steps in response. Although the university and law enforcement processes are separate, in some cases, the university may delay temporarily the initiation of its internal processes while a law enforcement investigation is ongoing. Such delays will not last more than ten calendar days except when law enforcement authorities specifically request and justify a longer delay.

Options for reporting to law enforcement are described below.

### **2. Assistance from Campus Safety**

Any member of the campus community may contact Colgate's Campus Safety Department for assistance in filing a criminal complaint and preserving evidence at:

Colgate Campus Safety  
88 Hamilton Street  
315-228-7911 or 911 from a campus phone [Emergency line]  
315-228-7333 [Non-emergency line]  
[cusafety@colgate.edu](mailto:cusafety@colgate.edu)

### **3. Reporting Directly to Law Enforcement**

Anyone may make a report directly to local law enforcement authorities. The New York State Police Campus Sexual Assault Victim Unit's 24-hour Hotline (1-844-845-7269) and/or the Hamilton Police Department (315-824-3311, or 911 in an emergency) can assist in filing a criminal complaint, preserving evidence, and securing an appropriate physical examination, including by a Sexual Assault Nurse Examiner.

### **4. Public Awareness/Advocacy Events**

If a member of the Colgate community discloses actions believed to constitute a violation of the Colgate University Student Nondiscrimination, Anti-Harassment and Sexual Misconduct Policy through a public awareness event such as a candlelight vigil, a protest, a student organization or other event or forum, or other public event, Colgate is not obligated to begin an investigation. Colgate may, however, use the information to inform the need for additional education and prevention efforts.

## VIII. Filing a Formal Complaint

### A. Requirements for a Formal Complaint

A formal complaint is necessary to initiate a disciplinary resolution or informal resolution. A formal complaint must be in written form and must be signed by the Complainant or (as provided in this procedural document) the Associate Provost for Equity and Diversity and Title IX Coordinator. A third party or anyone other than the victim of the misconduct may report an incident as described above, but may not file a formal complaint. However, a formal complaint may be filed by a parent or guardian on behalf of a minor person.

A formal complaint is a document filed by a Complainant or signed by the Associate Provost for Equity and Diversity and Title IX Coordinator alleging one or more violations committed by a Respondent and requesting that the university investigate the allegation. The Respondent may be either a student or an employee or a visitor, independent contractor, intern, or volunteer of the University. A formal complaint may be filed with the Associate Provost for Equity and Diversity and Title IX Coordinator in person, by mail, or by electronic mail to: Marilyn “Lyn” Rugg, Office of Equity and Diversity, 102 Lathrop Hall, 315-228-7288, [mrugg@colgate.edu](mailto:mrugg@colgate.edu); or by **submitting a complaint electronically via the University’s online portal**. In order to qualify as a formal complaint, the document must contain the Complainant’s physical or electronic signature, or otherwise indicate that the Complainant is the person filing the formal complaint.

If a Complainant declines to sign a formal complaint or does not wish to participate in the complaint and adjudication process, or the Complainant’s identity is unknown, and the Associate Provost for Equity and Diversity and Title IX Coordinator determines there is sufficient cause to file a formal complaint, the Associate Provost for Equity and Diversity and Title IX Coordinator may file a formal complaint. In such cases, the Associate Provost for Equity and Diversity and Title IX Coordinator is not considered to be a Complainant or other party under this process.

There is no formal time limitation on the bringing of a complaint, as long as the accused individual is a member of the campus community and/or remains subject to its jurisdiction, but prompt reporting is very strongly encouraged. The Associate Provost for Equity and Diversity and Title IX Coordinator may exercise discretion in handling complaints when substantial time has passed since an alleged incident.

### B. What Happens following a formal complaint

Following receipt of notice of a complaint, the Complainant is promptly given the opportunity to select a PCRG member or other individual of their choice (who may be, but is not required to be, an attorney) to serve as their advisor throughout the PCRG process, including during all meetings and hearings related to such process. The Complainant is also provided a document delineating their rights, resources, and options, including the right to make a report to local law enforcement, to the state police, or a combination thereof, or to choose not to report, to be protected from retaliation for reporting an incident, and to receive supportive measures and resources through Colgate or other community organizations.

An initial determination is made by the Associate Provost for Equity and Diversity and Title IX Coordinator as to whether a policy violation may have occurred and/or whether informal resolution might be appropriate. If the complaint does not appear to allege a policy violation or if informal resolution is agreed to by the involved parties and appears appropriate given the nature of the alleged behavior, then the complaint does not proceed to investigation.

In order to comply with federal Title IX regulations, the Associate Provost for Equity and Diversity and Title IX Coordinator must “dismiss” allegations of Title IX Violation(s) alleged in a complaint if, at any time following receipt of the complaint, it is apparent that the allegations are not within the scope of Title IX, including that the conduct alleged:

1. would not constitute sexual harassment, sexual assault, dating violence, domestic violence or stalking as defined as **Title IX Violations** in the Student Nondiscrimination, Anti-Harassment and Sexual Misconduct Policy, even if proved,
2. did not occur in the university’s education program or activity, or
3. did not occur against a person in the United States. Even if allegations of Title IX Violations are subject to dismissal, the University may continue to process the allegations as University Standards Violations if the allegations, if true, would constitute University Standards violations.

The Associate Provost for Equity and Diversity and Title IX Coordinator also may (but is not necessarily required to) dismiss a complaint or any of its allegations if at any time during the investigation or hearing if:

1. the Complainant notifies the Associate Provost for Equity and Diversity and Title IX Coordinator in writing that the Complainant would like to withdraw the complaint or any specific allegation,
2. the Respondent is no longer enrolled or employed by the university, or
3. specific circumstances prevent the university from gathering evidence sufficient to reach a determination as to the complaint or its allegations.

Any decision to dismiss a complaint or allegation pursuant to this section is immediately appealable pursuant to the appeal procedures set forth in this document.

## ***IX. Supportive Measures***

Once a report is made under this process, the Complainant will be contacted by the Associate Provost for Equity and Diversity and Title IX Coordinator and offered individualized support as more fully described below. A report that triggers supportive measures need not be a formal complaint, and it may be made by a third party (i.e., someone other than the person allegedly subjected to misconduct). Once the Respondent is informed of a formal complaint or a report resulting in supportive measures that directly affect the Respondent, the Respondent will be contacted by the Associate Provost for Equity and Diversity and Title IX Coordinator and offered individualized support as more fully described below. The Respondent will also be given the opportunity to select a PCRG member or other individual of their choice (who may be, but is not required to be, an attorney) to serve as their advisor throughout the PCRG process, including during all meetings and hearings related to such process.

### **A. Nature of Supportive Measures**

Supportive measures are intended to restore or preserve, to the extent practicable, equal access to the university's educational programs and activities and protect the safety of all parties without unreasonably burdening any other party or parties. As required by federal regulation, these supportive measures must be non-disciplinary and non-punitive to the parties. Supportive measures could include, but are not limited to:

1. Changes or adjustment in academics such as the extension of deadlines or other course-related adjustments or allowing a withdrawal from a course without penalty;
2. Changes to housing, transportation and campus working situations if those changes are requested by a party and reasonably available;
3. Mutual "No Contact" orders and, in certain cases, one-way no contact orders;
4. Access to campus escorts or other reasonable security or monitoring measures; and/or
5. Counseling services (such as University Counseling services for students, and EAP counseling services for employees).

The Associate Provost for Equity and Diversity and Title IX Coordinator is responsible for coordinating the implementation of supportive measures, including coordinating with the various university departments and offices that may be involved. Supportive measures will be offered free of charge.

### **B. Reconsideration of Supportive Measures**

If a party's request for a supportive measure is denied, the party will be afforded an opportunity to have the denial promptly reviewed to assess whether the supportive measure is reasonable under the circumstances. In addition, each party will, upon request, be afforded the opportunity for a prompt review of the need for supportive measures, including the potential modification of these measures, to the extent that the party is affected by the measure(s) being reviewed. The request for review of the denial of, need for, or details of supportive measures should be made to the Associate Provost for Equity and Diversity and Title IX Coordinator and may be made at any time. Each party will be allowed to submit evidence in support of, or in opposition to, the request to the extent the supportive measures under review affect that party. The Associate Provost for Equity and

Diversity and Title IX Coordinator will advise the parties of the result of the review. This determination is not subject to further review absent changed circumstances.

## ***X. Emergency Removal***

The University may need to undertake emergency removal of a student in order to protect the safety of its community, which may include contacting local law enforcement to address imminent safety concerns. Emergency removal is not a substitute for reaching a determination as to a student Respondent's responsibility for misconduct allegations; rather, emergency removal is for the purpose of addressing imminent threats posed to any person's physical health or safety, which may arise out of alleged misconduct or the allegations of misconduct. Emergency removal may be total (i.e., the student is suspended from the university) or partial (e.g., the student is suspended from being present on campus, or presence is limited to specified areas, times or purposes) at the discretion of the university based on the circumstances.

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

In the event a determination is made that a student Respondent is an immediate threat to the physical health or safety of an individual, the Dean for Administrative Advising and Student Conduct will provide written notice of the emergency removal to both the Complainant (if any) and Respondent. This notice will contain:

1. the date the removal is set to begin,
2. the reason for the emergency removal,
3. the consequences of non-compliance, and
4. how to appeal the decision.

If a student Respondent disagrees with the decision to be removed from campus, they may appeal the decision in writing to the Associate Provost for Equity and Diversity and Title IX Coordinator within ten (10) days of receiving the notice of removal. The burden of proof is on the student Respondent to show that the removal decision was incorrect. The emergency removal will remain in effect while the appeal is considered.

The emergency removal process applies only to student Respondents. Employee Respondents are not subject to this process and may be placed on administrative leave pursuant to the university's policies and/or collective bargaining agreements during any process under this procedural document.

## ***XI. Informal Resolution***

### **A. Informal Resolution Process**

An informal resolution process is a voluntary process in which a trained facilitator assists the parties in resolving the allegations made by a Complainant. An informal resolution prioritizes educational and conciliatory approaches over more adversarial contestation of the facts. One objective of the informal resolution is to provide to the parties an opportunity to learn and understand each other's concerns and address them as collaboratively and usefully for the parties as possible, with the assistance of the facilitator.

The intent of an informal resolution process is for the parties to undertake a facilitated dialogue regarding the matters at issue related to the allegations to see if they can reach agreement on a resolution that leaves both parties feeling satisfied with that resolution.

The informal resolution process is not available if the Respondent in a sexual misconduct complaint is a faculty or staff member of the university. The informal resolution process is also not available in a complaint involving more than two parties unless (a) all parties voluntarily consent to use the informal resolution process, (b) there is an understanding among all parties about what happens when the right of any party to stop the informal resolution process and commence (or return to) the formal

investigation and resolution process is invoked, and (c) there is an understanding among all parties about whether some parties, but not all, can agree to a resolution. No party should feel intimidated, coerced or threatened to participate in an informal resolution process, and the Associate Provost for Equity and Diversity and Title IX Coordinator will not authorize use of the informal resolution process where there is reason to believe that a party's consent to use the process is not truly voluntary.

The informal resolution process may also be used if the Respondent wishes to accept responsibility for all or part of the alleged policy violations. If the Respondent indicates an intent to accept responsibility for all or part of the alleged misconduct, the formal investigation and adjudication process will be paused, and the Associate Provost for Equity and Diversity and Title IX Coordinator will determine whether informal resolution can be used according to the criteria above. If so, the informal resolution process will be used to determine whether all parties and the university are able to agree on sanctions and/or remedies. This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution.

Supportive measures are available to both parties in the same manner as they would be if the formal complaint were proceeding under the formal investigation and resolution process.

## **B. Steps Prior to the Informal Resolution Process**

The Associate Provost for Equity and Diversity and Title IX Coordinator will offer the informal resolution process to the parties after a formal complaint is filed by a Complainant if the Associate Provost for Equity and Diversity and Title IX Coordinator believes informal resolution may be appropriate. Both parties must consent to use the informal resolution process. Either party in an informal resolution process may terminate it at any time and the complaint will proceed (or return) to the formal investigation and resolution process. In some instances, as detailed below, the facilitator in the informal resolution process may terminate the process as well.

If both parties consent to participate in the informal resolution process, the university will assign a facilitator who will act in an independent, impartial manner to facilitate a resolution between the parties. The facilitator will be trained on how to perform the role. The facilitator will also be screened to ensure that such person is free from conflicts of interest and bias.

## **C. How the Process Works - General**

The facilitator will schedule one or more meetings with the parties. The facilitator will assist the parties in communicating information and opinions to the facilitator and each other regarding the allegations in an effort to find common ground and a resolution of the allegations that is satisfactory to all parties. The facilitator may meet separately with each party to explore the party's views about the allegations and desired outcome from the process. Either party can elect to have any meeting occur so that the parties are in different rooms and the facilitator "shuttles" between the parties.

Informal resolution may be appropriate if the parties are willing to openly exchange views and reach a resolution acceptable to both parties. The parties to this process should have a clear understanding of the allegations in the complaint and the issues that are in dispute since the investigation phase of the formal investigation and resolution process will not occur (or resume) if an informal resolution is reached.

## **D. Role of the Facilitator**

The facilitator's role is to conduct the informal resolution process in a way that is impartial and does not favor one party over the other. If the facilitator believes at any point in the informal resolution process that one party is not behaving in a way that allows for a productive resolution between the parties, the facilitator will discuss the matter in confidence with the Associate Provost for Equity and Diversity and Title IX Coordinator, and either another facilitator will be appointed or the university will require that the informal resolution process be cancelled and the complaint will be addressed through the formal investigation and resolution process.

## **E. Confidentiality**

For the informal resolution process to have the best chance for success, the parties should be free to express themselves. As a result, the information received from both parties during the informal resolution process will be kept confidential by the facilitator but the facilitator may share information with the Associate Provost for Equity and Diversity and Title IX Coordinator as necessary to enable the Associate Provost for Equity and Diversity and Title IX Coordinator to oversee the process in accordance with this procedural document.

In addition, the facilitator will not be available as a witness in any hearing that may occur should either party or the university terminate the informal resolution process before a resolution. This is in keeping with the concept that the facilitator is impartial and is only facilitating the interaction between the two parties.

Should the formal complaint proceed or be returned to the formal investigation and resolution process, the parties and any support persons may not disclose information shared by the other party during the informal resolution process in the hearing. All persons participating in the informal resolution process must sign a confidentiality agreement that provides that no information revealed by a party in the informal resolution process will be used against that party in a hearing. This confidentiality protection does not apply to information that is learned outside the informal resolution process through the investigation or otherwise (but not learned through a violation of the confidentiality agreement).

#### **F. Support Persons During Informal Resolution Process**

Each party may have a support person accompanying them to any informal resolution meeting. A support person is someone who provides support to a party during the informal resolution process. This role should be distinguished from the role of an advisor under the formal investigation and resolution process of this procedural document. For instance, the support person will not be permitted to question the other party.

A support person can help a party understand or explain the issues under discussion or simply help the party feel more comfortable during the informal resolution process. A support person should be someone with whom the party feels comfortable. A party may need to tell their support person sensitive things related to the facts and circumstances surrounding the allegations. The support person may be a friend or relative or any other person the party trusts.

A support person cannot be someone who has been involved in the facts and circumstances in the allegations in any way. In addition, the other party and the facilitator must agree to the support person attending. The facilitator can also exclude a support person if their presence is disruptive during the informal resolution process.

A party must let the facilitator know in advance if they would like a support person to attend any informal resolution meeting and the name of the support person and that person's relationship to the party. The facilitator will check with the other party to confirm that such party agrees to continue with the informal resolution with the support person present.

Support can be provided in several ways. Support people do not necessarily have to be present in an informal resolution session.

Support people can be available to offer support in a nearby area and the facilitator can schedule breaks so that a party can talk with their support person outside the meeting. The support person can attend the informal resolution meeting but may not participate or speak during it. The support person can ask for a break if the person wishes to confer with the party.

#### **G. Possible Outcomes of the Process**

A resolution is reached only if both parties agree and if the resolution is accepted by the Associate Provost for Equity and Diversity and Title IX Coordinator. The facilitator will not impose an outcome, although they may assist the parties in suggesting resolutions that appear to meet the parties' needs. If there is no agreement on a resolution, the complaint will proceed (or be returned) to the formal investigation and resolution process outlined in this procedural document.

The university imposes no restrictions on the possible outcomes reflected in a resolution so that the parties are free to fashion a resolution that meets their needs, subject to acceptance by the Associate Provost for Equity and Diversity and Title IX Coordinator. A resolution may include discipline, up to and including expulsion/termination of employment, if the parties agree.

The facilitator will draft a document reflecting the agreement between the parties that becomes final once it is signed by all parties and accepted by the Associate Provost for Equity and Diversity and Title IX Coordinator. This written and signed resolution indicates that the complaint has been resolved under this process without the need to pursue the formal investigation and resolution process.

After a written resolution has been finalized, the university will keep a record of the parties' written consent to the informal resolution process and the written resolution. Results of complaints resolved by informal resolution are not appealable under this process and are not subject to further review or appeal under other Colgate University policies or procedures.

#### **H. What Happens if the Informal Resolution Process Does Not Result in an Agreed-Upon Resolution**



Once a formal complaint has been filed, the informal resolution process should proceed with due promptness. The university imposes no specified timeframe for the process but the facilitator may choose to terminate the informal resolution process (and either party may elect to terminate the process) if insufficient progress is being made.

If an informal resolution process does not result in an agreed-upon resolution, investigation of the allegations in the complaint will commence (or resume) and the formal investigation and resolution process will proceed from there.

## ***XII. Investigation Process***

In cases where the Associate Provost for Equity and Diversity and Title IX Coordinator determines that a complaint appears to allege a policy violation, and the Complainant wishes to pursue a formal complaint or the Associate Provost for Equity and Diversity and Title IX Coordinator decides that the university, based on the alleged policy violation, wishes to pursue a formal complaint, then the Associate Provost for Equity and Diversity and Title IX Coordinator appoints PCRG member(s) who do not have a conflict of interest to conduct the investigation. The university reserves the right to consult with legal counsel throughout the complaint resolution process, and to utilize external investigators if warranted at the discretion of the Associate Provost for Equity and Diversity and Title IX Coordinator. The university may temporarily withhold a student's degree and/or diploma if the student is the subject of a pending complaint or investigation, or has disciplinary charges pending.

### **A. Scope and Timing of Investigation**

Investigation of complaints will be completed within ninety (90) days when reasonably possible, but an investigation may take longer when (among other things) the university is not in session. The university also may, but shall not be obligated to, delay the institution of its processes when criminal charges on the basis of the same behaviors that invoke this process are being investigated; such delays will not last more than ten calendar days except when law enforcement authorities specifically request and justify a longer delay. Both parties will be provided with written notice of any extension of the investigation beyond ninety (90) days, and of the reason for the delay. University action will not be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

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

### **B. Notice of Investigation**

The Complainant and Respondent will receive a notice of investigation that will include, to the extent known:

1. the identities of the involved parties;
2. the date, time, location and factual allegations concerning the alleged violation;
3. the policy provisions allegedly violated;
4. a description of the investigation and adjudication process;
5. potential sanctions;
6. the right to an advisor of their choice, who may be, but is not required to be, an attorney;
7. the right to inspect and review evidence in accordance with this process;
8. notice that knowingly making false statements or knowingly submitting false information is prohibited under the Code of Student Conduct;
9. consistent with the preponderance of the evidence standard used to determine responsibility, notice that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process; and
10. A statement about the university's policy on retaliation.

If, in the course of the investigation, the university decides to investigate allegations that are not included in the notice initially provided to the parties, the Associate Provost for Equity and Diversity and Title IX Coordinator will provide notice of the additional allegations to the parties.

The Complainant and Respondent will be provided with notice of the name of the appointed investigator(s) and an opportunity of not more than three (3) days after the notice to raise an objection to the investigator(s) based on any alleged bias or conflict of interest known to the party. If an objection is raised, the Associate Provost for Equity and Diversity and Title IX Coordinator will determine whether bias or a conflict of interest in fact exists and necessitates the replacement of the investigator(s).

### **C. Rights During Investigation Process**

The Complainant and Respondent will be provided with advance written notice of the date, time, location, participants, and purpose of any meeting or interview in which they are invited to or expected to participate. The Complainant and Respondent have a right to be accompanied by an advisor of their choice at any such meeting or interview, who may be an attorney.

The Complainant and the Respondent will be given an equal opportunity to present information. This includes the opportunity to present fact or expert witnesses and other evidence that the party believes tends to prove or disprove the allegations. However, at all times, the burden of gathering evidence remains with the university. The investigator(s) may decline to interview any witness or to gather information the investigator(s) find(s) to be not relevant or otherwise excludable (e.g., sexual history of the Complainant with a person other than the Respondent, materials subject to a recognized privilege, medical records in the absence of a release by the subject of the records, etc.). The investigator(s) will determine the order and method of investigation.

No unauthorized audio or video recording of any kind is permitted during investigation meetings or interviews. If the investigator(s) elect(s) to audio and/or video record interviews, all parties involved in the meeting or interview will be made aware that audio and/or video recording is occurring.

### **D. Opportunity to Review Evidence: Investigative Report**

The Complainant and Respondent will be provided an equal opportunity to inspect and review any evidence directly related to the allegations that is gathered in the investigation, regardless of whether the information will be relied on in reaching a determination. Upon the request of a party, the university will appoint, without fee or charge to that party, an advisor of the university's choice who will be a licensed attorney to assist that party from and after this stage of the process (including for purposes of any subsequent hearing, resolution without a hearing and/or appeal[s]). Prior to the conclusion of the investigative report, the Complainant and Respondent, and each party's advisor, if any, will be provided a copy of the evidence (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform, as determined in the sole discretion of the Associate Provost for Equity and Diversity and Title IX Coordinator), subject to redaction permitted and/or required by law. The Complainant and Respondent will be provided with at least ten (10) days to submit a written response, which the investigator will consider prior to completion of the investigative report. Based on the parties' written responses the investigator(s) will determine if additional investigation is necessary (and, if so, will complete any additional investigative steps), and will incorporate relevant elements of the responses and any additional relevant evidence into the report.

