2017 Annual Security & Fire Safety Report

Published September 2018
Office of Safety & Security

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Introduction

The purpose of this report is to provide our faculty, staff, students, and visitors with campus security and safety information in order that their experiences at Marist College may be safe and enjoyable. It has been prepared by the Marist College Safety & Security Department and anyone with questions pertaining to this report, or any security-related issue or concern, should contact the Director of Safety & Security at (845) 471-1822.

This report is filed as required by the federal “Crime Awareness and Campus Security Act,” (hereafter referred to as the Campus Safety Act) which was last amended in 1998. The report also includes reporting requirements mandated by the Higher Education Opportunity Act (HEOA) of 2008 and the Violence Against Women Reauthorization Act (VAWA) of 2013. Collectively, the laws require that Marist College prepare and publish both an Annual Security Report and an Annual Fire Safety Report. Marist incorporates both reports into one main report called the Annual Security & Fire Safety Report. The laws are designed to provide individuals with a better understanding of campus security and safety issues so that they may make informed decisions. Marist has taken a pro-active approach to campus security and safety, is in full compliance with all laws applicable to campus safety, and is pleased to prepare, publish and distribute this report to all current students and employees. This report is also available to any applicant for enrollment or employment at Marist College.

This report includes statistics for the previous three years concerning reported crimes, including liquor and drug law violations, that occurred on campus, in certain off campus buildings or property owned or controlled by Marist College, and on public property within, or immediately adjacent to and accessible from, the campus. In addition to crimes reported directly to Marist College, we also request and include the same crime statistics from the appropriate local police department, for each Marist College location, and at non-campus locations of student organizations officially recognized by the institution, including student organizations with non-campus housing facilities. For statistical purposes, crimes reported to any of these sources are recorded in the calendar year in which the crime was reported. Additionally, this report includes fire safety policies and fire statistics for each on-campus student housing facility. The report also contains institutional policies concerning campus security and safety, alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and other matters. All of our publicly available recordkeeping and disclosures are completed without the inclusion of personally identifiable information about the victim.

In addition to this report, you may view the crime statistics on the U.S. Department of Education website at:

https://ope.ed.gov/campussafety/#/

To get additional copies of the full report and crime statistics, contact the Office of Security & Safety in Donnelly Hall (845-471-1822), or access the following website:

Access to and Security of Campus Facilities

It is the practice of Marist College to maintain an open campus, with the understanding that visitors are expected to have a legitimate purpose for being here. During normal business hours, and during some special events, academic and administrative buildings are open and accessible to guests and visitors. After hours, those buildings are restricted to authorized personnel only. Access to student residential buildings is limited to resident students and authorized employees only, by use of a card access system. During normal business hours, resident students may bring guests into the residence halls without restriction. After hours, the Office of Safety & Security provides staff to monitor the entrances to the freshman residential facilities, where proper identification is required for entry. During the times the entry desks are staffed, all guests to the residence halls are required to sign in before they are allowed to enter.

The college utilizes closed circuit video cameras and alarm systems at select locations. The video systems are not actively monitored, but they are recorded to facilitate investigations. All student rooms on ground floors are equipped with tamper resistant security screens. The Office of Safety & Security also conducts regular campus safety inspections to identify and correct safety hazards in and around campus facilities. In addition to performing routine patrol assignments and responding to requests for service, Security Officers are also required to report security related problems such as broken windows, malfunctioning lights and locks, etc. to ensure the proper operation of campus facility systems, and to make sure the shrubbery and trees are trimmed on a regular basis. Members of the college community are encouraged to report these types of issues so they can be promptly addressed.

Security at Marist College

Marist College employs its own professional security staff, and all Security Officers are fully licensed as required by the NYS Security Guard Act. All Security Officers receive formal training in compliance with the guidelines provided by the NYS Department of Criminal Justice Services. In addition, officers receive training in campus security procedures and techniques, as well as basic first aid, CPR, fire safety and crime prevention measures. Officers have the authority to enforce college policies and regulations, but are not sworn police or peace officers and, as such, have no formal powers of arrest other than those granted to private citizens according to the NYS Criminal Procedure Law (see Sections 140.30 and 140.35).

The Office of Safety & Security is located in Donnelly Hall room 201 and operates twenty-four (24) hours per day, seven (7) days per week. The primary mission of Marist’s Office of Safety & Security is to protect life and property by providing services which will promote a safe campus environment and contribute and assist in achieving the educational and organizational goals of the college. The college emphasizes that safety and security are shared responsibilities and offers programs and services designed to enhance the quality of life on campus for students, faculty, staff, and visitors of the college by engaging in activities that promote security awareness, crime prevention and safety consciousness.

Services include:
- Manned and electronic security measures designed to detect and correct security violations and fire safety hazards
- Twenty-four (24) hour dispatcher and security patrol (vehicle and foot)
- Closed circuit television coverage
- Residence hall security
- Electronic card access control
• Fire and intrusion detection systems
• Incident investigation
• Crime prevention activities
• Vehicle traffic/parking regulations and enforcement
• Security escort services
• Liaison services with federal, state and local law enforcement agencies
• The operation and maintenance of a radio communication network
• Emergency “blue light” phone system
• The implementation and activation of emergency preparedness operations.
• Occasionally, off-duty Police Officers from the Town of Poughkeepsie Police Department will supplement our security operations.

**Law Enforcement at Marist College**
The Town of Poughkeepsie Police Department (TPPD) has primary jurisdiction for the Marist College Campus and is responsible for all law enforcement needs including response to, and investigation of, crimes reported on campus. The only exception to this are the college residences on Talmadge Court, which fall within the jurisdiction of the City of Poughkeepsie Police Department (CPPD). The CPPD is responsible for all law enforcement needs at Talmadge Court.

The Office of Safety & Security has an excellent working relationship with both the City and Town of Poughkeepsie Police Departments and has a “Memorandum of Understanding” (MOU) with each department regarding procedures for the investigation of actual or suspected violent felony acts and reports of missing resident students on college property within their jurisdiction.

**Reporting Crimes, Incidents, or Emergencies**
Marist College encourages every member of the campus community to promptly report all crimes to the Office of Safety & Security, and to the appropriate Police Department, whenever the victim of a crime wants to or is unable to report.

Students, employees, and visitors should promptly and accurately report all suspicious activity, criminal incidents or emergencies by calling the Office of Safety & Security at (845) 471-1822 or (845) 575-5555 from any campus phone, at any time of day. Reports may also be filed in person at the twenty-four (24) hour security office in Donnelly Hall, or to any Security Officer. Of course, all such reports may also be made to outside agencies by dialing 911 from any phone.

In addition to the above, incidents of harassment, discrimination, and sexual misconduct should be reported to the Title IX Coordinator, Christina Daniele (or deputy), at (845) 575-3799, or by e-mailing titleix@marist.edu. This includes incidents that take place on the campus, at College-sponsored events, at off-campus locations (including actions online) when the off-campus conduct affects a substantial College interest. A complete copy of Marist College’s “Discrimination, Harassment, and Sexual Misconduct Policy for All Students and Employees” may be found later in this report, and also online at www.marist.edu/title-ix/procedures.html.

**Anonymous, Private, and Confidential Reporting**

**Confidential Reporting Options**
If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with members of the Counseling Center or Office of Campus Ministry, off-campus local rape crisis counselors, domestic violence resources, and local or state assistance agencies, who will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. For off-campus support and resources please visit www.marist.edu/titleix/resources.
These employees will submit anonymous statistical information for Title IX tracking and Campus Safety Act purposes unless they believe it would be harmful to their client, patient or parishioner. They are encouraged, if and when they deem it appropriate, to inform persons they are counseling of available procedures to report crimes on a voluntary basis, whether confidential or private, for inclusion in the annual disclosure of crime statistics. Campus counselors are available for students and the Employee Assistance Program is available for employees free of charge and can be seen on an emergency basis during normal business hours. If you wish to make a confidential report, you may contact any of the following Marist College employees:

Director of Counseling (845) 575-3314
Office of Campus Ministry (845) 575-3000, ext. 2275

Private Reporting Options
Marist College has an obligation to provide a safe, non-discriminatory environment for all members of our community. Therefore, college employees have a duty to report, unless they fall under the section above, and must share all details of the reports they receive. Parties making a report may want to consider carefully whether they share personally identifiable details with non-confidential employees, as those details must be shared by the employee with the Title IX Coordinator, Deputy Coordinators, and/or Office of Safety & Security. If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such a request, and that request will be evaluated in light of the duty to ensure the safety of the campus and comply with federal law. If you wish to make a non-confidential, private report, with or without a request for such a special consideration, you may contact any of the following Marist College employees:

Vice President and Dean for Student Affairs (845) 575-3515
Director of Health Services (845) 575-3270
Director of Housing and Residence Life (845) 575-3307
Director of Student Conduct & Greek Affairs (845) 575-3514
Director of the Office of Safety & Security (845) 471-1822
Associate Director of Safety & Security (845) 471-1822
Director of Student Activities (845) 575-3279
Director of Athletics (845) 575-3304
Associate Athletic Director (845) 575-3322

In addition to these individuals, you may report crimes to any Marist College Security Officer, Athletic Coach, Resident Assistant, Resident Director, student club Faculty Advisor, or Associate/Assistant Director of Student Activities. All of the individuals listed above are considered campus security authorities and, as such, are required to report certain crime statistics to the Office of Safety & Security for inclusion in the annual crime statistics. If these reported crimes are considered by Marist College to represent an ongoing or immediate threat to students and employees, the college will issue a timely warning or emergency notification to our community.

In cases indicating pattern, predation, threat and/or violence, the College will be unable to honor a request for anonymity or a lack of consent to pursue an investigation. In cases where the victim requests anonymity/confidentiality, or does not consent to an investigation, and the circumstances allow the College to honor that
request, the College will offer interim supports and remedies to the victim and the community, but will not otherwise pursue formal action.

Even Marist College offices and employees who cannot guarantee confidentiality will maintain privacy to the greatest extent possible. Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be informed. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party’s rights and privacy.

Any disclosure made in the course of institutional research, classroom discussions or writing assignments or events such as Take Back the Night or speak-outs are not considered notice to the College unless the victim wishes a report to be made. Such information will be used to inform campus climate and educational efforts, generally.

Response to Reported Incidents
In response to a reported incident, the Office of Safety & Security will dispatch a Security Officer to take an incident report. Persons reporting an incident will be interviewed and advised of their options. Depending on the severity of the incident, the Office of Safety & Security may conduct an investigation, including possible police involvement, depending on the circumstances. All incident reports involving student conduct are forwarded to the Director of Student Conduct for review and potential referral for judicial action, as appropriate. If an investigation is conducted, any additional relevant information obtained will also be forwarded to the Director of Student Conduct. Reports may also be sent to the Student Affairs office for review and potential action.

Timely Warnings
Marist College’s policy is to issue timely warning reports to the college community for Campus Safety Act crimes that occur on campus, or on property owned or controlled by Marist College and used for institutional purposes, which are reported to campus security authorities or local law enforcement, and are determined to present an ongoing safety or security threat to students or employees. The purpose of such timely warnings is to inform our community about potential ongoing threats and to aid in the prevention of similar crimes.

Timely warning notices will be made available to students and employees of the college, and will be written and distributed by the Director of Safety & Security or an Associate Director of Safety & Security. The warnings may be issued via MaristAlerts, e-mail, the college website, posted notices, or face to face communication. The warning may also be posted on the college website and/or shared with the media via a press release. The decision to issue a timely warning will be made on a case by case basis after due consideration of the facts known at that time.

Emergency Notification
If a significant emergency or dangerous situation is reported at Marist College, Security Officers will be dispatched to confirm the report. The Security Officers will provide information regarding the reported emergency to the Director of Security, or an Associate Director. If warranted the Director/Associate will confer with additional college departments and law enforcement agencies. If a significant emergency or dangerous situation is confirmed to be occurring on campus, which involves an immediate threat to the health or safety of students or employees, Marist College will immediately notify the campus community as follows:

The college will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification unless the notification will, in the professional judgment of responsible authorities, compromise the efforts to assist victims, or to contain, respond to or otherwise mitigate the emergency.
The content of the notification, and the manner in which the college community will be notified, will depend on the nature of the emergency. Most times, the urgent nature of such a notification will result in a more general immediate alert being issued, which will be followed up with more detailed information as it becomes available. The college will consider what information is critically necessary for recipients to know so that they may take steps to protect themselves. The college will review the details of the emergency, on a case-by-case basis, to determine what segment(s) of the campus community to include in the notification. The college may choose to notify only a segment of the college community if the emergency is localized and does not pose a threat to the entire campus.

