2014 Safety and Security and Fire Safety Information
Welcome!

On behalf of the members of the Campus Safety Department, welcome to Colgate University, a diverse community of approximately 3,800 students, faculty and staff. Our primary concern is the safety and well-being of all community members and visitors.

This Annual Security Report, pursuant to the Federal Student Right to Know and Campus Security Act, is designed to provide you with essential information about your safety and security on campus. You will find information that outlines policies, procedures and programs demonstrating our commitment to a comprehensive safety and security strategy. In addition, the report contains statistics about crime on campus and details of the various crime prevention programs offered to community members.

The Campus Safety Department strives to promote and maintain a safe campus environment conducive to academic achievement. This is only accomplished through the cooperation and understanding of every member of the Colgate University community. Through collaborative efforts with our fellow community members, Campus Safety can identify and employ effective strategies to address various safety and security needs.

I encourage you to review this report and use the information to partner with us in preventing crime on campus. Personal safety is a responsibility of each of us and we very much need your assistance to help make our campus a safe environment.

If you have any questions or suggestions about safety and security at Colgate, please feel free to contact me at (315)228-7333 or wferguson@colgate.edu.

William D. Ferguson  
Director of Campus Safety
**Campus Safety Department**

The Campus Safety Department, located at 88 Hamilton Street (building between Merrill House and Sigma Chi fraternity), has officers on duty and provides Campus Safety services 24 hours a day, 7 days a week. The office itself is open 7 a.m. to 10 p.m. daily. The Campus Safety Department may be reached at any hour by dialing (315) 228-7333 for the reporting of any incident or crime and for routine requests.

To report an emergency to the Campus Safety Department: from a university extension dial 911, or (315) 228-7911 from a non-university extension, or cell phone.

In addition to the emergency telephone number, the university maintains emergency blue light phones throughout the campus, which provide immediate communication with the Campus Safety dispatcher. These blue light phones are identified by an overhead blue light.

The Campus Safety Department reports to the Dean of the College, and is responsible for providing both emergency and non-emergency response on campus. Services provided by the Campus Safety Department include, but are not limited to:

- Campus policy and criminal investigations.
- Facility security patrols.
- Fire Safety responses, including inspecting, testing and maintaining all fire safety equipment and alarms, and conducting fire drills.
- Providing on campus non-emergency medical transports.
- Medical emergency responses.
- Vehicle and traffic enforcement.
- Campus parking registration and enforcement.
- Assisting on-campus motorists with battery jump-starts and vehicle unlocks.
- Issuing photo-identification cards and administering campus card access operations.
- Administering student drivers' licenses exams to permit operation of university vehicles.
- Maintaining a Lost and Found Department.

**Enforcement Status and Authority**

Colgate University currently recognizes and authorizes NYS Security Guard status for Campus Safety personnel. Campus Safety Officers must be registered Security Guards through New York State Department of State. Campus Safety Officers receive NYS Department of Criminal Justice Services approved Security Guard training via the Colgate University Security Guard Training School. Campus Safety Officers cannot act outside the authority of a NYS licensed Security Guard. Officers are certified in cardio-pulmonary resuscitation (CPR), Automatic External Defibrillators (AED's) and first aid, and attend several training programs each year on a variety of campus safety subjects.

In addition, many of the Officers have also completed the New York State Basic Course for Police Officers through a Municipal Police Training Academy.

The Campus Safety Department continues to enjoy cooperative and collaborative working relationships with the Hamilton Police Department, Madison County Sheriff's Department and the New York State Police. Information between the various departments is routinely shared. Although there is not a written memorandum of understanding with any specific law enforcement agency, the Campus Safety Department always advises victims of crime of the option to have the case reported to and investigated by the appropriate law enforcement agency having jurisdiction.

A security guard as defined in Article 7A of the NYS General Business Law [§89-f (6)] is a person (other than an active police officer) employed in NYS to principally perform one or more of the following duties, and the person is not performing the functions of a private investigator as defined in Section 71 of Article 7 of the General Business Law:
- protection of persons and/or property from harm, theft, and/or unlawful activity;
- deterrence, observation, detection, and/or reporting unlawful or unauthorized activity;
- street patrol service;
- response to, but not installation or service of, a security system alarm.

**Facilities Department**

The Facilities Department (Building and Grounds) maintains university buildings and grounds with a concern for safety and security.
Outdoor lighting on the campus has been expanded, and annual lighting surveys are conducted to ensure all are in proper working order, and to assess the adequacy of existing lighting.

Charged with assessing and responding to safety concerns on campus, the Safety Advisory Committee, which consists of students, faculty, staff and administrators, meets regularly.

Crime Prevention and Educational Programs

The Colgate University Campus Safety Department takes a proactive approach in delivering a variety of Campus Safety services and programming. As part of the institution's educational mission, the Campus Safety Department offers advice to members of the university community on how best to reduce chances of becoming a crime victim. The university’s crime prevention philosophy is one of eliminating or minimizing crime hazards and risks whenever possible, and encouraging students and employees to be responsible for their own safety and security, as well as the safety and security of others.

Campus Safety Educational Programs provided are:

**Adopt-A-Hall:** An interactive program between Campus Safety Officers and residential students designed to promote a greater understanding of each other. One or more Campus Safety Officers are assigned to a residential unit and spend extra time in this area getting to know the residents and staff residing there. The main objective of the program is to make it easier for the various parties to approach each other with any questions or concerns they may have while continuing to expand upon the out of classroom learning experiences.

**Operation Lock Down:** An interactive program provided throughout the year designed to make the Colgate community more aware of the possibilities of theft within all University owned buildings as a result of unlocked and unattended rooms or offices.

**Operation Identification:** A program designed to create a greater sense of understanding of safety and security issues and to foster good community relations. Campus Safety officers schedule visitations to residence halls, encouraging students to engrave an identification number on personal property (i.e. stereos, computers, televisions, etc.). A record of the property and identification number is stored at the Campus Safety Department. By participating in this program, community members increase their chances of recovering stolen property and aid the criminal justice system in successfully prosecuting criminals. This program is highly recommended and made available campus-wide throughout the year.

**CUBIT:** Colgate University Bicycle Identification Tag program allows Colgate community members to register their bicycle with Campus Safety. The make model, color, serial number, speeds, extra equipment, is recorded and then a CUBIT sticker is placed on the bicycle. In the event the bicycle is lost or stolen, the Campus Safety Department as well as other law enforcement agencies will be able to return the bicycle to the rightful owner. Campus Safety Officers also hang a tag on all bicycles found unlocked reminding everyone of the importance to secure their bicycle and/or register it with Campus Safety. This program is highly recommended and made available campus-wide throughout the year.

**Park Smart:** A crime prevention program that heightens a motor vehicle operator's awareness while they are in parking areas. The program provides personal safety tips and recommends all valuables be placed out of sight and vehicles locked. Officers check vehicles and note if valuables are left in plain sight or if a vehicle is left unlocked. The vehicle's owner is then contacted and reminded of the importance of parking lot safety. This program is conducted throughout the year.

**Fatal Vision:** An alcohol and drug prevention program, through the use of specially designed goggles, simulates the visual impairment caused by alcohol or other drugs. The main objective of the program is to demonstrate, first hand, how quickly impairment can turn fun into devastating consequences. This program is conducted throughout the year.

**Active Drug Awareness & Interdiction:** Drug awareness presentations are offered to all campus constituents, including resident students, fraternities and sororities, faculty and staff, student government and recognized student organizations.
Community Leader Training: Campus Safety Officers throughout the year assist the Residential Life office with community leader training, from alcohol and drug awareness, to personal safety and security.

Crime Prevention Services offered are:

Personal Safety Escorts: From dusk to dawn, escorts from and to any on-campus locations are provided to members of the campus throughout the year.

Residence Hall Security: Crime prevention presentations, accompanied by brochures, are offered to all resident students throughout the year. All residence halls have door code locks or proximity card access locks installed. For the safety and security of all residents, do not give the door code or loan your ID/access cards to anyone.

Enhanced Telephone System: All calls received by the Campus Safety Department from a university phone, Blue Light phone or Emergency phone are immediately identified by the telephone extension and/or location.

Blue Light Emergency Telephones: These emergency telephones are distinguished by the overhead blue light, are strategically located throughout the campus and are linked directly to the Campus Safety dispatcher.

Emergency Telephones: Interior emergency telephones are linked directly to the Campus Safety dispatcher and are located throughout campus.

Crime Prevention Presentations: Crime prevention presentations are offered to all campus constituents, including resident students, fraternities and sororities, faculty and staff, student government and recognized student organizations.

Printed Crime Prevention Materials: A wide variety of crime prevention publications are distributed and are also available at the Campus Safety Department Office.

Security Surveys: Security surveys are conducted of exterior lighting, perimeter security, doors, locks and grounds.

Fire and Security Alarm Systems: A sophisticated computer enhanced alarm system that monitors a campus wide network of fire, intrusion and duress alarms exists and is monitored 24 hours a day by Campus Safety dispatchers.

Architectural Design: The Campus Safety Department works closely with design engineers regarding physical security systems and fire safety equipment when new construction or major renovations are planned on campus.

Access to Campus Facilities

Campus buildings and facilities are accessible to members of the university community and to guests and visitors during normal business hours, Monday through Friday, and for designated hours on weekends.

Residential Facilities and Policies

Colgate University houses approximately 2,400 students in varied accommodations, including residence halls, community centered houses, Greek theme houses and apartment complexes.

Services and programs intended to enhance the quality of life and the safety and security of our students are a major priority of the Campus Safety Department. Safety and security policies and procedures, especially regarding locking individual residence rooms and related precautions, are discussed with residents in crime prevention seminars, in routine meetings conducted by the Residential Life staff and in printed materials which are distributed by the staff. Residence halls are locked during the late evening hours and unlocked the following morning. The assistance of all students in not propping open doors or letting strangers into the halls is very important. Campus Safety Officers also patrol university-owned, on-campus housing.
Missing Persons Procedures

All reports of students believed to be missing are to be reported immediately to the Campus Safety Department.

In compliance with Article 129-A, of the State of New York Education Law, Campus Safety maintains a policy on violent felonies and missing students. Upon receipt of a report of a missing student, campus safety will conduct a thorough and timely preliminary investigation to verify the report, determine existing circumstances and attempt to locate the missing student. If the missing student is verified, campus safety will contact and coordinate an investigation with the Hamilton Police Department and provide assistance to them as requested.

A student will be considered missing, if a roommate, classmate, faculty, staff or family member or other campus person has not seen the student in a reasonable amount of time. Reasonable time may vary dependent on the time of day and information available. Students will also be considered missing immediately if their absence has occurred under circumstances that are suspicious or cause concern for their safety. Initial reports made to a staff member of a department other than campus safety, that staff member is to ensure campus safety is contacted immediately.