The investigative report will fairly summarize the relevant evidence; the report will not make conclusions as to credibility or responsibility, contain policy analysis, or render any recommendations as to findings or sanctions. The investigator(s) need not include information in the investigative report that the investigator(s) determine(s) not relevant or otherwise excludable. The investigator(s) will submit the investigative report to the Associate Provost for Equity and Diversity and Title IX Coordinator.

At least ten (10) days prior to a hearing to determine whether there is responsibility for the allegations, the Complainant and Respondent, and each party's advisor, will be provided a copy of the investigative report (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform, as determined in the sole discretion of the Associate Provost for Equity and Diversity and Title IX Coordinator) for their review and written response, subject to redaction permitted and/or required by law.

## ***XIII. Complaint Resolution***

### **A. What Happens When the Investigation is Complete?**

Once an investigation is completed, the investigator(s) will meet with the Associate Provost for Equity and Diversity and Title IX Coordinator and the Dean for Academic Advising and Student Conduct for cases involving students or the Executive Director for Equity and Inclusion, Equal Opportunity and Affirmative Action for cases involving employees. Based on that meeting, the

Associate Provost for Equity and Diversity and Title IX Coordinator will make a decision as to what further process is warranted. If the Associate Provost for Equity and Diversity and Title IX Coordinator determines that the alleged incident is more properly handled pursuant to another university policy or procedure, the associate provost will direct the matter to the appropriate procedure or personnel.

If the Associate Provost for Equity and Diversity and Title IX Coordinator determines that the allegations and available information warrant a continuation of the process, then the Associate Provost for Equity and Diversity and Title IX Coordinator may authorize consideration of informal resolution as described above, or may direct the complaint for a resolution without a hearing, or a formal hearing, based on the below criteria.

In cases other than those including allegations of Title IX Violations, the Associate Provost for Equity and Diversity and Title IX Coordinator may dismiss the complaint at this stage, or earlier (including during the course of the investigation) if warranted by evidence received during the investigation, if they determine that continuing with the complaint process is not warranted (cases involving Title IX Violation allegations remain subject to dismissal in accordance with Section VIII.B above). In such event the process will end, and the Complainant and Respondent will be so informed. This notice will include findings of fact and the rationale for the determination. A party may appeal a determination to end the process at this juncture in accordance with the appeal procedures set forth in this procedural document. If the process ends pursuant to this paragraph, supportive measures may still be available to the parties.

#### **B. Resolution without a Hearing**

In cases (other than those including allegations of Title IX Violations) in which the alleged violations, and therefore the range of possible sanctions, are minor (such as probation for students, reassignment of duties for staff), a decision as to responsibility using a preponderance of the evidence standard will be made and a sanction implemented, with a statement of the findings of fact and rationale for the sanction. This determination will be made by the Dean for Academic Advising and Student Conduct for cases involving student Respondents, or the Executive Director for Equity and Inclusion, Equal Opportunity and Affirmative Action for cases involving staff Respondents, or a relevant member of the Provost and Dean of the Faculty chain of command for cases involving faculty Respondents. A Complainant or Respondent may appeal the finding, sanction, or both, using the appeal process described in Section XIV.H.

In cases involving allegations of Title IX Violations, and in all other cases where the alleged behavior is of a nature that may warrant the imposition of a sanction of suspension, expulsion or termination of employment, or are otherwise not appropriate for resolution without a hearing as set forth above, the matter will proceed to a formal hearing.

### ***XIV. Formal PCRG Hearing Procedure***

In any cases that are not appropriate for informal resolution and are not resolved without a hearing, the Associate Provost for Equity and Diversity and Title IX Coordinator will initiate a formal hearing.

#### **A. Hearing Panel Membership and General Hearing Process**

The Associate Provost for Equity and Diversity and Title IX Coordinator will appoint a hearing panel consisting of a panel chair who may be an external adjudicator or a PCRG member and two additional members of the PCRG who do not have a conflict of interest in the case. In cases involving faculty parties, the appointed PCRG members will be faculty members. PCRG members who served as investigators or as advisors to the Complainant or Respondent may not serve as hearing panel members. A hearing before the panel will be convened not less than ten (10) days after the parties have been provided access to the final investigative report, for the purpose of determining whether the Respondent is responsible or not responsible for the charge(s).

The Associate Provost for Equity and Diversity and Title IX Coordinator will notify the parties in writing of the date, time, and location of the hearing, the names of the hearing panel members, and how to challenge participation by any hearing panel member for bias or conflict of interest.

Participants in the hearing will include the members of the hearing panel, the Complainant and the Respondent, their respective advisors, the investigator(s) who conducted the investigation, and witnesses (solely during their own testimony). Hearings are private. Observers or additional support personnel, other than the parties' advisors, are not allowed unless deemed

necessary by the Associate Provost for Equity and Diversity and Title IX Coordinator for purposes such as accommodation of a disability or language translation. Hearings will be recorded by the university. Cell phones and recording devices may not be used by the parties or their advisors in the hearing room(s).

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

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

## **B. Procedural Measures**

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

1. Opportunity for Opening Statement by the Complainant
2. Opportunity for Opening Statement by the Respondent
3. Summary of the results of the investigation by the investigator(s), including items that are contested and those that are not
4. Questions for the investigator(s) by the hearing panel and, if desired, on behalf of Complainant and the Respondent (as described below)
5. Questions for the Complainant by the hearing panel and, if desired, on behalf of the Respondent (as described below)
6. Questions for the Respondent by the hearing panel and, if desired, on behalf of the Complainant (as described below)
7. Questions for each witness by the hearing panel and, if desired, on behalf of Complainant and the Respondent (as described below)
8. Opportunity for Closing Statement by the Complainant
9. Opportunity for Closing Statement by the Respondent

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

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

### **C. Advisors**

The Complainant and the Respondent may each have present with them during the hearing an advisor of their choice. If a party does not have an advisor present at the hearing, the university will provide, without fee or charge to that party, an advisor of the university's choice.

Except with respect to questioning as described below, the advisor's role is limited to consulting with their advisee, and the advisor may not present evidence, address the hearing panel during the hearing, object to any aspect of the proceeding, or disrupt the hearing in any way, and any consultation with the advisee while the hearing is in progress must be done in a quiet non-disruptive manner or in writing. The advisor may consult with the advisee verbally outside the hearing during breaks, when such breaks are granted by the chair of the hearing panel. An advisor's questioning of the other party and any witnesses must be conducted in a respectful, non-intimidating and non-abusive manner. If the chair determines that an advisor is not adhering to these or other ground rules, the advisor may be required to leave the hearing, and the hearing will proceed without an opportunity for the party to obtain a replacement advisor; provided, however, that the university will assign an advisor of the university's choosing, without charge, for the purpose of conducting questioning on behalf of the party as provided below.

Witnesses are not permitted to bring an advisor or other person to the hearing, absent an approved disability accommodation or a need for a translator. The hearing panel may be advised by and/or consult with the university's legal counsel as the chair of the hearing panel deems necessary or appropriate.

### **D. Questioning Procedures**

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

Only relevant questions may be asked by a party's advisor to a party or witness. Before the party or witness answers a question posed by an advisor, the chair of the hearing panel will first determine whether the question is relevant and explain any decision to exclude a question. The chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The advisor posing the question may request that the chair reconsider any decision to exclude a question and the chair, after soliciting the other party's advisor's opinion, will render a final determination. Such decisions by the chair are final and not subject to further objection or reconsideration during the hearing.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, other than questions and evidence about the Complainant's prior sexual behavior that (a) are offered to prove that someone other than the Respondent committed the alleged misconduct, or (b) concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent (for example, to demonstrate indicia of consent in previous encounters between the parties allegedly identical to purported indicia of consent in the incident in question).

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

### **E. Hearing Determinations**

Following the conclusion of the hearing, the hearing panel will deliberate and render a determination by majority vote as to whether the Respondent is responsible or not responsible for the alleged violation(s). The hearing panel will use "preponderance of the evidence" as the standard of proof to determine whether each alleged violation occurred. "Preponderance of the evidence" means that the hearing panel must determine whether, based on the evidence presented, it is more likely than not that the Respondent engaged in the conduct charged. A lack of preponderance does not necessarily mean that the Complainant has been dishonest or made a false complaint, but rather that the weight of the evidence did not indicate that it was "more likely than not" that a violation occurred.

Each party may submit a written personal impact statement to the Associate Provost for Equity and Diversity and Title IX Coordinator for consideration by the hearing panel in determining an appropriate sanction if there is a finding of responsibility on one or more of the charges. The parties must submit their statements to the Associate Provost for Equity and Diversity and Title IX Coordinator prior to the hearing.

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

1. the nature and severity of, and circumstances surrounding, the violation(s);
2. the Respondent's state of mind at the time of the violation(s) (intentional, knowing, bias-motivated, reckless, negligent, etc.);
3. the Respondent's previous disciplinary history (or lack thereof);
4. the need for sanctions to bring an end to the conduct; and/or to prevent the future recurrence of similar conduct;
5. the need to remedy the effects of the conduct on the Complainant and/or the community;
6. the impact of potential sanctions on the Respondent;
7. sanctions imposed by the university in other matters involving comparable conduct; and
8. any other lawful factors deemed relevant by the hearing panel.

### **Student Sanctions**

The following are the sanctions that may be imposed upon students or organizations singly or in combination:

1. **Warning:** A formal statement that the behavior was unacceptable and a warning that further infractions of any university policy, procedure, or directive will result in more severe disciplinary action.
2. **Probation:** A written reprimand for violation of the policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any university policy, procedure, or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders, and/or other measures deemed appropriate.
3. **Suspension:** Termination of student or organizational status for a definite period of time and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at Colgate.
4. **Expulsion:** Permanent termination of student status or indefinite revocation of university recognition of organizational status.
5. **Withholding Diploma:** The university may withhold a student's degree and/or diploma for a specified period of time and/or deny a student participation in commencement activities.
6. **Revocation of Degree:** The university reserves the right to revoke a degree awarded from the university for fraud, misrepresentation, or other violation of university policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
7. **Other Actions:** In addition to or in place of the above sanctions, the hearing panel may assign any other sanctions as deemed appropriate, including but not limited to the following:
  - a. **Mandated counseling** so a student has the opportunity to gain more insight into their behavior.
  - b. **"No contact" directive** (including but not limited to continuation of a no contact directive imposed as a supportive measure): a prohibition against having contact with one or more identified persons, in person or through telephonic, electronic, written or other means. A no contact directive may include additional restrictions and terms.
  - c. **Apology:** Requiring the student or organization to write a letter of apology to those involved.
  - d. **Campus or Community Service:** Requiring unpaid service to the university or area community stated in terms of type and hours of service.
  - e. **Restitution:** Reimbursement for damage to or misappropriation of property, or for personal injury, and other related costs.



f. Housing related sanctions:

- i. Loss, revocation or restriction of privilege (e.g., exclusion from specified locations or alteration of status in the housing lottery or other selection system) to live in university housing.
- ii. Loss, revocation or restriction of off-campus living privileges.

Sanctions take effect immediately, unless the Associate Provost for Equity and Diversity and Title IX Coordinator stays implementation pending completion of any appeal process.

For those crimes of violence that the university is required by federal law to include in its Annual Security Report, the transcripts of suspended or expelled students found responsible after a hearing and appeal, if any, shall include the notation “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”. Transcript notations for suspensions imposed under this procedural document may be removed at the discretion of the registrar in consultation with the Associate Provost for Equity and Diversity and Title IX Coordinator, but no earlier than one year after the conclusion of the suspension. Transcript notations for expulsion shall not be removed.

### **Employee Sanctions**

Sanctions that may be imposed on employees include warning, required counseling as a condition of continued employment or return to employment, implementation of a performance improvement plan, loss of annual pay increase, demotion, suspension with pay, suspension without pay, termination, or other actions deemed appropriate.

### **Other Remedial Actions**

In appropriate cases, the university may take other steps as may be necessary to correct the effects of or prevent further discrimination or harassment (e.g., banning an individual from campus, changing housing assignments, arranging for the retaking of an exam, removal or reversal of a discriminatory performance evaluation, etc.).

## **F. Notification of Outcome**

The parties will receive simultaneous written notification of the outcome of the hearing without a requirement to protect the confidentiality of the outcome. It shall be the decision of each party whether that party will disclose or discuss the outcome of any hearing or appeal. The notification will include the following information:

1. A description of the charges that were adjudicated;
2. A description of the procedural steps taken from the submission of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the applicable policy provisions to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the College’s educational programs or activities will be provided to the Complainant; and
6. The procedures and permissible bases for the Complainant and Respondent to appeal.

## **G. Withdrawal or Resignation While Charges Pending**

1. **Students:** The university reserves the right to not permit a student to withdraw, and to place a hold on the release of a student’s transcript, if that student has an investigation or charges against them pending under this procedural document. Should a student decide to leave and not participate in the investigation and/or hearing, the university may opt to proceed in absentia to a reasonable resolution and that student will not be permitted to return to Colgate unless all levied sanctions have been satisfied. If a student withdraws while subject to a complaint, investigation or charges based upon alleged conduct constituting a crime of violence that the university is required by federal law to include in its Annual Security Report, the transcript of the student shall include the notation “Withdrew with conduct charges pending.”

2. **Employees:** Should an employee resign while charges are pending, the personnel records of that employee will reflect that status. As may be necessary and appropriate, the Associate Provost for Equity and Diversity and Title IX Coordinator will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the conduct upon the victim and the community.

## H. Appeals

The parties will receive simultaneous written notification of the outcome of the hearing without a requirement to protect the confidentiality of the outcome. It shall be the decision of each party whether that party will disclose or discuss the outcome of any hearing or appeal. The notification will include the following information:

### 1. Grounds for Appeal; Submission Requirements

A Complainant or Respondent may appeal a decision to dismiss a complaint or specific allegations in a complaint, the result of any formal hearing, or a resolution without a hearing, as described in this section. All such appeals must be submitted in writing within ten calendar days of the delivery of the notice of dismissal, or written findings of the hearing panel or the decision maker in the event of resolution without a hearing, as applicable. Appeals in cases in which the Respondent is a member of the faculty or staff shall be submitted to an appellate panel comprised of the Provost and a PCRG member designated by the Associate Provost for Equity and Diversity and Title IX Coordinator. (For faculty cases, the PCRG member will be a faculty member.) Appeals in cases in which the Respondent is a student shall be submitted to an appellate panel comprised of the Dean of the College and a PCRG member designated by the Associate Provost for Equity and Diversity and Title IX Coordinator. Any party may appeal a decision, but only on the basis of one or more of the following grounds:

- a. A procedural irregularity that affected the finding(s) regarding responsibility or dismissal; or
- b. New evidence has come to the attention of one of the parties that was not reasonably available at the time the determination regarding responsibility or dismissal was made, and that could affect the determination regarding responsibility or dismissal or the nature or severity of any sanction that may have been imposed; or
- c. The Associate Provost for Equity and Diversity and Title IX Coordinator, investigator(s), or member(s) of the hearing panel had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the determination regarding responsibility or dismissal; or
- d. Any sanction imposed is disproportionate to the nature or severity of the violation or violations or otherwise inappropriate.

Any appeal must include a clear statement of the nature of any claimed procedural irregularity or new information, or the basis of any claim of bias or inappropriate sanction. In the case of a claimed procedural irregularity, bias or new information, the appeal must also include a statement of the likely impact of the claimed irregularity, bias or newly discovered information on the proceedings.

### 2. Appeal Procedures

In the event of an appeal by any party, all parties and the chair of the hearing panel (or the decision maker in cases involving resolution without a hearing), or the Associate Provost for Equity and Diversity and Title IX Coordinator in the case of an appeal from a dismissal, shall have a reasonable opportunity to respond to the appeal in a manner determined by the appellate panel. The decision or dismissal will be sustained if the appeal is not timely or is not made on the basis of one or more of the grounds listed above, or the appellate panel concludes that the grounds for appeal are not supported by the record as a whole. Any decision or dismissal that is not appealed, or that is sustained on appeal, is final. The appellant shall have the burden of establishing, by a preponderance of the evidence, that one or more of the grounds for appeal are meritorious, and any party may also attempt to show that this burden has not been met.

Additional principles governing appeals are the following:

- a. Because the appellate panel has not heard the evidence directly, deference must be given to the hearing panel, or to the decision-maker in cases involving resolution without a hearing, as applicable, on evidentiary matters in consideration of findings or sanctions, and the appellate panel must sustain the decision unless one of the grounds

for appeal listed above has been established.

- b. In the event that the appellate panel determines that the appellant has met the burden of establishing that one or more grounds for appeal have merit, the appellate panel has discretion to take action consistent with that determination. That may include, without limitation, in the case of procedural irregularity or new information, remanding the case in whole or in part to the original hearing panel or in cases involving resolution without a hearing the decision maker, remanding the case in whole or in part to a new hearing panel and, in the case of disproportionality or inappropriateness of a sanction, modifying that sanction as appropriate.
- c. Once an appeal is concluded no further appeals are allowed, except to the extent that one or more parties seek review of proceedings ordered by the appellate panel on remand.

Both parties will receive simultaneous written notice of the outcome of any appeal, including the finding on each ground for appeal, the rationale for each finding, and any specific instructions for further proceedings (if applicable) and/or other actions taken by the appellate panel. Once the appeals process is complete, the result is final and is not subject to further review or appeal under other Colgate University policies or procedures.

## ***XV. Records***

In implementing this procedure, the Associate Provost for Equity and Diversity and Title IX Coordinator will maintain for a period of not less than seven years records of

1. each investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript of a hearing, any disciplinary sanctions imposed on a Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the university's education program or activity;
2. any appeal and the result of the appeal;
3. any informal resolution process and the result of that process; and
4. all materials used to train the Associate Provost for Equity and Diversity and Title IX Coordinator (as Title IX Coordinator), investigators, decision-makers, and any person who facilitates an informal resolution process. The university will make the training materials publicly available on its website.

Access to the other records described above will be made available only on a need-to-know basis or as required by law. Except as required by law, no public release of the content of such records may be made until a final determination is made (i.e., when no appeal of the decision is sought, or in the event of an appeal, when the decision of the appellate panel is communicated to the parties). Any such release shall only be made in accordance with any applicable Colgate policy and federal and state laws.

## ***XVI. Statement of Rights***

Pursuant to New York Education Law Article 129-B, 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 judicial or conduct process and/or criminal justice process free from pressure by Colgate.
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 university courteous, fair, and respectful health care and counseling services, where available.
6. Be free from any suggestion that the Complainant 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 institutional representatives as practicable and not be required to unnecessarily repeat a description of the incident.
8. Be protected from retaliation by Colgate, any student, the accused and/or the Respondent, and/or their friends, family and acquaintances within the jurisdiction of the university.
9. Access at least one level of appeal of a determination.
10. Be accompanied by an advisor of choice who may assist and advise a Complainant, accused, or Respondent throughout the judicial or conduct process including during all meetings and hearings related to such process.
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of Colgate.

In addition:

A Complainant has the right:

1. To be treated with respect by university officials.
2. To experience a safe living, educational, and work environment.
3. To take advantage of campus support resources (such as Haven, Counseling & Psychological Services, the Office of the Chaplains, and University Health Services for students, or EAP services for employees), and to receive courteous, fair and respectful treatment.
4. To decline to have an allegation resolved through informal resolution procedures.
5. To receive amnesty for minor student misconduct (such as minor alcohol violations) that is ancillary to the incident.
6. To attend in person or via videoconference any hearing in which the Complainant is bringing the charge and to be situated in a different room from the Respondent during the hearing if so desired.
7. To receive written notification of the outcome/resolution of the complaint, including a statement detailing the factual findings supporting the determination and the rationale for the sanction imposed.
8. To have complaints heard in substantial accordance with these procedures.

A Respondent has the right:

1. To be treated with respect by university officials.
2. To experience a safe living, educational, and work environment.
3. To take advantage of campus support resources (such as Counseling & Psychological Services, the Office of the Chaplains, and University Health Services for students, or EAP services for employees), and to receive courteous, fair and respectful treatment.
4. To refuse to have an allegation resolved through informal resolution procedures.
5. To receive amnesty for minor student misconduct (such as minor alcohol violations) that is ancillary to the incident.
6. To attend in person or via videoconference any hearing in which the Respondent is charged and to be situated in a different room from the Complainant during the hearing if so desired.
7. To receive written notification of the outcome/resolution of the complaint, including a statement detailing the factual findings supporting the determination and the rationale for the sanction imposed.
8. To have complaints heard in substantial accordance with these procedures.

## ***XVII. Disability Accommodations***

A Complainant or Respondent with a disability who requires accommodation in the complaint, investigation, hearing or any other phase of the process is responsible for disclosing the need for accommodation to the Associate Provost for Equity and Diversity and Title IX Coordinator. The Associate Provost for Equity and Diversity and Title IX Coordinator may consult with the Office of Disability Services in deciding whether to grant a disability accommodation request.

## ***XVIII. Coordination with Other Policies and Procedures***

A particular situation may potentially implicate one or more university policies or processes. The university reserves the right to determine the most applicable policy or process and to utilize that policy or process. Without limiting the foregoing, if determined appropriate by the Associate Provost for Equity and Diversity and Title IX Coordinator, the processes described in this procedural document may be used to respond to, investigate and adjudicate conduct allegedly violating the University Code of Student Conduct and/or other policies if the alleged conduct is related to or arises out of the same facts, circumstances or incidents as alleged Sex- or Gender-Based Prohibited Conduct to be addressed pursuant to this procedural document.

## ***XIX. Complaints Against Non-Community Members***

A complaint against a non-community member for violation of the Colgate University Student Nondiscrimination, Anti-Harassment and Sexual Misconduct Policy will be handled and addressed as the Associate Provost for Equity and Diversity and Title IX Coordinator deems appropriate. However, in all such cases, the Associate Provost for Equity and Diversity and Title IX Coordinator will ensure that the matter is appropriately investigated and that appropriate responsive action is taken, up to and including banning the non-community member from Colgate property.

## ***XX. Campus Crime Reporting and Statistics***

Colgate University is committed to providing a safe, supportive, and secure environment for the entire university community, including visitors. The University will provide upon request all campus crime statistics as reported to the United States Department of Education. To obtain a copy, contact the associate director of campus safety, 315-228-7333. You may also view crime statistics for all colleges and universities at the [United States Department of Education's website](#).