In addition, depending on circumstances, these alerts may be issued through one or more of the following channels: MaristAlerts (see the section below for instructions on how to enroll in MaristAlerts), posted notices, verbal direction from college personnel, activation of a building’s fire alarm system, e-mail communication, or by posting information to the college’s website or portal.

In cases where it would be appropriate to disseminate emergency information to the larger community around Marist College, the college’s public information officer will work with local media outlets to accomplish that.

**Difference between an “Emergency Notification” and a “Timely Warning”**

According to federal law, the timely warning applies only to crimes reported in the statistics section of the Annual Security Report, while the emergency notification procedure applies to a much wider set of circumstances. Additionally, timely warnings apply to more general, ongoing threats (i.e.- a rash of burglaries in a particular building) rather than immediate danger to health & safety (i.e.- tornado). For example, an emergency notification may be necessary in the event of a non-criminal event such as impending hazardous weather or some other dangerous condition.

**MaristAlerts**

Marist College has implemented MaristAlerts, which is an emergency notification system that all students, faculty and staff are strongly encouraged to register for. MaristAlerts enables college officials to contact students, faculty and staff with time-sensitive information during campus emergencies using voice calls, e-mails and text messaging. MaristAlerts will only be used under the emergency conditions defined in the MaristAlerts policy brochure. For more information and to register for this free service, please visit: [http://www.marist.edu/maristalerts/](http://www.marist.edu/maristalerts/).

**The Daily Crime Log**

The Marist College Office of Safety & Security maintains a daily log of crimes occurring on campus that is available for the public to view. This information is recorded by date, time, general location, and disposition of the complaint. The daily log is available at the Safety & Security Office in Donnelly Hall, room 201, Monday through Friday from 9:00 AM to 5:00 PM. Entries or updates are generally made within two business days after the event occurs. While most events are logged, the Director of Safety & Security may determine that an incident be temporarily classified as “confidential” in order not to jeopardize a criminal investigation or the identity of a victim.

**Security Awareness & Crime Prevention Programs**

Marist College begins making students aware of security programs at orientation to aid in the prevention of crimes. The college continues its efforts throughout the year in a range of security awareness and crime prevention activities sponsored by the Residence Life staff, the Office of Safety & Security, and various student
groups. The student handbook outlines security programs and describes college policies regarding sexual assault, drug and alcohol use, campus altercations, residence hall regulations, and motor vehicle registration and parking regulations. Copies of the policies are available through the Office of Student Affairs or online at [http://www.marist.edu/studentlife/studentconduct/handbook/introduction.html](http://www.marist.edu/studentlife/studentconduct/handbook/introduction.html).

Residence halls also sponsor safety and security sessions on topics such as assault prevention, acquaintance rape, domestic/dating violence, stalking, substance abuse, and emergency preparedness. Fire drills are held throughout the year, and students/staff also receive regularly published security and safety information pertaining to campus security procedures and are reminded that security is a shared responsibility at Marist College. Students and employees are encouraged to be responsible for their own safety as well as the safety of others.

The Offices of Safety and Security and Housing and Residential Life periodically conduct a Crime Prevention Program called “Lock It or Lose It” in the Residence Halls. This program is designed to prevent the theft of property from rooms by reminding students of the importance of locking their rooms when they leave, even for short periods of time. A team from Security and Residence Life will walk through your Residence Hall and check to see if your room door has been left unlocked while no one is in the room. These checks may occur during the day or early evening. During their check, if our Team finds your room door left UNLOCKED, no one home, and some of your or your roommates’ property easily susceptible to theft they will leave a bright yellow card with information about our program and the importance of locking your room door at all times.

**Alcohol & Drugs**

The Office of the Dean of Students provides programs to promote awareness of alcohol and drugs as potential threats to health and safety. All students are advised of Marist College’s Code of Conduct and their obligations under the code. The code spells out policies that prohibit the illegal use of alcohol or other drugs, disorderly conduct, harassment of others, hazing, and any other behavior by which a student may injure himself, herself or others. Possession, use, sale and consumption of alcoholic beverages by persons under the age of twenty-one (21) years of age is not permitted on college property. The laws of New York State govern the possession, sale, use and furnishing of alcohol, and are enforced by the local police agencies. The possession, use, sale, manufacture or distribution of any controlled substance is illegal under both state and federal law, and is enforced by federal, state and local law enforcement agencies. All students are given notice that the student Code of Conduct is located on the college’s web portal and are encouraged to become familiar with its content. The Code of Conduct, which includes drug and alcohol information, applicable legal sanctions and other information, can be viewed at [https://www.marist.edu/studentlife/studentconduct/handbook/codeofconduct.html](https://www.marist.edu/studentlife/studentconduct/handbook/codeofconduct.html).

The Drug Free Schools and Communities Act Amendments of 1989 require that Marist, as a recipient of federal funds, including federally provided student financial aid, notify its students and employees annually that the unlawful possession, use, or distribution of alcohol and illicit drugs on college property is prohibited and that campus and community drug counseling programs are available. This act and the provisions Marist has taken to conform to the Act can be found in the Marist student handbook and the Marist employee handbook.

**Emergency Response and Evacuation Procedures**

College campuses are generally safe communities and enjoy an environment that fosters learning. However, significant emergencies, or dangerous situations can happen anywhere and it is important to plan ahead and prepare. Marist recognizes these facts and has taken measures to minimize these risks to our community, including the development of emergency response and evacuation procedures which are tested every year.

Evacuation drills are conducted by the Office of Safety & Security multiple times each year, in every campus building. Their purpose is to prepare building occupants for an organized evacuation in case of an emergency. These drills are generally unannounced and help our community members to learn the locations of the emergency exits in the buildings, as well as what to do and where to go once they have exited the building. The drills are
documented including a description of the drill, the date of the drill, start/stop times, special conditions, and any observed issues. The NYS Office of Fire Prevention and Control reviews these records as a part of their annual fire safety inspection.

Additionally, the college conducts an annual exercise of its emergency management plan, documents the exercise, and uses the results to further enhance campus safety. The exercise may be a full scale drill involving local emergency response personnel and other external sources, a tabletop exercise or any similar scenario that adequately tests the emergency management plan and enables college administrators to test its effectiveness.

As part of the college’s Campus Safety Act compliance efforts, general information about emergency response and evacuation procedures is published in the Student Handbook each year.

**What it means to “shelter in place”**

“Sheltering-in-Place” provides protection from external hazards, minimizes the chance of injury and/or provides the time necessary to allow for a safe evacuation. This should be done by selecting a small interior room, if possible, with no windows or as few windows as possible.

When authorities issue directives to shelter-in-place, do not walk outdoors and take refuge indoors immediately.

**A shelter-in-place order may be issued for several reasons:**

- Active shooter incident
- Severe weather
- Hazardous materials
- Civil unrest
- Hostage situation
- Or any situation where it is best to stay where you are to avoid any outside threat

**When you are directed to shelter in place, take the following actions:**

- Remain calm.
- **Stay where you are. Do not go outside under any circumstances. There are no exceptions to a shelter in place directive.**
- If you are outside, seek shelter in the closest building to you and do not leave the building until directed by police or security, or until an “all clear” is issued.
- Parent pick-up is not permitted during a shelter in place. Parents will be directed where to assemble until the situation ends.
- Faculty should recommend to students and others not to leave and stay inside.
- Select a small interior room, with no or as few windows as possible.
- Close and lock all windows, exterior doors, and any other openings that lead to the outside.
- Stay away from all windows and doors.
- If you are told there is danger of an explosion, close the window shades, blinds, or curtains.
- Select interior room(s) above the ground floor with the fewest windows or air vents.
- Rooms(s) should have adequate space for everyone to be able to sit down comfortably.
- Avoid overcrowding by selecting several rooms when necessary.
- If necessary depending on the situation, try to block the door with heavy furniture items, shut off lights, silence all cell phones and remain calm and quiet.
• Facilities personnel or trained personnel should shut down all building ventilation fans and air conditioners, when and if appropriate.

**For severe weather and civil unrest:**
- Stay inside and move away from windows.
- Close and lock all exterior doors and offices.
- For extreme weather, relocate to lower levels of the building if possible.

**For external chemical, biological or radiological incidents:**
- Stay inside and move to an inner corridor or office.
- Facilities personnel or trained personnel may shut down all building ventilation fans and air conditioners, when necessary and appropriate.
- Since many chemical agents are heavier than air and tend to hold close to the ground, move to higher levels of the building if possible to reduce the transfer of contaminated air from outside to inside

**General Evacuation Procedures**
At the sound of a fire alarm or if you are instructed to evacuate, quickly and safely leave your classroom or work area immediately, proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, active a fire alarm, evacuate to a safe location using the nearest exit, and notify the Office of Safety & Security at (845) 471-1822 or (845) 575-5555.

Remember to:
- Remain calm and answer the questions you are asked.
- Do not use elevators, use the stairs.
- Assist the physically impaired. If they are unable to exit without using an elevator, find a safe location near a stairwell and immediately inform Safety & Security or the responding Fire Department personnel of the individual’s location.
- Proceed to a clear area that is at least one hundred (100) feet away from the building.
- Keep all walkways clear for emergency vehicles.
- Do not re-enter the building under any circumstance.

**Muster and Head Count**
Individuals in leadership positions should attempt to account for students, faculty, staff and visitors who are under their supervision at the time of the evacuation, and may designate a meeting place for them to regroup after evacuating. Once you have assembled at your designated meeting place, conduct a reasonable accounting of personnel. Inform responding security officers or emergency personnel if someone is unaccounted for, or if you suspect someone did not exit the building, and inform them of the missing person’s description and last known location.

**Other Marist Security Services**
An on-campus security escort service known as “S.N.A.P.” is available by dialing the “S.N.A.P” extension (x7627) from an on-campus phone. The Office of Safety & Security also provides a centralized lost and found center, and security officers will provide escort to the off-campus housing location during hours of darkness.

**Missing Student Notification**
Any student, faculty, administrator or staff member who believes that a resident student has been missing for 24 hours must immediately notify the Office of Safety & Security. If, after a preliminary investigation by Marist Office of Safety & Security, the missing person has not been located and his/her personal safety cannot be verified, the Office of Safety & Security will notify the appropriate law enforcement agency within twenty-four
(24) hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing. Written “Memorandums of Understanding” (M.O.U.’s) with local police agencies regarding the investigation of missing student cases are on file in the Office of Safety & Security.

All students residing in on-campus student housing have the option of providing a confidential contact person to be notified in the event the student is reported missing. This information will be collected each year and may be updated via the college web portal as needed at https://www.marist.edu/security/confidentialcontact.html. Only authorized college officials and law enforcement officers in the furtherance of a missing person investigation may have access to this information. The college will notify the confidential contact person within twenty-four (24) hours of the determination that the student is missing, and reserves the right to contact that person while investigating the initial report in order to obtain information on the possible whereabouts of the missing student.

If a case involves a student who is under 18 years of age and not emancipated, Marist College must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

**Bias/Hate Crime Information**

Generally, a person commits a bias/hate crime when he or she commits a specified offense and is motivated in whole or in part by bias on the part of the offender toward the race, color, national origin, ancestry, gender, religion, religious practice, age (60 or older), disability or sexual orientation of the victim.

Penalties for bias crimes range from monetary fines up to a minimum of twenty years in prison, depending on the nature of a specific offense. Specific information regarding hate crime offenses and related penalties may be found in article 485 of the New York State Penal Law.

All reports of bias crimes will be investigated and offenders will be subject to administrative discipline consistent with Marist College policies and procedures as well as criminal prosecution as allowed by law.

**Policies Regarding Dating & Domestic Violence, Sexual Assault, and Stalking**

Marist condemns and prohibits sexual assault, rape and other forms of non-consensual sexual activities as well as dating & domestic violence, and stalking. These offenses violate the student code of conduct, as well as New York State law. The college does its utmost to prevent sexual violence through education and safety precautions, and to provide support and appropriate services to any student involved in an incident of sexual assault. The Marist College Discrimination, Harassment, and Sexual Misconduct Policy is included at the end of this report and contains detailed information regarding definitions, policies, procedures, rights, and sanctions for such crimes.

Survivors/victims of these crimes, whether the offense occurred on or off campus, will be provided written information about their rights and options including evidence preservation, how and to whom to report these crimes, options about involvement of law enforcement and campus authorities, and assistance in notifying law enforcement if the victim chooses, as well as the option to decline to notify authorities. Victims will also be provided information in writing about rights and institutional responsibilities regarding no contact orders, orders of protection, or other available applicable options and protective measures, including how to request changes to academic, living, transportation, and working conditions. If a victim is provided any accommodations or
protective measures, they will be maintained as confidential to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. Finally, the institution will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community.