In compliance with HEA Title IV, Section 485(j), students who reside in on-campus housing are provided the option, through the Colgate portal, to identify an individual to be contacted by Colgate University not later than 24 hours after the time the student is officially reported as missing. The Campus Safety Department is authorized to access this information in the event that a student is reported missing.

Students who reside in on-campus housing who are non-emancipated and under 18 years of age are advised that a custodial parent or guardian must be notified within 24 hours after the student is determined missing.

If the Campus Safety Department receives a report of a missing student, and upon investigation determines that a student has been missing for more than 24 hours, within the next 24 hours Campus Safety will:

A. Notify the individual identified by the student to be contacted in this circumstance;
B. If the student is under 18 years of age, notify a parent or guardian; and
C. In cases where the student is over 18 years of age and has not identified a person to be contacted, the appropriate law enforcement agency with jurisdiction will be notified.

In the event (a) or (b) do not apply to a student determined to be a missing person, the appropriate law enforcement agency with jurisdiction will be notified.

In all cases, the University reserves the right to contact the designated missing persons contact and/or emergency contacts as appropriate.

“SUZANNE’S LAW” (Missing Persons)

Signed into law by President George W. Bush as part of the national “Amber Alert” bill, this federal law requires law enforcement to notify the National Crime Information Center (NCIC) any time a person under age 21 is reported missing. Previously police were only required to report missing persons under the age of 18. The law is named after Suzanne Lyall, a 19 year old University of New York at Albany student who went missing in March 1998. The law is intended to impel police to initiate prompt investigations of young persons who have gone missing. The Campus Safety Department at Colgate University complies with this law. For further information go to:
http://www.criminaljustice.state.ny.us/missing/aware/campus.htm

Emergency Preparedness

Colgate University has long recognized the need to be prepared for critical inci-dnts. Under the guidance of the Emergency Management Team (EMT), various departments and offices work together to ensure the University is doing all it can to prepare for, prevent, respond to, and recover from emergency situations. In conjunction with local first responders, such as the Hamilton Police, Madison County Sheriff, and New York State Police, the Hamilton Fire Department and SOMAC Ambulance, the University is prepared to respond to a full range of critical incidents.

The Campus Safety Department and members of the Emergency Management Team work together to ensure our emergency protocols and plan are updated as needed, and are applicable as new risks are identified.

In the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of student, faculty or staff occurring ‘on campus’, the university’s main method for communicating to the entire campus community is through ‘RAVE Alert’, a mass communication system product from Rave Wireless. The university will,
without delay, and taking into account the safety of the campus community, determine the content of the notification and initiate the ‘RAVE Alert’ system, 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 Campus Safety Department, upon receiving notification of an emergency situation, will dispatch appropriate staff to the reported location to determine and confirm that a significant emergency exists. Per Campus Safety operating procedures, Campus Safety administration is notified, determines the content of notification, and initiates the ‘RAVE Alert’ system. Once the initial alert notification is sent to the campus community by Campus Safety, the Communications Office handles subsequent communications to the campus community and greater Hamilton community.

The ‘RAVE Alert’ system is capable of delivering messages to your Colgate email address, as well as personal email addresses, your land line and cell phone, if you have provided that information. As a student, faculty or staff member, you have been automatically enrolled in the ‘RAVE Alert’ system. You are encouraged to login to the 'RAVE Alert' (Rave Wireless) site via the link on the Colgate portal to confirm your contact information and choose your notification preferences. You can enter up to 3 email addresses, 3 mobile phone numbers, and 3 voice only telephone numbers.

The University provides this emergency alerting service free of charge to all members of the Colgate community; however, please note that your cellular phone provider may charge a per-text message fee for the delivery of emergency notifications to your phone.

To manage your ‘RAVE Alert’ account, login to the portal: http://portal.colgate.edu using your Colgate username and password. Select the 'Colgate Alert' link found under ‘Campus Links’ on the portal home page. This link will take you into the 'RAVE Alert' system.

If you have any questions or concerns, please contact Campus Safety at 315-228-7333 or the helpdesk @315-228-7111.

Evacuation

In the event that an evacuation is needed due to a fire or other emergency, please remain calm. Evacuate your building at the nearest exit. Do not run or use elevators! Once you have evacuated, please go to the meeting area assigned to your building and await further instructions. If someone needs assistance leaving the building and you can do so SAFELY, please assist this person out of the building and to your assigned meeting area. Please stay in the meeting area until you receive further instructions from Campus Safety and/or other authorized personnel. Evacuation diagrams and/or maps are posted in all Colgate buildings. Assigned meeting areas are contained in the ‘Emergency Preparedness Guide’ available on the Campus Safety website at: http://www.colgate.edu/safety_preparedness_guide

Emergency Response and Evacuation Procedures Testing

Procedures for emergency response and evacuation are tested at least once per calendar year, including publicizing the procedures in conjunction with the annual test and documenting a description of the exercise as well as the date and time of the exercise and whether it was announced or unannounced. Tests may consist of but are not limited to; regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

Monitoring and Recording Criminal Activity at Reportable Non-campus and Public Property Locations Through Local Police Agencies

The Campus Safety Department is notified of crimes occurring at non-campus locations through other local law enforcement agencies when those agencies request assistance or when they routinely pass along information that may be of mutual interest. Annually, the Campus Safety Department requests a summary of criminal activity from local law enforcement agencies for:

• On-Campus buildings or property owned or controlled by the University
• Non-Campus buildings or property owned or controlled by student organizations that are recognized by the University.
• Non-Campus buildings or property owned or controlled by the University that are used in direct support of, or in relation to, the University’s educational purposes; are frequently used by students;
and are not in the same reasonably contiguous geographic area of the University.

- Public property, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus or immediately adjacent to and accessible from the campus.

The jurisdiction of the Campus Safety Department does not extend to buildings or property owned or controlled by student organizations or public property; therefore, the Campus Safety Department’s role often is limited to sharing information with, coordinating and assisting other law enforcement agencies investigations of criminal activity at these locations.

The Campus Safety Department does provide crime prevention and fire safety educational programs and literature to those student organizations who reside in non-campus properties.

**Student Responsibility**

The cooperation, involvement and support of students in a campus safety program are crucial to its success. Students must assume responsibility for their own personal safety and security of their personal belongings by taking simple, common sense precautions. Precautions include always locking residence room doors, engraving valuables and recording the identification numbers, always locking motor vehicles and placing any valuables out of sight, locking bicycles with sturdy locks, utilizing the campus escort service and reporting any suspicious individuals immediately to the Campus Safety Department.

**Drug and Alcohol Policy**

Colgate University complies with federal, state and local laws including those which regulate the possession, use and sale of alcoholic beverages and controlled substances. All Colgate University students and employees are subject to New York State law, local statutes and ordinances, and Colgate’s alcohol and drug policy. Students and employees who violate state or local laws or University policies will be subject to University disciplinary and/or criminal action. Ignorance of the law and Colgate’s policy is not an excuse for any violations.

On the university’s premises, or at university-sponsored activities, the following are prohibited:

- Distribution, possession or use of any illegal drug or controlled substance.
- Providing alcoholic beverages to individuals under 21 years of age, or possession of alcoholic beverages by individuals under 21 years of age.
- Illegal possession of an open container of an alcoholic beverage, public intoxication, driving while intoxicated, and drinking alcoholic beverages in an unlicensed public place.

*The Student Handbook* details a range of sanctions for students found in violation of these prohibitions.

The University’s Drug-Free School and Workplace Policy is distributed annually to all institutional employees. Employees should refer to this policy for assistance with drug or alcohol related questions or problems. The University’s student alcohol and drug policy is listed in the *Colgate Student handbook*. Providing resources available to all students, the Colgate University Counseling Center and Student Health Center offer assessment and assistance to students with alcohol or drug problems.

**Weapons Violation**

It is a violation of university regulations to possess on campus or in fraternities or sororities, revolvers, pistols, handguns, chemical weapons (including mace), knives over 6” in length, gas or spring-powered pellet or “BB” guns or slingshot devices, paint guns, or any other substance or device designed to harm or incapacitate. Rifles, shotguns, and paint guns are also not permitted on campus or in university buildings, and may be safely stored at the Campus Safety Department.

The discharging of weapons on the Colgate campus or in the Village of Hamilton is illegal and poses an obvious threat to the lives and safety of residents and will result in severe disciplinary and / or legal action against those responsible.
Sexual Assault Awareness

Colgate University does not discriminate on the basis of sex in its educational programs. Sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not, including dating violence, domestic violence, and stalking. Colgate University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking. Colgate University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the University community.

For a complete copy of Colgate University’s policy governing sexual misconduct, visit Sexual Harassment and Sexual Misconduct Policy.

A. Definitions

Sexual misconduct is prohibited, in separate ways, by New York State law and Colgate University policy. Thus, offenders may be prosecuted under New York State criminal statutes and also subject to disciplinary action by the University. The University may choose to pursue disciplinary action while criminal action is pending, or even if criminal justice authorities choose not to prosecute.

As a result of the different standards applicable in Colgate disciplinary proceedings and in the context of criminal action, terms used by Colgate University in our policy and procedures may be defined differently for criminal law purposes. The following is a description of important terms, as applied in each of these contexts.

1. CONSENT

Lack of Consent is defined in New York as:

1. 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.

2. 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.

3. Where the offense charged is rape in the third degree as defined in the New York State Penal Law, subdivision three of section 130.25, or criminal sexual act in the third degree as defined in subdivision three of section 130.40, in addition to forcible compulsion, 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 of lack of consent to such act under all the circumstances.