In its annual report of campus crime statistics, the university must report statistics concerning the occurrence on campus of certain crimes, including certain sex offenses. This statistical report does not include any personally identifiable information concerning the victim or the accused. Similarly, if Colgate issues a timely warning pursuant to the Clery Act to warn the campus community about a perceived immediate threat, the warning issued will not include any personally identifying information concerning a victim.

## ***XXI. Bias/Conflict of Interest***

In the event that any person assigned a role pursuant to this procedural document is aware of any relationship, fact, circumstance or occurrence that they reasonably believe creates or constitutes bias or a conflict of interest that would render them incapable of performing the role in an impartial manner, that person shall identify the bias or conflict of interest to the Associate Provost for Equity and Diversity and Title IX Coordinator at the earliest practicable time. Similarly, any Complainant or Respondent who objects to the participation of any person assigned a role pursuant to this procedural document based upon bias or a conflict of interest shall identify the conflict of interest to the Associate Provost for Equity and Diversity and Title IX Coordinator at the earliest practicable time. The Associate Provost for Equity and Diversity and Title IX Coordinator will determine whether bias or a conflict of interest in fact exists and necessitates replacement of the person in question. The Associate Provost for Equity and Diversity and Title IX Coordinator will determine whether bias or a conflict of interest in fact exists and necessitates replacement of the person in question.

## ***XXII. Discretionary Authority; Change in Applicable Law***

The Associate Provost for Equity and Diversity and Title IX Coordinator shall have discretionary authority to construe and interpret this procedural document, and to determine the meaning of any disputed or uncertain provisions. In the course of any process under this procedural document, the Associate Provost for Equity and Diversity and Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party. The Associate Provost for Equity and Diversity and Title IX Coordinator may also vary procedures materially with notice (on the university website, with the appropriate effective date identified) upon determining that changes to law or regulation, or interpretations thereof, require policy or procedural alterations not reflected in this document. If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this procedural document will be construed to comply with the most recent government regulations or holdings.

## ***XXIII. Procedure Enforcement***

The person responsible for the implementation of this procedural document internally is:

Marilyn (“Lyn”) Rugg, Ph.D.

Associate Provost for Equity and Diversity & Title IX Coordinator

The Office of Equity and Diversity

102 Lathrop Hall

Colgate University

13 Oak Drive

Hamilton, NY 13346

315-228-6161

Inquiries and complaints may be made externally to:

Office for Civil Rights (OCR)

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202-1100

Customer Service Hotline #: 800-421-3481

Facsimile: 202-453-6012 TDD#: 877-521-2172

E-mail: [OCR@ed.gov](mailto:OCR@ed.gov)

Web: <http://www.ed.gov/ocr>



## Affiliation, Solicitation, and Advertising

### ***Policy on Unrecognized Organizations***

No Colgate student may rush, pledge, join, recruit for, perpetuate, or otherwise engage in activities as an actual or prospective member of an undergraduate fraternal or similar selective membership organization not recognized by the University. Anyone engaging in such activities, either as an actual or prospective member, will be subject to penalties that may include suspension or expulsion.

### ***Policy on Campus Solicitation and Concessions***

In the interest of every student's right to privacy, health, and safety, the University prohibits solicitation, sales, or door-to-door canvassing (for any purpose) by students or non-students on University property except with the written permission of the Center for Leadership and Student Involvement. Similarly, no concessions for profit may be operated on University property without the written permission of the Colgate Bookstore. Common areas of residence halls and other University facilities may not be used for sales demonstrations or meetings. Organizations or individuals seeking to do business with Colgate students are encouraged to rent suitable facilities off campus, subject to applicable Village of Hamilton ordinances.

### ***Policy on Advertising***

At the end of the spring term of 1992, the Student Affairs Board approved a new policy concerning all aspects of on-campus advertising, including the use of chalk advertising, printed advertising, "Coop sheets," and on-campus advertising by groups not affiliated with the University. The goal of this legislation (passed by the Student Government Association in Spring 1995) is to provide direction and organization with respect to advertising around campus. One goal of this policy is to provide for efficient use of Student Association funds with respect to advertising. Secondly, this policy aims to create a more courteous environment for equitable advertising of all organization functions. Finally, this policy is intended to improve the overall appearance and upkeep of the campus. It was updated in Spring 2008 by the staff of the Center for Leadership and Student Involvement (CLSI).

1. ***Campus Advertising:*** Advertising can occur one week prior to the event. All forms of Advertising must be approved by the Center for Leadership and Student Involvement.
  - a. Chalk is absolutely not permitted on any University building.
    - i. All chalk advertisements must be washed clean by those responsible for putting it up within 3 days of the conclusion of the event; or in the case of a political message, within one week of its posting.
    - ii. The use of chalk is confined to four areas on campus: The area directly outside of the Coop in the intersection of the paths; advertising should stay within a 20-yard radius of the steps leading to the patio; the area directly outside Frank; and the top 20 yards of "Cardiac" Hill; outside the front entrance to the Commons
  - b. All advertisements must have a date and sponsoring organization's name on them, regardless of content.
2. ***Printed Advertising***
  - a. All printed advertising must include the organization's name.
  - b. No printed advertising can be placed on any tree.
  - c. Posters should be hung only on designated bulletin boards.
  - d. No posters should be placed on windows or any glass surfaces.
  - e. On cork bulletin boards located throughout the campus, thumb tacks should be used. The use of tape and staples is prohibited.
  - f. Printed advertising should never be stapled, tacked, nailed, or taped to University benches.
  - g. Posters are limited to 75 per event. Only one poster, per subject, per bulletin board is permitted.
  - h. Placing posters over other posters is discourteous and should be avoided.
  - i. All printed advertisements must be taken down by the responsible organization within three days after the event has taken place.

### 3. *Coop Sheets*

- a. Coop sheets are limited to the area around the Coop patio, the Commons, residence halls, and the Student Union.
- b. Coop sheets must not be weighted with anything (i.e. water bottles, etc)
- c. All Coop sheets must be taken down the day after the event has taken place.
- d. There are to be no more than four Coop sheets up any one time around the Coop patio.
- e. Absolutely no one is permitted on the Coop roof or on the roof of any other University building. A pulley system is located in the middle of the Coop to assist in getting sheets up.

### 4. *Non-Colgate Advertising (groups not affiliated with the University, non-credit card companies)*

- a. All groups interested in advertising on campus must get approval through the Director of the Center for Leadership & Student Involvement.

## ***Policy on the Observance of Religious Holidays***

Colgate is committed to providing a welcoming and supportive environment for students from all cultural and religious backgrounds. All members of the community should ensure that students not suffer adverse consequences for practicing their religions.

In order that no student at Colgate incur academic penalty because of their conscientious observance of a major religious holiday, it is important that faculty members follow a uniform policy. Exams should not be scheduled, and papers should not be due, on any major religious holiday or on the subsequent day. In addition, every effort will be made not to schedule major college events on these days. For scheduling purposes involving the student body, Colgate recognizes as major religious holidays the following: Rosh Hashanah, Yom Kippur, the first two days of Passover, Good Friday, Easter, and the first days of Eid al-Fitr and Eid al-Adha.

This is not intended to be an exhaustive list, but rather, it is demographically representative of the current student body. Further, Colgate embraces our increasingly diverse and multicultural campus community, and recognizes that some religious holidays observed by students are not included in the list above. With respect to such holidays, students are entitled to full and equal accommodation. Students whose conscientious religious observance requires that they observe holidays other than those specified should inform their instructors well in advance. In such cases, each instructor and student shall arrange an accommodation consistent with the policy described above (including rescheduling exams or assignments, class absences, and so on).

Please note that Hindu, Muslim, and Jewish holidays begin on the preceding evening. Jewish holidays require the cessation of work for the duration of the festival, and not simply during the time when services are held. Students observing Ramadan may need accommodation for their fasting arrangements. Please consult the Office of the Chaplains for a detailed calendar of religious holidays.

## ***Policy on Framework for Religious Life at Colgate University***

Chaplains, chaplaincy staff, adjunct staff, and recognized student religious organizations function within The Ethical Framework for Religious Life at Colgate University. Within each of these categories, their status on campus requires adherence to the specified conduct norms indicated throughout. Violations of these conduct norms places the person or organization at risk of withdrawal or nonrenewal of recognition, pursuant to applicable University procedures. Beyond those conduct norms, it is expected that all participants within the religious life of the University will identify with the broad aspirations and spirit articulated below, in the Mission Statement of the Office of the Chaplains, and in Colgate University's Relationship Statement.

The framework has been endorsed by the Vice President and Dean of the College and Office of the Chaplains. It has been reviewed by the University President, the president's senior staff, the University's legal counsel, and the Student Affairs Board. It stands in congruence with other University statements of mission, policy, and procedure.

Under most circumstances, departures from The Ethical Framework will initially be handled through discussion with the University Chaplain and, if appropriate, other relevant University personnel. In the case of egregious or continuing violations by a religious leader, the person may be asked to cease their campus ministry/program at Colgate University. Where practical, before the termination stage is reached, the University chaplain will confer with the religious supervisor(s) within the sponsoring organization or denomination and/or, as appropriate, the Vice President and Dean of the College. In the case of egregious or continuing violation by a student organization, recognition may be withdrawn or renewal of recognition may be denied, through the applicable University process.

## **PROVISIONS OF THE ETHICAL FRAMEWORK**

### **Maintaining Commitment to Faith and to the University**

All recognized religious activity at Colgate University is coordinated through the Office of the Chaplains and supervised by chaplaincy staff.

As per the University's Student Organization Relationship Statement, chaplaincy organizations are student-generated and responsive to student needs and desires.

The Office of the Chaplains prohibits external religious organizations from functioning on campus as independent entities.

Adjunct staff, whether paid or volunteer, serve the University at the discretion, and under the supervision, of the University chaplain.

When promoting their ministry/program, chaplains, chaplaincy staff, adjunct staff, and recognized student religious organizations must clearly identify themselves and their particular affiliation. When using the name of the Office of the Chaplains or the University as a whole, they must do so in a nonsectarian manner even while acknowledging the particular religious organization they represent.

Those professionals or volunteers who gain affiliation with the Office of the Chaplains are encouraged to speak openly about their particular faith commitment under appropriate circumstances and to work actively to build their faith community on campus. The collegiality and professionalism of chaplains and other religious leaders is compatible with their expressing doctrines, voicing personal opinions, and carrying out religious practice. It is understood that chaplains and other religious leaders represent specific religious traditions or faith communities and that their primary commitment is to serve the welfare of their own campus congregations, even while they are called upon simultaneously to serve the welfare of the entire Colgate University community.

When speaking or teaching about other religious communities or faith traditions, chaplains, chaplaincy staff, adjunct staff, and recognized student religious organizations commit themselves to providing accurate accounts of the beliefs and practices of those communities and traditions.

### **Balancing Particularity and Inclusiveness**

Student religious organizations must be open to general participation by any interested student and, as per the Student Organization Relationship Statement, may not discriminate against any student from any protected class.

The student organizations may, however, specify requirements directly based upon the religious foundation of the group for holding a particular position and/or participating in a particular religious ritual.

### **Following University Policies**

Recognized student religious organizations must follow the Colgate University Code of Student Conduct (including policies related to alcohol consumption), the Student Organization Relationship Statement, and the guidelines developed by the Organizational Advisory Council.

Religious organizations are expected to comply with all University policies, including, but not limited to, those that pertain to hazing, harassment, academic integrity, registration of student organizations, use of campus facilities, and conduct of students.

All fundraising for any Colgate-related religious life organization must be done through the University's Office of Advancement. External religious organizations make a commitment, as part of their engagement with the University, to refrain from fundraising strategies that undermine or conflict with the University's efforts.

### **Promoting Religious Freedom**

A student must be able freely to participate in or to leave a religious organization without being subject to harassment or procedures that compromise the student's autonomy.

Chaplains, chaplaincy staff, adjunct staff, and recognized student religious organizations will support religious freedom on campus, enabling students to explore and believe — or not — any particular teaching or idea. Colgate University religious organizations should strive for a campus climate that honors the individual autonomy of each person, encourages open exploration, stimulates intellectual as well as spiritual inquiry, and supports the University's devotion to truthfulness and the search for knowledge.

### **Respecting Religious History and Ancestral Connection**

Chaplains, chaplaincy staff, adjunct staff, and recognized student religious organizations should support the University's goal

of making every student feel as much at home as possible within the community, a goal that requires respect for the religious convictions and/or ancestral identification of each student.

The University supports the presence of a wide range of religious organizations, encouraging the formation of new organizations to serve newly emerging religious/ethnic constituencies. Chaplains, chaplaincy staff, adjunct staff, and recognized student religious organizations should inform themselves of the varieties of religious expression available on campus and within central New York, so as to help students learn about the religious setting of their heritage. Of course, students are free to explore religious options or embrace a religious tradition other than that in which they were raised, and chaplains and religious organization directors will generously facilitate their process of exploration.

### **Upholding Religious Diversity and Civil Discourse**

Chaplains, chaplaincy staff, adjunct staff, and recognized student religious organizations should cultivate respect for, and understanding of, the range of world religions and nonreligious thought. Such respect will be strengthened by open dialogue, debate, and discussion among two or more organizations. Proselytizing by undermining another religious community is not desirable, and even sincere conversation should not be sought through deprecating other organizations.

Chaplains, religious organization directors, advisers, and their students should share their faith with others in a manner that avoids harassing, demeaning, or disregarding the integrity and freedom of other persons in making their own decisions in matters of religious faith and identity. They should avoid language that fomenters hatred or prejudice, or that otherwise undermines the community of respect and trust that is essential to free academic discourse and to a democratic society.

### **Respecting the University's Academic Mission**

Chaplains, chaplaincy staff, adjunct staff, and recognized student religious organizations must not engage in any action that (a) seriously compromises a student's academic standing, (b) removes students from campus by pressure or force or without their full consent, other than through recognized University processes, (c) places undue financial pressure on students, or (d) exploits the sexual or other vulnerability of students.

Chaplains, chaplaincy staff, adjunct staff, and recognized student religious organizations are expected to respect the goals and purposes of the University, avoiding programs or efforts that obstruct the achievement of those goals, especially with regard to students. They should responsibly support the University's pursuit of the educational goals that form its foundation.

The overall programming calendar pursued by a religious organization should not be so demanding as to make it difficult for students who are committed members of the organization to meet the academic obligations that constitute the primary purpose for University enrollment. While attending to potential conflict of interest with the University on this overall level, chaplains, religious organization directors, and their staff are also encouraged to be sensitive to the academic and other demands on students involved.

### **Acknowledging Students' Relationships with their Families**

Chaplains, chaplaincy staff, adjunct staff, and recognized student religious organizations are encouraged to be sensitive to the relationship between students and their families, and to be as open as possible with concerned parents while respecting the confidentiality of communication, the requirements of applicable law, and individual autonomy of students as adults.

In cases of uncertainty or conflict, the chaplain or religious organization director will confer with the University chaplain.

### **Publicizing with Integrity**

In publicizing their organization and its programs or offering items on campus, chaplains, chaplaincy staff, adjunct staff, and recognized student religious organizations must create and distribute only materials that clearly and accurately convey who they are, the focus of their organization or program, and connections to any off-campus organizations.

The name of the sponsoring organization needs to be large enough to be easily read by anyone encountering the item — whether a flyer, poster, newspaper advertisement, banner, or free gift.

The name "Office of the Chaplains" or "Colgate University" may not be used on publicity without the knowledge and consent of the University chaplain. Nonaffiliated off-campus organizations may not use the name of the University in their own names so as to imply affiliation with the University.

Use of the University's seal or other trademarks, service marks, or logos must conform to the guidelines established by the University.

## Confidentiality Statement

Chaplains, chaplaincy staff, and adjunct staff, whether clergy or lay, function as religious professionals and therefore must honor the confidentiality of students and others whom they guide and counsel. Such confidentiality governs unless specifically waived, or unless disclosure is required or permitted by applicable law or University policy.

Likewise, student religious organizations should be educated to maintain an atmosphere wherein the personal communication encouraged by a religious setting is respected as confidential.

## Dealing with Disagreements

When chaplains, religious organization directors, or advisers find themselves in disagreement with the University administration, the University chaplain, or their fellow chaplains, religious organization directors, or advisers, they are encouraged to handle this disagreement as an internal matter.

Should claims of conscience bring a chaplain, religious organization director, or adviser to publicly disagree with established University policy or procedures, the chaplain, religious organization director, or adviser should notify the University chaplain, preferably in advance of the situation. In cases of conflict among chaplains, religious organization directors, or advisers, those involved will try to work with one another to achieve a resolution. If a solution is not reached at this level, those involved should seek counsel with the University chaplain. In situations where the above modes of resolution do not suffice, the University chaplain will seek the advice or involvement of the Vice President and Dean of the College or the relevant University official.

This shall not prohibit any person from complying with applicable whistle-blower, conflict-of-interest reporting, or related laws or University policies or procedures, nor shall it limit the University's right to address, through appropriate procedures, circumstances otherwise brought to its attention.

## Leaves of Absence and Attendance

### *Projected Attendance Pattern and Leaves of Absence*

Colgate must have accurate information about enrollments for each term in order to provide adequate staff, operate in an economically efficient manner, and limit overcrowding in classes and housing.

Most students will follow a normal enrollment pattern, attending Colgate for eight consecutive terms, including participation in study groups and approved programs. On occasion, there are, however, compelling reasons for students to alter this pattern. Students unsure about taking a leave or wanting to request a leave should consult with an administrative dean to identify all options to which they may be entitled. Transfer credit awarded for courses taken at another institution while on leave is dependent upon the leave.

If unapproved leaves are taken, students are withdrawn from Colgate and must apply for readmission through the admissions office. The University cannot guarantee a place for them in any particular term of return. Exceptions to these procedures will be made only if there are extenuating circumstances that are substantially beyond the student's control and knowledge prior to the deadline to request a leave. Likewise, if a student is not granted an official leave, upon return, eligibility for financial aid will be jeopardized, as will registration and housing priority.

Experience has shown that students who plan ahead tend to optimize their educational opportunities and experiences. Students will help themselves as well as Colgate if they carefully consider their attendance plans well in advance of the early registration periods each semester.

## ABSENCE FROM CLASS AND MEDICAL EXCUSES

The University recognizes that students will occasionally have significant medical illnesses or injuries that prevent them from attending classes or completing assignments or exams. The student is responsible for contacting the professors and administrative dean concerning any make-up work, withdrawals, extensions, or incompletes that may be necessary. With the student's permission, Student Health Services will verify prolonged absences. Student Health Services **does not** notify professors and administrative deans about minor illnesses (that will resolve within a few days). Students will be expected to contact their professors directly about these brief periods of missed coursework.

## ***Policy on Medical Leave of Absence***

When a student experiences significant physical or psychological challenges while enrolled in a Colgate program, they may request to take a voluntary medical leave of absence. If approved by the administrative dean, the student will leave the campus (or study group) immediately, be granted grades of “W” in all enrolled courses (even if the normal deadline for withdrawal without academic penalty has passed), and will be obligated to adhere to the readmission requirements outlined below if the student desires to return to Colgate.

The policy on refunds contained in the *University Catalog* will apply. While on medical leave, the student must absent themselves from the campus (or study group) and abide by the Policy for Student Presence on Campus While a Student Is Separated from the University contained elsewhere in this handbook.

### **READMISSION REQUIREMENTS AFTER MEDICAL LEAVE OF ABSENCE**

#### **Duration and Deadlines**

If a student leaves Colgate for reasons of health, normally one complete semester or the equivalent (i.e., at least four months) must pass before the student may return to Colgate; however, Colgate makes an individualized assessment of the student’s situation in making decisions about the timing of a student’s return. The complete readmission application (see below) should be received by Colgate by **October 1** for readmission to the spring semester and **March 15** for readmission to the fall semester. If a student has not met all criteria for readmission until after these deadlines, but does so before the start of the upcoming semester, the application will be considered on a case-by-case basis and will depend on many factors, including course and housing availability. Ordinarily, students will not be admitted if they do not meet these published deadlines; however, if they are accepted for readmission, housing and course selection could be limited due to the timing of the decision allowing the return. The student should direct any questions about the medical leave process, as well as the readmission application, to their administrative dean.

#### **Evaluation and Treatment**

During a medical leave of absence, the University expects the student to be evaluated by a professional health care provider in order to determine whether a student may return to a University-owned residence and/or full-time academic study. Failure to engage in appropriate treatment may seriously jeopardize the student’s ability to return and be successful at Colgate. Therefore, it is possible that the University may withhold readmission until appropriate treatment or intervention has been obtained. Colgate also may require that the student’s off-campus primary health care provider make contact with their counterpart at Colgate to discuss the nature of the problem that led to the student’s taking medical leave. To facilitate this communication, the student may be required to provide written releases to both parties to communicate freely with each other in support of the student.

#### **Readmission Application**

A student wishing to return from a medical leave must initiate a request (see deadlines above) for consideration of return by writing a letter to their administrative dean explaining why the student believes that the medical or psychological issue(s) necessitating the leave have been adequately addressed, such that the student is prepared to return, with or without reasonable accommodation. A complete application must include:

1. The student’s letter
2. The Documentation to Support Return Following a Medical Leave form (provided by the student’s administrative dean) completed by an appropriate off-campus healthcare provider (physician, psychiatrist, or psychologist).

Additionally, in order to facilitate a successful transition, the student must meet with their administrative dean and other support services before re-enrolling or within 10 days of returning to the University.

#### **Readmission Decision**

After reviewing the completed application, the Colgate case management team will determine whether the issues necessitating the student’s medical leave have been adequately addressed and that the student is able to successfully return, with or without accommodations.

It is expected that when a student is readmitted after a medical leave, they will maintain regular contact with the administrative dean and take responsibility for ensuring compliance with all of the readmission decisions. As well, it is often advisable for the student to continue with or establish new relationships with, appropriate support and professional resources on or off campus to continue addressing the issue(s) that necessitated the leave of absence.

A student who does not return from a medical leave within four semesters will be withdrawn from the University and must apply for readmission through the Office of Admission.