If a sex offense occurs, the college strongly encourages the survivor/victim to:

- **Get medical attention:** Contact Health Services or a local hospital. Not all injuries or exposure to disease are immediately apparent, and evidence needs to be collected in the event criminal charges are pursued.
- **Evidence preservation:** In order to best preserve evidence, victims should avoid showering, washing, hanging clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.
- **Reporting:** Victims should report to the Office of Safety & Security, or any of the confidential or non-confidential resources listed earlier in this report.
- **Notifying Law Enforcement:** Victims have the right to notify law enforcement, and the campus can assist in notifying law enforcement if victims choose. Victims may also choose to decline to notify authorities.
- **Get emotional support:** Confidential assistance and counseling are available on campus through the Counseling Center and the office of Campus Ministry.

The Marist College personnel who are involved in responding to and administering cases of dating/domestic violence, stalking, and sexual assault receive training each year on issues related to those types of crimes, including how to conduct an investigation and hearing process that provides for the safety of victims and promotes accountability. Specifically, every investigator is trained to at least Level I Civil Rights Investigator through ATIXA, and many are trained as Level II Investigators. Additionally, Marist personnel have participated in training sessions with the Mid Hudson Regional Hospital FACT (Forensic Acute Care Team) on sexual assault procedures and utilize the Center for Victim Safety & Support of Family Services for ongoing training as well.

In an effort to reduce the risk of sexual misconduct as well as the crimes of rape, sexual assault, sexual harassment, stalking, dating violence and domestic violence occurring among its students, the College utilizes a range of campaigns, strategies and initiatives to raise awareness. Educational programs are offered to raise awareness for all incoming students and employees, and are often conducted during new student and new employee orientation and throughout an incoming student’s first semester. These programs include information about awareness, primary prevention, and institutional policies on sexual misconduct, as well as the New York State legal definitions of domestic violence, dating violence, sexual assault, stalking and consent in reference to sexual activity. Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, identifying allies, and/or creating distractions.

Programs also offer information on risk reduction including how to recognize warning signals and how to avoid potential attacks. Throughout the year, ongoing awareness and prevention campaigns are directed to students and employees.

Below is a list of violence prevention programs and efforts (including those related to domestic & dating violence, sexual assault and stalking) which Marist College has recently hosted or participated in. (This list is not all-inclusive and is representative of the types programs held on campus during each year).

- Presentations to athletic teams on interpersonal violence and bystander intervention
- Training for residence life and security staff on sexual assault, dating violence and stalking
- Creation of the pamphlet entitled “Preventing, Reporting & Surviving” which is designed to give information and resources for victims of sexual violence and is distributed to students
- An annual Campus Wellness Fair containing information pertaining to victims services, law enforcement & crime prevention, self-defense and other sexual assault and domestic violence education
- A three (3) day “Train the Trainer” for instructors in the “Mentors in Violence Prevention” which is a bystander-intervention training curriculum. (This is also available as a one-credit class, SOCW390L-111, most semesters.)
- Annual awareness-raising events which involve students and staff, including the “Walk a Mile in Her Shoes” event and the “White Ribbon” campaign.
- On-line training regarding sexual violence prevention, available to all students.
- Marist offers a one-credit elective course called Mentors in Violence Prevention which primarily addresses prevention through bystander intervention.

**New York State Sex Offender Registry**

In accordance to the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, the College is providing a link to the New York State Sex Offender Registry. All sex offenders are required to register in the state of New York. The New York State Sex Offender Registry may be accessed at [http://www.criminaljustice.ny.gov/nsor/](http://www.criminaljustice.ny.gov/nsor/)
ADDENDUM 1: Disclosure of Campus Crime Statistics

In compliance with the Campus Safety Act, Marist College collects and publishes crime statistics annually, as described earlier in this report. Following are the relevant crime definitions, as well as the required statistics for the following three Marist College locations:

1) Poughkeepsie (Main) Campus
2) Fishkill Extension Campus
3) Florence, Italy Campus

Campus Safety Act Crime Definitions

Federal Bureau of Investigation Uniform Crime Reporting/National Incident-Based Reporting System Crime Definitions

The following definitions are used for reporting the crimes listed in sec. 668.46, in accordance with the Federal Bureau of Investigation’s Uniform Crime Reporting (UCR) Program. The definitions for criminal homicide, rape, arson, robbery, aggravated assault, burglary, motor vehicle theft, weapon law violations, drug abuse violations and liquor law violations are from the “Summary Reporting System (SRS) User Manual” from the FBI’s UCR Program. The definitions of fondling, incest, and statutory rape are excerpted from the “National Incident-Based Reporting System (NIBRS) User Manual” from the FBI’s UCR Program. The definitions of larceny-theft (except motor vehicle theft), simple assault, intimidation, and destruction/damage/vandalism of property are from the “Hate Crime Data Collection Guidelines and Training Manual” from the FBI’s UCR Program.

Murder and Non-negligent Manslaughter
The willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence
The killing of another person through gross negligence.

Rape
The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, or where the victim is incapable of giving consent.

Fondling
The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest
Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
**Statutory Rape**
Sexual intercourse with a person who is under the statutory age of consent.

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

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

**Burglary**
The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft**
The theft or attempted theft of a motor vehicle. This includes cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.

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

**Larceny- Theft (except motor vehicle theft)**
The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

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

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

**Destruction/Damage/Vandalism of Property**
To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
Weapons Law Violations
The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Liquor Law Violations
The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

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

New York State Laws & Penalties
In addition to the above federal crime definitions, New York State laws applicable to sexual assault are found in Article 130 of the New York State Penal Code. The Violence Against Women Reauthorization Act of 2013 requires the inclusion of certain New York State definitions in a campus’s Annual Security Report and also require that those definitions be provided in campaigns, orientations, programs and trainings for employees and students. Definitions required include: consent; dating violence; domestic violence; sexual assault; and stalking:

Consent:
Lack of consent results from: forcible compulsion; or incapacity to consent; or where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor’s conduct. Where the offense charged is rape in the third degree, a criminal sexual act in the third degree, or forcible compulsion in circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor’s situation would have understood such person’s words and acts as an expression if lack of consent to such act under all the circumstances. A person is incapable of consent when he or she is: less than 17 years old; or mentally disabled; or mentally incapacitated; or physically helpless; or committed to the care and custody of the state department of correctional services, a hospital, the office of children and family services and is in residential care, or the other person is a resident or inpatient of a residential facility operated by the office of mental health, the office for people with development disabilities, or the office of alcoholism and substance abuse services, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.

Consent, abbreviated:
Clear, unambiguous, and voluntary agreement between the participating to engage in specific sexual activity.

Dating Violence:
New York State does not specifically define “dating violence.” However, under New York Law, intimate relationships are covered by the definition of domestic violence when the act constitutes a crime listed elsewhere in this document and is committed by a person in an “intimate relationship” with the victim. See “Family or Household Member” for definition of “intimate relationship.”

Domestic Violence:
An act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse,
stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction or breaching of blood circulation, or strangulation; and such acts have created a substantial risk of physical or emotional harm to a person or a person’s child. Such acts are alleged to have been committed by a family member. The victim can be anyone over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person’s child is a victim of the act.

**Family or Household Member:**
Person’s related by consanguinity or affinity; Persons legally married to one another; Person formerly married to one another regardless of whether they still reside in the same household; Persons who have a child in common regardless of whether such persons are married or have lived together at any time; Unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; Persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an “intimate relationship” include, but are not limited to: the nature or type of relationship regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an “intimate relationship”; Any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation. Intimate relationship status shall be applied to teens, lesbian/gay/bisexual/transgender, and elderly individuals, current and formerly married and/or dating heterosexual individuals who were, or are in an intimate relationship.

**Parent:**
Natural or adoptive parent or any individual lawfully charged with a minor child’s care or custody.

**Sexual Assault:**
New York State does not specifically define sexual assault. However, according to the Federal Regulations, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape as used in the FBI’s UCR program.

**Sex Offenses; Lack of Consent:**
Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.

**Sexual Misconduct:**
When a person (1) engages in sexual intercourse with another person without such person’s consent; or (2) engages in oral sexual conduct or anal sexual conduct without such person’s consent; or (3) engages in sexual conduct with an animal or a dead human body.

**Rape in the Third Degree:**
When a person (1) engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) Being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or (3) engages in sexual intercourse with another person without such person’s consent where such lack of consent is by reason of some factor other than incapacity to consent.
Rape in the Second Degree:
When a person (1) being 18 years old or more, engages in sexual intercourse with another person less than 15 years old; or (2) engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree if the defendant was less than four years older than the victim at the time of the act.

Rape in the First Degree:
When a person engages in sexual intercourse with another person (1) by forcible compulsion; or (2) who is incapable of consent by reason of being physically helpless; or (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

Criminal Sexual Act in the Third Degree:
When a person engages in oral or anal sexual conduct (1) with a person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) being 21 years old or more, with a person less than 17 years old; (3) with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

Criminal Sexual Act in the Second Degree:
When a person engages in oral or anal sexual conduct with another person (1) and is 18 years or more and the other person is less than 15 years old; or (2) who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

Criminal Sexual Act in the First Degree:
When a person engages in oral or anal sexual conduct with another person (1) by forcible compulsion; (2) who is incapable of consent by reason of being physically helpless; (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

Forcible Touching:
When a person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire. It includes squeezing, grabbing, or pinching.

Persistent Sexual Abuse:
When a person commits a crime of forcible touching, or second or third degree sexual abuse within the previous ten year period, has been convicted two or more times, in separate criminal transactions for which a sentence was imposed on separate occasions of one of the above mentioned crimes or any offense defined in this article, of which the commission or attempted commission thereof is a felony.

Sexual Abuse in the Third Degree:
When a person subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that (1) such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and (2) such other person was more than 14 years old and (3) the defendant was less than five years older than such other person.

Sexual Abuse in the Second Degree:
When a person subjects another person to sexual contact and when such other person is (1) incapable of consent by reason of some factor other than being less than 17 years old; or (2) less than 14 years old.
Sexual Abuse in the First Degree:
When a person subjects another person to sexual contact (1) by forcible compulsion; (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old; or (4) when the other person is less than 13 years old.

Aggravated Sexual Abuse:
For the purposes of this section, conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated Sexual Abuse in the Fourth Degree:
When a person inserts a (1) foreign object in the vagina, urethra, penis or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than 17 years old; or (2) finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than 17 years old.

Aggravated Sexual Abuse in the Third Degree:
When a person inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person (1)(a) by forcible compulsion; (b) when the other person is incapable of consent by reason of being physically helpless; or (c) when the other person is less than 11 years old; or (2) causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

Aggravated Sexual Abuse in the Second Degree:
When a person inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person by (1) forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old.

Aggravated Sexual Abuse in the First Degree:
When a person subjects another person to sexual contact: (1) By forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than eleven years old; or (4) when the other person is less than thirteen years old and the actor is twenty-one years old or older.

Course of Sexual Conduct against a Child in the Second Degree:
When over a period of time, not less than three months, a person: (1) Engages in two or more acts of sexual conduct with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct with a child less than 13 years old. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charges offense occurred outside of the time period charged under this section.

Course of Sexual Conduct against a Child in the First Degree:
When a person over a period of time, not less than three months in duration, a person: (1) Engages in two or more acts of sexual conduct, or aggravated sexual contact with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact with a child less than 13 years old.

Facilitating a Sex Offense with a Controlled Substance:
A person is guilty of facilitating a sex offense with a controlled substance when he or she: (1) knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires
a prescription to obtain and administers such substance or preparation, compound, mixture or substance that
requires a prescription to obtain to another person without such person’s consent and with intent to commit
against such person conduct constituting a felony defined in this article; and (2) commits or attempts to commit
such conduct constituting a felony defined in this article.

**Incest in the Third Degree:**
A person is guilty of incest in the third degree when he or she marries or engages in sexual intercourse, oral sexual
conduct or anal sexual conduct with a person whom he or she knows to be related to him or her, whether through
marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt,
nephew or niece.

**Incest in the Second Degree:**
A person is guilty of incest in the second degree when he or she commits the crime of rape in the second degree,
or criminal sexual act in the second degree, against a person whom he or she knows to be related to him or her,
whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood,
uncle, aunt, nephew or niece.

**Incest in the First Degree:**
A person is guilty of incest in the first degree when he or she commits the crime of rape in the first degree, or
criminal sexual act in the first degree, against a person whom he or she knows to be related to him or her, whether
through marriage or not, as an ancestor, descendant, brother or sister of either the whole or half blood, uncle, aunt,
nephew or niece.