4. A person is deemed incapable of consent when he or she is:
   - less than seventeen years old;
   - or mentally disabled; or
   - mentally incapacitated; or
   - physically helpless; or
   - committed to the care and custody or supervision of the state department of corrections and community supervision or a hospital, as such term is defined in subdivision two of section four hundred of the correction law, and the actor is an employee who knows or reasonably should know that such person is
committed to the care and custody or supervision of such department or hospital. For purposes of this paragraph, "employee" means (i) an employee of the state department of corrections and community supervision who, as part of his or her employment, performs duties: (A) in a state correctional facility in which the victim is confined at the time of the offense consisting of providing custody, medical or mental health services, counseling services, educational programs, vocational training, institutional parole services or direct supervision to inmates; or (B) of supervising persons released on community supervision and supervises the victim at the time of the offense or has supervised the victim and the victim is still under community supervision at the time of the offense; or (ii) an employee of the office of mental health who, as part of his or her employment, performs duties in a state correctional facility or hospital, as such term is defined in subdivision two of section four hundred of the correction law in which the inmate is confined at the time of the offense, consisting of providing custody, medical or mental health services, or direct supervision to such inmates; or (iii) a person, including a volunteer, providing direct services to inmates in a state correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the state department of corrections and community supervision or, in the case of a volunteer, a written agreement with such department, provided that the person received written notice concerning the provisions of this paragraph; or
- committed to the care and custody of a local correctional facility, as such term is defined in subdivision two of section forty of the correction law, 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 facility. For purposes of this paragraph, "employee" means an employee of the local correctional facility where the person is committed who performs professional duties consisting of providing custody, medical or mental health services, counseling services, educational services, or vocational training for inmates. For purposes of this paragraph, "employee" shall also mean a person, including a volunteer or a government employee of the state department of corrections and community supervision or a local health, education or probation agency, providing direct services to inmates in the local correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the local correctional department or, in the case of such a volunteer or government employee, a written agreement with such department, provided that such person received written notice concerning the provisions of this paragraph; or
- committed to or placed with the office of children and family services and in residential care, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to or placed with such office of children and family services and in residential care. For purposes of this paragraph, "employee" means an employee of the office of children and family services or of a residential facility in which such person is committed to or placed at the time of the offense who, as part of his or her employment, performs duties consisting of providing custody, medical or mental health services, counseling services, educational services, vocational training, or direct supervision to persons committed to or placed in a residential facility operated by the office of children and family services; or
- a client or patient and the actor is a health care provider or mental health care provider charged with rape in the third degree as defined in the New York State Penal Law, section 130.25, criminal sexual act in the third degree as defined in section 130.40, aggravated sexual abuse in the fourth degree as defined in the New York State Penal Law, section 130.65-a, or sexual abuse in the third degree as defined in section 130.55, and the act of sexual conduct occurs during a treatment session, consultation, interview, or examination; or a resident or inpatient of a residential facility operated, licensed or certified by (i) the office of mental health; (ii) the office for people with developmental disabilities; or (iii) the office of alcoholism and substance abuse services, and the actor is an employee of the facility not married to such resident or inpatient. For purposes of this paragraph, "employee" means either: an employee of the agency operating the residential facility, who knows or reasonably should know that such person is a resident or inpatient of such facility and who provides direct care services, case management services, medical or other clinical services, rehabilitative services or direct supervision of the residents in the facility in which the resident resides; or an officer or other employee, consultant, contractor or volunteer of the residential facility, who knows or reasonably should know that the person is a resident of such facility and who is in direct contact with residents or inpatients; provided, however, that the provisions of this paragraph shall only apply to a consultant, contractor or volunteer providing services pursuant to a contractual arrangement with the agency operating the residential facility or, in the case of a volunteer, a written agreement with such facility, provided that the person received written notice concerning the provisions of this paragraph; provided further, however, "employee" shall not include a person with a developmental disability who is or was receiving services and is also an employee of a service provider and who has sexual contact with another service recipient who is a consenting adult who has consented to such contact.
Consent is defined in the Colgate University Equity Grievance Policy as:

Sexual activity or contact must be based on mutual consent to the specific sexual activity.

Consent is knowing, voluntary and clear permission by word or action, by all participants to a sexual activity. 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. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

A person cannot consent if that individual 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 respondent 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 the sexual interaction). This policy also covers a person whose incapacity results from mental disability or physical restraint.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. Further, past consent to engage in sexual activity cannot be presumed to be consent to sexual activity in the future. 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. Silence or the absence of resistance alone is not consent. 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.

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.

Sex offenses occur between members of the same sex and the opposite sex. In all cases, the issue is not the gender or sexual preference of the individuals involved but rather the activity and whether the parties to the activity knowingly and freely consented to engage in it.

2. SEXUAL ASSAULT

Sexual Assault: “Sexual assault,” as defined by the FBI’s Uniform Crime Reporting program means an offense that meets the definition of rape, fondling, incest, or statutory rape. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim if incapable of giving consent.

Rape is defined as 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.

Fondling is defined as the touching of the private parts of another person for the purposes 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 is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape is defined a non-forcible sexual intercourse with a person who is under the statutory age of consent.

New York Crime Definitions:

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 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 persons 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 one of the above mentioned crimes or any offense defined in this article, of which the commission or attempted commissions 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
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 a gainst 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 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.

The Colgate University Equity Grievance Policy defines sexual misconduct in the policy statement below.

i. **Sexual Misconduct I:** The sexual penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, forcibly or without consent or where the victim is incapable of consent due to mental or physical incapacity. 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. Sexual Misconduct I also includes non-forcible sexual intercourse with a person who is under the statutory age of consent (which in New York is age 17). It should be noted that the university uses the term 'sexual misconduct' to address behaviors like rape and sexual assault. The use of this term is not intended to diminish or minimize a victim's experience, but is instead a recognition that the university has no authority to determine that a crime occurred. The university does not view sexual misconduct as a lesser form of misconduct than rape or sexual assault.

ii. **Sexual Misconduct II**: Any intentional sexual contact, however slight, with an object or bodily part, by a person upon another person that is without consent. This 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 Misconduct II also includes any disrobing of another or unwelcome exposure from one person to another without consent.

iii. **Sexual Exploitation**: When one takes non-consensual sexual advantage of another. Examples of sexual exploitation include but are not limited to observing or recording others engaged in sexual or private activity (such as undressing or showering) without the consent of all involved; or taking intimate pictures of another but then distributing the pictures to others without the photographed person’s consent or in a way that exceeds the bounds of consent; or exposing one’s genitals in non-consensual circumstances; or engaging in sexual activity with another while knowingly infected with a sexually transmitted disease (STD) without informing the other person of such infection.

3. **DOMESTIC VIOLENCE**

**Domestic Violence**: The term “domestic violence,” as defined by 42 U.S.C. 13925(a), means

1) Felony or misdemeanor crimes of violence committed—

(i) By a current or former spouse or intimate partner of the victim;
(ii) By a person with whom the victim shares a child in common;
(iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
(iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
(v) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

2) For the purposes of complying with the requirements of this section and section 668.41 of the CFR, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Domestic Violence** is defined in New York as:

1. "Victim of domestic violence" means any person 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 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 assault, attempted murder, criminal obstruction of breathing or blood circulation, or strangulation; and (i) such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and (ii) such act or acts are or are alleged to have been committed by a family or household member.

2. "Family or household members" mean the following individuals:
   - persons related by consanguinity or affinity;
   - persons legally married to one another;
   - persons 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"; or

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.

3. "Parent" means a natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.

**Domestic violence** is defined in the Colgate University Equity Grievance Policy as follows:

Domestic violence refers to physical violence, or other forms of emotional, sexual, verbal and/or economic abuse between spouses or former spouses, cohabitating romantic partners or individuals who were formerly cohabitating romantic partners, individuals who share a child in common, or others in a family relationship.

4. **DATING VIOLENCE**

**Dating Violence:** The term “dating violence,” as defined by 42 U.S.C. 13925(a), means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

1) The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

2) For the purposes of this definition—

(i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(ii) Dating violence does not include acts covered under the definition of domestic violence and section 668.41 of the CFR, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

New York State Law includes incidents of dating violence within its domestic violence laws. They are not categorized separately under New York State Law.

**Dating violence** is defined in the Colgate University Equity Grievance Policy as follows:

Dating violence refers to a pattern of behavior in which an individual uses physical violence (hitting, punching, kicking, etc.), coercion, threats, intimidation, isolation or other forms of emotional, sexual, verbal and/or economic abuse to control their current or former intimate partner. Intimate partner violence can occur within heterosexual and same sex relationships, and can happen to a person of any gender.

5. **STALKING**

**Stalking:** The term “stalking,” as defined by 42 U.S.C. 13925(a), means 1) engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(i) Fear for the person’s safety or the safety of others; or

(ii) Suffer substantial emotional distress.

2) For the purposes of this definition—

(i) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
(ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(iii) Reasonable persons means, a reasonable person under similar circumstances and with similar identities to the victim.

3) For the purposes of complying with the requirements of this section and section 668.41 of the CFR, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Stalking is defined in New York as:

Stalking in the fourth degree.

A person is guilty of stalking in the fourth degree when he or she intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct:

- 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

- 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

- 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 fourth degree is a class B misdemeanor.

Stalking in the third degree.

A person is guilty of stalking in the third degree when he or she:

- commits the crime of stalking in the fourth degree in violation of the New York State Penal Law, section 120.45 of this article against three or more persons, in three or more separate transactions, for which the actor has not been previously convicted; or

- commits the crime of stalking in the fourth degree in violation of the New York State Penal Law, section 120.45 of this article against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime, as defined in subdivision five of section 120.40 of this article, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or

- with 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

- commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree. Stalking in the third degree is a class A misdemeanor.

Stalking in the second degree.

A person is guilty of stalking in the second degree when he or she:

- commits the crime of stalking in the third degree as defined in the New York State Penal Law, subdivision three of section 120.50 of this article and in the course of and in furtherance of the commission of such offense: (i) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, shotgun, machine gun, electronic dart gun, electronic stun gun, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal
knuckles, chuka stick, sand bag, sandclub, slingshot, slungshot, shirken, "Kung Fu Star", dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapon; or (ii) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or

- commits the crime of stalking in the third degree in the New York State Penal Law, violation of subdivision three of section 120.50 of this article against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime as defined in subdivision five of section 120.40 of this article, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or

- commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree as defined in the New York State Penal Law, subdivision four of section 120.50 of this article against any person; or

- being twenty-one 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

- commits the crime of stalking in the third degree, as defined in the New York State Penal Law, subdivision three of section 120.50 of this article, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted. Stalking in the second degree is a class E felony.

**Stalking in the first degree.**

A person is guilty of stalking in the first degree when he or she commits the crime of stalking in the third degree as defined in the New York State Penal Law, subdivision three of section 120.50 or stalking in the second degree as defined in section 120.55 of this article and, in the course and furtherance thereof, he or she

- intentionally or recklessly causes physical injury to the victim of such crime; or

- commits a class A misdemeanor defined in the New York State Penal Law, article one hundred thirty or a class E felony defined in the New York State Penal Law, section 130.25, 130.40 or 130.85, or a class D felony defined in section 130.30 or 130.45 of the New York State Penal Law. Stalking in the first degree is a class D felony.

**Stalking** is defined in the Colgate University Equity Grievance Policy as follows:

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress. Stalking behavior may include but is not limited to repeated, intentional following, observing or lying in wait for another; or using “spyware” or other electronic means to gain impermissible access to a person’s private information; repeated, unwanted, intrusive, and frightening communications from the perpetrator by phone, mail, email, text, etc.; making direct or indirect threats to harm an individual or the individual’s relatives, friends, or pets; damaging or threatening to damage the property of the targeted individual.