## **Pending Discipline**

A leave of absence does not in and of itself absolve a student of disciplinary responsibility for their actions (such as engaging in threats of violence, property damage, etc.). If a student's conduct subjects them to the disciplinary process, Colgate may do any of the following:

1. require the disciplinary process to conclude before approving the leave;
2. hold the disciplinary process (or decisions about pursuing disciplinary action) in abeyance until a later point in time; or
3. allow the leave of absence to serve as an alternative to a disciplinary consequence by allowing the student to address their behavior as a matter of self-help and self-improvement.

The Disciplinary Officer will determine how pending disciplinary matters will be handled.

## ***Policy on Involuntary Leave of Absence***

As stated earlier in this code, the integrity of the Colgate community depends upon each member's acceptance of individual responsibility and respect for the rights of others. As such, the disciplinary system seeks to educate students about both personal freedoms and the limits of belonging to and living in a diverse academic community.

Colgate is committed to ensuring the health, safety, and well-being of each student and to this academic community as a whole. In circumstances where a student's actions are such that they could pose a threat to the health, safety, or well-being of others or consistently disrupt the University community, Colgate reserves the right to impose a leave of absence upon that student.

## **PROCEDURE**

Ordinarily, Colgate seeks to resolve the concerns with the student's cooperation and to have the issue(s) addressed while the student remains enrolled or by assisting the student in voluntarily withdrawing for a period of time. If a student declines a voluntary leave of absence or refuses to cooperate with efforts deemed necessary to evaluate the nature of the student's behavior, the student may be separated from the University without their consent.

Colgate may place a student on an involuntary leave when the student exhibits behavior that:

1. harms, or threatens to harm, the health or safety of anyone within the Colgate community, including the student;
2. causes, or threatens to cause, significant property damage; or
3. is significantly or consistently disruptive to the educational, residential, and other activities of the Colgate community.

The decision to impose a leave of absence is made on a case-by-case basis, and each student's individualized circumstances will be taken into account.

When notified about a student of concern, the Colgate behavioral and case management teams will conduct an assessment of the student's situation. The assessment will be based on the student's demonstrated behavior and may involve consultation with appropriate professionals regarding the student's circumstances.

Except in emergency circumstances, the student will be given the opportunity to be heard by the chair of the behavioral intervention team, their administrative dean, or other appropriate Colgate personnel and to provide additional information for consideration before an involuntary leave is imposed. In the event of an emergency, the student will be given this opportunity shortly after any imposition of the leave is made (usually within a few days). If Colgate's decision is to require an involuntary leave of absence, the student will receive written notification of the decision, the effective date of the leave, the minimum length of the separation from the University, and the conditions under which the student may seek to be readmitted. The letter will also ordinarily request additional information from the student before a readmission decision will be made, including written documentation from a licensed mental health or medical professional attesting to the students' readiness to return to full-time study and to campus housing in a residential college setting. If new or additional information comes to Colgate's attention, these requirements may be changed, including new requirements added.

An involuntary leave of absence mandates that a student be withdrawn from the University for a defined period of time to address the behavior(s) that necessitated the leave of absence so that they can be successful upon their return to campus.

If the Colgate behavioral intervention or case management team determines that the student may remain enrolled but subject to conditions, the student will be informed of the conditions and the consequences of violating the conditions.

## APPEAL OPTION

A student who is placed on involuntary leave or whose continued enrollment is made subject to conditions may appeal the decision to the Vice President and Dean of the College within seven days of receipt of the written communication notifying the student of the decision. The appeal must be in writing, delineating the reason(s) why the student believes the decision is inappropriate, and must be accompanied by any information the student would like considered. The Vice President and Dean of the College will review the student's appeal and may uphold, reverse, or alter the behavioral intervention or case management teams' decision. The decision will be communicated to the student in writing and shall be considered final.

If placed on involuntary leave of absence, the student will leave the campus (or study group) immediately and be granted grades of "W" in all enrolled courses (even if the normal deadline for withdrawal without academic penalty has passed). Further, if the student desires to return to Colgate, they will be obligated to adhere to the readmission requirements outlined below. The policy on refunds contained in the *University Catalog* will apply. While on involuntary leave, the student must absent themselves from campus (or study group) and abide by the Policy for Student Presence on Campus While a Student Is Separated from the University contained elsewhere in this handbook.

## READMISSION DECISION

The student must complete an application for readmission that demonstrates that the conditions placed on the student's readmission have been met. The Colgate behavioral intervention and case management teams will determine if there is reasonable assurance that the student will be able to make a successful return to Colgate, with or without reasonable accommodation. The complete readmission application should be received by Colgate by October 1 for readmission to the spring semester and March 15 for readmission to the fall semester. If a student has not met all criteria for readmission until after these deadlines, but does so before the start of the upcoming semester, the application will be considered on a case-by-case basis and will depend upon many factors, including course and housing availability. Ordinarily, students will not be admitted if they do not meet these published deadlines; however, if they are accepted for readmission, housing and course selection could be limited due to the timing of the decision allowing the return. The student should direct any questions about the involuntary leave process, as well as the readmission application, to their administrative dean or the chair of the behavioral intervention team.

It is expected that when a student is re-admitted from an involuntary leave, they will maintain regular contact with the administrative dean and take responsibility for ensuring compliance with all of the readmission decisions. Similarly, it is often advisable for the student to continue with or establish professional relationships with appropriate support and professional resources on or off campus to continue addressing the issue(s) that necessitated the involuntary leave of absence.

## PENDING DISCIPLINE

A leave of absence does not in and of itself absolve a student of disciplinary responsibility for their actions (such as engaging in threats of violence, property damage, retaliatory behaviors, etc.). If a student's conduct subjects them to the disciplinary process, Colgate may do any of the following:

1. require the disciplinary process to conclude before approving the leave;
2. hold the disciplinary process (or decisions about pursuing disciplinary action) in abeyance until a later point in time; or
3. allow the leave of absence to serve as an alternative to a disciplinary consequence by allowing the student to address their behavior as a matter of self-help and self-improvement.

The Disciplinary Officer, in consultation with the Vice President and Dean of the College, will determine how pending disciplinary matters will be handled on a case-by-case basis.

## *Personal Leave of Absence*

Colgate University students may request a personal leave of absence from the University when they desire or need to be away from campus for a variety of reasons. There are two options available, depending on when the student requests the leave:

### OPTION 1

If a student knows before the start of a semester (but not later than the end of the drop/add period) that they desire to take a personal leave, the student simply advises their administrative dean, and the dean will place the student on a personal leave of absence. No grades of "W" will be entered on the student's transcript. A pro rata refund will be processed if the effective date of the leave is within the drop/add period (see University Catalog policy on refunds). The student will be billed a separate \$300 deposit to bind their plan to return in a specified subsequent semester. Examples of this kind of leave include, but are not limited to: extending a summer

job into the following semester, working on a political campaign, and travel or other similar plans. Students are not permitted to take classes for Colgate credit while on a personal leave of absence, option 1.

## **OPTION 2**

Occasionally, personal circumstances that do not fall under the Policy on Medical Leave of Absence or cannot be addressed by extensions, incompletes, or other academic accommodations require a student to leave campus for the balance of the semester or longer. This option covers a leave after the end of the drop/add period but before the end of the final exam period in a given semester. Examples include, but are not limited to: a death or significant/terminal illness of a family member, significant personal or family legal problems, catastrophic family financial circumstances, mandated active-duty military service, gender or sexual violence, or other compelling circumstances beyond the student's ability to predict or control. If approved, the student will leave the campus (or off-campus study group) immediately and be granted grades of "W" in all courses (even if the deadline for course withdrawal without academic penalty has passed). Once approved, the action is irrevocable for that semester. Other than the "W" grades, no notation regarding the personal leave will be made on the student's permanent academic transcript. A leave deposit will not be charged.

In these circumstances, the student may request a personal leave of absence through their administrative dean. In some cases, to ensure consistency, the student's dean may require independent verification of the basis for the leave and/or consult with colleagues on the Dean of the College staff. The dean will review the student's request and either approve or deny the request. To confirm the leave, the dean will prepare an internal Change of Student Status Notice, to include the projected return semester. The student may extend the leave if necessary by contacting their dean prior to the start of the projected return semester. A student wishing to return from a personal leave of absence must request a time to discuss considerations for return by writing a letter to the administrative dean..

Financial aid recipients must maintain close contact with the Office of Financial Aid and meet established deadlines for applying for financial aid. An approved Option 2 personal leave will not count as one of a student's eight semesters of financial aid eligibility.

While on any personal leave, the student will continue to be seen as a matriculated student, not currently enrolled. Students on an Option 2 leave may take courses at another domestic college or university; students on an Option 1 leave may not. All courses taken at another institution must be approved in advance by the Office of the Registrar to be eligible to receive transfer credit.

A student who does not return from a personal leave of absence within four semesters will be withdrawn from the University and must apply for readmission through the Office of Admission.

## **REFUND POLICY**

The official effective date of a personal leave is determined by the student's administrative dean. A pro rata refund will be computed based on this effective date (see *University Catalog*).

## **PENDING DISCIPLINE**

A leave of absence does not in and of itself absolve a student of disciplinary responsibility for their actions (such as engaging in threats of violence, property damage, etc.). If a student's conduct subjects them to the disciplinary process, Colgate may do any of the following: (i) require the disciplinary process to conclude before approving the leave; (ii) hold the disciplinary process (or decisions about pursuing disciplinary action) in abeyance until a later point in time; or (iii) allow the leave of absence to serve as an alternative to a disciplinary consequence by allowing the student to address their behavior as a matter of self-help and self-improvement. This will determine how pending disciplinary matters will be handled.

## ***Academic Leave of Absence***

Students wishing to enroll for a semester at another U.S. college or university should request an academic leave of absence. All questions regarding academic leaves of absence should be directed to the administrative dean. A semester of academic leave does not count toward the seven-semester residency requirement, nor is Colgate financial aid available. These students will be charged a \$500 administrative fee. This fee defrays costs incurred by Colgate for maintaining records and providing advising and other services to students while studying away from the University. Students who plan to be away in a fall term will receive a bill for the administrative fee in July. Students who intend to be away in a spring term will receive the administrative fee bill in November. Failure to pay this fee will void the leave of absence and result in loss of the privileges granted with it. Students are urged to discuss their academic and enrollment plans with their academic adviser and administrative dean well before the deadline to request a leave. The deadline to request approval for transfer credit is April 15 for the fall term and November 15 for the spring term. Students going on an approved program do not need to request an academic leave of absence.

## ***Policy for Student Presence on Campus While a Student Is Separated from the University***

Students who have been separated from the University through academic dismissal, suspension, or expulsion for disciplinary reasons, or placed on involuntary leave of absence, do not have the rights and privileges accorded to full-time enrolled Colgate students. Students separated from Colgate for other reasons, including medical reasons, may be subject to this policy, as determined by Colgate on an individual basis. Students subject to this policy are expected to leave the campus and to visit only with permission, given in advance, by their administrative dean. Failure to abide by this expectation may adversely affect the decision to readmit a student (where applicable).

## **Residential Life**

Please note that the Commitment to Community Health has additional provisions related to residential living and access to campus. Where in conflict, the more restrictive Commitment's requirements apply.

As a residential university, Colgate is concerned with bridging academic and residential learning. The University provides rich and diverse options for campus living in traditional residence halls, independent living communities, apartments, and townhouses. Colgate's approach to residential education is centered on providing students with the resources and support necessary to build vibrant and diverse communities that foster intellectual engagement and promote individual growth and personal development as well as community.

The Office of Residential Life, located in Drake Hall, is staffed by a director and other professional and student staff members. Office hours are 8:30 a.m. to 4:30 p.m., Monday through Friday. Additionally, one member of the professional staff is on call at all times.

An assistant/area director (AD) is assigned to each residential commons and living community. ADs are full-time staff members who live in student residential areas to provide mentorship and coaching. ADs are responsible for helping students establish and maintain healthy communities that promote educational, cultural, social, and personal development. Each AD supervises a team of undergraduate student resident leaders referred to as community leaders.

Community leaders are undergraduate student peer mentors assigned to live in each community and assist students in making their Colgate experience as fulfilling as possible. They assist the community in establishing guidelines and living agreements that are reasonable for everyone.

## ***Community Standards***

Students who come to Colgate agree to be part of the community, a privilege that comes with certain expectations. Students must be prepared to conduct themselves at all times in a manner that will not infringe on the rights and privileges of others and in accordance with Colgate's Code of Student Conduct. The right of students to sleep and study in their rooms has the highest priority at all times.

Students must act responsibly in the use of their rooms, apartments, townhouses, and common facilities, respecting the rights of others. At the beginning of the fall semester, students in each living unit (e.g., house, suite, apartment, townhouse, or floor) are expected to come together as a group to determine the standards and expectations for their community. These standards and expectations must be in accordance with Colgate policy but may also clarify specific concerns of the particular community. The standards and expectations are then documented and serve as the guidelines by which that community agrees to live. This decision-making process provides an opportunity for each resident to participate actively and to take responsibility for their community.

## ***Office of Residential Life Terms of Agreement for University Residences***

This agreement is for a room in University housing of Colgate University (traditional residence hall, apartment, townhouse, or college house) for the academic year or balance thereof and becomes legally binding when the earliest of the following events occur: (a) the agreement is completed, signed, and returned to the Office of Residential Life; (b) the student ("Resident") accepts a room key or other access control device for a University residence; or (c) the Resident agrees electronically using room selection software. The Resident assumes responsibility for the payment of the rates established by Colgate University and agrees to all of the terms and conditions contained within this document and the policies, procedures, rules, and regulations of Colgate University in relation to Residential Life that are contained in the ***Colgate University Student Handbook*** and/or otherwise published by the University (each as amended or supplemented from time to time).

## PERIOD OF AGREEMENT

This agreement is binding for the entire 2020-2021 academic year except when the student (a) completes graduation requirements mid-year or (b) enters into the agreement at the beginning of the second semester. This agreement cannot be cancelled by the Resident, except as provided below. During the academic year, periods of permitted occupancy are as follows:

1. **Academic Term Occupancy:** Occupancy of the assigned room is limited to the current academic term in session, commencing with the dates published by Residential Life for either returning students (August 24 - 25, 2020) or new students (August 23, 2020) move-in for fall term 2020. This agreement ends 24 hours after the Resident's last spring term final examination. Residence halls close for non-graduating students at 12:00 p.m. on Saturday, May 8, 2021. Graduating seniors may remain until 8:00 p.m. on Sunday, May 16, 2021, when the residence halls close. Requests for extensions of this agreement must be made in writing according to the procedures established by the Office of Residential Life, which will determine whether or not approval will be granted and additional charges assessed. Any personal belongings remaining in the Resident's assigned room following the applicable departure time (or earlier termination of occupancy as provided in this agreement) may be disposed of by Colgate University in its sole discretion without further notice to the Resident.
2. **Winter Closing and Spring Opening:** Residence halls are closed, and the Resident will not be permitted to enter or occupy the assigned room, during the winter break period, 12:00 p.m. Saturday, November 21, 2020, until 9:00 a.m. Saturday, January 23, 2021, without prior approval from the Office of Residential Life.
3. **Early Arrival and Late Departure Charges:** This agreement is for specific dates. No early arrivals or late departures are permitted without prior approval from the Office of Residential Life. Failure to comply with this may result in the assessment of charges and/or disciplinary consequences.
4. **Room Assignments:** This agreement is for a space either in a single or multiple-person room in a Colgate University residence and does not entitle the Resident to a particular accommodation or roommate(s). Colgate University reserves the right to change residence assignments upon reasonable notice if necessary for safety, health, or other reasons and/or to assign students to fill vacancies in multiple-student rooms and apartments, as determined by the Office of Residential Life. Swapping of assigned rooms, including within an apartment, townhouse, or suite, is not permitted until and unless approval has been given by the Office of Residential Life.
5. **Room Changes:** Room changes will not be considered as an effective form of conflict resolution, and students will be expected to go through mediation when conflicts arise. Room changes are not a matter of right and the Resident will not be permitted to move from their assigned room without the approval of the Office of Residential Life.
6. **Room Use:** The Resident's assigned room shall be occupied exclusively by the Resident (and other assigned residents) for residential use only. The Resident shall not use the assigned room, or any other part of the facility in which the assigned room is located, for any commercial business or purpose without the prior written consent of the University.
7. **Loss, Damage and/or Injury:** The University does not carry insurance covering personal property. Therefore, students are encouraged to obtain renter's insurance to cover their personal property. The University shall not be liable for any personal injuries sustained by the Resident or by any of the Resident's guests or invitees in or about the Resident's assigned room or other areas in or about the facility in which the assigned room is located, or for any loss of, damage to, or theft of the Resident's personal belongings or those of their guests or invitees, resulting from any cause whatsoever unless the injury, loss, damage, or theft is caused by the gross negligence or willful misconduct of the University. The Resident releases Colgate University and its trustees, officers, employees, agents, contractors, and representatives from any and all claims they may have in the future, waives all such claims, and agrees not to sue the University or its trustees, officers, employees, agents, contractors, and/or representatives for any such claims, for liability arising out of any such injury, loss, damage, or theft, including but not limited to claims arising out of the negligent acts or omissions of any or all of the foregoing persons/entities or others.

## COMPLIANCE

It is the responsibility of the Resident to observe recognized standards of conduct that permit all residents to live in and maintain a safe, secure environment. Each student has the right to study and sleep without noise or disruption from the residential community. In addition to meeting all monetary obligations, the Resident agrees to adhere to provisions contained in the Student Handbook and all other published University policies, procedures, and regulations, including health and safety policies applicable to University housing. Failure to comply with conditions of the housing agreement or the aforementioned policies, procedures, and regulations may impact a student's housing placement, and/or their ability to fully participate in housing selection processes.



The Resident further agrees to promptly and fully comply with verbal and /or written instruction by University officials, including members of the residential life staff. This agreement and the right of occupancy granted by it do not create or constitute a leasehold or other interest or right in real property, and may be terminated as provided in this agreement or in published Colgate University policies, procedures, rules, and/or regulations.

### **OBLIGATIONS OF THE UNIVERSITY**

Subject to the terms of this agreement, Colgate University will provide space in University housing to the Resident, together with furnishings, utilities, and routine repair and maintenance service. The Resident shall not attempt to perform repairs or maintenance, but shall instead notify the University Facilities Department, Office of Residential Life, or other designated University personnel of the need for repairs. Utilities are furnished in accordance with the design of the Resident's assigned room and the facility in which it is located, and shall be subject to load limits and availability. The University may charge the Resident for any extraordinary or unreasonable use of utilities, modifications to physical spaces, or other damage caused.

### **PAYMENT AND REFUNDS**

University housing accommodations are for the full academic year, beginning and ending on the dates stated or referenced in this agreement. The Resident agrees to make the payments in accordance with standard University billing and payment procedures. If this agreement is terminated at any time prior to its expiration as a result of a disciplinary sanction or removal from student housing, refunds (if any) will be made in accordance with the University's published refund policy. Prorated refunds for room and board will be given for University-approved leaves of absence or withdrawals based on the refund policy as stated in the *University Catalog*. In the event that any refund is due to the Resident, the University reserves the right to offset the refund amount against any other amounts owed by the Resident to the University for any reason. The Resident will receive no reduction or refund of housing fees, nor will the University be liable to the Resident, as a result of interruption of services, utilities, appliances, or other equipment due to repairs, defects, or circumstances not caused by the gross negligence or willful misconduct of the university.

### **TRANSFER OF AGREEMENT**

This agreement may not be assigned or otherwise transferred to, nor may the assigned room be sublet or otherwise be placed in the occupancy, control, or care of another individual or entity.

### **REVIEW OF A GRADE**

Although the individual faculty member is the sole judge of students' academic performance in a course, students have a right to be informed of the basis for the evaluation of their academic performance in courses of instruction.

The dean of the faculty and the Dean's Advisory Council have established the following procedure for students who desire a review of an instructor's evaluation of their academic performance in a course: The student should first discuss the matter with the instructor in the course, who should endeavor to explain the basis for his or her evaluation of the student's academic performance. If the student finds this to be unsatisfactory, he or she may request that the division director (or department chair/program director) convene a meeting of the instructor, student, and division director (and/or chair/director), at which the instructor will explain the standards and criteria used in evaluating the student's academic performance in the course in question. At this meeting, the student may present reasons why he or she feels that the evaluation was incorrect or improperly made. The final responsibility for evaluating students' academic performance in a course, however, rests with the instructor.

If the division director (or department chair/program director) finds that there is reason to believe that the instructor's evaluation of the student's academic performance was prejudiced or capricious, the division director (or chair) should immediately bring the matter to the attention of the associate dean of the faculty for such action as the associate dean finds appropriate.

Grades appearing on a student's academic record may normally not be changed after one semester from the end of the term in which the grade was awarded. Grade changes initiated by the course instructor(s) must follow the "Changes of Grade" policy laid out in the Colgate University Faculty Handbook. Under extraordinary circumstances, grade changes beyond one semester but before graduation may be approved by the associate dean.

### **CONDITIONS OF OCCUPANCY**

The following regulations have been instituted by the University in the interest of the rights and welfare of all students. The University reserves the right to amend or supplement these regulations, or to adopt new regulations, from time to time, and such amended, supplemental, or new regulations will become effective and binding on the Resident when published by the University. Violations of the regulations may result in disciplinary action consistent with the Statement on Rights and Responsibilities of Students and the Code of Conduct, both of which are outlined in *this Student Handbook*.