**Stalking in the Fourth Degree:**
When a person intentionally, and for not legitimate purpose, engages in a course of conduct directed at a specific
person, and knows or reasonably should know that such conduct (1) is likely to cause reasonable fear of material
harm to the physical health, safety or property of such person, a member of such person’s immediate
family or a third party with whom such person is acquainted; or (2) causes material harm to the mental
or emotional health of such person, where such conduct consists of following, telephoning or initiating
communication or contact with such person, a member of such person’s immediate family or a third party with
whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or (3) is
likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where
such conduct consists of appearing, telephoning or initiating communication or contact at such person’s place of
employment or business, and the actor was previously clearly informed to cease that conduct.

**Stalking in the Third Degree:**
When a person (1) Commits the crime of stalking in the fourth degree against any person in three or more
separate transactions, for which the actor has not been previously convicted; or (2) commits the crime of stalking
in the fourth degree against any person, and has previously been convicted, within the preceding ten years of a
specified predicate crime and the victim of such specified predicate crime is the victim, or an
immediate family member of the victim, of the present offense; or (3) with an intent to harass, annoy or alarm a
specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such
person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or
the kidnapping, unlawful imprisonment or death of such person or a member of such person’s immediate family;
or (4) commits the crime or stalking in the fourth degree and has previously been convicted within the preceding
ten years of stalking in the fourth degree.

**Stalking in the Second Degree:**
When a person: (1) Commits the crime of stalking in the third degree and in the course of and furtherance of the
commission of such offense: (a) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle,
sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, slingshot, shuriken, “Kung Fu Star,” dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapons; or (b) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or (2) commits the crime of stalking in the third against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree; or (4) being 21 years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or (5) commits the crime of stalking in the third degree, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

Stalking in the First Degree:
When a person commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she intentionally or recklessly causes physical injury to the victim of such crime.
### Main Campus (Poughkeepsie) Statistics

#### Criminal Offenses for 2015-2017

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No hate crimes were reported in 2015-2017.

There were no unfounded crimes for 2015-2017.
## VAWA Offenses for 2015-2017

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## Florence Campus (Italy) Statistics

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No hate crimes were reported in 2015-2017.

There were no unfounded crimes for 2015-2017.
### Florence Campus (Italy) Statistics

#### VAWA Offenses for 2015-2017

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#### Disciplinary Referrals for 2015-2017

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ADDENDUM 2: Discrimination, Harassment, and Sexual Misconduct Policy for All Students and Employees

Introduction
Marist College is dedicated to providing an educational environment that is free of any form of discrimination and harassment and remains committed to promoting fairness and equity in all aspects of the educational experience. In accordance with applicable federal and state laws, the College strives to eliminate any form of discrimination, harassment, and sexual misconduct, prevent its recurrence, and address its impact on our community.

Purpose
The purpose of this policy is to ensure that all members of the College, including visitors and third party vendors, can live, learn, and work in a safe and respectful environment. In the event that a situation arises that triggers the procedures outlined by this policy:

- The College will take steps to prevent the behavior, to prevent any recurrence, and take appropriate action to remedy the effects of the behavior;
- The College will provide for the prompt and equitable resolution of allegations and complaints brought by the reporting party (the individual who believes they were harmed) and the responding party (the individual whose actions are being evaluated as to whether a policy violation has occurred).

Scope
The following policy and process applies to all students, faculty, administrators and/or staff.

This policy applies to behaviors that take place on the campus and at College-sponsored/controlled events. Behaviors cited in this policy that occur off-campus, on/at private property or online may still be addressed by the College when the Title IX Coordinator or designee determines that the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:

a) Any action that constitutes criminal offense as defined by Federal or New York State law. This includes, but is not limited to, single or repeat violations of any local, state or federal law committed in the vicinity where the College is located;

b) Any situation where it appears that the accused individual may present a danger or threat to the health or safety of self or others;

c) Any situation that significantly infringes upon the rights, property or achievements of self or others or creates significant disruption, and/or

d) Any situation that is detrimental to the educational interests of the College.

In a case where either the reporting party or responding party falls under the purview of another institution, the Title IX Coordinator or designee may liaison with the Title IX Coordinator from the controlling institution to address remedies/discipline.
Internal inquiries regarding the enclosed policies and procedures may be made to:

**Christina Daniele**  
Title IX Coordinator  
Office of Human Resources  
Donnelly Hall 120  
(845) 575-3799  
titleix@marist.edu

Edward Freer  
Deputy Title IX Coordinator  
Office of Human Resources  
Donnelly Hall 120  
845-575-3799  
titleix@marist.edu

External inquiries may be made 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  
Fax: (202) 453-6012  
TDD: (877) 521-2172  
Email: OCR@ed.gov  
Web: http://www.ed.gov/ocr

Local OCR office contact information:  
**Region II - New York (New Jersey, New York, Puerto Rico, Virgin Islands)**  
Linda Colon, Regional Manager  
Office for Civil Rights  
U.S. Department of Health and Human Services  
Jacob Javits Federal Building  
26 Federal Plaza - Suite 3312  
New York, NY 10278  
Phone (800) 368-1019  
Fax: (212) 264-3039  
TDD: (800) 537-7697

**Equal Employment Opportunity Commission (EEOC)**  
Contact: http://www.eeoc.gov/contact/
Policy

NONDISCRIMINATION STATEMENT

Marist College adheres to all federal and state civil rights laws banning discrimination in private institutions of higher education. The College will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, religion, color, sex, pregnancy, religion, creed, ethnicity, national origin (including ancestry), citizenship status, physical or mental disability, age, sexual orientation, gender, gender identity, 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, including protections for those opposing discrimination or participating in any grievance process on campus or within the Equal Employment Opportunity Commission or other human rights agencies.

This policy covers nondiscrimination in employment and in access to educational opportunities. Any member of the campus community, guest or visitor who acts to deny, deprive or limit the educational, employment, housing, social access, financial aid and scholarship, benefits and/or other services and opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of College policy. When brought to the attention of the College, any such discrimination will be appropriately remedied by the College according to outlined policy and procedures.

ACCOMMODATION OF DISABILITIES

The College is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if he or she has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

The Director of Employee Relations or designee has been named as the ADA/504 Coordinator and is responsible for coordinating efforts to comply with these disability laws, including investigation of any grievance alleging noncompliance.

a. Students with Disabilities

The College is committed to complying with all provisions of the American Disabilities Act (ADA) and state and local disability laws, as applicable. Consistent with the aforementioned nondiscrimination statement, the College will provide qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs, activities, and opportunities of the College.

All accommodations are made on a case-by-case basis. The College encourages individuals with disabilities to make a request for an accommodation to contact the Office of Accommodation and Accessibility. After reviewing the documentation provided by the student and, in consultation with the student, a determination as to which accommodations are appropriate to the student’s particular needs and academic programs will be made, provided that such accommodation does not constitute an undue hardship.
b. Employees with Disabilities

Pursuant to the ADA, the College will provide reasonable accommodation(s) to all qualified employees with known disabilities, where their disability affects the performance of their essential job functions, except where doing so would be unduly disruptive or would result in undue hardship.

An employee with a disability is responsible for requesting an accommodation in writing and providing documentation to the 504 Coordinator or designee. The 504 Coordinator or designee will work with the employee’s supervisor to identify which essential functions of the position are affected by the employee’s disability and what reasonable accommodations could enable the employee to perform those duties.

PROHIBITED CONDUCT UNDER THIS POLICY

Discrimination
Discrimination is defined as treating members of a protected class less favorably because of their membership in that class or as having a neutral policy or practice that adversely impacts the members of one protected class more than others.

Discriminatory Harassment
Students, staff, administrators, and faculty are entitled to a working environment and educational environment free of discriminatory harassment. The College condemns and will not tolerate discriminatory harassment against any employee, student, visitor or guest on the basis of any status protected by College policy or law. Harassment constitutes a form of discrimination that is prohibited by law. Harassment is defined as subjecting an individual to unwelcome conduct, whether verbal or physical, that creates an intimidating, hostile, or abusive working, learning or campus living environment; that alters the conditions of employment or education; or unreasonably interferes with an individual’s work or academic performance on the basis of the individual’s membership in a protected class. Harassment may include, but is not limited to: verbal abuse; slurs; negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; insulting or obscene comments or gestures; and display or circulation (including in hard copy, by email or text, or through social media) in the working, learning and living environment of written or graphic material that degrades or shows hostility or aversion toward an individual or group. Sexual harassment and gender-based harassment (later defined in further detail) are forms of discriminatory harassment.

The College will remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. When harassment rises to the level of creating a hostile environment, the College may also impose sanctions on the harasser. The College reserves the right to address offensive conduct and/or harassment that does not rise to the level of discrimination or that is of a generic nature not on the basis of a protected status, and which customarily may not result in the imposition of discipline under College policy. This will be addressed through civil confrontation, remedial actions, education, and/or effective conflict resolution mechanisms. For assistance with conflict resolution techniques, employees should contact the Office of Human Resources and students should contact the Director of Student Conduct.

Academic Freedom
The College’s harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom.

Gender-Based Harassment
Acts of aggression, intimidation, stalking, or hostility based on gender or gender-stereotyping constitute gender-based harassment. Gender-based harassment can occur if individuals are harassed either for exhibiting what is perceived as a stereotypical characteristic of their sex, or for failing to conform to stereotypical notions of masculinity or femininity. To constitute harassment, the conduct must reasonably interfere with another person’s
education or participation in educational programs or activities or work, or create an intimidating, hostile, demeaning, or offensive working, academic, or living environment.

**Gender-Based Misconduct**
Gender-based misconduct is a broad term that encompasses gender-based harassment, sexual harassment, sexual assault, sexual exploitation, stalking, dating violence, and domestic violence.

**Sexual Harassment**
Both the Equal Employment Opportunity Commission and the State of New York regard sexual harassment as a form of sex/gender discrimination and, therefore, as an unlawful discriminatory practice.

Sexual harassment is unwelcome, sexual or gender-based verbal, written, online and/or physical conduct. Refer to Appendix D for a list of possible examples

Anyone experiencing sexual harassment in any College program is encouraged to report it immediately to the College’s Title IX Coordinator or designee.

Sexual harassment creates a hostile environment, and may be subject to discipline when it is severe or persistent/pervasive and it:
- has the effect of unreasonably interfering with, denying or limiting employment opportunities or the ability to participate in or benefit from the College’s educational, social and/or residential program, or
- is based on power differentials (quid pro quo), the creation of a hostile environment or retaliation.

**Sexual Misconduct**
State law defines various violent and/or non-consensual sexual acts as crimes. Additionally, the College has defined categories of sexual misconduct, as stated below, for which action under this policy may be imposed. The College considers Non-Consensual Sexual Intercourse violations to be the most serious, and therefore imposes the most severe sanctions, typically suspension or expulsion for students and termination for employees.

Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation and/or gender identity of those involved. Violations include:

**Sexual Harassment (as defined in the section above)**

**Non-Consensual Sexual Intercourse is defined as:**
- any sexual penetration or intercourse (anal, oral or vaginal)
- however slight
- with any object
- by a person upon another person
- that is without affirmative consent and/or by force

Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

**Non-Consensual Sexual Contact is defined as:**
- any intentional sexual touching
- however slight
- with any object
- by a person upon another person
- that is without affirmative consent and/or by force

Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.
Sexual Exploitation
Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of sexual exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed)
- Taking pictures or video or audio recording another in a sexual act, or in any other private 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)
- Prostitution
- Sexual exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted infection (STI) and without informing the other person of the infection, and further includes administering alcohol or drugs (such as “date rape” drugs) to another person without his or her knowledge or consent.

Stalking
A course of unwanted attention that is repeated or obsessive, directed toward an individual or a group and that is reasonably likely to cause alarm, fear or substantial emotional distress. Stalking may take many forms, including lying in wait for, monitoring, and/or pursuing contact. Stalking may occur in person or through communications such as telephone calls, text messages, unwanted gifts, letters, emails, surveillance, or other types of observation.

Dating Violence
The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, psychological, sexual, technological, or economic abuse directed toward a person who is or has been in a social relationship of a romantic or sexually intimate nature with the victim. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, or physically injure someone. Dating violence can be a single act or a pattern of behavior in relationships.

Domestic Violence
The use of physical violence, coercion threats, intimidation, isolation, stalking, or other forms of emotional, psychological, sexual, technological, or economic abuse directed toward a) a current or former spouse or intimate partner; b) a person with whom one shares a child; or c) anyone who is protected from the responding party’s acts under the domestic or family violence laws of New York. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, or physically injure someone. Domestic violence can be a single act or a pattern of behavior in relationships.