**B. Education and Prevention Programs**

Colgate University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns that are intended to end dating violence, domestic violence, sexual assault and stalking, and that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and

- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:
a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;

b. Defines, using definitions provided both by the United States Department of Education as well as state law, what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;

c. Defines what behavior and actions constitute consent to sexual activity in the State of New York and/or using the definition of consent found in the University Equity Grievance policy if state law does not define consent;

d. Provides a description of options for bystander intervention. Bystander intervention means safe and positive actions that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;

e. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence;


The University has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students; and participating in and presenting information and materials during new employee orientation.

The University offered the following primary prevention and awareness programs for all incoming students in 2013:

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date Held</th>
<th>Location Held</th>
<th>Which Prohibited Behavior Covered?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mandatory First-Year Student Orientation Program on Equity Grievance policy and process</td>
<td>8/2013</td>
<td>Love Auditorium</td>
<td>SA*</td>
</tr>
<tr>
<td>Mandatory First-Year Student Orientation Program on Equity Grievance policy and process</td>
<td>8/2014</td>
<td>Love Auditorium</td>
<td>DoV, DaV, SA &amp; S*</td>
</tr>
<tr>
<td>Poster campaigns throughout the school year raised awareness regarding the definition of consent, the EGP policy, and Title IX resources.</td>
<td>2013</td>
<td>Throughout Campus</td>
<td>DoV, DaV, SA &amp; S*</td>
</tr>
</tbody>
</table>

DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault, and S means Stalking
The University offered the following **primary prevention and awareness programs for all new employees** in 2013:

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date Held</th>
<th>Location Held</th>
<th>Which Prohibited Behavior Covered?</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Faculty Orientation Program on Equity Grievance policy and process</td>
<td>8/2013</td>
<td>Case Geyer 560 – Title IX Coordinator</td>
<td>SA*</td>
</tr>
<tr>
<td>Faculty Meeting – presentation of the Equity Grievance policy and reporting obligations</td>
<td>Fall 2013</td>
<td>Love Auditorium—Title IX Coordinator</td>
<td>SA</td>
</tr>
<tr>
<td>New Staff Orientation Program on Equity Grievance Policy and reporting obligations</td>
<td>April and October 2013</td>
<td>Case Geyer 560—Title IX Coordinator</td>
<td>SA</td>
</tr>
<tr>
<td>New Faculty Workshop on Advising and Harassment</td>
<td>October 2013</td>
<td>Merrill House—Title IX Coordinator</td>
<td>Sexual harassment, SA, how to respond to student concerns, FERPA and Clery guidelines</td>
</tr>
</tbody>
</table>
The University offered the following **ongoing awareness and prevention programs** for **students** in 2013:

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date Held</th>
<th>Location Held</th>
<th>Which Prohibited Behavior Covered?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brochure distributed to all students “Support Services for Sexual Misconduct,” and copies available around campus all year</td>
<td>September 2013</td>
<td>WMST lounge – Title IX Coordinator</td>
<td>SA</td>
</tr>
<tr>
<td>Women's Studies Brown Bag on Title IX</td>
<td>September 2013</td>
<td>WMST lounge – Title IX Coordinator</td>
<td>SA</td>
</tr>
<tr>
<td>Harassment and Sexual Assault Training for Community Leaders</td>
<td>September 2013</td>
<td>Ho auditorium – Title IX Coordinator and Associate provost for equity and diversity</td>
<td>Sexual harassment and SA</td>
</tr>
<tr>
<td>Women's Studies Brown Bag on “Women Abroad” discussing sexual assault while on study groups</td>
<td>November 2013</td>
<td>WMST lounge</td>
<td>SA</td>
</tr>
<tr>
<td>Student EGP and Sexual Assault Training</td>
<td>November 2013</td>
<td>107 Lathrop</td>
<td>Sexual harassment, SA, Sexual Violence, Stalking, Consent, Incapacity</td>
</tr>
</tbody>
</table>
| Yes Means Yes (YMY, positive sexuality)              | 2013            | varied                                            | Yes Means Yes is a six-week positive sexuality seminar led by student and faculty/staff facilitators. Created by a student in 2009, Yes Means Yes gives students the unique opportunity to gather with people from across campus to engage in honest discussion. The seminar covers topics of positive sexuality in an attempt to destigmatize and encourage conversation about sex, pleasure, a healthy sexual climate on campus, combating sexual violence, the way different identities interact with sex and sexuality, and more.
For more information contact Yes Means Yes intern Emily Hawkins at ehawkins@colgate.edu. |

- DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The University did not offer ongoing awareness and prevention programs for employees in 2013, but the Sexual Violence Resources, Support and Education website: www.colgate.edu/sexual assault was available. This website provided links to the policy/process, EGP member list, and a link for faculty and staff on how to support a student who
shares a concern of sexual violence. This was passive education available to all employees, as well as students, and the website was listed on poster included in the poster campaign across campus.

C. Procedures for Reporting a Complaint and for Institutional Disciplinary Action

The University has procedures in place that serve to be sensitive to those who report that they have been a victim of sexual assault, domestic violence, dating violence, or stalking. Among other things, the University will inform such individuals in writing about:

(i) Procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, including written information about—

(A) The importance of preserving evidence that may assist in proving that an alleged criminal offense occurred or may be helpful in obtaining a protection order;

(B) How and to whom the alleged offense should be reported;

(C) Options about the involvement of law enforcement and campus authorities, including notification of the victim’s option to—

   (1) Notify proper law enforcement authorities, including on-campus authorities and local police;

   (2) Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and

   (3) Decline to notify such authorities; and

(D) Where applicable, the rights of victims and the University’s responsibilities for orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the University.

(ii) Information about how the University will protect the confidentiality of victims and other necessary parties, including how the University will—

   (A) Complete publicly available record-keeping and, for purposes of Clery Act reporting and disclosure, without the inclusion of identifying information about the victim, as defined in 42 U.S.C. 13925(a)(20); and

   (B) Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or protective measures.

(iii) The availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus.
(iv) Options for, and available assistance in, changing housing, academic, transportation and working accommodations, if reasonably available; regardless of whether the victim chooses to report the incident to campus authorities or local law enforcement. The University will make such accommodations, if the victim requests them and they are reasonably available, regardless of whether the victim chooses to report the crime to Campus Safety or local law enforcement.

(v) An explanation of the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as described below.

**Equity Grievance Process for Resolving Complaints of Harassment and Discrimination**

The following process was updated in August 2014. It provides information as to Colgate University’s Procedures for Reporting a Complaint of (among other things) sexual assault, domestic violence, dating violence or stalking, and for institutional disciplinary action resulting from such reports.

**I. Introduction**

This policy provides procedures for the investigation and adjudication of violations of the Equity Grievance Policy. Complaints of discrimination, harassment, sexual harassment, sexual exploitation, sexual assault, domestic violence, dating violence, and stalking will be handled internally through the Equity Grievance Process outlined below.

**II. Equity Grievance Panel (EGP)**

Members of the Equity Grievance Panel (EGP) are announced in an annual distribution to campus. The list of members and a description of the panel can be found [here](#). Members of the EGP are trained in all aspects of the grievance process:

- To provide sensitive intake and initial counseling of complaints
- To serve in a mediation role in conflict resolution
- To investigate complaints
- To act as advisers to those involved in complaints, and
- To serve on hearing panels for complaints.

EGP members also recommend proactive policies, and serve in an educative role for the community. The president in consultation with the associate provost for equity and diversity appoints the panel, which reports to the associate provost for equity and diversity. In selecting panel members, the president will consider their integrity, respect from the community, and approachability by various campus populations. EGP members receive annual training organized by the associate provost for equity and diversity, including a review of Colgate policies and procedures so that they are able to provide accurate information to members of the community. All EGP members are required to attend this annual training, which includes issues related to sexual assault, dating violence, domestic violence, and stalking, as well as how to conduct an investigation and a hearing process that protect the safety of all parties and promote accountability. All administrative advisers also undergo training with the panel regardless of whether they are formally appointed to the panel. Additional advanced training in investigation techniques and protocol is provided annually to a subset of the EGP members who serve as investigators in complaints of sexual violence.
The panel includes:

- Three Co-chairs: one a member of the faculty, the second an administrator, and the third the disciplinary officer who serves as co-chair for cases involving student respondents
- At least five members of the faculty, including at least four who are tenured
- At least three members of the administrative staff
- At least three members of the support/technical staffs
- At least two representatives from the Office of Campus Safety

Panel members are usually appointed to three-year terms.

Individuals who are interested in serving on the panel are encouraged to contact the associate provost for equity and diversity.

III. Filing a Complaint

Any member of the community, guest, or visitor who believes that the Equity Grievance Policy has been violated should contact:

- a member of the Equity Grievance Panel
- Tamala Flack, director for EEO/AA
  The Office of Equity and Diversity
  102 Lathrop Hall
  315-228-7014
  tflack@colgate.edu
- Marilyn “Lyn” Rugg, associate provost for equity and diversity
  The Office of Equity and Diversity
  102 Lathrop Hall
  315-228-7288
  mrugg@colgate.edu

These individuals are considered Responsible Administrators, meaning that they have a responsibility to respond to reports of violations of the Equity Grievance Policy. It is also possible for employees to notify a supervisor, or for students to notify an administrative adviser, or any member of the community may contact Campus Safety. Any individual who reports a case of sexual assault, dating violence, domestic violence, or stalking, whether the offense occurred on or off campus, will be provided with a written explanation of their rights and options under the university’s Equity Grievance Policy.

The Colgate website also includes an online form for reporting an incident or concern. Faculty and administrators who receive firsthand, or other credible and specific reports of violations are expected to promptly contact an EGP co-chair or the associate provost for equity and diversity.

There is no formal time limitation on the bringing of a complaint, as long as the accused individual is a member of the campus community and/or remains subject to its jurisdiction (as described below), but prompt reporting is very strongly encouraged. The associate provost for equity and diversity may exercise discretion in handling complaints when
substantial time has passed since an alleged incident. The university aims to complete all investigations within a 60-calendar-day time period, which can be extended as necessary for appropriate cause by the associate provost for equity and diversity.

IV. Complaint Intake
Following receipt of notice of a violation or of a complaint, the complainant is promptly given the opportunity to select an EGP member or other individual to serve as their adviser.