1. **Air Conditioner Use:** Residents may not install air conditioning units in a University residence. If a student receives an accessible accommodation for an air conditioner following the University's established process, facilities staff must approve of and install the air conditioner at the University's expense.
2. **Alcohol and Illegal Drugs:** All Colgate University students are subject to New York State law, local statutes and ordinances, and Colgate's Policy on Alcohol and Drugs. Kegs of alcohol and drinking games (and associated paraphernalia) are never permitted in University residences. Large quantities of alcohol are subject to confiscation. The possession, use, sale, or distribution of illegal drugs is prohibited. Students who violate state or local laws or University policies will be subject to criminal and/or University disciplinary action, and/or the assessment of points in accordance with the alcohol and other drugs policy. Ignorance of the law or of Colgate's policies are not an excuse for any violations. (Refer to elsewhere in the *Student Handbook* for the complete policy.)
3. **Cleaning Responsibilities:** Students are responsible for cleaning the interiors of their rooms/apartments/suites. Although many common spaces within University residences are cleaned regularly by the custodial staff, students are responsible for maintaining an environment in their personal and shared living spaces (including common areas) that is healthy and safe and does not require excess cleaning. Lounges and common bathrooms in residence halls are cleaned by custodial staff on a regular basis. Custodial cleaning provided in houses varies depending upon the size of the house and programming initiatives. In areas where custodial operations perform regular or scheduled cleaning, students must comply with requests to remove personal belongings to allow for thorough cleaning. Students may be charged for excessive cleaning fees and/or leaving their room in a condition that is unsafe or compromises the health of other residents. Students will also be charged cleaning fees if their room requires excessive cleaning upon moving out.
4. **Damages:** Residents will be financially responsible for any damages that occur to residential property as provided in applicable University policies, procedures, rules, and regulations. Damage to University residential facilities should be reported immediately to residential life staff. Additionally, regular inspections of all University residences will be carried out to identify damage. Students are responsible for avoidable damages (damage that is the consequence of careless, willful, or malicious actions) and losses that occur in student residence halls. Damage fees shall be determined by the Facilities Department on the basis of labor and material costs. Charges are assigned equally to all occupants of the designated room, floor, building(s), or residential area, unless the person(s) responsible for the damage is/are determined by the University or assume(s) the charge. When individual responsibility for damage and loss in public areas (e.g., bathrooms, lounges, etc.) cannot be determined, a charge will be made to all students within a reasonably defined area (e.g., room, floor, building, etc.) following the same procedures as above. Students are not permitted to paint, renovate, or modify their rooms or furniture, and must hang decorations and/or art in accordance with stated protocols. Residential life staff may refuse, revoke, suspend, or reassign housing for a student or group of students based on inappropriate behavior or damages or the need for excessive cleaning. In addition, students who engage in patterns of inappropriate behavior that cause damage to campus property or necessitate excessive cleaning may be denied the ability to participate in future housing processes.
5. **Exterior of Property:** Students may not erect or install temporary or permanent structures on University property without prior approval from a University official. Items requiring prior approval include, but are not limited to, lighting, holiday decorations, flags or other signage, wading pools, ice rinks, slip-and-slides, stages, tents, and inflatable structures/games. Residents of the Townhouses are required to keep porches and steps of their residences up to the sidewalk clear of snow and ice at all times; shovels and ice melt are provided.
6. **Fire Safety – Evacuation:** Evacuation routes have been posted in all residence halls. All University fire alarms report directly to campus safety. For life safety, students are required to evacuate a building immediately following the activation of a fire alarm. A room-by-room evacuation check is conducted during every fire alarm. Individuals who fail to evacuate a University building during a fire alarm will be subject to disciplinary action including significant fines and/or suspension. In accordance with New York State fire codes, fire drills are conducted each semester to ensure campus residents are familiar with building evacuation routes. Fire Extinguishers and Other Fire-Safety Devices: Every residence is equipped with fire extinguishers and smoke detectors. Tampering with, obstructing, or the inappropriate use of any fire safety equipment (including but not limited to fire extinguishers, smoke detectors, or fire sprinklers), is considered a serious offense that will lead to disciplinary action and may include suspension. Items Prohibited for Reasons of Fire Safety: The following items are prohibited from use or storage within student housing facilities: Appliances with an open heat source such as but not limited to toaster, toaster oven, hot plates, and sandwich makers; Candles (even for decoration and unlit), potpourri, wax or oil burners, incense, halogen lamps, and neon signs. Students wishing to use or burn candles or other substances as part of religious observance should contact the Office of Residential Life for approved and designated locations for candle use. Flammable liquids (including but not limited to turpentine, paint, gasoline, propane, kerosene, charcoal lighter

fluid, ether, or butane) or equipment that uses combustible fuel (e.g. motorcycles, mopeds, fueled torches). Fireworks, including sparklers. Gas or charcoal grills, including on decks and porches. Students may instead use any University-installed outdoor grills located throughout the residential areas. Extension cords without an installed circuit-breaker or surge protection device. Natural holiday trees and garland are prohibited in all residential facilities. UL approved lights may be used for decorative purposes; however, they may only be hung on the exterior of residence halls with approval and proper connections. All holiday decorations must be removed prior to semester breaks. Further, nothing may be placed or located at the bottom of a stairwell, in an egress, or within 25 feet of an exit. Space Heaters; space heaters present a fire safety hazard and are not permitted in University residences; students with concerns regarding heat in their rooms should contact Facilities staff for assistance. Tapestries and other combustible materials (paneling, combustible fabrics, etc.) may not be used to decorate rooms. Fiberglass or other fire-resistant hangings are acceptable if hung from picture molding. No items may be affixed to, installed in, or suspended from the ceiling or exposed pipes in any student rooms. Items in violation of University policy will be confiscated or removed by a University official (Refer to the complete Policy on Fire Safety elsewhere in this *Student Handbook*).

7. **Food Service:** All first- and sophomore-year students must purchase/participate in one of the designated meal plans, regardless of location of housing assignment. All students residing in traditional residence halls must purchase/participate in one of the designated meal options.
8. **Furniture:** Furniture must remain in the room/unit to which it is assigned by the University. No University property may be removed from University residences at any time, or placed on porches of University residences. No University furniture or property may be removed from lounges, conference rooms, or other community areas for use in student rooms or other locations. Students are not permitted to raise, lower, or loft their University beds without assistance from the Facilities Department. Waterbeds are not permitted in University residences. No indoor furniture may be placed outdoors (including without limitation on porches or decks of apartments, houses, or townhouses) except in emergency circumstances as necessary to protect health and safety. Any furniture that has been modified or damaged by students or is missing during inspection times or at move-out will be replaced or repaired by the University, at its option, at the expense of the residents of that particular residential area. Failure to observe these regulations will likely result in labor and/or replacement charges and/or disciplinary action.
9. **Guests:** Any non-resident of a room or apartment is considered to be a “guest” and must be sponsored by a host who is a resident of the hall, house, apartment, or townhouse. Although occasional overnight guests are permitted, the right of one’s roommate(s) to sleep and study must be respected at all times. Therefore, no overnight guest(s) will be permitted in any room unless and until: (1) Each room occupant gives consent. (2) Any conditions on the guest’s stay are understood by all concerned. (3) These arrangements are confirmed and approved by all parties involved. (4) Residential life staff is made aware of and provides approval for the guest’s stay. Duration of a guest’s stay in University housing may not exceed three (3) days. It is the responsibility of the host to explain residential life and University rules to guest(s). The host is accountable for the behavior of their guests during their entire stay on campus. Non-Colgate University students under the age of 17 are not permitted in Colgate residential facilities unless they are in the immediate company of a parent or legal guardian. Siblings may be registered with the Office of Residence Life as a special exception during Family Weekend.
10. **Keys and Other Access Control Devices:** Keys and other access control devices (collectively, “keys”) are issued only to the assigned occupant(s) of a room and with the presentation of a Colgate ID. “Swapping” keys without returning to the Office of Residential Life for approval and signing for the correct key may result in a lock-change charge. Keys are the property of the University and duplication of University keys is expressly forbidden. Students who lose or do not return their keys will be charged to cover labor and/or replacement expenses (e.g., rekeying or recoding) that are determined by the University to be necessary.
11. **Maintenance:** The Facilities Department addresses power and plumbing failures, as well as any general repairs. Any damage or malfunction in a student room or common area should be reported immediately to the Facilities Department between 7:00 a.m. and 4:00 p.m. on weekdays. For emergency maintenance during the weekends or evenings, please contact the heating plant at 315-228-7468 or Campus Safety.
12. **Permission to Disclose Information:** The Resident grants permission to the University to contact, and disclose any and all information related to the Resident’s occupancy of their assigned room to, their parent(s) or guardian(s) at any time during the term of this agreement. The purpose of this disclosure is to enable the University to exercise its rights and responsibilities in connection with the operation of its residential facilities.

13. **Pets:** Students are not permitted to have pets in University housing other than small aquarium fish (in tanks no larger than 10-gallon capacity) or assistance animals approved as reasonable accommodations by the Director of Academic Support and Disability Services (ASDS). Students must submit the appropriate paperwork and application to the ASDS prior to arrival with an ESA or assistance animal. Students approved to have an assistance animal must comply with the terms of the assistance animal agreement provided by ASDS. For general awareness and protection of University Staff and emergency responders, students with approved assistance animals are required to display University-issued signage, indicating the presence of the animal, in a prominent location at the main entrance of their residence. Lab specimens are strictly prohibited in University residences. Students with animals in their rooms will be subject to a cleaning, repair, or replacement charge as determined by the Facilities Department. Students with unauthorized animals are responsible for rehoming the animal off campus and will also be subject to disciplinary action by the University.
14. **Quiet Hours:** Music, loud voices, and other loud noises should not be heard outside of University residences. Every student is responsible for respectful treatment of neighbors, in the community, and in off-campus houses and apartments. In addition to every student being responsible for the maintenance of good order and reasonable quiet in their room, students are also responsible for the maintenance of good order and reasonable quiet in the neighborhoods in and around campus. Students shall at all times show proper regard for others. All students must follow 24-hour courtesy hours and respect others' rights to live in an academically supportive environment. Minimum quiet hours in all residences are 12:00 a.m. to 8:00 a.m., Sunday through Thursday. Quiet hours on Friday and Saturday nights are 1:00 a.m. to 8:00 a.m. Residents are permitted to extend quiet hours but may not abbreviate quiet hours from those outlined above. The residential life staff will facilitate a process with residents of a designated area if they determine a need to extend these hours. Voices, radios, televisions, stereos, musical instruments, and other audio equipment shall be adjusted so as not to disturb neighbors or the community. Please note that throughout final exam period (from the end of the last class day until the end of the last final exam), 24-hour quiet hours are in effect. Any student residents or guests of houses or apartments with multiple noise complaints and/or citations by the Village of Hamilton will be subject to disciplinary action.
15. **Restricted Areas:** The presence of individuals, objects, or decorations on roof, balcony, or ledge areas is prohibited at all times for safety reasons and for protection of property, except in an evacuation emergency. Students who enter roofs or balconies, except in an emergency, will be subject to disciplinary action.
16. **Right of Entry:** Authorized University staff members, including but not limited to campus safety officers, residential life staff members, and facilities employees, may enter and inspect rooms at any time without permission or consent of the student occupant(s) for health and safety purposes, to conduct repairs, or to address actual or suspected violations of law or University policies, procedures, rules, and regulations, in each case subject to any applicable procedural requirements set forth in the Student Handbook. Residents are expected to comply with reasonable requests for entry.
17. **Smoking:** Smoking and vaping is prohibited in all Colgate facilities. Students who smoke or vape in rooms or common spaces will be charged cleaning and furniture replacement fees associated with related damage in accordance with the damage policy and will be subject to disciplinary action.
18. **Trash Collection:** It is the residents' responsibility to deposit garbage and recycling into the appropriate location in order to keep their living area clean and sanitary. Students will be charged for any garbage clean-up facilitated by the Facilities Department and will be subject to disciplinary action for excessive or repeated occurrences of failing to dispose of their garbage or recycling.
19. **Weapons:** It is a violation of University regulations to possess the following on campus or in University housing: revolvers, pistols, replica weapons, spring-powered pellet (or "BB") guns, paintball guns, chemical/biological weapons, knives over six inches in length, brass knuckles, slingshot devices, or any other substance or device designed to harm or incapacitate. Rifles, shotguns, and paintball guns are not permitted on campus or in University buildings but may be safely stored at the campus safety department. This restriction does not apply to law enforcement personnel authorized by law to be in possession of such weapons. Exceptions related to educational programs require written authorization by the director of campus safety. The discharging of weapons on the Colgate campus or in the village of Hamilton is illegal, poses an obvious threat to the lives and safety of residents, and will result in severe disciplinary and/or legal action against those responsible.
20. **Windows and Screens:** For reasons of health, safety, and maintenance, screens may not be removed from windows. In addition, decorations or personal items may not be hung outside a window or be placed on windowsills or ledges. Throwing objects out of windows is strictly prohibited.

21. ***Withdrawal/Separation from University:*** If the Resident is removed from University housing, or withdraws or separates from the University voluntarily or involuntarily, during the term of this agreement, they must, within 48 hours of the effective date of such action: 1) Notify the Office of Residential Life. 2) Immediately remove all belongings from assigned room. 3) Return keys and/or other access control devices to the Office of Residential Life and complete proper check-out procedures. 4) Vacate the premises. Colgate University reserves the right to shorten the aforementioned period and/or to modify the above procedures if it determines such action to be necessary or advisable in connection with disciplinary proceedings or the Resident's involuntary removal from student housing.

## ***Policies and Procedures***

### **OFF-CAMPUS HOUSING/LIVING OFF CAMPUS**

Consistent with Colgate's four-year approach to residential education, the University allows a small number of seniors to live in private, non-University housing. For a variety of reasons, living off campus is not the right choice for all students. For many, the opportunity to live in Broad Street houses or to develop on-campus communities in Colgate-owned apartments or townhouses better meets their interests. Moreover, Colgate is acutely aware of the impact that off-campus students can have on local residents. As such, Colgate normally limits the number of students allowed to live off campus to 250 members of the senior class. Permission to live off campus is a privilege, rather than a right afforded to all students.

The option to live in private off-campus housing is intended to provide students with the opportunity to develop the skills needed to manage a household and live as part of a broader community, and to accept the responsibilities attendant to this privilege. The experience that students gather through negotiating a lease with a landlord, paying rent, managing routine expenses, maintaining a kitchen, and living among neighbors of varied ages and backgrounds can be invaluable in preparing them for life after college.

The following guidelines govern off-campus living for enrolled undergraduate students at Colgate University:

1. ***Off-Campus Housing Selection Process:*** To be released from the seven-semester residency requirement and live in privately owned off-campus housing, students who wish to live off campus must participate in and be approved through the off-campus housing selection process in the fall prior to their senior year. Consistent with Colgate's residency requirement, only students who have permission to live off campus may live in non-Colgate housing. The selection process includes review of a student's conduct record, with particular attention to: health, safety, or fire violations in residential facilities, repeated alcohol or other drug incidents, vandalism, disrespectful conduct, and/or unsanitary behavior within University housing facilities. Students with incidents of this nature in their conduct record may be deemed ineligible to participate in the private off-campus lottery. The Dean of the College staff may, in its discretion, deny or revoke permission to live off campus to individual students who have violated the Colgate Code of Student Conduct, particularly when the violations call into question their ability to live in the local community without disrupting or endangering their neighbors. The University does not endorse any landlord, management company, or individual who lists available rentals with the Office of Residential Life. The residential life staff may serve as resources only, offering information and programs that help students approved to live off campus to understand lease agreements, town ordinances, and expectations while living in the village.
2. ***Neighbor-to-Neighbor Program:*** All students approved to live off campus must participate in the Neighbor-to-Neighbor program administered by the Office of Residential Life by the end of the spring semester of their junior year. These Neighbor-to-Neighbor workshops provide students with important information about living in the Hamilton community, resources available to them if they encounter difficulties, and expectations for student conduct while living in the village. Permission to live off campus may be revoked if students fail to meet this requirement.
3. ***Adherence to Code of Student Conduct:*** The Colgate University Code of Student Conduct applies to student behavior both on and off campus. The University is sensitive to the importance of maintaining quality of life standards for our neighbors in the Hamilton community. As such, students living off campus whose conduct adversely impacts the lives of their neighbors may, in addition to facing disciplinary action from the University, have their permission to live off campus revoked. Financial penalties incurred by breaking a lease will not be considered in determining whether to revoke a student's permission to live off campus.
4. ***Prohibition of Off-Campus Congregate Living:*** Colgate defines congregate living as any group of nine or more students living in one residential location with common kitchen and bathroom facilities and common social spaces. (This does not include multi-unit apartment buildings or houses with discrete sets of facilities.) The New Vision for Residential Education adopted by the Colgate University Board of Trustees in May 2003 called for University supervision, oversight, and ownership of fraternity and sorority congregate living facilities. Just as students are not permitted to reside in fraternity

or sorority houses not owned by the University, students granted permission to live off campus are not permitted to reside in off-campus congregate living facilities. Given the history of problems associated with students residing in congregate living facilities not owned and managed by the University, this policy recognizes that large groups living together in private housing units can have an adverse impact on neighbors and the broader Hamilton community, and are inconsistent with the intended goals of the off-campus living privilege: promoting individual self-sufficiency and independence. For these and other reasons, the privilege is restricted to individuals and groups of eight students or fewer, and congregate living is not permitted. For purposes of this policy, the Office of Residential Life will determine whether a location constitutes a congregate-living facility.

## Campus Safety

### ***Policy on Use of Colgate Vehicles***

Colgate policy prohibits anyone from operating any Colgate-owned vehicle while under the influence of alcohol or controlled substances. Drivers using medication that could impair their ability to drive are also prohibited from operating a Colgate vehicle.

In addition, Colgate policy prohibits the use of alcoholic beverages or controlled substances by passengers in a Colgate vehicle. It is the responsibility of the senior official present (e.g., team captain, athletics staff member, academic officer, professor, etc.) to enforce these policies. If no senior official is present, the driver must assume the responsibility of enforcing these policies. Evidence of a violation will result in loss of the privilege of operating a Colgate vehicle. These rules are necessary to protect lives and property and to meet standards of safety suggested by Colgate's insurance carrier.

Students requesting permission to drive Colgate vehicles will be required to complete an online course and pass a driving test using a University van, as well as read and agree to abide by rules and regulations provided by campus safety. They will also be asked to make their driving records available to Colgate. Colgate vehicle licenses will be valid for one year and must be renewed in subsequent years by attending a one-hour driver safety refresher class and maintaining a good driving record. The University reserves the right to deny permission to drive a Colgate vehicle based on the review of driving records or subsequent infractions. See policy at <https://www.colgate.edu/about/campus-services-and-resources/driver-safety-motor-vehicle-use>

### ***Policy on Motor Vehicle Registration***

All students who have a motor vehicle on campus are required to register the vehicle at the Department of Campus Safety within 24 hours of arrival. Failure to abide by the University's motor vehicle registration requirement and/or parking regulations may lead to fines, towing at the owner's expense, and/or disciplinary action and loss of driving privileges on campus. See policy at <https://www.colgate.edu/about/campus-services-and-resources/parking-information>

### ***Policy on Parking***

On campus, overnight parking is prohibited in all parking lots and roadways from 3:00 a.m. to 7:00 a.m., with the exception of the General Use Parking Lot (behind Community Memorial Hospital), College Street apartment complexes, and Broad Street houses. This restriction applies to all faculty, staff, and students. Violators may be towed, particularly during snow removal months. Please note that the number of registered vehicles exceeds the number of available parking spaces and, therefore, a campus vehicle registration does not guarantee a parking space. Students are responsible for ensuring that their visitors and guests obtain temporary parking permits and park legally. See policy at

<https://www.colgate.edu/about/campus-services-and-resources/parking-information>

### ***Policy on Speed Limits***

The maximum allowable speed on campus is 25 mph. A lower speed limit of 15 mph applies to Academic Drive, Alumni Rd, and Oak Drive from Academic Drive to the observatory.

### ***Policy on Restricted Areas***

For safety reasons and for protection of property, the presence of individuals or objects on roof, balcony, or ledge areas is prohibited, except in an evacuation emergency.



### ***Policy on Identification Cards ('Gate Cards')***

The Campus Safety Department issues and maintains official Colgate student identification cards (referred to as 'Gate Cards'). The card includes the student's photo (in color), identification number, and date of birth. 'Gate Cards are the sole instrument for personal identification and serve as a student's key, payment method, and more. 'Gate cards are used for building access, dining services meal plans, Colgate Bookstore purchases, library services, vending/laundry machines, admission to Colgate events, etc. The card is issued free of charge, but a fee is assessed to replace lost, mutilated, or stolen cards. Students may be required by University officials to produce their 'Gate Cards to verify personal identification, and should carry them at all times. Students are reminded that forgery or alteration of a 'Gate Card, and presenting another student's identification card to falsely identify oneself or to obtain services, building access, and/or products is considered a violation of the Code of Student Conduct and may result in disciplinary action.

### ***Policy on Lost and Found Items***

Contact Campus Safety to report lost items or to turn in found property. In the interest of health and safety concerns and to ascertain the proper owner of lost or abandoned property, Colgate officials reserve the right to inventory such property and to take disciplinary and/or legal action if the contents are contrary to Colgate policy or New York State law.

### ***Policy on Smoking***

All indoor areas of the University are designated as no-smoking areas by New York State law, where no person shall smoke, vape, or carry a lighted cigar, cigarette, pipe, or any other form of smoking object that is used to smoke tobacco. Further, the University expands the definition of smoking to also include any and all other legal substances such as cloves or any illegal substances including, but not limited to, marijuana. Smoking and vaping is also prohibited in Colgate-owned vehicles. Although all persons are strongly encouraged not to smoke at all on campus, exceptions to the above policy, where smoking technically is permitted, include areas outside of buildings. Individuals who choose to smoke outside should consider moving a reasonable distance from any building entrances. This policy seeks the mutual cooperation, consideration, and thoughtfulness of smokers and nonsmokers. All faculty, staff, and students share in the responsibility for adhering to and enforcing this policy and have the responsibility for bringing it to the attention of visitors. Supervisors are expected to implement this policy in their areas. A complaint or concern regarding this policy should be promptly referred to the immediate supervisor or appropriate dean or vice president for resolution. Violations of this policy will be dealt with in a manner similar to violations of other University policies, with an attempt to resolve the problem as simply as possible, but allowing for disciplinary action if necessary.

### ***Policy on Weapons***

Possession of the following items is prohibited on campus and in University housing: revolvers, pistols, replica weapons, spring-powered pellet (or "BB") guns, paintball guns, chemical/biological weapons, knives over six inches in length, brass knuckles, slingshot devices, or any other substance or device designed to harm or incapacitate. Rifles, shotguns, and paintball guns are not permitted on campus or in University buildings but may be safely stored at the campus safety department. This restriction does not apply to law enforcement personnel authorized by law to be in possession of such weapons. Exceptions for educational purposes require written authorization by the Director of Campus Safety.