Retaliation
Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a reporting party or for assisting in providing information relevant to a claim of harassment is a serious violation of College policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator or designee and will be promptly investigated. The College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.
OTHER PROHIBITED CONDUCT

- Threatening or causing physical harm, extreme verbal abuse or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class

- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another on the basis of actual or perceived membership in a protected class

- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the hazing policy) on the basis of actual or perceived membership in a protected class; hazing is also illegal under New York law and prohibited by College policy

- Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally on the basis of actual or perceived membership in a protected class

- Any other College rules, when a violation is motivated by the actual or perceived membership of the victim in a protected class may be pursued using this policy and process.

The College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination of employment, for harassment, discrimination, or an act of sexual misconduct or other gender-based offenses, including intimate partner or relationship (dating and/or domestic) violence, non-consensual sexual contact and stalking based on the facts and circumstances of the particular grievance. However, informal resolution and mediation will never be options to remedy any acts of sexual violence and/or non-consensual forcible touching. See Appendix B for a Full List of Sanctions

OTHER IMPORTANT DEFINITIONS AND TERMS RELATED TO THIS POLICY

Accused
Accused shall mean a person accused of a violation who has not yet entered the College’s judicial or conduct process; for this policy, the accused is referred to as the Responding Party.

Affirmative Consent
Affirmative consent is knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based on a participant’s sex, sexual orientation, gender identity or gender expression. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity.

A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. 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.

It is not an excuse that the individual responding party of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other. Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.

Consent to some sexual contact or prior sexual activity (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. 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 he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

The Six Guiding Principles regarding Sexual Consensual Activity
In addition to the state definition, the following principles will be used to evaluate whether sexual activity was consensual and in violation of College policy:

1) Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act;
2) Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
3) Consent may be initially given, but withdrawn at any time.
4) Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending upon the degree of intoxication, an individual who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
5) Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
6) When consent is withdrawn or can no longer be given, sexual activity must stop.

Minors
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.
The College adopts this prohibition of sexual activity by adults with minors on all College property and at any and all College-sponsored activities or functions outside of New York regardless of out-of-state laws.

Bystander
In the context of this policy, “bystander” is defined as a person who observes a crime, an impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of College policy.

Coercion
Coercion is verbal and/or physical conduct, including manipulation, intimidation, unwanted contact, and express or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate or future harm and that is used to compel someone to engage in sexual contact.

Confidentiality
“Confidentiality” may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with state and federal law, including but not limited to 20 U.S.C. 1092 (f) and 20 U.S.C. 1681 (a). Counseling Services, Health Services, and ordained priests are example of college employees who may offer confidentiality.

Clery Reporting
Clery reporting refers to the data collected by the Department of Public Safety on violent crimes (including sexual assault/rape, domestic violence, dating violence, and stalking) occurring on or near College property and compiled in the College’s Annual Security Report. Only aggregate data is reported and no personally identifiable information is collected. For more information on Clery Reporting, please review the Annual Security Report or
contact the Office of Safety and Security.

**Incapacitation**

Incapacitation occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. A person who is incapacitated cannot make a rational, reasonable decision because the person lacks the ability to understand his or her decision.

- Incapacitation may be associated with an individual lacking consciousness; being asleep; being involuntarily restrained; having a disability that impedes consent; or if an individual otherwise cannot consent due to other forms of helplessness. Specifically, under New York State law, a person under the age of 17 lacks the capacity to give consent.

- Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
  - How drugs and alcohol affect consent:
    - The impact of alcohol and other drugs varies from person to person. Warning signs that a person may be incapacitated or approaching incapacitation as a result of alcohol or drug use may include, but are not limited to: slurred or incomprehensible speech, vomiting, unsteadiness, combativeness, or emotional volatility.
    - Individuals should be aware of, and carefully consider, the potential consequences of the use of alcohol or drugs. Alcohol and drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and affirmatively given.
  - Whether sexual activity with an incapacitated person constitutes gender-based misconduct may depend on whether the Responding Party knew or should have known of the Reporting Party’s incapacitation based on objectively and reasonably apparent indications when viewed from the perspective of a sober, reasonable person in the Responding Party’s position.
  - Being intoxicated, impaired, or incapacitated by alcohol or other drugs is never an excuse for committing a policy violation and does not diminish anyone’s responsibility to obtain informed and freely-given consent.
  - The use of alcohol or other drugs never makes someone at fault for experiencing gender-based conduct.

**Reporting Individual**

Reporting individual will encompass the terms victim, survivor, complainant, claimant, or witness with victim status.

**Responding Individual**

Responding individual will mean a person accused of a violation who has entered the College’s judicial or conduct process.

**POLICY EXPECTATIONS WITH RESPECT TO CONSENSUAL RELATIONSHIPS**

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty-student and supervisor-employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of this policy. The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the College. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are prohibited.
Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or shift a party out of being supervised or evaluated by someone with whom they have established a consensual relationship. This includes RAs and students over whom they have direct responsibility. Failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

**Reporting Harassment, Discrimination, and Prohibited Conduct Under This Policy**

The College is committed to the highest ethical and professional standards of conduct and to the safety and well-being of all members of our community. To achieve this goal, the college expects and relies on each member of the community to report actual or suspected violations of federal or state laws, violations of College policy or procedures, or other suspected wrongdoings.

The College encourages individuals, who believe that they have experienced discrimination, harassment, or other prohibited conduct defined by this policy, to bring their concerns to the College’s attention immediately. While there is no time limit for submitting a complaint of prohibited behavior, early reporting and intervention tend to be most effective in the College’s ability to investigate and respond, particularly if the subject remains in the College’s jurisdiction. The College will take allegations of prohibited conduct seriously. All reports will be acted on promptly, and the College will initiate measures to stop the behavior, prevent its reoccurrence, and remedy the effects while making every effort to preserve the privacy of reports.

Individuals on the Poughkeepsie campus reporting any form of harassment, discrimination and other prohibited conduct, including sexual misconduct and sexual violence may contact:

<table>
<thead>
<tr>
<th>Christina Daniele</th>
<th>Edward Freer</th>
<th>Kaleigh Sosa</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title IX Coordinator</td>
<td>Deputy Title IX Coordinator</td>
<td>Title IX Investigator</td>
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<tr>
<td>Office of Human Resources</td>
<td>Office of Human Resources</td>
<td>Office of Human Resources</td>
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<tr>
<td>Donnelly Hall 120</td>
<td>Donnelly Hall 120</td>
<td>Donnelly Hall 120</td>
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<tr>
<td>845-575-3799</td>
<td>845-575-3799</td>
<td>845-575-3278</td>
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<tr>
<td><a href="mailto:titleix@marist.edu">titleix@marist.edu</a></td>
<td><a href="mailto:titleix@marist.edu">titleix@marist.edu</a></td>
<td><a href="mailto:titleix@marist.edu">titleix@marist.edu</a></td>
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Reports can be made:
Via phone at 845-575-3799
Via e-mail at titleix@marist.edu
Via online at https://cm.maxient.com/reportingform
Via mail at 3399 North Road, Human Resources, Donnelly Hall, 120, Poughkeepsie, NY 12601
Via hand delivery/campus mail to Human Resources, Donnelly Hall, Suite 120

If an incident occurs abroad or during a Marist study abroad sponsored program, contact the individual leading the Marist program. The individual who is leading the Marist study abroad program is required to report the information learned to the Title IX Coordinator or designee.
If an incident occurs outside of regular business hours, the Office of Safety and Security can receive reports at any time, as it is a 24hr/7 days per week operation. Emergency access to the Title IX Coordinator or designee
Office of Safety & Security

and other appropriately, trained officials is provided at all times by informing the Office of Safety and Security. When an individual makes a report to a College employee who is required to report the incident, the Title IX Coordinator and/or Deputy or designee is notified, and the Title IX Office will investigate reported incidents.

All reported incidents are centrally tracked in order to review for patterns and to assist in stopping the recurrence of similar incidents.

Confidential Reporting
If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

On-Campus Resources

- Counseling Services: 845-575-3314
- Health Services: 845-575-3270
- Father Ulrich: ext.2275 or John.Ulrich@marist.edu

Counseling Services may be contacted after hours by calling Campus Safety at 845-575-2282 and asking for the on-call counselor. There is no need to leave your name. Just leave your phone number and the counselor will call you back. Campus counselors are available for students free of charge and can be seen on an emergency basis during normal business hours.

These employees will submit anonymous statistical information for Title IX tracking and Clery Act purposes unless they believe it would be harmful to their client, patient or parishioner.

- Employee Assistance Program (available to employees only):
  - 845-338-5600 Mon.-Fri. 8am-8pm; Sat.-Sun. 9am-5pm
  - 845-338-5450 (after hours)

Off-Campus Counseling and Advocacy Resources

- Dutchess County Helpline: (845)-485-9700
- Dutchess County Family Services: (845) 452-1110
- New York State Sexual Violence Hotline
  - English:1-800-942-6906
  - English TTY: 1-800-818-0656
  - Spanish: 1-800-942-6908
  - Spanish TTY: 1-800-780-7660

Law Enforcement Resources

- Town of Poughkeepsie Police: 845-485-3666
- NYS Campus Sexual Assault Victims Unit: 1-844-845-7269

Off-campus local rape crisis counselors, domestic violence resources, and local or state assistance agencies will maintain confidentiality, except in extreme cases of immediate threat, danger and/or abuse of a minor.
Student Alcohol and Drug Use Amnesty Policy When Reporting Sexual Misconduct

The health and safety of every student at the College is of utmost importance. Marist College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including, but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institutional 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, or sexual assault to College officials or law enforcement will not be subject to disciplinary action under the College’s Code of Conduct for violations of alcohol and/or drug abuse occurring at or near the time of the commission of the domestic violence dating violence, stalking, or sexual assault.

Cases of Continual Threat and Timely Warning Obligations

A reporting party has the right, and can expect, to have reports taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through these procedures. In cases where the reporting individual requests confidentiality and the circumstances allow the College to honor that request, the College will offer interim supports and remedies to the individual and the community, but will not otherwise pursue formal action. In cases indicating pattern, predation, threat and/or violence, the College will be unable to honor a request for confidentiality. Victims of sexual misconduct should be aware that College administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The College will make every effort to ensure that the harmed individual’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger. Any information about the resolution will not be released by the College until the conclusion of the resolution process, as permitted by law.

When an investigation must occur to prevent further harm, the formal reporting process will still afford privacy to the reporter, and only a small group of officials who need to know will be informed. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party’s rights and privacy.

Any disclosure made in the course of institutional research, classroom discussions or writing assignments or events, such as Take Back the Night or speakouts, is not considered notice to the College unless the harmed individual wishes a report to be made. Such information will be used to inform campus climate and educational efforts, generally.

Deliberately false and/or malicious accusations of harassment, discrimination, sexual misconduct, and sexual violence, as opposed to grievances which, even if erroneous, are made in good faith, are just as serious an offense and may be subject to appropriate disciplinary action.

The College’s Process for Investigating and Resolving Reports of Discrimination, Harassment, Discrimination, and Sexual Misconduct

When notice of a violation of this policy has been received by the Title IX Coordinator, Deputy, or other College employee who is obligated to report, the College will take measures deemed necessary to appropriately respond to protect the reporting party, its students, faculty, staff, and third parties. Not all forms of harassment and discrimination will be deemed equally serious offenses, and the College reserves the right to impose different, yet appropriate measures, depending on the severity of the offense. The reporting party may choose to proceed with an informal or formal resolution. However, under this policy, informal resolution will not be used to address
situations of sexual violence or any kind of violence using force.

**Notification of Rights**

When the College receives notice that an act of sexual misconduct, including dating violence, domestic violence, sexual assault or stalking, has occurred either on or off College property, the College will provide the reporting individual with written materials outlining their rights and options for support and resources available both on and off campus. *Refer to Appendix B for the Student’s Bill of Rights*

- Reporting individuals will be advised of having “the right to make a report to the Office of Safety and Security, local law enforcement, or State Police, or choose not to report; to report the incident to the College; to be protected by the College from retaliation for reporting an incident; and to receive assistance and resources from the College.” This information is printed and made available in the College’s Resource Guide as well as online. An individual may report an incident to either the College or law enforcement, or both simultaneously. The College’s process will run concurrently with the criminal justice process. However, the filing of a complaint of sexual misconduct under this policy is independent of any criminal investigation or proceeding. The College will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation or to take any necessary interim measures to protect the reporting party and the rest of the College community. The College, however, may temporarily delay its investigation to enable law enforcement to gather evidence and to engage in a preliminary investigation of sexual misconduct matters that may also violate the state criminal code. A delay in the College process will not exceed more than ten days unless there is a justified specific request by law enforcement to do so. Both parties will be notified in the event that the College needs to delay its process.

- There may also be times when the Title IX Office and/or another designated office such as the Office of Safety and Security may contact the police regarding the nature of an alleged incident. Regardless, it is always the reporting party’s decision as to whether or not to cooperate with any police and/or College investigation.