An initial determination is made by the associate provost for equity and diversity as to whether a policy violation may have occurred and/or whether conflict resolution might be appropriate. If the complaint does not appear to allege a policy violation or if conflict resolution is agreed to by the involved parties and appears appropriate given the nature of the alleged behavior, then the complaint does not proceed to investigation. In making a decision as to whether to proceed to investigation, the associate provost for equity and diversity also considers the wishes of the complainant. A full investigation will be pursued if there is evidence of a pattern of misconduct or a perceived threat of further harm to the community or any of its members.

V. Investigation
In cases where the associate provost for equity and diversity determines that a complaint appears to allege a policy violation, and a complainant wishes to pursue a formal complaint or the associate provost for equity and diversity decides that the university, based on the alleged policy violation, wishes to pursue a formal complaint, then the associate provost for equity and diversity appoints EGP member(s) to conduct the investigation. The university reserves the right to consult with legal counsel throughout the complaint resolution process and, in exceptional cases, to utilize external investigators. Investigation of complaints brought directly by those alleging harm will be completed as expeditiously as possible. Investigation may take longer when (among other things) initial complaints fail to provide direct firsthand information or when the university is not in session. The university may, but shall not be obligated to, delay its processes when criminal charges on the basis of the same behaviors that invoke this process are being investigated. University action will not be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

During the investigation, the complainant and the respondent will have an equal opportunity to share information and request that witnesses be interviewed. The complainant and respondent will not be interviewed together or be required to meet. The investigator(s) retains discretion to determine how to conduct the investigation and what information is necessary and relevant.

VI. Interim Remedies
Initial or interim remedies may be taken, in appropriate circumstances. The associate provost for equity and diversity or the appropriate co-chair will determine such remedies as are necessary to protect the safety or well-being of any member(s) of the campus community. Initial or interim remedies are intended to address the immediate and ongoing effects of harassment, discrimination, sexual assault, sexual exploitation, domestic violence, dating violence, stalking retaliation, or to prevent further harm to the alleged victim and to prevent further violations. These remedies may include referral to counseling and health services or to the Employee Assistance Program, education to the community, altering the housing situation of one or more of the involved students, altering work arrangements for employees, providing campus escorts, implementing contact limitations between the parties, offering adjustments to academic
deadlines, course schedules, etc. In circumstances where the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on campus of the accused individual or the ongoing activity of a student organization whose behavior is in question, the university may, for the interim, suspend a student, employee (with or without pay), or organization pending completion of the EGP investigation and procedures.

VII. Complaint Resolution

Once an investigation is completed, the investigator(s) will meet with the associate provost for equity and diversity and the appropriate EGP co-chair. Based on that meeting, the associate provost for equity and diversity will make a decision as to whether the results of the investigation warrant proceeding with the complaint process. If the associate provost for equity and diversity determines that the alleged incident is more properly handled pursuant to another university policy or procedure, the associate provost will direct the matter to the appropriate procedure or personnel.

The EGP process is not meant to serve as substitute judgment of competency or performance; the function of the EGP process is to determine whether processes and criteria used in arriving at judgments of competency or performance were consistent with the university’s policies regarding harassment and nondiscrimination. In particular, the EGP process does not substitute for appeals processes specified under other university policies (such as appeals of personnel decisions or student requests for grade reviews), but going through a review or appeal under another policy does not preclude access to the EGP process for claims of discrimination or harassment.

If the associate provost for equity and diversity determines that the allegations and available information warrant a continuation of the process, then the associate provost may recommend conflict resolution, or may direct the complaint for a resolution without a hearing, or a formal hearing, based on the below criteria. If the associate provost for equity and diversity determines that continuing with the complaint process is not warranted, the process will end, and complainant and respondent will be so informed.

Conflict Resolution

Conflict resolution is often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the formal process to resolve conflicts. The associate provost for equity and diversity will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to conflict resolution. In a conflict resolution meeting, an EGP member 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, in which case the complaint is resolved. The associate provost for equity and diversity 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 used to address complaints of sexual assault or violent behavior of any kind or in other cases of serious violations of policy. It is not necessary to pursue conflict resolution first in order to make a formal EGP complaint, and anyone participating in conflict resolution can stop that process at any time and request a formal process.

Resolution without a Hearing

In cases where the alleged violations, and therefore the range of possible sanctions, are minor (such as probation for students or a written warning for an employee) the appropriate co-chair may make a decision as to responsibility using a preponderance of the evidence standard and may implement a sanction, with a statement of the rationale for the sanction. A complainant or respondent dissatisfied with the sanction may request reconsideration in writing within five
days of notification of the sanction to the associate provost for equity and diversity, who will determine whether to uphold or modify the sanction.

In cases where the alleged behavior is of a nature that may warrant the imposition of a sanction of suspension, dismissal or termination of employment, or are otherwise not appropriate for direct imposition of sanction as set forth above, the matter will normally proceed to a formal hearing.

Formal Hearing
In any cases that are not appropriate for conflict resolution and are not resolved without a hearing, the associate provost for equity and diversity will initiate a formal hearing. In cases where individuals bring charges against each other arising out of the same incident or set of circumstances, the associate provost for equity and diversity has the discretion, if and to the extent permitted by applicable law (including without limitation the federal Family Educational Rights and Privacy Act), to determine whether the cases will be heard jointly as a single case.

VIII. Formal EGP Procedure

A. Hearing Panel Membership
The associate provost for equity and diversity will appoint a non-voting panel chair (either one of the EGP co-chairs or the Disciplinary Officer, depending on whether the respondent is a faculty member, other employee, or student) and three members of the EGP to the hearing panel. EGP members who served as investigators or as advisers to the complainant or respondent may not serve as voting hearing panel members. Hearing panels will include both faculty and non-faculty employees. The panel will meet at times determined by the Chair.

B. Notification of Charges
At least one week prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the consent of the parties, the designated hearing panel Chair will send a letter to the parties stating the following:
   1. A description of the alleged violation(s) and a description of the applicable procedures;
   2. The time, date, and location of the hearing. If any party does not appear at the scheduled hearing, the hearing will be held in absentia. For compelling reasons, the hearing panel chair may reschedule the hearing;
   3. The right to an adviser. The parties may have the assistance of one EGP member, or one other adviser of the party’s choice, at the hearing.
   4. A reminder that retaliation against an individual for reporting a complaint, for supporting a complainant, or for assisting in providing information in the context of an investigation or disciplinary proceeding is a serious violation of Colgate’s policy and will be subject to further disciplinary action.

C. Hearing Procedures
EGP Hearings will generally be convened, when practicable, 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 allegations of additional conduct or policy violations that are alleged to have occurred as part of the same set of circumstances as the alleged discrimination, harassment, or retaliation, even though those collateral allegations may not otherwise fall within EGP jurisdiction. Accordingly, investigations should be conducted with as wide a scope as necessary. Final
determination of whether the EGP hearing will deal with responsibility/sanctions for collateral misconduct will be made jointly by the associate provost for equity and diversity and the appropriate co-chair.

Participants will include the non-voting chair, the three members of the panel, the investigator(s) who conducted the investigation on the complaint, the complainant(s) and respondent(s) (or up to three organizational representatives in a case where an organization is charged), advisers to the parties, and any called witnesses. Prior to the hearing (or, if prior exchange is not feasible, at commencement of the hearing), the parties will submit to the chair the names of all witnesses the party intends to call and a brief description of the subject(s) about which the party believes the witness has relevant information. The chair will exclude the name of any witness he/she deems unnecessary. The chair will share with all parties the names of all witnesses whom the chair has approved to be called (and/or from whom a written statement will be accepted), and all pertinent documentary information. The chair may decide that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the investigator(s) during the hearing. The chair of the hearing is in charge of organizing the presentation of information to be considered by the hearing panel.

If desired, the complainant and the respondent will have a reasonable opportunity to present facts and arguments and to present questions through the chair, or otherwise if determined by the chair, to witnesses appearing before the hearing panel. If alternative appearance mechanisms are desired (screens, Skype, etc.), the parties should request them from the chair at least two business days prior to the hearing. Neither party (complainant nor respondent) is required to attend, and, if either or both fail or decline to attend, the hearing will be held in that person(s)’ absence. The chair may allow a party to submit a written statement in lieu of attendance and/or the chair and panel may rely on the party’s statements as gathered in the investigation and presented at the hearing by the investigator(s).

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

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

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

Unless the chair determines it is appropriate, no one will present information or raise questions concerning: (1) incidents not directly related to the possible violation unless they show a pattern, or (2) the sexual history of or the character of the complainant or respondent.

Where issues of competency or job performance are concerned, the hearing panel will not substitute its judgment of competency or performance for the judgment of appropriate officials; the function of the Hearing Panel is to determine whether those policies, processes, and criteria used in arriving at judgments of competency or performance were consistent with the university's policies regarding harassment and nondiscrimination.

There will be no observers. 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 persons involved. The panel does not hear character witnesses.

Hearings are recorded for purposes of review in the event of an appeal. EGP members, the parties, and appropriate administrative officers of the university will be allowed to listen to the recording in a location determined by the associate provost for equity and diversity or designee. No person will be given or be allowed to make a copy of the recording without permission of the associate provost for equity and diversity.

Hearings are private. Observers, other than the parties’ advisors, are not allowed. Hearings involve the discussion of sensitive, private topics. Therefore, any person present for any part of the hearing is encouraged to use discretion in discussing the hearing with uninvolved parties. Panel members are required to treat the hearing as completely confidential.

D. Decisions
The hearing panel will deliberate in closed session to determine whether the respondent 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 respondent or organization is found responsible by a majority of the panel, the panel will determine appropriate sanctions. The hearing panel may find that the charged conduct does not violate this policy but violates another university policy, or may find that the evidence does not support the charge as stated in the charge letter but does support a lesser violation even if not included in the charge letter (e.g., the panel may find that the charge of Sexual Misconduct II is not established but that the Sexual Exploitation is established) and may impose appropriate sanction(s).
E. Sanctions

If the hearing panel determines that the respondent is responsible for the violation(s) in question, it moves to a consideration of sanctions. At that time, written impact statement(s) from the complainant(s)/victim(s) and respondent(s) and up to two character reference letters submitted on behalf of each party will be introduced into consideration, and sanctions will be determined by the hearing panel. Factors considered when determining a sanction may include:

- The nature, severity of, and circumstances surrounding the violation;
- An individual’s or organization’s previous disciplinary history;
- Previous complaints or allegations involving similar conduct;
- Any other factors deemed relevant by the hearing panel;
- The need for sanctions to bring an end to the discrimination, harassment, and/or retaliation;
- The need for sanctions 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;
- The standards in the Student Handbook section on System of University Standards and Student Conduct for an organization to be held collectively responsible for actions of its members.