### ***Policy on Fire Safety***

Evacuation routes have been posted in all campus buildings. All University fire alarms report directly to campus safety. For life safety, students are required to evacuate a building when a fire alarm is activated. A room-by-room evacuation check is conducted during every fire alarm. Individuals who fail to evacuate a University building during a fire alarm will be subject to disciplinary action. In accordance with New York State fire codes, fire drills are conducted each semester to ensure campus residents are familiar with building evacuation routes.

The willful report of a fire and/or initiation of a fire alarm system activation (alarm) when no such danger exists is illegal and subject to disciplinary action. Intentionally setting a fire in or on University property (including in the Colgate Cross Country and Hiking Trails) or causing a fire through gross negligence is strictly prohibited. Students found responsible for either of these acts will be subject to disciplinary action.

All Colgate University buildings are outfitted with fire safety equipment. Tampering with, obstructing (including covering smoke detectors), or the inappropriate use of any fire safety equipment (including, but not limited to, fire extinguishers, smoke detectors, and fire sprinklers) is considered a serious offense that will lead to disciplinary action. In residential buildings where no student accepts responsibility for damaged or expended fire safety equipment, the Office of Residential Life may, at their discretion, assess charges assigned equally to residents of a designated area.



The possession and/or use of fireworks on University property without a permit obtained from the Village of Hamilton via the Colgate University Department of Emergency Management is prohibited. Students who possess or use fireworks will be subject to disciplinary action.

For fire safety reasons, use or storage of the following items is prohibited in all University student housing facilities. Items in violation of University policy will be confiscated or removed by a University official.

1. Candles (even for decoration and unlit), incense, potpourri or oil burners, halogen lamps, and neon signs. Students wishing to use candles as part of religious observance should contact the Office of Residential Life for approved designated locations for candle use.
2. Flammable liquids (including, but not limited to, turpentine, paint, gasoline, propane, kerosene, charcoal lighter fluid, ether, or butane) or equipment that uses combustible fuel (e.g., butane/fueled torches, motorcycles, mopeds).
3. Gas or charcoal grills, including on decks and porches. Students may instead use the installed outdoor grills located throughout the residential areas.
4. Extension cords without an installed circuit breaker/protection device.
5. Natural holiday trees and garland (including for decorative purposes during the holidays). UL-approved lights may be used for decorative purposes. Nothing may be placed or located at the bottom of a stairwell, in an egress, or within 25 feet of an exit.
6. Students may not decorate their rooms with combustible materials (e.g. tapestries.). Fiberglass or other fire-resistant hangings are acceptable if hung from picture molding. No items may be affixed to, installed in, or suspended from the ceiling or exposed pipes in any student rooms.

See guidelines at <https://www.colgate.edu/about/campus-services-and-resources/fire-safety-guidelines>

### ***Emergency Closing Policy***

The University will make every effort to provide essential services to residential students and campers, even in cases of extreme adverse weather or other emergencies. Therefore, the University will almost always remain open.

Under extraordinary conditions, however, the University may: (1) close entirely and cease operations (2) close while asking essential personnel to report (3) close during operating hours while asking essential personnel to remain and/or report or (4) delay opening while asking essential personnel to report or (5) early release due to extreme adverse weather or other campus emergency.

See full policy at <https://www.colgate.edu/about/campus-services-and-resources/emergency-closing-policy>

## **Expenses and Financial Aid**

The *University Catalog* contains policies and requirements regarding the following Expenses and Financial Aid matters:

### **EXPENSES**

- Application Fee
- Charges
- Visiting Students
- Insurance
- Students Studying Off Campus
- Graduate Students
- Billing Schedule
- Payment of Bills
- Withdrawal and Refund Policy
- Leave of Absence Fees and Deposits

### **FINANCIAL AID**

- Eligibility
- Limitations

- Continuation of Aid
- Yellow Ribbon Program
- Athletic Scholarships
- Standard, Current Descriptions of Financial Aid Programs
- Additional Information

## Academic Regulations

The *University Catalog* contains requirements regarding the following Academic Regulations:

- Requirements for Graduation
- Residency Requirement
- Physical Education Requirement
- Registration
- Normal Course Loads
- Independent Study
- Registration Restrictions
- Repeating a Course
- Grading Policies
- Satisfactory/Unsatisfactory (S/U) Option
- Withdrawal from a Course
- Class Attendance
- Class Standing
- Minimum Academic Progress
- Academic Warning and Suspension
- Off-Campus Study
- Leaves of Absence
- Transfer Credit Policy and Procedures
- Advanced Placement and Pre-matriculation Transfer Credit
- Transfer Student Program
- Petitions for Exemptions
- Changes to Academic Records
- Degree Conferral

### ***Policy for Participating in the Commencement Ceremony***

Colgate holds commencement (graduation ceremony) annually in May. The following criteria outline eligibility for Colgate students to participate in this ceremony.

1. To fully participate in commencement (i.e., to graduate), students must have satisfactorily completed a minimum of 32 courses and have fulfilled the distribution requirement, Liberal Arts Core Curriculum requirement, all concentration requirements, and language and writing requirements (as required). All physical education requirements must be complete.
2. Students who have not completed their graduation requirements but have successfully completed at least 28 course credits and six semesters in residence may apply to participate in the commencement ceremonies. An "Application for Commencement Participation" must be submitted to the registrar's office by 4:00 p.m. on the Monday prior to commencement. With approval, students in this category will be eligible to participate in all aspects of the commencement ceremony. These students' names will be included in the commencement program with a symbol and associated reference indicating the anticipated graduation date. These students will receive an empty diploma cover on stage and will not receive their diploma until all degree requirements have been satisfied. Students may participate in only one commencement ceremony.
3. Students who have not successfully completed at least 28 Colgate course credits and six semesters in residence will not be permitted to participate in graduation ceremonies on any basis and will not be listed in the commencement program, irrespective of their class year upon matriculation at Colgate University.

Questions about this policy should be referred to the Office of the Registrar in Lathrop Hall.

## ***Policy on Transcript Notation***

### **ONGOING NONDISCRIMINATION, ANTI-HARASSMENT, OR SEXUAL MISCONDUCT INVESTIGATION AND HEARING OR STUDENT CONDUCT BOARD CHARGE**

The University reserves the right to place a hold on the release of a student's transcript if that student has an investigation or charges against them pending for violation(s) of the Student Nondiscrimination, Anti-Harassment, and Sexual Misconduct Policy or for charges under the Code of Student Conduct.

### **SUSPENSION OR EXPULSION**

For crimes of violence, including, but not limited to, sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act, institutions shall make a notation on the transcripts of students found responsible after a conduct process that they were:

1. "Suspended after a finding of responsibility for a code of conduct violation" or
2. "Expelled after a finding of responsibility for a code of conduct violation."

### **WITHDRAWAL**

For the respondent who withdraws from the institution while such conduct charges are pending, and who declines to complete the disciplinary process, institutions shall make a notation on the transcript that they "Withdrew with conduct charges pending."

The University reserves the right to not permit a student to withdraw if that student has an investigation or charges against them pending for violation of the Student Nondiscrimination, Anti-Harassment, and Sexual Misconduct Policy or for charges under the Code of Student Conduct. Should a student decide to leave and not participate in the investigation and/or hearing, the University may opt to proceed *in absentia* to a reasonable resolution and that student will not be permitted to return to Colgate unless all sanctions have been satisfied.

### **REMOVAL OF TRANSCRIPT NOTATION**

Appeals seeking removal of a transcript notation for a suspension may occur, but the notation must remain at least one year after conclusion of the suspension. Appeals for removal of a transcript notation should be directed to the Title IX Coordinator for violations of the Student Nondiscrimination, Anti-Harassment, and Sexual Misconduct Policy and to the Dean of the College for violations of the Code of Student Conduct. Notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed. Questions regarding this policy should be directed to:

For violations of the Student Nondiscrimination, Anti-Harassment, and Sexual Misconduct Policy:

Marilyn Rugg  
Associate Provost for Equity and Diversity, Title IX Coordinator  
102 Lathrop Hall  
315.228.7288  
mrugg@colgate.edu

For violations of the Code of Student Conduct:

Kimberly Taylor  
Dean for Administrative Advising and Student Conduct  
121 McGregory Hall  
315.228.7426  
ktaylor@colgate.edu

## ***Policy on Exemption from Policies and Regulations***

The diversity of experiences brought to the campus by some of our students occasionally provides plausible grounds for exemption from a particular requirement or regulation based upon unique circumstances. Students who wish to petition for an exemption from a University requirement or regulation should first consult an administrative dean, who can advise them of the procedures to follow in their particular case.

The Petitions Committee receives petitions from students seeking exemption from the graduation requirements of the University, including the transfer credit limit, the residency requirement, and the Liberal Arts Core Curriculum program. The committee does not exist to hear “petitions in general” from students, nor does it exist to hear appeals from administrative decisions. Students should consult an administrative dean and their academic adviser before developing a petition. Exceptions are normally granted on the merits of the alternative academic plan that is proposed or requested.

The Committee on Standards and Academic Standing (CSAS) hears petitions from students seeking exceptions from routine deadlines or policies (late course drops and adds, withdrawal from a course after the announced deadline, etc.) that are not mandated by the *University Catalog* graduation requirements. This committee meets regularly during the academic year, and students may file a petition through an administrative dean. This committee, with expanded faculty membership, also meets at the end of each semester in academic review mode to hear petitions from students who are subject to academic dismissal.

### ***Policy on Academic Suspension and Readmission***

The Committee on Standards and Academic Standing (CSAS) reviews the academic performance of all students at the end of each term. Failure to meet the academic standards in a term, as described in the *University Catalog*, will result in academic suspension. Students who have been academically suspended are not eligible to return until two semesters have elapsed.

Students who have been academically suspended may appeal this decision by filing a written appeal to the CSAS in accordance with the procedures outlined in their dismissal notification letter. If a student’s appeal is granted, their status is changed from “academically suspended” to “retained on academic warning.” A second academic dismissal is permanent.

Following an academic suspension, the student must leave campus and abide by the Policy for Student Presence on Campus While a Student Is Separated from the University contained elsewhere in the handbook.

Colgate’s academic standards are contained in the University Catalog in the Academic Regulations chapter under the headings of “Minimum Academic Progress” and “Academic Warning and Suspension” and are worthy of careful review.

## **READMISSION**

One fall and one spring term must elapse before an academically suspended student is eligible to return to Colgate. Students must apply for readmission through their administrative dean, according to the following timetable:

### **Deadlines\*\***

Fall term	March 15
Spring term	October 1

**\*\*Note:** If transcripts of academic work cannot be submitted by the due date, they may be submitted at the end of the term. This may result in a delay of the readmission decision. Please note that all other materials must be received by the indicated due dates.

Failure to meet the above deadlines may result in a denial of the petition or delay readmission until a subsequent semester. Students returning from academic suspension are automatically placed on academic warning for the first term back. The administrative dean will outline the terms of academic warning in the readmission letter.

### **Requirements for Readmission**

Students who have been academically suspended must demonstrate that they have the capacity to succeed in a structured environment before they are able to resume their studies at Colgate. They must be employed in a full-time job for at least six consecutive months or successfully complete at least two full-time courses (grades of “B” or higher) at an approved four-year college or university in the student’s home country. Dismissed students must consult the Colgate registrar *in advance* for approval to take courses at another institution for subsequent transfer to Colgate. Note also that no more than six course equivalents may be transferred to Colgate from all sources (e.g., pre-college, Advanced Placement, and other colleges). Credit for courses taken elsewhere will not be granted until the readmitted student successfully completes one full term at Colgate and is removed from academic warning.

Academically suspended students who wish to return to Colgate should consult their administrative deans in planning their time away. Administrative deans need to approve a student’s plans to demonstrate their capacity to succeed in a structured environment.

## Readmission Application

The application for readmission should address the issues that led to the academic suspension and present evidence supporting the student's success upon returning to Colgate. The student's petition, which will be evaluated by the CSAS, must include the following:

1. The student's written statement describing how the time away has been spent, addressing the issues that led to suspension and persuasively arguing why those problems will not reoccur if the student returns to Colgate.
2. If the student's plan to work full time for six consecutive months has been approved by the administrative dean, the student must document the employment and provide two letters of recommendation, at least one of which is from the employer who supervised the student's work.
3. If the student's plan to enroll in at least two full courses at a four-year college or University has been approved, the student must provide a transcript showing that grades of "B" or better were earned in the courses. Two letters of recommendation are also required. Preferably, at least one letter should be from the professor who taught one of the two courses.
4. Other materials that may be relevant and/or may have been required at the time of suspension (a letter from a health care professional confirming the student's readiness to return if psychological and/or medical problems contributed to the suspension).
5. An interview with the student's administrative dean.
6. Optional: additional letters of recommendation.

## Use of Services

### *Policies Governing the Use of Libraries*

The University Libraries website contains library policies governing the use of materials and facilities. Areas include the following:

- Borrowing Rules
- Copyright Guide
- Course Reserves for Students
- Government Documents
- Interlibrary Loan Policy
- After Hours Access
- Classroom Use Policies
- Facility Use Policy
- Food Policy
- Guest User Guide
- Library Locker Policy
- Senior Thesis Carrel Policy
- Services for People with Disabilities Policy
- Spaces Occupied by Unattended Items
- Access Policy
- Copyright & Permissions Policy
- Reproduction Policy
- Restricted Records Policy
- Use of Collections Policy
- Computer Use Policy
- Plasma Screen Policy
- Printing Policies

### *Policies Governing the Use of Information Technology Services*

The ITS policies governing access to network services, repairs, email hardware and software, security, responsible use of networks and facilities, noncompliance and sanctions, and other areas are outlined online and are subject to change through established procedures. Areas include the following:

- Policy on Acceptable Use
- Copyright Violation Policy
- Equipment Borrowing Policy
- Stewardship and Custodianship of Email
- Noncompliance and Sanctions

## ***Policy on the Use of Campus Mail***

Campus mail is not protected by U.S. Postal Service regulations. Items other than official University mail may be delayed or stopped if it appears they are in violation of the rules. Sealed material may be held until the originator can be contacted to open and verify the contents or to withdraw it from the mail system. If necessary, it may be opened by the director of mail services to determine the nature of the contents and/or the originator. If the originator cannot be identified, material will be held for one week. It will then be turned over to campus safety for further investigation or destroyed.

1. **Services:** In addition to the U.S. Mail, Colgate's mail service distributes official University mail and notices to employees and students. Students may use the campus mail to exchange personal correspondence with other students or employees.
2. **How to Use Campus Mail:** All items placed in the campus mail for distribution must clearly identify the originator and the name and Colgate box number of the addressee.
3. **Restrictions:** The following materials will not be delivered via campus mail:
  - a. Advertising, solicitations, or promotional material for commercial or private activities or for personal gain
  - b. Bulk mailings of materials that do not identify the originator and are not addressed to the recipient by name and box number
  - c. Any type of material, correspondence, or literature that would be illegal for distribution through the U.S. Postal Service (e.g., chain letters)
4. **Distribution:** Student organizations needing to make a distribution of notices or other material must seek approval in advance from the director of the Center for Leadership and Student Involvement (Coop) and must coordinate their needs with the supervisor of mail services. Bulky or other nonstandard items (boxes of candy, "free sample" items, etc.) are of special concern due to the size limitations of mail boxes.

## **Confidentiality Statements**

### ***Office of the Chaplains***

The three chaplains offer confidential support for students, whether they are in crisis or just seeking clarification and self-understanding. The chaplains are also available for educational programs, crisis intervention, weddings, public and private memorial services, and other "life cycle" events. Students seeking assistance or information from the chaplains are encouraged to come to the office (garden level, Memorial Chapel; appointments are helpful, but not necessary) or to call 315-228-7682.

### ***Student Health Services***

The student health center maintains encrypted electronic medical records — they are confidential, and information from them is only released with the student's request and written permission, or as otherwise required or permitted by law. Records are kept for seven years after graduation and are then destroyed.

### ***Counseling and Psychological Services***

Counseling sessions are strictly confidential. Your privacy is very important to us and, thus, the Counseling Center adheres to state laws and ethical standards, which require that all client information be held in confidence. Except as described below, no one outside of the Counseling Center is given any information, even the fact that you have had an appointment, without your consent. There are a few rare exceptions to confidentiality; the most significant include the following:

1. **Abuse of children:** If a staff member has reason to believe that a child under the age of 18 is being abused or neglected
2. **Imminent harm to self/others:** If a staff member has reason to believe that you are in danger of physically harming yourself or someone else
3. **Age limitation:** If you are under 18, we cannot guarantee you confidentiality. If contacted by your parents, we would have to answer their questions in regard to your treatment.



4. **Security clearance/certification:** If you apply for state licensure or certification in some professional fields or apply for a job requiring security clearance
5. **Third-party payment/insurance:** If you are referred for other services for which you might need insurance coverage
6. **Court orders:** When ordered by a court of law

Our guiding principle is to respect a student's right to confidentiality. Trust is an essential aspect of effective therapy. We will exert our greatest effort to ensure the respect and confidentiality of our clients.

A student's medical records at the Counseling Center are confidential, and except as required or permitted by law, information from them is only released with the student's request and written permission.

## System of University Standards and Student Conduct

### University Code of Student Conduct

Students at Colgate University accept membership in an academic residential community dedicated to the pursuit of intellectual and personal growth. As a liberal arts college, Colgate seeks to provide opportunities for students, both in and outside the classroom, to develop critical thinking, integrity, judgment, a common experience of learning, and appreciation of cultural and ethnic diversity, as well as the social and ethical values necessary for community life.

Colgate expects students to conduct themselves in a manner consistent with the University's commitment to educating all of its students. The integrity of the Colgate community depends upon each member's acceptance of individual responsibility and respect for the rights of other students and with each member of the faculty and staff.

Colgate expects that its students will not lie, steal, cheat, or engage in dishonest or unlawful behavior, including behavior that damages University property, the personal property of another individual, public property, or any other behavior that inflicts physical or emotional harm on oneself, another person, or the community. In addition, students will not engage in behaviors that impede other students' opportunity to learn, or a faculty member's ability to teach, or that interferes with the academic objectives of the University. Colgate students must abide by all University policies and procedures and comply with directions of University officials acting in performance of their duties.

### *Policy on Academic Behavior*

It is essential that each Colgate student demonstrate respect for others who are seeking to learn as well as for the faculty member who is leading the instruction. At the same time, the general goals of academic freedom and freedom of expression must always be maintained. Faculty members have the authority, responsibility, and autonomy to effectively manage their academic environments consistent with principles of academic freedom and freedom of expression. The academic setting includes but is not limited to the classroom, laboratory, discussion sections, examinations, office hours, and electronic communications. Behavioral expectations apply to any setting where student grades or other student academic records are affected, including all off-campus study programs. Students are required to adhere to the behavioral standards articulated in the University Code of Student Conduct as well as to the rules and expectations set forth by the faculty member, and to refrain from disruptive behavior. Disruptive behavior is defined as conduct that interferes with or obstructs the teaching or learning processes within an academic setting, as reasonably determined by the faculty member. This includes, among other things, conduct that distracts or intimidates others in a manner that interferes with instructional activities; fails to adhere to an instructor's policies regarding course expectations; compromises the ability of others to learn; and/or, interferes with the normal operations of the University.

Specific examples of disruptive behavior in a classroom setting include, but are not limited to:

- Persistent failure to adhere to the instructor's policies or instructions (e.g. use of electronic devices, eating/drinking in class, engaging in activities not related to the class etc.)
- Monopolizing class discussion and refusing to defer to the instructor, persistent speaking without permission
- Intentionally disrupting a faculty member's facilitation of the discussion or class activity

- Chronically entering late/leaving early, disruptively moving about the classroom
- Filming, photographing, or recording the class without the instructor's explicit prior permission
- Physically or verbally abusive conduct
- Vulgar or obscene language not directly germane to the subject matter, slurs or other forms of intimidating behavior
- Attending class under the influence of alcohol/drugs
- Express or implied acts of intentional intimidation directed toward an instructor or faculty member
- Cornering or blocking a faculty member's egress from their office/classroom
- Stalking, either physical or on-line, including doxxing
- Destruction of property

Students admitted to Colgate University are assumed to have the maturity to function appropriately in a variety of instructional situations. When a student's behavior in a classroom, laboratory, or other academic setting is such that the rights of other enrolled students to an effective learning climate are being violated, the student may lose the privilege of attending or receiving credit in the class. Student behavior that disrupts the learning process will not be tolerated and may lead to disciplinary action and/or removal from class, including the loss of course credit. While the resolution of some behavioral concerns may be managed through an educational conversation with a faculty member and/or University administrator, in other cases, an administrative or University Student Conduct Board hearing will be necessary. Decisions regarding the appropriate response to these matters will be determined by the University Disciplinary Officer in consultation with the relevant faculty. Where necessary to preserve the learning environment pending resolution, a student may be removed from an academic setting by the Disciplinary Officer on an interim basis. Formal disciplinary action will follow the processes outlined in the System of University Standards and Student Conduct.

## Student Discipline

The System of University Standards and Student Conduct resolves possible violations of the Code of Student Conduct by matriculated or enrolled Colgate students on or off campus. The disciplinary system seeks to educate students about both personal freedoms and the limits of belonging to and living in a diverse academic community. To this end, students play a central role in the administration of Colgate's System of University Standards and Student Conduct. Students participate in shaping the rules that govern the communities in which they live, and bear personal responsibility for upholding and enforcing the standards for student conduct.

The Disciplinary Officer, appointed by the Vice President and Dean of the College, oversees the *System of University Standards and Student Conduct*.

The University's disciplinary system does not supersede civil or criminal court proceedings. Students on campus as well as off campus remain subject to federal, state, and local laws.

### ***Alcohol and Other Drugs Points Assessment***

In instances where students have been found responsible for violations of the Alcohol and Other Drugs Policy, outcomes may include the assessment of points and/or disciplinary sanctions (Disciplinary sanctions are outlined in the System of University Standards and Student Conduct elsewhere in this handbook.).