- When the College receives notice, the reporting party has the right to have emergency access to the Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault. The individual will be provided information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and explaining that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident potentially violates the penal code can be addressed by a law enforcement liaison that the College can help to coordinate. Such official will explain whether or not he/she can offer the reporting individual confidentiality or privacy and inform them of any other potential reporting options.

- Reporting individuals will be notified that even Marist College offices and employees who cannot guarantee confidentiality will maintain their privacy to the greatest extent possible. The information
provided to a non-confidential resource will be relayed only as necessary to the Title IX Office to investigate and/or seek a resolution.

d. Reporting individuals will also receive informational materials about resources including intervention, mental health counseling, and medical services, which will include information on whether such resources are available at no cost or for a fee. The College will also provide information on advocacy services and resources available through Family Services. Refer to Appendix A for the Resource Brochure.

Advisors

The Title IX Coordinator or designee will notify both the reporting and responding party of their right to use one advisor of their choice (including an attorney, parent, or advocate assigned from Family Services) who can assist, support, and advise them during the grievance process. The choice whether or not to invite an advisor is solely that of the reporting party and responding party. An advisor may not participate in the conduct process in any other capacity in reference to the same incident, including, but not limited to, serving as a witness, co-reporting party; or co-responding party. If an advisor’s conduct is not consistent with these guidelines, the advisor may be excluded from the process. The availability of an advisor to attend an interview, conduct meeting, or hearing will not unreasonably interfere with or delay the proceedings.

Interim Measures

When the College deems them necessary to ensure safety, prevent retaliation, or avoid an ongoing hostile environment, it may implement initial interim and responsive and/or protective actions, if requested or if upon notice of alleged harassment, retaliation and/or discrimination. Such measures could include, but are not limited to: no contact orders, providing counseling and/or medical services, transportation assistance, academic support, living arrangement adjustments, providing a campus escort, academic or work schedule and assignment modifications, safety planning, referral to campus and community support resources.

The College will take additional prompt interim and/or disciplinary action with respect to any member of the community, guest or visitor who has been found to engage in harassing or discriminatory behavior or retaliation. Both the reporting party and the responding party will be afforded, upon request and consistent with College policies and procedures, to a prompt review, reasonable under the circumstances, of the need for and terms of any such interim measure that directly affects him or her, and both will have the opportunity to submit evidence in support of his or her request.

Factors determining which interim measures the College will take may include: the specific needs expressed by the reporting party; the age of the students involved; the severity or pervasiveness of the allegations; whether the reporting party and responding party share the same residence hall, class, or job location; and whether other court ordered judicial measures have been taken to protect the reporting party.

In the event the responding party is determined to present a continuing threat to the health and safety of the College community, the College may subject the reporting party to an interim suspension pending the outcome of the conduct process. During an interim suspension or administrative leave, a student or employee may be denied access to College housing and/or the College campus/facilities/events. As determined by the Title IX Coordinator/designee in collaboration with the appropriate administrative officer, this restriction can include classes and/or all other College activities or privileges for which the student or employee might otherwise be eligible. Alternative coursework options may be pursued to ensure as minimal an impact as possible on the accused student or employee.

Both the reporting and responding parties may request a review of the need and terms of the interim suspension, including potential modification, and will be allowed to submit information in support of their request.

No Contact Orders

After a reporting party makes a complaint of sexual misconduct, the College may institute a no contact order between the reporting party and the responding party. A no contact order is a directive prohibiting contact between or among designated individuals through any means, direct or indirect, including personal contact, email, telephone, text message, social media, or by the means of a third party.
In general, the Title IX Coordinator, Deputy, or designee will initially verbally issue a no contact order. Both parties will then receive the directive in writing.

If a reporting party and the responding party observe each other in the same place, it is the responsibility of the responding party to leave the area immediately and without making contact with the reporting party. An individual who believes that a violation of the no contact order has occurred needs to report the violation to the Title IX Coordinator, Deputy or designee. Individuals who violate a no contact order are subject to further disciplinary action, such as a charge of retaliation and violation of the no contact order.

Both the reporting and responding party will, upon request and consistent with College policies and procedures, be afforded a prompt review reasonable under the circumstances, of the need and terms of any such interim measure, including potential modifications. Both parties are able to submit evidence in support of his or her request. The Title IX Coordinator, Deputy, or designee will determine within a reasonable timeframe whether there will be any modification.

Orders of Protection Issued by Criminal or Civil Courts
Separate from a no contact order issued by the College, a reporting party can seek an order of protection from both the criminal or civil (family) court system. The Title IX Office will place the student in touch with an advocate from Family Services who will be available to assist in obtaining a government court issued order of protection (or equivalent restraining order if outside New York State) and explain the consequences of violating such an order, including but not limited to arrest, additional conduct charges, and interim suspension. Both the reporting party and responding party have the right to receive a copy of the order of protection when received by the College. Either the Title IX Coordinator, Deputy, or designee, or an advocate from Family Services will be available to explain the order and answer any questions about it. If such order is violated, an individual may contact the Title IX Coordinator or Deputy to receive assistance in effecting an arrest.

Process
Following receipt of notice or a report of misconduct, the Title IX Coordinator or designee will conduct a preliminary inquiry to consider the nature of the report, the safety of the individual, the campus community, and the reporting parties’ preference for resolution and provide an integrated and coordinated response to these reports. Within two business days, an initial determination is generally made whether a policy violation may have occurred.

After weighing all options, the reporting party will inform the Title IX Coordinator, Deputy, or designee how they would like to proceed with the following options:

1) Conflict Resolution

If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, they may have the option to informally resolve the matter through conflict resolution. In all cases, the College will give consideration to the reporting party with respect to how the reported misconduct is pursued, but reserves the right, when necessary to protect the community, to investigate and pursue a resolution when the reporting party chooses not to initiate or participate in a formal grievance.

If the misconduct does not appear to violate College policy, and conflict resolution appears appropriate given the nature of the alleged behavior, then the report generally does not proceed to investigation. Informal resolution, while not as structured as the formal process, can be an effective and appropriate means to deal with the complaint. After weighing all options, if the reporting party wishes to continue with the informal process, then the Title IX Coordinator, Deputy, or designee will ascertain the name of the responding party, the date, location, and nature of the alleged misconduct. An intake meeting with the responding party will then be scheduled to
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go over the process and answer any questions. Both parties have the opportunity to have an advisor of choice accompany them for support throughout the process. In a conflict resolution meeting, the Title IX Coordinator, Deputy, or designee will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies. The Title IX Coordinator or designee will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions.

Conflict resolution will not be a mechanism used to address reports of sexual violence or coerced/forced behavior of any kind or if there is evidence of a pattern of misconduct or a perceived threat of further harm to the community or any of its members. It is not necessary to pursue conflict resolution first in order to make a formal report, and anyone participating in conflict resolution can stop that process at any time and request formal resolution.

2) Formal Resolution: Investigation Process

When a preliminary inquiry concludes that College disciplinary action may be appropriate, and the reporting party wishes to pursue a formal resolution, the College will initiate an investigation. The Title IX Coordinator or designee will appoint a trained investigator(s) to conduct the investigation, usually within two business days of determining that a resolution should proceed. Both the reporting party and the responding party will receive in writing a notice of investigation that will:

- Notify them of a formal investigation into the conduct in question;
- Provide information as to the behavior that is alleged;
- Inform them of which provisions of the Policy the behavior under investigation may violate;
- Inform them of possible sanctions;
- Notify them that they will be provided the time and place for all meetings in relation to the conduct process
- Reiterate their right to bring an advisor of choice to their scheduled meetings.

The investigators will conduct the investigation in a manner appropriate to the circumstances of the case, and typically will include interviews with the reporting and responding parties to present statements, witnesses, and other evidence. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence with appropriate sensitivity and respect. The investigation will be conducted in a manner that is respectful of the individual privacy concerns.

Evidence Gathered During the Investigation Process:

The sole purpose of the investigation is to gather information to be used in the determination as to whether the alleged conduct violates College policy.

- The responding party is presumed not to have violated the policy until there is an outcome decision. Depending on the nature of the initial allegation and the circumstances, the responding party can be suspended on an interim basis pending the outcome of the conduct process. Other interim measures may be also imposed on the responding party pending the outcome of the conduct process or the College’s responsibility to maintain a safe community.
- The College uses the “Preponderance of Evidence” standard in determining whether the facts support a finding that it is more likely than not that the alleged misconduct occurred or did not occur.
- Both the reporting party and the responding party have the opportunity to review and present relevant
evidence and information that will be used during the process, consistent with College policies and procedures and in accordance with the federal, state, and local laws involving FERPA. The evidence must be relevant to the allegation as to permit a meaningful opportunity to respond and an opportunity to offer responsive evidence and information.

- Sexual history with persons other than the other party involved in the process is excluded. Past findings of domestic violence, dating violence, stalking or sexual assault may only be admissible at the time of sanctioning. However, this limit does not cover evidence of prior sexual history with the responding party in the process that is relevant to the charge or defense. Both reporting and responding parties are able to provide an impact statement at the point in which an appropriate sanction is being deliberated.

The College aims to complete all investigations within a 60 calendar day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator or designee with notice to the parties.

No audio or video recording (of any kind) of the meetings is permitted by either party, unless as a necessary accommodation. The Title IX Coordinator in consultation with the ADA 504 Coordinator will make the determination to grant the accommodation as needed.

At the conclusion of the investigation, the investigator(s) will prepare a report setting forth the facts gathered. Both the reporting and responding party will simultaneously receive the report to review. Each has the opportunity to edit or offer clarifying information. The report is then forwarded to the Title IX Coordinator for resolution.

**Formal Resolution Options of Reported Misconduct**

During or upon the completion of investigation, the investigators will meet with the Title IX Coordinator or designee. Based on that meeting, the Title IX Coordinator or designee will make a decision on whether there is reasonable cause to proceed with the resolution. Both the reporting party and the responding party will simultaneously be advised in writing of the outcome, including a written report of the findings, a decision and any sanctions, rationale for the decision, and information on how to file an appeal. The College will not provide witnesses involved in the investigation with the outcome of the decision and resolution.

If the Title IX Coordinator or designee decides that no policy violation has occurred or that the preponderance of evidence (i.e., whether it is more likely than not that the accused individual committed each alleged violation) does not support a finding of a policy violation, then the process will end unless the reporting party requests that the Title IX Coordinator or designee makes an extraordinary determination to re-open the investigation or to forward the matter for a hearing. This decision lies in the sole discretion of the Title IX Coordinator or designee. If there is reasonable cause, the Title IX Coordinator or designee will direct the investigation to continue, or if there is a preponderance of evidence of a violation, then the Title IX Coordinator or designee may recommend a resolution without a hearing or a formal hearing.

a. **Resolution Without a Hearing**

Resolution without a hearing can be pursued for any behavior that falls within the policy on Discrimination, Harassment, and Sexual Misconduct, at any time during the process. The Title IX Coordinator or designee will provide written notification of reported misconduct to any member of the College community who is accused of an offense of harassment, discrimination, or retaliation. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official College records; or emailed to the parties’ College-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The Title IX Coordinator or designee together with the investigator(s) will meet with the responding individual to explain the finding(s) of
the investigation. Once informed, the responding party may choose to admit responsibility for the alleged policy violations at any point in the process. If so, the Title IX Coordinator or designee will render a finding that the individual is in violation of College policy and recommend an appropriate sanction or responsive action. See Appendix C for a full list of sanctions. If the sanction/responsive action is accepted by both the reporting party and responding party, the Title IX Coordinator or designee will implement it, and act promptly and effectively to remedy the effects of the admitted conduct upon the reporting party and the community. If either party rejects the sanction/responsive action, then a hearing will be held.

b. Formal Hearing

For any grievances that are not appropriate for conflict resolution and which are not resolved without a hearing, the Title IX Coordinator or designee will initiate a formal hearing process.

For students:
A hearing panel made up of trained faculty, staff, and/or administrators charged with hearing cases brought before them that violate the Colleges discrimination policies, including Title IX violations, will be assembled. The Title IX Coordinator or designee will appoint a non-voting panel Chair, depending on whether the responding party is a faculty member, other employee, or student and three members to the hearing panel, none of whom have been previously involved with the investigation.

For faculty and staff:
For employees for whom no hearing process is available, The Title IX Coordinator will refer the findings to the Vice President for Human Resources and appropriate College official for sanctioning and implementation.