Student and Student Organization Sanctions

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

- Warning: A formal statement that the behavior was unacceptable and a warning that further infractions of any university policy, procedure, or directive will result in more severe disciplinary action.
- Probation: A written reprimand for violation of the policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any university policy, procedure, or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders, and/or other measures deemed appropriate.
- Suspension: Termination of student or organizational status for a definite period of time and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at Colgate.
- Expulsion: Permanent termination of student status or indefinite revocation of University recognition of organizational status.
- Withholding Diploma: The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has disciplinary charges pending, or as a sanction if the student is found responsible for an alleged violation.
- Revocation of Degree: The university reserves the right to revoke a degree awarded from the university for fraud, misrepresentation, or other violation of university policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.

In addition to or in place of the above sanctions, the hearing panel may assign any other sanctions as deemed appropriate or allowed under the Student Handbook, including but not limited to, redress/restitution, mandated counseling so the student has the opportunity to gain more insight into appropriate and inappropriate behavior, or restrictions on a student's privileges or an organization’s activities.
Employee Sanctions
Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include warning, required counseling as a condition of continued employment or return to employment, demotion, suspension with pay, suspension without pay, and termination.

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

F. Notification of Outcome
The parties will receive simultaneous written notification of the outcome of the hearing, which will include a rationale for the outcome. The notification will include information with respect to appeal procedures.

G. Withdrawal or Resignation While Charges Pending

Students
The university reserves the right to not permit a student to withdraw, and to place a hold on the release of a student’s transcript, if that student has an investigation or charges against him/her pending for violation of the Equity Grievance Policy or for charges under the Code of Student Conduct. Should a student decide to leave and not participate in the investigation and/or hearing, the university may opt to proceed in absentia to a reasonable resolution and that student will not be permitted to return to Colgate unless all sanctions have been satisfied.

Employees
Should an employee resign while charges are pending, the personnel records will reflect that status. As may be necessary and appropriate, the associate provost for equity and diversity will act promptly and effectively to remedy the effects of the conduct upon the victim and the community.

H. Appeal
All appeals must be submitted in writing within ten calendar days of the delivery of the written findings of the hearing panel. Appeals in cases in which the respondent is a member of the faculty or staff shall be submitted to the provost. Appeals in cases in which the respondent is a student are submitted to the Dean of the College. Any party to a hearing before an EGP panel may appeal a panel’s decision, but only on the basis of one or more of the following grounds:

- A procedural error or omission occurred during the EGP hearing which, based upon the entire record, is reasonably likely to have changed the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.); or

- New information, unavailable during the EGP hearing or investigation, has come to the attention of one of the parties or the EGP co-chair which, had it been known at the time of the hearing, and based upon the entire record, is reasonably likely to have changed the outcome of the hearing or the nature or severity of any sanction that may have been imposed by the EGP hearing panel; or

- Any sanction imposed by the EGP hearing panel is disproportionate to the nature or severity of the violation or violations of the Harassment Policy.
Any appeal must include a clear statement of the nature of any claimed procedural error or new information, or the basis of any claim of disproportionality. In the case of a claimed procedural error or new information, the appeal must also include a statement of the likely impact of the claimed error or newly discovered information on the proceedings before the EGP hearing panel.

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

Additional principles governing appeals are the following:

Because the appellate officer has not heard the evidence directly, deference must be given to the EGP hearing panel on evidentiary matters and must sustain the hearing panel's decision unless one of the three grounds for appeal listed above has been established.

In the event that the appellate officer determines that the appellant has met the burden of establishing that one or more grounds for appeal have merit, the appellate officer has discretion to take action consistent with that determination. That may include, without limitation, in the case of procedural error or new information, remanding the case in whole or in part to the original hearing panel, or to a new hearing panel and, in the case of disproportionality of a sanction, modifying that sanction as appropriate.

Once an appeal of a case is concluded no further appeals are allowed, except to the extent that one or more parties seek review of proceedings ordered by the appellate officer on remand. Sanctions imposed are implemented immediately unless the provost or Dean of the College or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.

I. Records
In implementing this policy, records of all complaints, resolutions, and hearings will be kept by the associate provost for equity and diversity. Others will have access to the records only on a need-to-know basis.

IX. Statement of Rights
A complainant has the right to:

- To be treated with respect by university officials.
- To experience a safe living, educational, and work environment.
- To take advantage of campus support resources (such as Counseling & Psychological Services, the Office of the Chaplains, and University Health Services for students, or EAP services for employees).
- To have an adviser during the EGP hearing and all related meetings, in accordance with these procedures.
- To refuse to have an allegation resolved through conflict resolution procedures.
- To receive amnesty for minor student misconduct (such as minor alcohol violations) that is ancillary to the incident.
A respondent has the right to:

- To be treated with respect by university officials.
- To experience a safe living, educational, and work environment.
- To take advantage of campus support resources (such as Counseling & Psychological Services, the Office of the Chaplains, and University Health Services for students, or EAP services for employees).
- To have an adviser during an EGP Hearing and all related meetings, in accordance with these procedures.
- To refuse to have an allegation resolved through conflict resolution procedures.
- To have complaints heard in substantial accordance with these procedures.
- To attend in person or via speakerphone or videoconference any hearing in which the respondent is charged.
- To receive written notification of the outcome/resolution of the complaint.

X. Application of These Procedures

The procedures described above will apply to all complaints involving students, staff, or faculty members, and any person, including a non-community member, may make a complaint against a student, staff or faculty member pursuant to this policy. However, if a complainant is a member of a bargaining unit whose collective bargaining agreement requires an alternate procedure for the resolution of harassment or discrimination complaints, the complaint will be processed pursuant to the collective bargaining agreement.

A complaint against non-community members will be handled and addressed as the associate provost for equity and diversity deems appropriate. However, in all such cases, the associate provost for equity and diversity will ensure that the matter is appropriately investigated and that appropriate responsive action is taken, up to and including banning the non-community member from Colgate property. If the accused is an accepted but non-matriculated student, the university usually addresses the complaint via the EGP process.

XI. Campus Crime Reporting and Statistics

Colgate University is committed to providing a safe, supportive, and secure environment for the entire university community, including visitors. The Advisory Committee on Campus Safety will provide upon request all campus crime statistics as reported to the United States Department of Education. To obtain a copy, contact the associate director of campus safety, 315-228-7333. You may also view crime statistics for all colleges and universities at the United States Department of Education’s website: ope.ed.gov/security/Search.asp.

In its annual report of campus crime statistics, the university must report statistics concerning the occurrence on campus of certain crimes, including certain sex offenses. This statistical report does not include any personally identifiable information concerning the victim or the accused. Similarly, if Colgate issues a timely warning pursuant to the Clery Act to warn the campus community about a perceived immediate threat, the warning issued will not include any personally identifying information concerning a victim.
XII. Designation of Authority
Any person assigned a role pursuant to this policy may designate their authority to another appropriate person to avoid conflicts of interest or in other circumstances, as deemed necessary.

XIII. Policy Enforcement
The person responsible for the implementation of this policy internally is:
Marilyn (“Lyn”) Rugg, Ph.D.
Associate Provost for Equity and Diversity
The Office of Equity and Diversity
102 Lathrop Hall
Colgate University
13 Oak Drive
Hamilton, NY 13346
Phone: 315-228-6161

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

D. If you are the Victim of Sexual or Domestic Abuse

After an incident of sexual assault, domestic violence or dating violence, the victim should consider seeking medical attention as soon as possible at Community Memorial Hospital, located at 164 Broad St., Hamilton, NY or Oneida Healthcare Hospital, 321 Genesee St. Oneida, NY. In the State of New York, evidence may be collected even if you chose not to make a report to law enforcement. Minors (persons under the age of 18) will be treated, but if the victim is a minor the hospital must alert law enforcement due to state law requirements involving the protection of children.

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred or is occurring, or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages and other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University hearing boards/investigators or police.

Although the University strongly encourages all members of its community to report incidents of sexual assault, domestic violence, dating violence or stalking to law enforcement, it is the victim’s choice whether or not to make such a report and victims have the right to decline involvement with the police. The University will assist any victim with notifying local police if they so desire. The Hamilton Police Department may also be reached directly by visiting in person at 3 Broad St, Hamilton, NY 13346 or by calling 9-1-1 or (315) 824-3311.
As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Safety or law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

E. Assistance for Victims: Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the University will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. The University complies with New York law in recognizing orders of protection from Family Court, Criminal Court or the NY Supreme Court. Any person who obtains an order of protection should provide a copy to Campus Safety and the Office of the Title IX Coordinator.

The University cannot apply for a legal order of protection, no contact order, or restraining order for a victim from the appropriate jurisdiction. The victim is required to apply directly for these services. More information on how to obtain an order, which type of order is appropriate, and which court to obtain the order from can be found here:

Initial or interim remedies may be taken by the University, in appropriate circumstances. The associate provost for equity and diversity or the appropriate EGP co-chair will determine remedies intended to protect the safety or well-being of any member(s) of the campus community. Initial or interim remedies are intended to address the immediate and ongoing effects of harassment, discrimination, sexual assault, sexual exploitation, domestic violence, dating violence, stalking or retaliation, or to prevent further harm to the alleged victim. These remedies may include referral to counseling and health services or to the Employee Assistance Program, education to the community, altering the housing situation of one or more involved students, altering work arrangements for employees, providing campus escorts, implementing contact limitations between the parties, and/or offering adjustments to academic deadlines, course schedules, etc. In circumstances where the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on campus of the accused individual or the ongoing activity of a student organization whose behavior is in question, the University may, for the interim, suspend a student, employee (with or without pay), or organization pending completion of the EGP investigation and procedures.

Additionally, personally identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant, or who otherwise have a need to know the information to fulfill their obligations to the University. Without limiting the foregoing, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20)). Further, the University will maintain as confidential any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or protective measures.

The University does not publish the name of crime victims nor house identifiable information regarding victims in the Campus Safety Department’s Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by request. Requests may be made to Campus Safety, Human Resources or the Dean of Students Office.
F. **Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking**

**On-Campus**

The following resources are available to students on campus. Consult the EGP policy for additional information.