The points system includes the following components:

#### **Schedule of Points, Violations, Educational Referrals, Notifications, & Restrictions.**

Point Value	Violation	Educational Referrals, Notifications & Restrictions
0	Good Samaritan: Underage student who has consumed alcohol who seeks assistance for another student in need of emergency medical care.	

0	Medical Amnesty: A student who engages in drinking practices or activities that seriously threaten one's health and safety [Student is transported to the hospital for alcohol or drug consumption after having sought help from or having a peer seek help from Campus Safety, a Community Leader (CL), or a friend]. Students who are found unattended and alone are not eligible to receive Medical Amnesty.	Parental/legal guardian and athletic administration notification AND Educational referral OR Substance use evaluation
1	Possession of an open container of an alcoholic beverage in a prohibited area	Athletic administration notification. Educational referral
1	Possession of an alcoholic beverage container by a student under the age of 21	Athletic administration notification. Educational referral
1	Possession of a fictitious ID, fraudulent ID, or another person's driver's license	Athletic administration notification. Educational referral
1	Guest policy violation in which a student's non-Colgate guest is cited for a violation of the Policy on Alcohol and Drugs	Athletic administration notification. Educational referral
1	Possession of empty alcoholic beverage containers in a room occupied by a student under the age of 21	Athletic administration notification. Educational referral
2	Intoxicated person under 21 (indicators of consumption of alcoholic beverages)	Athletic administration notification. Educational referral
2	For students 21+: Engaging in alcohol-related disruptive behavior or violation of state and local laws	Athletic administration notification. Educational referral
2	Possession of alcohol-related paraphernalia (funnels, bars, etc.)	Athletic administration notification. Educational referral
2	Being in the presence of drinking games with alcoholic beverages	Athletic administration notification. Educational referral
2	Failure to evacuate during a fire alarm as a result of impairment or intoxication caused by alcohol or other drug use	Athletic administration notification. Educational referral. Fire Safety fine
3	False activation of a fire alarm while impaired or intoxicated by alcohol or other drugs	Athletic administration notification. Educational referral. Fire Safety fine
3	Possession of hard alcohol under the age of 21	Athletic administration notification. Educational referral
3	Use of a fictitious ID, fraudulent ID, or another person's driver's license to purchase alcohol	Athletic administration notification. Educational referral
4	Providing alcoholic beverages to a student under the age of 21	Athletic administration notification. Educational referral
4	Hosting drinking games with alcoholic beverages	Parental/legal guardian notification (as a result of any combination of multiple infractions). Athletic administration notification. Educational referral
4	Possession of marijuana and/or drug paraphernalia	Parental/legal guardian notification (as a result of any combination of multiple infractions). Athletic administration notification. Educational referral
4	Intoxicated student who requires transport for emergency medical care when the Medical Amnesty exemption is not available	*Parental/legal guardian notification. Notification happens as a result of transport. Athletic administration notification. Educational referral
5	Possession of a keg or other common source of an alcoholic beverage, regardless of age, on University-owned property	Athletic administration notification. Educational referral.

5	Possession of a large quantity* of alcoholic beverages, regardless of age, on University-owned property, with the exception of events that have been registered and for which the distribution of alcoholic beverages has been approved. *The determination of what constitutes a large quantity of alcohol is based on a quantity relative to what reasonably can be considered for personal consumption in a reasonable period of time; for example, a 30-capacity case of beer in one week.	Athletic administration notification. Educational referral. Prohibition from participating in the off-campus housing lottery
6	Providing hard alcohol, by a legal-aged student, to a student under the age of 21	Substance use evaluation. Athletic administration notification.
8	Use or possession of illegal drugs other than marijuana	Substance use evaluation. Athletic administration notification.
8	Illegal use of prescription medications, including, without limitation, the use of another's prescribed medications or illegal misuse of personally prescribed or over-the-counter medications	Substance use evaluation. Athletic administration notification.
8	Distributing illegal drugs (including, but not limited to, marijuana) or other controlled substances (legal, prescription drugs)	Substance use evaluation. Athletic administration notification.
9	Driving While Ability Impaired (DWAI) Arrest made as a result of the following conditions: Blood alcohol content up to .08%. Impairment from the use of other drugs. Zero Tolerance ruling in NYS that can go into effect if you are pulled over with a BAC of .02% to .07% and are under the age 21	Substance use evaluation. Athletic administration notification.
10	Selling illegal drugs (including, but not limited to, marijuana) or other controlled substances (legal, prescription drugs)	Leave of Absence for Alcohol and Drug Use and/or Disciplinary Sanction

### Associated Consequences

The assessment of points will follow either an administrative hearing or, in some cases, a University Student Conduct Board hearing, in which a student has been found responsible for alleged violations of the Policy on Alcohol and Drugs. Please refer to Overview of the Disciplinary Process and University Hearing Bodies: Their Functions and Procedures for more information. The accumulation of points will have the following consequences:

Point Value	Action
All Points*	Athletic Administration notification
4*	- *Parental/legal guardian notification in situations where the points are accumulated over two or more violations (via written letter)
5*	- *Parental/legal guardian notification in situations where it is a first-time violation. - Prohibition from participating in the off-campus housing lottery
6 or more*	- *Parental/legal guardian notification - Substance use evaluation - Review of eligibility for participation in an off-campus study program and/or study-abroad program - Disclosure of points violations when disciplinary record is requested
10*	- Leave of Absence for Alcohol and Other drug use

\* Notifications take place as and to the extent permitted under FERPA (Family Educational Rights and Privacy Act)

## Corollary Points

In order to help students further make informed decisions, additional points — *corollary points* — may be assessed along with disciplinary sanctions if a student has engaged in behaviors above and beyond violations of the Policy on Alcohol and Other Drugs. In such instances, the points noted with an asterisk below may be assessed in addition to the points outlined in the grid above. Further, disciplinary sanctions (see System of University Standards and Student Conduct in the Student Handbook) may also be applied.

*Sanctions of suspension or expulsion may be relevant in some cases, and thus, the guidelines below are simply to be used as general guidelines related to disciplinary sanctions; sanctions of suspension and expulsion can only be applied by the University Student Conduct Board.*

Administrative Hearing Officers or the University Student Conduct Board may also assign other sanctions, depending on the specific circumstances of the situation. Such sanctions are outlined in the *System of University Standards and Student Conduct in the Student Handbook*.

Point Value	Violation	Educational Referrals, Notifications & Restrictions
1*	Repeated alcohol or other drug-related violation within a period equivalent to a semester (120 days)	Disciplinary Sanctions
2*	Failure to comply with a University official or local law enforcement professional	Disciplinary Sanctions
2*	Alcohol-related disruptive public behavior (e.g., excessive public noise, public drunkenness, or other forms of disorderly conduct)	Disciplinary Sanctions
2*	Providing false information to a University official	Disciplinary Sanctions
2*	Violation of federal, state, and/or local laws and/or ordinances	Disciplinary Sanctions
3*	Damaging property belonging to another student, the University, the Village of Hamilton, or other public space, or privately owned property	Disciplinary Sanctions

In cases of violations other than those described above, the applicable hearing body will have discretion to assess a number of points deemed appropriate by that body and its representative(s), in addition to any other disciplinary sanctions that may apply.

## Failure to Comply Points

Point Value	Violation	Educational Referrals, Notifications & Restrictions
1*	Failure to comply with educational sanctions (absent from tutorial, missed deadline to have completed initial assessment, etc.)	Disciplinary Sanctions

## Points Assessed Upon Return From a Leave of Absence and a Suspension for DWI

Point Value	Violation	Educational Referrals, Notifications & Restrictions
5*	Return from a Leave of Absence for Alcohol and Other Drug Use	
5*	Driving While Intoxicated (DWI) Student is arrested with a .08 BAC or higher. Student will, upon return to Colgate following completion of suspension, be assessed 5 points.	A finding of responsibility by University Student Conduct Board will result in, at minimum, a sanction of suspension, ordinarily for the remainder of the term.

### A NOTE ON MARIJUANA USE AND POSSESSION

The use, possession, or cultivation of marijuana for recreational or medical purposes is not allowed on Colgate University property, nor is it allowed at any college sponsored event or activity off campus. Federal laws (including the Controlled Substances Act and the Drug Free Schools and Communities Act) prohibit marijuana at educational institutions and on the premises of other recipients of federal funds. Therefore, students with medical marijuana prescriptions from New York State or any U.S. state are prohibited from possessing or using marijuana on the Colgate University campus.

### ASSESSMENT OF POINTS

The assessment of points will follow either an administrative hearing, or in some cases a University Student Conduct Board hearing, from which a student has been found responsible for alleged violations of the Policy on Alcohol and Drugs. Refer to the System of University Standards and Student Conduct for information regarding the disciplinary process and hearings.

*Points may be assessed for violations that occur both on and off campus.*

Students should be aware of the University's practice in reporting disciplinary records when such information is requested. Most typically, this takes place during the application process for an off-campus study-abroad experience and postgraduate programs in law and medicine. Sanctions of disciplinary probation and above are noted by the students' administrative dean to the requesting institution in addition to a student's points history if they have six or more points at the time of disclosure. In addition, students should be aware that the University cannot control the types of questions posed to it in such situations. As a result, the University must necessarily reserve the right to disclose point totals fewer than six and/or the underlying violations if such disclosure is necessary to make the response truthful.

*Multiple violations in one incident:*

When situations occur in which a student is cited for multiple violations in one incident, the student will be assessed the point value of the most serious violation, except in cases where corollary points are relevant; the corollary points would be in addition to the assessed points. For example, a student who has had an additional alcohol policy violation in the period equivalent to a semester (120 days) would receive one point in addition to the points associated with the Policy on Alcohol and Drugs violation in question.

### LEAVE OF ABSENCE FOR ALCOHOL AND OTHER DRUG USE

A key component of Colgate University's mission is to provide a safe environment where students are able to pursue their academic and personal goals. The University may place a student on a Leave of Absence for Alcohol and Drug Use if the student's behavior suggests that they repeatedly make unhealthy decisions about alcohol and/or other drug use, or engage in other practices associated with alcohol or other drugs that threaten the life, health, or safety of themselves or others. The University may impose an involuntary leave of absence for significant or repeated violations of the terms of the University's Policy on Alcohol and Drugs, as well as when a student accumulates 10 or more points under the Points System.

If a leave is imposed, the Colgate case management team will determine the terms of the involuntary leave and requirements for readmission. The terms will normally include a requirement that the student be evaluated for drug or alcohol abuse issues and participate in a treatment program, if recommended for them. A student returning from a leave of absence for violation of the Policy on Alcohol and Drugs will have five points on their record upon return. While an involuntary leave of absence for violations of the



Policy on Alcohol and Drugs is not a disciplinary sanction, disclosure of the leave of absence will be provided in instances where disciplinary information is requested (for example, law and medical school dean certifications).

In order to incentivize students to proactively seek substance abuse treatment, Colgate will allow a student who applies for and accepts a voluntary Medical Leave of Absence in order to obtain treatment for their substance use prior to accumulating 10 points to return to campus with a maximum of five points on their record.

A student who accumulates 10 or more points for a *second* time during their Colgate career will be referred to the University Student Conduct Board for consideration of suspension, at minimum, along with any points assessed through the Points System process.

### ***Medical Amnesty and Good Samaritan Exemptions***

Colgate's Medical Amnesty and Good Samaritan Exemptions are integrated components of the Points System under the System of University Standards and Student Conduct. As such, the University seeks to advance through the system two fundamental responsibilities of students — respect and appreciation for the safety of self and others and respect and appreciation for the law and University policy. The University acknowledges that there may be times when students are unable to successfully meet the two aforementioned responsibilities and, as such, seeks to help students learn from experiences in which they were unable to uphold their responsibility and to move students toward broader understanding, appreciation, and ownership of personal accountability.

The Medical Amnesty exemption is not viewed as an avenue through which a student may escape responsibility, but rather, the means by which they will be challenged and supported to discern their responsibilities and to be accountable as members of the Colgate community. In instances when the Medical Amnesty exemption is applied, the outcome will not result in the assessment of points should the incident be limited to a violation of the Policy on Alcohol and Drugs. Medical Amnesty will be employed only in situations where the impact is limited to the effects of personal consumption. That is, it would not be available to a student who provided alcohol to another student where both required emergency care.

In order for the Medical Amnesty process to be effective, students are expected to understand the risks of alcohol or other drug overdose and to be aware of signs that suggest an emergency response may be necessary. The goal of this program is to increase student awareness of the risks of alcohol or other drug overdose and to reduce the instances of such overdoses. Thus, for situations in which the Medical Amnesty exemption applies, students will be expected to review their case with several University officials, including the Coordinator of Alcohol and Drug Education, Director of Student Health Services, and the University's Disciplinary Officer.

### **CORE COMPONENTS OF THE MEDICAL AMNESTY EXEMPTION**

The Medical Amnesty exemption can only be employed when violations are limited to the Policy on Alcohol and Other Drugs.

1. There are no limitations on the number of Medical Amnesty exemptions a student may have.
2. Students who are eligible for the Medical Amnesty exemption must complete a detailed program of education with the Coordinator of Alcohol and Drug Education and comply with any further recommendations.
3. In addition, the student must also meet with the Director of Student Health Services — in advance of any educational program work — to review the emergency medical report. These meetings should take place no later than 2 days following an incident; failure on a student's part to initiate these meetings may jeopardize their eligibility for Medical Amnesty.
4. Students who fail to comply with the assigned educational requirements under Medical Amnesty will be subject to the assessment of points and/or disciplinary sanctions as appropriate.
5. Students who are discovered alone by a University official, including a community leader, campus safety officer, or a local law enforcement official and who require emergency medical care as a result of their alcohol or other drug use are not eligible for the Medical Amnesty exemption.
6. In situations where emergency care is required — and for which the Medical Amnesty exemption is not available — the full assessment of points available will be in effect.
7. Students who may be eligible for the Medical Amnesty exemption are not immune to any legal or other law enforcement actions that may result from a given situation.

## **CORE COMPONENTS OF THE GOOD SAMARITAN EXEMPTION**

Students or organizations who call for assistance on behalf of an individual(s) in need of medical attention due to consumption of alcohol and/or drugs, and who themselves may be in violation of the University's Policy on Alcohol and Drugs, are eligible for the Good Samaritan exemption.

1. In cases where the Good Samaritan exemption applies, the student(s) calling for assistance will not be assessed points, and the organization calling for assistance will not be sanctioned, for violation of the Policy on Alcohol and Drugs.
2. There are no limitations on the number of Good Samaritan exemptions a student or organization may have.
3. If a student in need of medical attention is in a student residence, the students who occupy the room, and/or others present are expected to make a call for assistance. Similarly, for situations occurring in residential common spaces (suites, apartments, townhouses, Broad Street houses), and for locations controlled or used by an organization for organizational activities, it is expected that the community or organization will make a call for assistance. Should it be determined that a student or organization knowingly failed to call for assistance, the student or organization may be subject to disciplinary action under the System of University Standards and Student Conduct.
4. In cases where there have been other violations of campus policy (e.g., hazing, harassment, assault, vandalism), calling for assistance for an individual in need of medical attention may be considered a mitigating factor in any disciplinary process arising out of such violations (and failure to seek assistance may be considered an aggravating factor in any such disciplinary process).
5. Students or organizations who are eligible for the Good Samaritan exemption are not immune to any legal or other law enforcement actions that may result from a given situation.

## **POINT FORGIVENESS**

For each period of 120 days (semester equivalency) during which the University is in session that a student is not involved in any of the following violations of University policy: Policy on Alcohol and Drugs, Policy on Smoking or Residential Life Housing and Fire Safety Policies — one point will be removed from their points history.

To qualify for the removal of one point from their history, as described above, students must meet the scheduling expectations for educational programming and counseling sessions at the time of the initial violation (see this handbook's Educational Programming and Counseling section for more details).

No more than three points can be forgiven for a student in a 240-day period (two semesters); no more than two points can be forgiven for a student in 120-day period (one semester).

Points will not be forgiven for previous violations if a student is being investigated for (or has been charged with) a new violation, until the new violation has been fully addressed under the System of University Standards and Student Conduct.

If a student accumulates nine points and is able to reduce their point total to six through the point forgiveness process (includes 240 days without any of the above-noted policy violations), they can petition the Disciplinary Officer for authorization to participate in a specially designed point forgiveness program to reduce their points to five and therefore be eligible to participate in an off-campus study and/or study-abroad program and to not have their points history disclosed at the point of a disclosure request (except as otherwise described above).

## **GROUP ACCOUNTABILITY**

Student groups that violate the Policy on Alcohol and Drugs face the possibility of the loss of privileges and/or funding, and the suspension or permanent withdrawal of the right to operate as a recognized student group (see the Colgate Code of Student Rights and Responsibilities). Similarly, recognized Greek-letter organizations that violate the Policy on Alcohol and Drugs face the possibility of suspension, permanent withdrawal of recognition, or other sanctions. In addition to disciplinary sanctions that may be imposed, the University may mandate counseling and/or other educational measures that may be appropriate to safeguard the health and well-being of the group, its members, and the larger community.

## **SOURCES OF INFORMATION AND HELP**

Students with questions about alcohol or other drugs may contact the following agencies or groups for confidential information or assistance:

- **Colgate Counseling and Psychological Services (Conant House):** Call 315-228-7385 during regular hours; at other times, call 315-228-1000 and ask the operator for staff member on duty.
- **Shaw Wellness Institute:** Call 315-228-6403. A trained alcohol/substance abuse counselor is a member of the staff.
- **Members of the Office of the Dean of the College's Staff:** Call 315-228-7426 for the name of your administrative dean. The administrative dean can assist you with an appropriate referral.
- **Colgate Student Health Services:** 315-228-7750 during regular hours; at other times, call 315-228-1000 and ask the operator for staff member on duty.
- **Alcoholics Anonymous:** Several weekly meetings are held on campus and in the Hamilton area. Contact Counseling and Psychological Services at 315-228-7385 for days, times, and locations, or visit the Alcoholics Anonymous website.
- **Al-Anon:** For family members or friends of alcoholics, call Counseling and Psychological Services for information about local meetings, or visit the Al-Anon website.
- **Adult Children of Alcoholics:** Call Counseling and Psychological Services for information about meetings on campus.
- **Alcohol and Drug Abuse Prevention and Treatment:** Call Madison County Mental Health Department, Oneida, N.Y., 1-800-721-2327.
- **BRIDGES, Madison County Council on Alcoholism and Substance Abuse:** 3059 Seneca Turnpike, Canastota, NY; 315-697-3947.

## Procedures of the System of University Standards and Student Conduct

### Overview of the Disciplinary Process

Possible violations of the University Code of Student Conduct are brought to the attention of the disciplinary officer. The disciplinary officer assesses the nature of the violation, investigates allegations, and then does one of the following:

1. Dismisses the allegations based on the information available.
2. Resolves the question of misconduct through alternative means, which may include but are not limited to conflict resolution, as described below.
3. Convenes an administrative hearing.
4. Refers the incident to the University Student Conduct Board or Non-discrimination/Title IX Procedures.

While the types of cases they hear vary, all University hearing bodies function similarly, in that they give the student or organization the opportunity to respond to the allegations, determine whether the implicated student or organization should be held responsible for the alleged violation, and, when appropriate, assess appropriate sanctions (and/or points, if the Policy on Alcohol and Drugs has been violated). To maintain standards of consistency and equity in the application of University standards, the disciplinary officer oversees the University Student Conduct Board. The disciplinary officer assembles the materials and information presented to the board, prepares the students subject to hearings before the board, and maintains records of every hearing.

Alleged violations of the University's Student Nondiscrimination, Anti-Harassment, and Sexual Misconduct Policy (equal opportunity, nondiscrimination, sexual harassment, and other forms of harassment) are addressed through the Non-discrimination/Title IX Procedures set forth in that policy. In addition (and to the extent set forth in the policy), the Non-discrimination/Title IX Procedures may be used to address collateral violations of the Code of Student Conduct and/or other University policies occurring as part of the same set of circumstances as a violation of that policy.

### Overview of University Hearing Bodies

#### ADMINISTRATIVE HEARING

Most violations of the Code of Student Conduct that may result in sanctions other than suspension, expulsion, or revocation of degree will come before the disciplinary officer or their designee for an administrative hearing.

#### UNIVERSITY STUDENT CONDUCT BOARD

The Disciplinary Officer shall refer to the University Student Conduct Board cases that require one of two types of hearing:

1. **University Standards Hearing:** Cases involving possible violations of the Code of Student Conduct that could result in a administrative withdrawal from a class, a sanction of suspension or expulsion; cases in which the student involved does

not accept responsibility for the violation with the understanding that the full range of sanctions including suspension or expulsion are available should the student be found responsible for the behavior in question; cases of academic dishonesty other than plagiarism, and cases of plagiarism that are not to be resolved by the faculty member or in which the student involved does not agree with the faculty member's proposed resolution.

2. **Organization Misconduct Hearing:** Cases involving possible violations of the Code of Student Conduct by recognized student organizations on campus, including, but not limited to, fraternities and sororities, SGA-recognized organizations, and athletic teams.

## **AMENDMENTS**

Without limiting other available procedures for amendment of this system, proposed amendments may be approved by the Student Affairs Board and referred to the University President and the Board of Trustees.

## **WITHDRAWAL WHILE CHARGES PENDING**

A student choosing to withdraw from the University while facing disciplinary charges must have the charges resolved through this System of University Standards and Student Conduct (in addition to fulfilling any other applicable conditions) prior to readmission to the University.

The University reserves the right to not permit a student to withdraw if they have pending an investigation or charges against them for violation of the Student Nondiscrimination, Anti-Harassment, and Sexual Misconduct Policy or for charges under the Code of Student Conduct. Should a student decide to leave and not participate in the investigation and/or hearing, the University may opt to proceed *in absentia* to a reasonable resolution, and that student will not be permitted to return to Colgate unless all sanctions have been satisfied.

## **REVIEW**

This Code of Student Conduct, in part or in its entirety, shall be reviewed at least every other year under the direction of the Vice President and Dean of the College or their designee. Any amendments to the code shall be put forth as described in the Amendments section.