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 Title IX Coordinator or designee will send a letter to the parties with the following information. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The letter will contain:

- A description of the alleged violation(s), a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result.
- The time, date and location of the hearing and a reminder that attendance is mandatory. If any party does not appear at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the Title IX Coordinator or designee may reschedule the hearing.
- The parties may have the assistance of an advisor/advocate at the hearing. Typically, advocates are members of the campus community, but the parties may select whomever they wish to serve as their advocate including attorneys. Note that the advocate may not make a presentation or represent the reporting party or responding party during the hearing. The parties to the hearing are expected to ask and respond to questions on their own behalf, without representation by their advisor/advocate. The advisor/advocate may consult with the advisee quietly or in writing, or outside the hearing during breaks, but may not speak on behalf of the advisee to the panel.
- 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 or during the summer, as needed, to meet the resolution timeline followed by the College and remain within the 60-day goal for resolution.

Hearing Procedures
Hearings will be convened, usually within one to two weeks of the completion of the investigation, and will be conducted in private. The hearing panel has the authority to hear all collateral misconduct, meaning that it hears all allegations of discrimination, harassment and retaliation, but also may hear any additional alleged policy
violations that have occurred along with the discrimination, harassment or retaliation, or sexual misconduct even though those collateral allegations may not specifically fall within their jurisdiction. Accordingly, investigations should be conducted with as wide a scope as necessary.

In addition to the non-voting Chair and the three members of the panel, the investigator(s) who conducted the investigation on the grievance, the reporting party and responding party(ies) (or three organizational representatives in a case where an organization is charged), advisors/advocates to the parties and any called witnesses will participate. All institutional officials will be impartial and free of conflicts of interest throughout the resolution process. The Chair will exchange the names of witnesses the College intends to call, all pertinent documentary evidence and any written findings from the investigators between the parties at least two business days prior to the hearing. In addition, the parties will be given a list of the names of each of the hearing panel members at least two business days in advance of the hearing. Should either party object to any panelist, he/she must raise all objections, in writing, to the Title IX Coordinator or designee immediately. Panel members will only be unseated if the Chair concludes that their bias precludes an impartial hearing of the grievance. Additionally, any panelist or Chair who feels he/she cannot make an objective determination must recuse himself or herself from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing.

All parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though formal cross-examination is not used between the parties. If alternative questioning mechanisms are desired (screens, Skype, questions directed through the Chair, etc.), the parties should request them from the Title IX Coordinator or designee at least two business days prior to the hearing.

Once the procedures are explained and the participants are introduced, the investigator will present the report of the investigation first, and be subject to questioning by the parties and the hearing panel. The investigator(s) will be present during the entire hearing process, but will only be present during deliberations at the request of the Chair. The findings of the investigation 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. Once the investigator(s) is/are questioned, the hearing panel will permit questioning of and by the parties, and of any present witness. Questions may be directed through the panel at the discretion of the Chair.

Formal rules of evidence will not apply. Any evidence that the panel believes is relevant and credible may be considered, including history and pattern evidence. The Chair will address any evidentiary concerns prior to and/or during the hearing, may exclude irrelevant or immaterial evidence and may ask the panel to disregard evidence lacking in credibility. The Chair will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to questions on his/her own behalf.

No one will present information or raise questions of either the reporting or responding party concerning: (1) incidents not directly related to the possible violation, unless they show a pattern, (2) the prior sexual history with persons other than the other party in the process, or 3) the character or mental health diagnosis and/or treatment of either party. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible only at this stage to determine sanctioning.

There will be no observers in the hearing. The Chair may allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the panel or the parties involved. The panel does not hear from character witnesses, but will accept up to two letters supporting the character of the individuals involved.

In hearings involving more than one accused individual or in which two reporting parties have accused the same individual of substantially similar conduct, the standard procedure will be to hear the grievances jointly; however,
the Title IX Coordinator or designee may permit the hearing pertinent to each responding party to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding party.

Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings, subject to College consequences for failure to do so. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advocates.

Hearings are recorded for purposes of review in the event of an appeal. Hearing panel members, the parties and/or the persons who initiated the action and appropriate administrative officers of the College will be allowed to listen to the recording in a location determined by the Title IX Coordinator or designee. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator or designee. The parties and/or the persons who initiated the action confirm that they will protect the privacy of the information contained in the recording.

Upon completion of the hearing process, the hearing panel will deliberate in closed session to determine whether the responding party is responsible or not responsible for the violation(s) in question. The panel will base its determination on a preponderance of the evidence (i.e., whether it is more likely than not that the accused individual committed each alleged violation). If an individual responding party or organization is found responsible by a majority of the panel, the panel will recommend appropriate sanctions to the Title IX Coordinator or designee.

The Chair will prepare a written deliberation report and deliver it to the Title IX Coordinator or designee, detailing the finding, how each member voted, the information cited by the panel in support of its recommendation and any information the hearing panel excluded from its consideration and why. The report should conclude with any recommended sanctions. This report should not exceed two pages in length and must be submitted to the Title IX Coordinator or designee within five (5) business days of the end of deliberations.

The Title IX Coordinator or designee will inform the accused individual and the reporting party of the hearing panel’s determination within 10 business days of the hearing, without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official College records; or emailed to the parties’ College-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

Sanctions
Sanctions or responsive actions will be recommended by the hearing panel. Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation
- An individual’s disciplinary history
- Previous grievances or allegations involving similar conduct
- Any other information deemed relevant by the hearing panel
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the victim and the community

a. Student Sanctions
A complete list of student sanctions that may be imposed upon students or organizations singly or in combination can be found in Appendix C. At any point in the process at which sanctions are to be imposed, the reporting party will have the right to submit a written impact statement to be considered before sanctions are determined.

b. Employee Sanctions

Responsive actions for an employee who has engaged in sexual misconduct, harassment, discrimination and/or retaliation include warning, required counseling, demotion, suspension with pay, suspension without pay and termination.

Transcript Notation

For crimes of violence, including, but not limited to sexual violence, Marist College will make a notation on the transcript of students found responsible after a conduct process that they were “suspended after a finding of responsibility for a code of conduct violation” or “expelled after a finding of responsibility for a code of conduct violation.” For any responding party who withdraws from the institution while such conduct charges are pending, and declines to complete the disciplinary process, Marist College will make a notation on the transcript that they “withdrew with conduct charges pending.” Marist College permits a student seeking removal of a transcript notation for a suspension to petition the Title IX Coordinator in writing for such removal, provided that such notation will not be removed prior to one year after conclusion of the suspension. Notations for expulsion will not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation will be removed.

Withdrawal or Resignation While Charges Pending

Students: Should a student decide to leave and not participate in the investigation and/or hearing, the process will nonetheless proceed in the student’s absence to a reasonable resolution and that student will not be permitted to return to College unless all sanctions have been satisfied.

Employees: Should an employee resign while charges are pending, the records of the Title IX Coordinator or designee will reflect that status, as will College responses to any future inquiries regarding employment references for that individual. The Title IX Coordinator or designee will act to promptly and effectively remedy the effects of the conduct upon the victim and the community. If an employee is dismissed due to a Title IX violation the college will advise future employment references.

Appeals

All requests for appeal considerations must be submitted in writing to the Title IX Coordinator or designee within (5) five business days of the delivery of the written finding from the hearing.

A three-member panel designated by the Title IX Coordinator or designee who was not involved in the grievance previously will consider all appeal requests. Any party may appeal, but appeals are limited to the following:

• A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).

• To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.

• The sanctions imposed are substantially disproportionate to the severity of the violation.

The appeals panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. When any party requests an appeal, the other party (parties) will be notified and joined in the appeal. The party
requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and appropriately.

Where the appeals panel finds that at least one of the grounds is met, and proceeds, additional principles governing the hearing of appeals include the following:

- Appeals decisions by the appeal panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.

- Appeals are not intended to be full re-hearings of the grievance. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the original hearing panel unless otherwise directed by the Title IX Coordinator or designee.

- Sanctions imposed are implemented immediately unless the Title IX Coordinator or designee determines their implementation in extraordinary circumstances, pending the outcome of the appeal.

- The Title IX Coordinator or designee will normally, after conferring with the appeals panel, render a written decision on the appeal to all parties within 10 business days from hearing of the appeal.

- All parties should be informed of whether the grounds for an appeal are accepted and the results of the appeal decision.

- Once an appeal is decided, the outcome is final: further appeals are not permitted.

**Failure to Complete Sanctions/Comply with Responsive Actions**

All responding parties are expected to comply with conduct sanctions/responsive/corrective actions within the time frame specified by the Title IX Coordinator or designee. Failure to follow through on conduct sanctions/responsive/corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions/responsive/corrective actions and/or suspension, expulsion and/or termination from the College. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator or designee.

**Records**

In implementing this policy, records of all grievances, resolutions, and hearings will be kept by the Title IX Coordinator or designee. All suspensions and dismissals are kept indefinitely in paper form and in a database.

**Legal Challenges**

If the College is asked to produce documentation for any proceeding which seeks to modify or remove a finding that a student was responsible for violating College policy, the College, absent a court order, will redact the name and/or identifying information of any student, including witnesses, prior to submission.

**Revision**

These policies and procedures will be reviewed and edited by the Title IX Policy Committee. The Title IX Coordinator or designee may make minor modifications to procedure that do not materially jeopardize the fairness owed to any party. However, the Title IX Coordinator or designee may also vary procedures materially with notice (on the institutional web site) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of its implementation will
apply. Policy in effect at the time of the offense will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy.

This policy and procedure was implemented in July 2015.
## Appendix A - Resource Card

**What we do...**
- 24-hour telephone hotline: Crime intervention, sexual assault, emotional support, and more.
- Advocacy: Tailored to the needs of survivors, including legal help, housing, and workplace interventions.
- Counseling: Tailored to the needs of survivors, including legal help, housing, and workplace interventions.
- Community Outreach Program: Provides access to community resources, education, and more.

**Contact us**
- 24-hour hotline: 845.485.7573
- Domestic violence: 845.485.5651
- Center for Victims of Sexual Assault: 845.687.7272
- Domestic violence: 845.485.5651
- Family Services: 845.485.5553

**24-hour hotline**
- 845.485.7573

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**Help is Available**

**You are not alone...**

- Emotional, psychological, and social support
- Advocacy
- Counseling
- Domestic violence or dating violence
- Abuse (including sexual, emotional, and physical)
- Sexual abuse or exploitation
- Harassment
- Other crises and challenges

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**As a victim you have the right to...**

- Protection orders against abusers
- Restraining orders against abusers
- Support groups for survivors
- Advocacy for survivors
- Counseling and therapy
- Legal assistance
- Safety planning

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**Office of Safety & Security**

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Appendix B- Student Bill of Rights

Student Bill of Rights

Under the “Enough is Enough” Legislation, Section 129(b) of the NY Education Law:

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 the institution;

4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;

5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;

6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;

7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;

8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;

9. Access to at least one level of appeal of a determination;

10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and,

11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

Appendix C- Student Sanctions

Student Sanctions

One or more of following sanctions may be imposed upon any student for any single violation of the Code of Student Conduct:

- **Written Warning.** Written notice to the student that his/her actions are inappropriate and the individual must act more responsibly in the future. A Written Warning also indicates that should the individual again be referred for disciplinary action more serious sanctions will be assigned.

- **Probation.** A notice to the student that his/her actions are of a serious nature within the College community. Probation will be for a designated period of time and includes the probability of more severe disciplinary sanctions if the student
is found to be violating any College policies during the probationary period. For resident students, any violation committed during the probationary period will result in a review of the student’s housing assignment. This sanction results in the loss of two (2) priority points.

- **Disciplinary Probation.** A notice to the student that his/her actions are unacceptable within the College community. This sanction will be primarily used in cases of serious or consistent policy violations. Disciplinary Probation will be for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any College policies during the probationary period. Any violation committed during the probationary period will result in a review of the student’s status at Marist. This sanction results in the loss of three (3) priority points.

- **Deferred Suspension from the Residence Hall.** A definite period of observation and review. If a student is again found responsible for any further College policy violations including failure to complete previously imposed sanctions or adhere to previously imposed conditions, restriction from College-operated housing and housing grounds will be immediately imposed for a definite period of time. This sanction results in the loss of four (4) priority points. Any student on Deferred Residence Hall Suspension may not be allowed to participate in the housing room selection process and therefore not be eligible for college housing.

- **Residence Hall Expulsion.** Permanent removal of the student from the residence facility. This sanction most likely will result in a student being permanently banned from all residence facilities. (Please note that students dismissed from the residence facility for disciplinary reasons will not be entitled to any refund of residence fees).

- **Deferred Suspension from the College.** A definite period of observation and review. If a student is again found responsible for any further College policy violations including failure to complete previously imposed sanctions or adhere to previously imposed conditions, at minimum, the student may automatically be recommended for suspension for a minimum of one semester. This sanction results in the loss of six (6) priority points.