<table>
<thead>
<tr>
<th>Resource</th>
<th>Address/Location on Campus</th>
<th>Phone Number</th>
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<tbody>
<tr>
<td>Counseling Center</td>
<td>Conant House</td>
<td>A counselor is available 24/7 by calling campus safety at 315-228-7333.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>During office hours (8:30 a.m. - noon and 1:30 - 5:00 p.m.) a counselor is</td>
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<tr>
<td></td>
<td></td>
<td>accessible at 315-228-7385.</td>
</tr>
<tr>
<td>Student Health Services</td>
<td>Student Health Center</td>
<td>315-228-7750</td>
</tr>
<tr>
<td>Campus Safety</td>
<td>Campus Safety Building</td>
<td>315-228-7911</td>
</tr>
<tr>
<td>Marilyn (“Lyn”) Rugg, Ph.D.</td>
<td>The Office of Equity and Diversity</td>
<td>315-228-6161</td>
</tr>
<tr>
<td>Associate Provost for Equity and Diversity</td>
<td>102 Lathrop Hall</td>
<td></td>
</tr>
<tr>
<td>Tamala Flack, Director for EEO/AA</td>
<td>The Office of Equity and Diversity</td>
<td>315-228-7014</td>
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<td>102 Lathrop Hall</td>
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<tr>
<td>Mark Shiner, University Chaplain</td>
<td>Chapel</td>
<td>315-228-7682</td>
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<tr>
<td>Members of the Equity Grievance Panel</td>
<td>Equity Grievance Panel</td>
<td>Refer to Equity Grievance Panel list</td>
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**Off Campus**

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<thead>
<tr>
<th>Resource</th>
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<tbody>
<tr>
<td>Hamilton Police Department</td>
<td>3 Broad St., Hamilton, NY13346</td>
<td>315-824-3311</td>
</tr>
<tr>
<td>Community Memorial Hospital</td>
<td>164 Broad St. Hamilton, NY 13346</td>
<td>315-824-6090</td>
</tr>
<tr>
<td>Oneida HealthCare Hospital</td>
<td>321 Genesee St., Oneida, NY</td>
<td>315-363-6000</td>
</tr>
<tr>
<td>Madison County Courthouse (Legal Assistance, Orders of Protection)</td>
<td>North Court Street</td>
<td>315-366-2266</td>
</tr>
<tr>
<td></td>
<td>Post Office Box 545</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wampsville, NY 13163</td>
<td></td>
</tr>
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</table>
G. Where can I get more help?

A person in a dangerous emergency situation requiring immediate intervention should call 911 for assistance.

For additional court information, consult CourtHelp or the Court/HelpCenters.

You can call any of these numbers – day or night. The hotline operators can answer your specific questions and direct you to further resources.

NYS Domestic and Sexual Violence Hotline Numbers:

English: 1-800-942-6906
TTY: 1-800-818-0656
Spanish: 1-800-942-6908
TTY: 1-800-780-7660

In NYC: 1-800-621-HOPE (4673) or dial 311
TTY: 1-866-604-5350

For further help and information regarding what to do in a situation of domestic violence:

- go to the Help page of the NYS Office for the Prevention of Domestic Violence
- NYS Coalition Against Domestic Violence (CADV) (maintains list of available resources by county)
- National Office on Violence Against Women
- NYC Gay and Lesbian Anti-Violence Project
  212-714-1141 (24-hour English and Spanish Hotline)
- Rape, Abuse and Incest National Network
- Department of Justice
- Department of Education, Office of Civil Rights

H. How to be an Active Bystander

Bystander Intervention is a strategy for the prevention of various types of violence, including sexual harassment, sexual assault, dating violence, domestic violence and stalking. It is based on the fact that people make decisions and continue behaviors based on the reactions they get from others.

Colgate's active bystander intervention program is based on a model from Duke University called PACT: prevent, act, challenge, and teach. In the past year, a Colgate working group of 144 students, faculty and staff have contributed to the current model. More than 128 students are now trained, and there are 14 trained student leaders.

If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual harassment, sexual assault, dating violence, domestic violence or stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

I. Risk Reduction

The following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.

2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.

3. **Walk with purpose**. Even if you don’t know where you are going, act like you do.

4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.

5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.

6. **Make sure your cell phone is with you** and charged and that you have cab money.

7. **Don't allow yourself to be isolated** with someone you don’t trust or someone you don’t know.

8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.

9. **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.

10. **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).

11. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.

12. **Don’t accept drinks from people you don’t know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don’t drink from the punch bowls or other large, common open containers.

13. **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they’ve had, or is acting out of character, get him or her to a safe place immediately.

14. **If you suspect you or a friend has been drugged, contact law enforcement immediately** (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
   a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
   b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do only what feels right to you and what you are comfortable with.
   c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
   d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

17. **If you and/or the other person have been drinking**, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

### J. Sex Offender Registration

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.
The Madison County Sheriff's Office is the contact agency for questions relating to our local sex offender registry. Community members may also access the New York State Sexual Offender Registry at the following web address:
http://www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp

Crime Reporting

All members of the Colgate community are encouraged to promptly report all crimes to the Campus Safety Department Office or the Hamilton Police Department. Prompt and accurate reporting are valuable assets to law enforcement personnel responding to and investigating a criminal offense. It is important to note that some victims may not report incidents of crime to the Campus Safety Department Office or the police, but may confide in various confidential sources.

A voluntary confidential report provides an individual the opportunity to report a crime for statistical information to be included in this annual crime statistics report. University counselors, physicians and pastors are also encouraged to refer individuals to report crimes on a voluntary confidential basis. To file a voluntary confidential report contact Viola Neubauer, Associate Director of Campus Safety, at extension 7333. While retaining confidentiality, the University may decide if an investigation needs to be conducted by Campus Safety.

To provide information anonymously regarding possible or planned crimes, law/policy violations, and/or other crime information Campus Safety has a reporting/tip form on their website at: campus safety: report/tip form. The contents of this form are e-mailed directly to the Campus Safety Department and the sender appears as "Campus Safety Web Page". Anonymity is ensured if a person wishes to not provide a name or other information. Once the form is completed, click the Send Form button at the bottom of the page.

Numerous efforts are made to advise members of the campus community on a timely basis about campus crime and crime-related problems. These efforts include:

• **Annual Report**: A comprehensive annual report of crime-related information is compiled, published and widely distributed. This report is also available at the Campus Safety Department Office, Human Resources Office and the Admissions Office.

• **Student Newspaper**: The student newspaper, The Colgate Maroon-News, is communicated with on a regular basis, and articles are published to inform the campus of specific Campus Safety concerns. The Colgate-Maroon News also publishes the Campus Safety Blotter, a weekly summary of the incidents reported to Campus Safety.

**Campus Safety Alerts**: When circumstances warrant, Campus Safety Alerts are prepared and distributed throughout the campus using the 'Campus Alert' email distribution.

Crime Statistics

The following statistics for the calendar years of 2011, 2012 and 2013 were reported to the Campus Safety Department, other University officials or the Hamilton Police Department. The statistics reflect crimes which occur not only on campus, but also at non-campus property, public property and specifically in residential facilities.

The definitions for campus, non-campus building or property and public property are excerpted from the Federal Register.

*Campus*: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

*Residential Facilities*: Dormitories or other residential accommodations for students on campus.

*Non-campus building or property*: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
Public property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

The definitions for arson, criminal homicide, robbery, aggravated assault, burglary, motor vehicle theft, forcible and nonforcible sex offenses, weapon law violations, drug abuse violations and liquor law violations are excerpted from the Uniform Crime Reporting Handbook.

**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.

**Criminal Homicide — Negligent Manslaughter**
The killing of another person through gross negligence.

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

**Robbery**
The taking of or attempting to take anything of value from the care, custody or control of a person or person(s) 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.

**Burglary**
The unlawful entry of a structure to commit a felony or a theft.

**Motor Vehicle Theft**
The theft or attempted theft of a motor vehicle.

**Hate Crime**
When a person is victimized intentionally because of her/his actual or perceived race, gender, sexual orientation, ethnicity or disability.

**Weapon Law Violations**
The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

**Drug Law Violations**
Violations of state and local laws about the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives, (morphine, heroin, codeine), marijuana, synthetic narcotics (Demerol, methadone), and dangerous nonnarcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations**
The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, or possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

The Sex Offenses definitions are excerpted from the Uniform Crime Reporting Handbook, National Incident-Based Reporting System edition.
Sex Offenses - Forcible

Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent.

A. Forcible Rape — The carnal knowledge of a person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

B. Forcible Sodomy — Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

C. Sexual Assault With An Object — The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth, or because of his/her temporary or permanent mental or physical incapacity.

D. Forcible Fondling — The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or, not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sex Offenses - Non-forcible

Unlawful, non-forcible sexual intercourse.

A. Incest — Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

B. Statutory Rape — Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Domestic Violence

The term “domestic violence” includes felony or misdemeanor crimes of violence committed by "members of the same family or household" which shall mean the following: (a) persons related by consanguinity or affinity; (b) persons legally married to one another; (c) persons formerly married to one another regardless of whether they still reside in the same household; (d) persons who have a child in common regardless of whether such persons have been married or have lived together at any time; (e) persons who reside in the same household or formerly resided in the same household as spouses, and (f) 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. In addition, “Domestic Violence” includes felony or misdemeanor crimes of violence committed by persons other than members of the same family or household against an adult or youth victim who is protected from the perpetrator’s acts under applicable domestic or family violence laws.

Dating Violence

The term “dating violence” means violence committed by a person—(A) who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Stalking

The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person under similar circumstances and with similar identities to the victim to—(A) fear for his or her safety or the safety of others; or (B) suffer significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
### Crime Statistics Report

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On-Campus Property</th>
<th>Non-Campus Building or Property</th>
<th>Public Property</th>
</tr>
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* Crimes reported in the residential facilities are also included in the On Campus category.

In 2012 two campus intimidation incidents were reported, one characterized by ethnicity and one by sexual orientation; and one destruction, damage, vandalism incident was reported characterized by sexual orientation.
# Crime Statistics Report

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On-Campus Property</th>
<th>Residential Facilities*</th>
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* Crimes reported in the residential facilities are also included in the On Campus category.

In the calendar year of 2013 five (5) additional forcible sex offense(s) were reported to Campus Safety. None are listed above since they occurred in a non-reportable area.

None of the above listed incidents were listed as “Hate Crimes”.
## Judicial Referral

<table>
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<tr>
<th>Offense</th>
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<th>On-Campus Property</th>
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## Arrests

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</table>

Driving While Intoxicated (DWI) is not a federal reporting category and offenses are not included in the liquor law violations. There was one (1) DWI case that occurred on campus during the calendar years 2012 and 2013.
Fire Safety Report

Annual Fire Safety Reports on Student Housing

Fire statistics
Colgate University reports eight (8) fires in student housing for 2011 with one (1) injury; three (3) fires with no injuries for 2012; and four (4) fires with no injuries for 2013. For all three (3) calendar years there were no deaths, and minimum property damage due to the fires.

On-Campus Student Housing and Life Safety Systems
Colgate University has a total of 32 on-campus student housing facilities. Each facility is equipped with addressable fire detection systems, including smoke and heat detectors, and pull-box stations. Each facility is fully suppressed with fire sprinklers. All fire life safety systems report to Campus Safety’s Communication Center.