## **ACTION IN COURTS**

Disciplinary proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus, at the discretion of the Disciplinary Officer. Because of the different standards applicable in civil or criminal proceedings and University disciplinary proceedings, disciplinary action will not be altered or precluded on the grounds that civil or criminal charges involving the same incident have been dismissed or reduced.

## **REVIEW OF ALLEGED VIOLATIONS WHEN COLLEGE IS NOT IN SESSION (WHERE A SANCTION WILL NOT EXCEED DISCIPLINARY PROBATION)**

If a student is alleged to have committed a violation of the Code of Student Conduct near or after the end of a semester for which an administrative hearing would otherwise be appropriate, the Disciplinary Officer or their designee may issue a letter of resolution to the student that includes a proposed finding and sanctions (or points, if the Policy on Alcohol and Drugs was violated) based on the information then available. If the student accepts the proposed resolution, the proposed finding and sanctions (or applicable points) will be applied. If the student prefers to review the case with the Disciplinary Officer or their designee, an administrative hearing will be scheduled in order to review the case. The administrative hearing, and any subsequent proceedings, will be subject to the otherwise applicable terms of this *System of University Standards and Student Conduct*.

## **CONFLICT RESOLUTION**

Conflict resolution is encouraged as an alternative means to resolve conflicts. The Disciplinary Officer will determine if conflict resolution is appropriate. The disciplinary officer, at their discretion, may decline to process a complaint until parties in a non-academic misconduct case make a reasonable attempt to resolve the conflict. To be binding in a disciplinary case, any resolution must be approved by the disciplinary officer. If conflict resolution fails, the case will be forwarded for an administrative hearing or hearing before the University Student Conduct Board, as applicable.

## **INTERIM SUSPENSION**

If, in the judgment of the disciplinary officer, the safety or well-being of the accused student or any other person(s) may be jeopardized by the presence on campus of the student or the ongoing activity of a student organization whose behavior is in

question, the disciplinary officer may suspend the student or student organization pending the conduct of disciplinary proceedings. The disciplinary officer may also suspend a student or organization pending disposition of a civil or criminal court action. Conduct involving acts of violence, physical abuse, use of weapons, or behavior covered by Colgate's Policy on Public Order, the Policy on Alcohol and Drugs, and/or the Policy on Hazing are examples of situations for which an interim suspension may be expected. In all cases in which an interim suspension is imposed, the student or student organization will be given the opportunity to meet with the disciplinary officer prior to such suspension being imposed, or as soon thereafter as is reasonably possible.

### **REFERRAL TO HEARING BODY**

Most violations that could result in sanctions no more severe than probation are resolved in an Administrative Hearing with the Disciplinary Officer or their designee. Any violation that could result in a sanction of suspension or expulsion must be referred to the University Student Conduct Board. As such, violations of a more serious nature, including, but not limited to, cases of academic dishonesty, assault, group misconduct, or violations by students with significant disciplinary records, will likely require a hearing before the University Student Conduct Board.

## **Overview of University Hearing Bodies**

### ***Administrative Hearing***

Most violations of the Code of Student Conduct that may result in sanctions other than suspension, expulsion, or revocation of degree will come before the disciplinary officer or their designee for an administrative hearing.

### ***University Student Conduct Board***

The Disciplinary Officer shall refer to the University Student Conduct Board cases that require one of two types of hearing:

1. University Standards Hearing
2. Organization Misconduct Hearing

The University Student Conduct Board is composed of 11 people:

- The disciplinary officer, who serves as Chair of the Board;
- Five students;
- Three members of the faculty;
- One administrator at large (not a member of the Office of the Vice President and Dean of the College); and
- One member of the Office of the Vice President and Dean of the College, appointed by the Vice President and Dean of the College (the "Vice President and Dean of the College representative").

Except as otherwise provided below, a quorum for the hearing board consists of seven persons with at least one student, one faculty member, and either the disciplinary officer or the Vice President and Dean of the College representative. (If the disciplinary officer is absent, the Vice President and Dean of the College representative chairs the hearing.) In the absence of a quorum, the hearing will be rescheduled.

The configuration of the hearing body for an individual case will depend upon the type of violation (see below). Faculty members are elected by the faculty, student members are appointed by the Student Senate, and administrators are appointed by the Vice President and Dean of the College. Terms for faculty and administrators (other than the disciplinary officer and the Vice President and Dean of the College representative) are three years; students serve for one year.

Students must have completed at least two terms at Colgate before they are eligible to serve on the board. Student members must be in good academic standing, and students who have been found responsible for violating the Code of Student Conduct by the University Student Conduct Board are not eligible to serve as board members.

No member of the board may be a practicing attorney.

The board shall meet at times determined by the Disciplinary Officer.

Certain violations of the Policy on Alcohol and Drugs will be resolved by the assessment of points (and implementation of the resulting consequences) in accordance with the description of the points system found in that policy. The assessment of points will be determined through an administrative hearing or University Student Conduct Board hearing, as determined by the disciplinary

officer, to be held in accordance with the procedures set forth in this System of University Standards and Student Conduct.

### **UNIVERSITY STANDARDS HEARING**

The disciplinary officer shall refer for a University standards hearing:

1. Cases involving possible violations of the Code of Student Conduct that could result in administrative withdrawal from a course or expulsion;
2. Cases in which the student involved does not accept responsibility for the violation with the understanding that the full range of sanctions including administrative withdrawal from a course, suspension or expulsion are available should the student be found responsible for the behavior in question;
3. Cases of academic dishonesty other than plagiarism, and cases of plagiarism which are not to be resolved by the faculty member or in which the student involved does not agree with the faculty member's proposed resolution.

### **Configuration of the Board**

The configuration of the board for a University Standards Hearing is as described above for the University Student Conduct Board.

### **Notification as to the Charge**

At least seven (7) days prior to the hearing, or as far in advance as reasonably possible if an accelerated hearing is scheduled with the consent of the implicated student, the disciplinary officer shall send a letter to the student stating the following:

1. A description of the alleged violation(s).
2. The time and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. If the student does not appear at the scheduled hearing, the hearing will be held *in absentia*. For compelling reasons, the chair may reschedule the hearing.
3. The right of the student whose behavior is in question to the assistance of an adviser at the hearing. An adviser must be chosen from among current students, faculty, staff, or administrators at Colgate University. The adviser may not be a practicing attorney, and no practicing attorney may be present in the hearing room. The student subject to the hearing may speak and respond to questions on their own behalf. The adviser may consult with the advisee but may not speak on behalf of the advisee, unless they are directed to answer questions raised by the board members. Hearings shall be scheduled as soon as possible.

Hearings for possible violations that occur near or after the end of an academic term will be held immediately after the end of the term, during the summer, as outlined in the section titled "Conduct Board Hearing When College Is Not in Session," or at the beginning of the subsequent term, at the discretion of the disciplinary officer.

As is the case with the student whose behavior is in question (see "Notification as to the Charge," number 3), the person, if any, initiating the action is also entitled to the assistance of an adviser at the hearing. An adviser must be chosen from among current students, faculty, staff, or administrators at Colgate University. The adviser may not be a practicing attorney. The adviser may consult with the advisee but may not speak on behalf of the advisee, unless they are directed to answer questions raised by the board members.

Anyone appearing at the hearing to provide information will speak and respond to questions on their own behalf.

### **The Hearing**

Only the person(s) directly involved in the incident in question are permitted to attend the entire hearing; there will be no observers. The chair may allow other individuals who have relevant information to appear during a portion of the hearing in order to respond to specific questions from the board or the persons involved. The board does not hear character witnesses but will accept up to two letters supporting the character of the student involved. Character references will be considered in the sanctioning phase following a finding of responsibility, where appropriate.

Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in University Student Conduct Board hearings.

1. Only information pertinent to the possible violation will be considered by the board; however, information about other



student disciplinary actions or civil or criminal convictions may be introduced at these hearings if, in the judgment of the chair, this information bears directly on the possible violation. The chair shall have discretionary authority to determine whether the board will receive and consider particular information, and to resolve any procedural questions or disputes arising in the course of a hearing.

2. Participation in a hearing via telephone, closed circuit television, video conferencing, video or audio recording, written statement, or other means may be permitted by the chair to the extent deemed appropriate in their sole discretion.
3. Proceedings are strictly confidential. All persons present at any time during the hearing are expected to maintain confidentiality.
4. Hearings are recorded. Conduct board members, the student whose behavior was in question, the persons, if any, who initiated the action, and appropriate administrative officers of the University shall be allowed to listen to the recording in a location determined by the disciplinary officer. No person will be given or be allowed to make a copy of the recording. Persons given access to the recording will be required to sign an agreement confirming that they will protect the confidentiality of the hearing.

### Decisions

The board shall deliberate in closed session to determine whether a student is responsible or not responsible for the violation(s) in question. The board shall base its determination on a standard of preponderance of the evidence (i.e., whether it is more likely than not that the student committed each alleged violation). If a student is found responsible by a majority of the board, the board will assess appropriate sanctions (and/or points, if the Policy on Alcohol and Drugs has been violated). The disciplinary officer shall not vote to determine responsibility for a charge, but shall vote in the sanctioning phase of the hearing should the members of the board be deadlocked in their decision. The deliberations of the board shall be kept in strict confidence.

The chair shall forward a written decision to the student involved as soon as is reasonably possible, including, if applicable, sanctions and/or points. In cases of academic dishonesty or violations of the Policy on Academic Behavior, a copy of the board's decision shall be sent to the faculty member who initiated the action.

### Sanctions and Points

Sanctions shall be determined by the administrative hearing officer in administrative hearings, or in cases reviewed by the University Student Conduct Board, a majority vote of the board. Factors considered when determining a sanction may include:

1. The nature, severity of, and circumstances surrounding the violation;
2. A student's disciplinary history,
3. The impact of a sanction on a student,
4. Previous cases involving similar conduct; and
5. Any other information deemed relevant by the administrative hearing officer or board.

The following are the usual sanctions that may be imposed upon students, singly or in combination:

1. **Warning:** A formal statement that the student's behavior was unacceptable and a warning that further infractions of any University policy, procedure, or directive will likely result in more severe disciplinary action.
2. **Probation:** A written reprimand for violation of the Code of Student Conduct, providing for more severe disciplinary sanctions in the event that the student is found in violation of any University policy, procedure, or directive within a specified period of time. Terms of the probation shall be specified and may include denial of specified social privileges, exclusion from co-curricular activities, and/or other measures deemed appropriate.
3. **Suspension:** Termination of student status for a definite period of time not to exceed two years, or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at Colgate.
4. **Expulsion:** Permanent termination of student status.
5. **Administrative Withdrawal from a Course:** Immediate withdrawal from a course with the loss of course credit, with a designation of "W" on the student's transcript, regardless of whether the deadline for course withdrawal has passed. In cases where a sanction of an administrative withdrawal from a course is imposed, the student will also be placed on disciplinary probation through tenure.

6. **Withholding Diploma:** The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has disciplinary charges pending, or as a sanction if the student is found responsible for an alleged violation.
7. **Revocation of Degree:** The University reserves the right to revoke a degree awarded from the University for fraud, misrepresentation, or other violation of University policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
8. **Other Actions:** In addition to or in place of the above sanctions, the University student conduct board or administrative hearing officer may assign any other sanctions as deemed appropriate, including, but not limited to, the following:
  - a. Mandated counseling: Mandated counseling so the student has the opportunity to gain more insight into their behavior.
  - b. "No contact" directive: a prohibition against having any avoidable contact with one or more identified persons, in person or through telephonic, electronic, written, or other means. A "no contact" directive may include additional restrictions and terms.
  - c. Apology: Requiring the student to write a letter of apology to those involved.
  - d. Campus or Community Service: Requiring unpaid service to the University or local community stated in terms of type and hours of service.
  - e. Restitution: Reimbursement for damage to or misappropriation of property, or for personal injury, and other related costs.
    - i. Housing related sanctions
      1. Loss, revocation, or restriction of privilege (e.g., exclusion from specified locations or alteration of status in the housing lottery or other selection system) to live in University housing.
      2. Loss, revocation, or restriction of off-campus living privileges.
    - ii. Monetary fines

In cases of academic dishonesty where a finding of responsibility has occurred, the sanctions shall be:

1. For first offenses: Failure in the course and either warning or probation; or failure in the course and suspension.
2. For second offenses: Failure in the course and suspension or expulsion.

For first offense cases in which a student has been found responsible for plagiarism but the University Student Conduct Board determines that the plagiarism does not constitute academic dishonesty, the penalty shall be a warning. If a warning is issued, the faculty member will determine the appropriate sanction for the particular assignment.

Any matriculated and enrolled Colgate student arrested for driving with a blood alcohol level of 0.08 percent or higher will be sent before the University Student Conduct Board. A finding of responsible by the board will result in, at minimum, a sanction of suspension, ordinarily for the remainder of the current term.

If a student has been found responsible for violation of the Policy on Alcohol and Drugs, the University Student Conduct Board will assess points in accordance with the description of the points system found in that policy.

### **Appeal**

In the event that the University Student Conduct Board finds a student responsible for a violation, the student may appeal in writing to the Vice President and Dean of the College (or their designee) within seven (7) days after the student is notified of the decision of the board or, if the appeal is based on the discovery of new information, within seven days of that discovery (see number 2 below) but no later than thirty (30) days from the date that the student is notified of the decision. An appeal may be based only on one of the following:

1. A procedural error occurred during the process that had a direct impact on the outcome.
2. New information has come to light that has a direct impact on the outcome.
3. The sanction is too severe.

After receiving the appeal, the Vice President and Dean of the College (or their designee) may:

- a. Deny the appeal.
- b. Accept the appeal and take appropriate action, which may include modifying the finding of responsibility and/or the sanction or asking the board to reconvene.

While the appeal is pending, the sanctions imposed will remain in effect unless the Vice President and Dean of the College (or their designee) decides otherwise.

## **Records**

For the benefit of the board, a set of records of all prior hearings will be kept by the disciplinary officer.

With the exception of expulsion, disciplinary sanctions shall not be recorded on a student's academic transcript. In the case of expulsion, the student's academic transcript shall be annotated with the statement: "Expelled for disciplinary reasons (effective date)." Students should review the University's Policy on Recommendations for more information about disclosure of disciplinary records.

## **CONDUCT BOARD HEARING WHEN COLLEGE IS NOT IN SESSION**

If a hearing needs to be held at or after the end of the semester and the regular University Student Conduct Board cannot be convened, the disciplinary officer may convene a special University Student Conduct Board. The membership will consist of members available at the time of the hearing with a quorum of five, including at least one student, one faculty member, the disciplinary officer, and the Vice President and Dean of the College representative, with the disciplinary officer acting as chair.

## **ORGANIZATION MISCONDUCT HEARING**

The disciplinary officer generally refers possible violations of the Code of Student Conduct by organizations recognized by Colgate University to the University Student Conduct Board for an organization misconduct hearing. In instances where the violation is not referred to the University Student Conduct Board, the disciplinary officer or their designee will review the case in an administrative hearing. The disciplinary action resulting from an organization misconduct hearing with respect to an organization does not preclude disciplinary action with respect to individual members of that organization.

A group or organization will be held collectively responsible (i.e., subject to group/organizational discipline) when it is reasonable to attribute the actions of at least some of its members to the group or organization as a whole. Among the situations in which group/organizational discipline may be imposed are the following:

1. Any act or omission in violation of the Colgate University Code of Student Conduct, or University policy, that has received the explicit or implicit consent or encouragement of one or more of the group's or organization's officers;
2. Any act or omission in violation of the Colgate University Code of Student Conduct, or University policy, that has been undertaken by one or more members of the group or organization as a result of the unreasonable failure of the officers to oversee the conduct of the group's or organization's membership and/or group or organizational activities;
3. Any failure of the officers of the group or organization to ensure the adoption of reasonable precautions to avoid a violation of the Colgate University Code of Conduct, or University policy; or
4. Any policy or practice of the group or organization that results in a violation of the Colgate University Code of Student Conduct, or University policy.

A group or organization found responsible in accordance with the foregoing may have sanctions imposed against it pursuant to applicable University disciplinary procedures. A group or organization will not be held responsible for its members' actions that do not fall under the conditions stated above. (October 2013)

## **Configuration of the Board**

The board for an organization misconduct hearing is composed of the members of the University Student Conduct Board, with the following additions and specifications:

1. The addition of the Vice President and Dean of the College, who serves ex officio and does not vote;
2. The disciplinary officer acts as chair of the board.

A quorum of the hearing board consists of eight persons (the seven voting members and the Vice President and Dean of the College, who does not vote) with at least one student, one faculty member, and either the disciplinary officer or the Vice President and Dean of the College representative. (If the disciplinary officer is absent, the Vice President and Dean of the College representative chairs the hearing). In the absence of a quorum, the hearing will be rescheduled.

### **Notification as to the Charge**

At least seven (7) days prior to the hearing, or as far in advance as reasonably possible if an accelerated hearing is scheduled with the consent of the implicated organization, the disciplinary officer shall send a letter to the organization stating the following:

1. A description of the alleged violation(s).
2. The time and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. For compelling reasons, the disciplinary officer may adjourn the hearing.
3. The right of the students representing the organization to the assistance of an adviser at the hearing. An adviser must be chosen from among current students, faculty, and staff or administrators at Colgate University. The adviser may not be a practicing attorney, and no practicing attorney may be present in the hearing room. The students representing the organization at the hearing may speak and respond to questions on their own behalf. The adviser may consult with the advisee(s) but may not speak on behalf of the advisee(s), unless they are directed to answer questions raised by the board members.

As is the case with students representing the organization in question (see “Notification as to the Charge,” number 3), the person, if any, initiating the action is also entitled to the assistance of an adviser at the hearing. An adviser must be chosen from among current students, faculty, staff, or administrators at Colgate University. The adviser may not be a practicing attorney. The adviser may consult with the advisee but may not speak on behalf of the advisee, unless they are directed to answer questions raised by the board members.

Anyone appearing at the hearing to provide information will speak and respond to questions on their own behalf.

### **The Hearing**

Only the person(s) representing the organization and others directly involved in the incident(s) in question are allowed to attend the entire hearing; observers will be permitted to attend at the discretion of the disciplinary officer. The chair may allow other individuals who have relevant information to appear during a portion of the hearing in order to respond to specific questions from the board or the persons involved.

Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in organization misconduct hearings.

1. Only information pertinent to the possible violation will be considered by the board; however, information about other disciplinary actions against the organization and/or its members, and/or civil or criminal convictions, may be introduced at these hearings if, in the judgment of the chair, this information bears directly on the possible violation. The chair shall have discretionary authority to determine whether the board will receive and consider particular information, and to resolve any procedural questions or disputes arising during the course of a hearing.
2. Participation in a hearing via telephone, closed circuit television, video conferencing, video or audio recording, written statement, or other means may be permitted by the chair to the extent deemed appropriate in their sole discretion.
3. Proceedings are strictly confidential. All persons present at any time during the hearing are expected to keep confidential all matters discussed at the hearing; provided, however, that the person(s) representing the organization may discuss the hearing with other members of the organization.
4. Hearings are recorded. Board members, members of the organization whose behavior was in question, the persons, if any, who initiated the action, and appropriate administrative officers of the University shall be allowed to listen to the recording in a location determined by the disciplinary officer. No person will be given or be allowed to make a copy of the recording. Persons given access to the recording will be required to sign an agreement confirming that they will protect the confidentiality of the hearing.

## Decision

The board shall deliberate in closed session to determine whether an organization is responsible or not responsible for the violation(s) in question. The deliberations of the board shall be kept in strict confidence. The board shall base its determination on a standard of preponderance of the evidence (i.e., whether it is more likely than not that the organization committed each alleged violation). If an organization is found responsible by a majority of the board, the board shall recommend appropriate sanctions. These recommendations will be offered to the Vice President and Dean of the College, who serves as a non-voting member of the board.

The Vice President and Dean of the College will make the final decision and assess the appropriate sanctions. They shall forward a written decision to the person(s) representing the organization at the hearing as soon as is reasonably possible, including, if applicable, sanctions. Notification to the person(s) representing the organization will constitute sufficient notice to the organization itself, and it is the responsibility of the person(s) representing the organization to notify the rest of its members of the decision resulting from the hearing.

## Sanctions

Changes to an organization's recognition generally form the basis of sanctions. Recognition of an organization by the University grants it the right to function on campus, to receive University privileges, to enroll Colgate students as members, and to be associated with the University. An organization's prior disciplinary record, if any, shall be fully considered in the sanctioning phase. The board may use, but is not limited to, the following sanctions:

1. Full recognition with warning: The organization maintains full recognition but is warned that continued failure to meet the criteria for recognition or additional violations will result in a more serious sanction.
2. Probationary recognition: The organization is recognized by the University, but is placed on probation for a specified period of time, during which specified privileges and activities may be revoked. Probationary recognition ordinarily will be in effect for a minimum of one semester.
3. Suspended recognition: Recognition is suspended for a specified period of time during which all privileges are revoked and the organization's activities are discontinued, and in the case of a fraternity or sorority, use of the chapter house by the organization's members is prohibited.
4. Permanent withdrawal of recognition: Recognition is withdrawn permanently.
5. Other actions: Other sanctions may be assessed according to the specifics of the violation(s) and the type of organization.

## Appeal

In the event that an organization is found responsible for a violation, the organization may appeal in writing to the University President within fourteen (14) days after notification or, if the appeal is based on the discovery of new information, within seven (7) days of the information's discovery (see number 2 below), but no later than thirty (30) days from the date of notification. An appeal may be based only on one of the following:

1. A procedural error occurred during the process that had a direct impact on the outcome.
2. New information has come to light that has a direct impact on the outcome.
3. The sanction is too severe.

After receiving the appeal, the president may:

1. Deny the appeal.
2. Accept the appeal and take appropriate action, which may include modifying the finding of responsibility and/or the sanction or asking the board to reconvene.

While the appeal is pending, the sanctions imposed will remain in effect unless the president decides otherwise.

## Records

With respect to records, the same is followed as for the University standards hearing.

# Appendices

*The Faculty Handbook* contains information regarding governance at the University, including the Constitution of the Colgate Governance System.

The Student Government Constitution contains information regarding the Student Government Association (SGA) and its policies and processes.

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