- **Suspension.** Separation from the College for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Student Conduct or hearing body. During the suspension period, the student is banned from college property and the student’s presence at any College-sponsored activity or event is prohibited. This sanction may be enforced with a trespass action as necessary. Students are suspended for disciplinary reasons are not entitled to any refund of tuition or residence fees.

- **Expulsion.** A permanent separation of the student from the College. The student is banned from college property and the student’s presence at any College-sponsored activity or event is prohibited. This sanction may be enforced with a trespass action as necessary. Students that are expelled for disciplinary reasons are not entitled to any refund of tuition or residence fees.

- **Loss of Privileges.** Denial of specified privileges for a designated period of time. These include, but are not limited to:
  a. A restriction from hosting visitors and/or guests.
  b. A restriction from being a visitor in or entering a specified Residence Facility.
  c. Restriction from College-sponsored extracurricular activities both on and off campus (including Senior Week and Commencement).
  d. Other restrictions, as approved by the Student Conduct Officer.

- **Substance Education Program.** A workshop, in person or online, addressing substance abuse education issues. Referral to an off-campus education diversion program may also be recommended.

- **Restitution.** Compensation for loss, damage or injury. This may take the form of appropriate community service and/or monetary or material replacement.

- **Monetary Fines.** The College generally does not impose fines for violations of the Code of Student Conduct. However; fines will be imposed for violations that impact the health and/or safety of members of the Marist Community. Please refer to the Alcohol Policy, Windows/Doors, Walls Policy, and the Fire and Safety Regulations for specific information.

- **Behavioral Requirement.** This includes required activities including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc.
Mandated Room Reassignment. A notice that the behavior merits the immediate relocation of the student to another campus residence. This decision will be made in conjunction with the Office of Housing and Residential Life.

Mandated Counseling Assessment and Compliance. The student must attend an assessment and/or session in the Counseling Center or an off-campus licensed facility by a specific date. Unless otherwise stated by the student conduct body, the student is required to follow all recommendations made by the Counseling Center or off-campus licensed facility as a result of the assessment.

Discretionary Sanctions. Work assignments, community service, and other related sanctions that meet with the approval of the Director of Student Conduct. Other sanctions include but are not limited to:

- Letters of apology/thank you
- Essay or research paper on assigned topics
- Disqualification from future housing selection process
- Program presentations

Withholding Diploma. The College 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 a grievance pending, or as a sanction if the student is found responsible for an alleged violation.

Revocation of Degree. The College reserves the right to revoke a degree awarded from the College for fraud, misrepresentation or other violation of College policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.

The following sanctions may be imposed upon groups or Student Organization(s) found to have violated the Student Code of Conduct:

- Those sanctions listed in above.
- Suspension or Expulsion of Student Organization includes temporary or permanent loss of recognized status with the College.
- Additional sanctions specific to Student Organizations which may be found in the organization’s constitution, the Office Greek Affairs, or the Office of Student Activities policies and a national affiliate, if applicable.

Priority Point Loss: Any student on deferred residence hall suspension or those that lost six (6) priority points or more will not be allowed to participate in the housing room selection process and may not be eligible for college housing. Incidents that occur during the spring semester could impact a student’s eligibility to participate in the room selection process for the fall semester.

More than one of the sanctions listed above may be imposed for any single violation.

Other than Suspension and Expulsion, disciplinary sanctions will not be made part of the student’s permanent file but will become part of the student’s confidential disciplinary record maintained in the Office of Student Conduct as per FERPA requirements.

In some instances, a recommend sanctions may be based on a lack of detailed knowledge of how the sanction will be developed and supervised. In those instances, the sanction may be developed by the Title IX Coordinator or designee, who will determine if the sanction is appropriate, and whether or not to create a new sanction that is directly proportionate to the recommended sanction.

Appendix D- Examples of Sexual Harassment

Some examples of possible Sexual Harassment include:
Office of Safety & Security

- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request. (quid pro quo)
- A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Explicit sexual pictures are displayed in a professor’s office or on the exterior of a residence hall door
- Two supervisors frequently ‘rate’ several employees’ bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in her class in discussions about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details, and demands that students answer her, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus
- Male students take to calling a particular brunette student “Monica” because of her resemblance to Monica Lewinsky. Soon, everyone adopts this nickname for her, and she is the target of relentless remarks about cigars, the president, “sexual relations” and Weight Watchers.

A student grabbed another student by the hair, then grabbed her breast and put his mouth on it. While this is sexual harassment, it is also a form of sexual violence.

ADDENDUM 3:
Annual Fire Safety Report

The following fire safety report is provided in compliance with the Higher Education Act of 1965 (HEA), as amended. It includes fire safety information and statistics for the previous three years for all Marist College on-campus student housing facilities. The purpose of this report is to provide our faculty, staff, students, and visitors with fire safety information in order that their experiences at Marist College may be safe and enjoyable. It has been prepared by the Marist College Safety & Security Department and anyone with questions pertaining to this report, or any fire safety-related issue or concern, should contact the Director of Safety & Security at (845) 471-1822.

We encourage all members of our community to familiarize yourself with the information contained in this report, and to watch the following fire safety video at your earliest opportunity.

View the Fire Safety Video

Fire Drills
Marist College conducted four (4) supervised fire drills of each on-campus residence hall during 2016 (two per semester), in accordance with New York State Fire Code.

Fire Safety in Residence Halls
To avoid fire hazards, the College must comply with New York State Fire Code and will conduct both announced and unannounced fire safety inspections in the residence areas. College staff may confiscate any items found in violation of College policy, NYS Fire Code, or the NYS Penal Law. In addition, the following guidelines also apply:

A. Student rooms, corridors, stairwells, common areas and lobbies are:
   1. To be clear of any obstructions (examples: trunks, suitcases, ironing boards, athletic equipment, drying wet clothes, furniture, etc.); and
   2. To be free of any flammable material (examples: decorations, posters, notices, curtains, streamers, etc.).
B. Both the possession and use of halogen lamps, hot pots, hot plates, broiler ovens, fry pans, popcorn makers, space/portable heaters, coffee urns, immersion heaters, toasters (except in townhouse and apartment kitchens), air conditioners and similar portable equipment are prohibited in all residence areas. Electrical appliance equipment is restricted to prevent fires and to avoid overload within any facility that may cause the loss of power to the entire facility or some portion thereof. Violations of this policy will result in disciplinary action and confiscation of the appliance. However, a single serve brewer is permitted in the residence halls.
   1. Students are permitted one refrigerator (no larger than 3.6 cubic feet and UL rated with reset fuse) in each room.
   2. Students in residence halls are permitted one microwave (no larger than 700 watts and UL rated) per room.
   3. Appliance use in apartments and townhouses are restricted to the kitchen areas only with the exception of approved refrigerators and microwaves.

X. All electrical equipment, when being used, may only plug directly into a wall outlet or a UL rated surge protector with a reset button which is plugged into a wall outlet. Possession of extension cords is not allowed.

Δ. The use of combustible fabrics such as room dividers, closet enclosures, wall and ceiling tapestries, curtains, etc., is prohibited in student rooms.

E. An open flame (candles, blowtorches, lanterns, etc.) is not permitted anywhere in the residence areas. Use of incense is also prohibited. Candles are not permitted even for decoration purposes and will be confiscated by College staff.

Φ. Fire doors in the corridors must remain closed at all times. No one may prop the doors open. Students are not to tamper with smoke and heat detector devices in residence areas, illuminated exit signs, fire department stand pipe connections, fire alarms, pull station covers and fire extinguishers. Failure to adhere to these policies may result in Residence Hall Dismissal.

Γ. If a fire extinguisher needs to be recharged, the student should contact his/her Resident Director or the Office of Safety & Security.

H. Students are permitted to use portable barbecue grills on college grounds only if proper safety precautions are observed. No barbecue grill is allowed to be used or stored within 20 feet of any structure, overhang or inside a building.

I. Violation of the Fire Safety Policy as it applies to appliances, extension cords etc. may result in student conduct sanctions. Subsequent violations may result in more serious disciplinary action.

9. Smoking is not allowed in any Marist College building, including the residence halls.

**Procedures Students and Employees Should Follow in Case of a Fire**

If you discover or suspect a fire, or if a fire alarm is sounds:

- All persons inside a student residence hall must evacuate the building using the nearest unaffected exit
- Close the door to the affected area, if able to do so safely
- DO NOT attempt to fight a fire unless you have been trained to do so
- If the building’s fire alarm is not sounding, activate it by use of the nearest fire alarm pull station…if you are able to do so safely. If you are not able to do that, attempt to verbally sound the alarm and knock on doors as you evacuate the building
- DO NOT use elevators
- Move far away from the building to place yourself out of danger and to allow fire and emergency responders to arrive and conduct operations, if necessary
- Dial 911 immediately and then notify the Office of Safety & Security by dialing x5555 from any campus phone, or if using a cell phone call (845) 471-1822, and inform authorities of the situation and your location
- DO NOT re-enter the building for any reason until given clearance to do so from the Office of Safety & Security or another emergency responder on the scene
In the event of a long-term displacement from a residence hall, residents will be advised of a location to relocate to.

If a member of the Marist community finds evidence of a fire that has been extinguished, and that person is not sure if the Office of Safety & Security has already responded, the community member should immediately notify the Office of Safety & Security so that the incident can be investigated and documented in the annual fire safety report.

If a person’s clothing catches fire, douse the individual with water or have the individual drop to the floor and roll. If necessary, restrain the person and roll them around on the floor to smother the flames. If possible, cover them with a jacket or blanket before rolling them on floor to help smother the flames.

Fire Safety Education Programs
The following programs are conducted annually to ensure awareness by the Marist Community of appropriate proactive and reactive fire safety practices.

- Fire safety information is included in the Student Handbook and is provided to incoming students during fall and spring semester orientation programs as part of our campus safety programs
- Residence life staff is required to attend training conducted by the Fairview Fire Department annually
- Members of the Office of Safety and Security attend residence hall and other campus group meetings relative to fire safety programs

Future Improvements to Fire Safety Systems
Marist College is currently renovating the Steel Plant and McCann Center Buildings, which includes an upgrade/update of the fire safety systems in those buildings.

Daily Fire Log
Marist College maintains a daily fire log which is available to the public during normal business hours. The log is maintained at the Office of Safety & Security in Donnelly 201.

Fire Alarm Systems
All buildings are equipped with fire alarm systems. All systems are tested and inspected annually by a New York State certified fire alarm installer. All fire alarm systems are monitored 24/7 off campus by a central monitoring station as well as by the Safety and Security Office on campus. Fire alarm pull stations are located near the exits. The college is equipped with fire sprinklers in most buildings and all systems are inspected quarterly in accordance with the Fire Code of New York State. As buildings are renovated or remodeled sprinkler systems are added per NYS Fire Code. All buildings are in compliance with NYS Building and Fire Codes.

For the purposes of the below chart, “sprinkler system” shall mean a system of piping and appurtenances designed and installed in accordance with generally accepted standards so that heat from a fire will automatically cause water to be discharged over the fire area to extinguish it or prevent its further spread. (Sec. 155 of the NYS Executive Law)

All campus sprinkler systems are inspected quarterly by a private contractor as required by NYS Fire code. Fire alarm and sprinkler inspection reports are reviewed by the NYS Inspector during the annual state fire inspection.
Following is a description of the fire safety system for each on-campus housing facility:

<table>
<thead>
<tr>
<th>Residence Building</th>
<th>Sprinkler System</th>
<th>Fire Alarm Monitoring done On &amp; Off-Campus</th>
<th>Smoke Detection</th>
<th>Fire Extinguisher Devices</th>
<th>Evacuation Plans &amp; Placards</th>
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### On-Campus Student Housing Facilities Fire Statistics for 2015-2017

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<tr>
<th>Residence Building</th>
<th>Year</th>
<th>Number-Category*</th>
<th>Injuries</th>
<th>Death</th>
<th>Damages ($)</th>
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*Categories:

1. **Unintentional Fire**
   - A. Cooking
   - B. Smoking Materials
   - C. Open Flames
   - D. Electrical
   - E. Heating Equipment
   - F. Hazardous Products
   - G. Machinery/Industrial
   - H. Natural
   - I. Other
2. **Intentional Fire**
3. **Undetermined Fire**
# On-Campus Student Housing Facilities Fire Statistics for 2015-2017

<table>
<thead>
<tr>
<th>Residence Building</th>
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<th>Injuries</th>
<th>Death</th>
<th>Damages ($)</th>
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*Categories:

1. **Unintentional Fire**
   A. Cooking
   B. Smoking Materials
   C. Open Flames
   D. Electrical
   E. Heating Equipment
   F. Hazardous Products
   G. Machinery/Industrial
   H. Natural
   I. Other

2. **Intentional Fire**

3. **Undetermined Fire**