Fire Doors
Stairwell fire doors must be kept closed at all times.

Fire Extinguishers and Other Fire-Safety Devices
Every residence facility is equipped with fire extinguishers and smoke detectors. Tampering with any fire safety equipment (including but not limited to fire extinguishers, covering smoke detectors or fire sprinklers) or obstructing other fire-safety devices is considered a serious offense that may lead to disciplinary action and fines.

Mandatory Supervised Fire Drills
Colgate University’s Campus Safety Department conducts three mandatory fire evacuation drills per calendar year. The fire evacuation drills are supervised by Campus Safety officers. The fire evacuation drills are conducted by activating each individual fire alarm system in each on-campus student housing facility. Two of the fire evacuation drills are conducted during the daytime hours and one fire evacuation drill is conducted after dusk.

Fire Alarms & Drills
Fire drills in each residential area are scheduled regularly and are conducted by Campus Safety in accordance with state and local fire codes. Fire drills are intended to orient the residents of the building with fire evacuation procedures and emergency exit locations. Students must comply with fire alarms and evacuate when the alarm sounds. Failure to do so may result in disciplinary action.

Fire Safety Policies and Rules
Fire safety procedures are located in the student handbook; http://www.colgate.edu/portaldata//imagegallerywww/692/ImageGallery/studenthandbook1119%20.pdf
Please read and follow instructions closely. All university fire alarms are directly connected to the Campus Safety Department. Remember: evacuate a building whenever a fire alarm is sounded; failure to do so could result in the loss of life. A room-by-room evacuation check is conducted during every fire alarm. Individuals who fail to evacuate a university building during a fire alarm will be subject to university discipline. The sending of a false alarm undermines fire safety, is illegal and is a hazard to firefighters and to occupants. Individuals sending such alarms are subject to state criminal penalties and will also be subject to university discipline.

Intentionally setting a fire in or on university property or causing a fire through gross negligence is strictly forbidden, and students responsible will be subject to arrest and/or university discipline.

Fire safety is a matter of urgent concern for all members of the community, a fact observed in the university’s scheduling of fire drills and fire safety checks in all residential areas. Fire alarms and firefighting equipment are in university buildings for the community protection of life safety. Any tampering with or misuse of such equipment is a violation of New York State criminal law and may result in university disciplinary action, a fine, and/or criminal prosecution. A fine (per person, per incident) may be assessed for tampering with fire safety equipment. This fine may be assessed in addition to the cost of other restorative measures (repairing or replacing damaged or stolen equipment, resetting alarms, recharging fire extinguishers, etc.). For university residences, where no individual or individuals accept responsibility, the Office of Residential Life, at their discretion, may assess a fine to a floor or building on a pro-rata basis.
Fireworks are illegal in New York State, and possession or detonation of fireworks is strictly forbidden. Students who possess or detonate fireworks will be subject to disciplinary action, a fine, and/or criminal prosecution.

Colgate University’s fire safety regulations are intended to prevent injuries to members of the University community and physical damage to facilities. Rooms are inspected periodically, at random times, to assure compliance with University regulations. Because of the seriousness of the regulations that cover fire safety, Colgate University takes disciplinary action on the first offense. Such action may include the imposition of a fine by the University’s Disciplinary Officer. The University has the right, moreover, to require students who violate these safety rules to vacate their accommodations with no financial credit for the remainder of the semester.

Colgate University has prohibitions on smoking and for items including candles (even for decoration and unlit), incense, potpourri burners, halogen lamps, neon signs, extension cords, and halogen lights.

Flammable liquids (including but not limited to turpentine, paint, gasoline, propane, kerosene, charcoal lighter fluid, and ether) and equipment that uses combustible fuel (e.g. motorcycles, mopeds) cannot be stored in a residential building. Gas or charcoal grills are not permitted in the residence halls. Gas and charcoal grills are prohibited from use or storage on the decks and porches of apartments, houses and townhouses at all times.

Natural holiday trees are prohibited in all residential facilities. UL approved lights may be used seasonally, for short term use, on artificial trees or for decorative purposes. Trees cannot be located at the bottom of a stairwell, in an egress, or within 25 feet of an exit. Holiday Lights are cited violations by the New York State Office of Fire Prevention and Control. All holiday decorations must be removed prior to semester breaks. For a complete list, visit: http://www.colgate.edu/docs/d_offices-and-services_deanofthecollege_universitystandardsandstudentconduct/student-handbook-2-20-13

**Fire Inspections for On-Campus Student Housing**
Fire inspections start every fall and there are two inspections for every residence facility per year.

**Training**

Fire safety presentations are provided to all Community Leaders prior to the start of the academic year, and to all fraternity and sorority residents as well. Fire safety programs address:

- Evacuation and emergency preparedness
- Organizational mandates
- Fire inspection program
- Fire extinguisher use
- Life safety systems
- Fire safety rules and regulations

The Campus Safety department provides fire safety training to the entire campus by conducting a mock student room fire demonstration in the student housing quad, hands on fire extinguisher training, and an education presentation which coincides with the mock fire. The Campus Safety Department also conducts fire drills in all university buildings as part of this program. All campus buildings are inspected annually according to regulation set forth by the New York State Education Department and local codes set forth by the New York State Fire Prevention and Construction Code.

Colgate University conducts fire safety training for Residential Life Community Leaders, Community Managers and Advisors. Fire safety information is also provided during first year student orientation.

**Future improvements for fire safety**

Colgate University will be upgrading the fire alarm reporting system to Campus Safety to a dedicated system to be used only for fire and CO alarms.
Fire Safety
Institutions with dormitories will need to publish an annual fire safety report on campus fire safety practices and standards. The report must detail:

- for each on-campus student housing facility, statistics for the most recent years on:
  - number and cause of any fires
  - number of injuries requiring medical care
  - number of deaths
  - the value of property damaged
- a description of each housing facilities fire safety system, including sprinklers
- the number of regular mandatory fire drills
- the institution’s policies and rules on portable electrical appliances, smoking, and open flames, evacuation procedures, and fire safety education and training
- plan for improving fire safety, if determined necessary

In addition, campuses must keep a log to record all fires in student housing facilities including nature, date, time, and general location of each fire.
<table>
<thead>
<tr>
<th>Student Housing Facility</th>
<th>Fires</th>
<th>Fire Cause</th>
<th>Injuries</th>
<th>Deaths</th>
<th>Property Damage</th>
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<td>Fire Cause</td>
<td>Injuries</td>
<td>Deaths</td>
<td>Property Damage</td>
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<tr>
<td>Delta Upsilon (66 Broad St)</td>
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<tr>
<td>Loj Outdoor &amp; Environ. House (70 Broad St)</td>
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<tr>
<td>Gamma Phi Beta (72 Broad St)</td>
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<tr>
<td>Bunch &amp; International House (80 Broad St)</td>
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<tr>
<td>Delta Delta Delta (84 Broad St)</td>
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<tr>
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<tr>
<td>Phi Tau (92 Broad St)</td>
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<tr>
<td>94 Broad St.</td>
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<tr>
<td>Creative Arts House (100 Broad St)</td>
<td>0</td>
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<tr>
<td>Cushman House (102 Broad St)</td>
<td>0</td>
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</tr>
<tr>
<td>Interfaith House (104 Broad St)</td>
<td>0</td>
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<td>0</td>
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</tr>
<tr>
<td>Philanthropy House (110 Broad St)</td>
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<td>$0.00</td>
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<td>$0.00</td>
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<tr>
<td>Asia Interest House (118 Broad St)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>$0.00</td>
</tr>
<tr>
<td>Townhouse Apartments (180 Broad St)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>$0.00</td>
</tr>
<tr>
<td>Sigma Chi (100 Hamilton St)</td>
<td>0</td>
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</tr>
<tr>
<td>Residence Facility</td>
<td>Fully Sprinklered</td>
<td>Fire Detection</td>
<td></td>
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<td>-----------------------------------------------</td>
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</tr>
<tr>
<td>Andrews Hall (15 Alumni Drive)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
<td></td>
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</tr>
<tr>
<td>Bryan Complex (31 Bryan Roadway)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Curtis Hall (27 Conant Road)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
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<tr>
<td>Cuten Complex (40 Bryan Roadway)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Drake Hall (29 Conant Road)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
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<tr>
<td>East Hall (19 Alumni Road)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Gate House (10 Oak Drive)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
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<tr>
<td>La Casa Pan-Latina Americana House (3 Oak Drive)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
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<tr>
<td>Newell Apartments (58 Newell Drive)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
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<tr>
<td>Parker Apartments (59 University Court)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
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<tr>
<td>Stillman Hall (16 Alumni Drive)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
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<tr>
<td>University Court Apartments (60 University Court)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
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<tr>
<td>West Hall (18 Alumni Drive)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
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<tr>
<td>Kappa Kappa Gamma (40 Broad St)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
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<tr>
<td>Class of ’34 House (49 Broad St)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
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<tr>
<td>Theta Chi (52 Broad St)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Delta Upsilon (66 Broad St)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Loj Outdoor &amp; Environmental House (70 Broad St)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gamma Phi Beta (72 Broad St)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bunche 7 International House (80 Broad St)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Delta Delta Delta (84 Broad St)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beta Theta Phi (88 Broad St)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phi Tau (92 Broad St)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
<td></td>
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<tr>
<td>94 Broad St.</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
<td></td>
<td></td>
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</tr>
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<td>Yes (Wet System)</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cushman House (102 Broad St)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interfaith House (104 Broad St)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Philanthropy House (110 Broad St)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phi Delta Theta (114 Broad St)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Asia Interest House (118 Broad St)</td>
<td>Yes (Wet System with dry pipe in attic)</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Townhouse Apartments (180 Broad St)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
<td></td>
<td></td>
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<tr>
<td>Sigma Chi (100 Hamilton St)</td>
<td>Yes (Wet System)</td>
<td>Yes</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
Telephone Numbers

**Campus Safety Emergency** ............................................... 911 from on-campus phones
or (315) 228-7911 from off-campus or cell phones

- Campus Safety Business .............................................. 7333
- Campus Safety TTY .................................................... 6002
- Counseling Center .................................................... 7385
- Dean of the College ................................................... 7425
- Dean of the Faculty .................................................... 7222
- Associate Dean of the Faculty ................................. 7220
- Human Resources ..................................................... 7411
- Residential Education .............................................. 7372
- Student Health Center .............................................. 7750
- Hamilton Police ...................................................... 824-3311
- Community Memorial Hospital ......................... 824-1100
- Rape Crisis Center of Syracuse .......................... 422-7273

From a non-university telephone, dial 228, then the extension.
From a cell phone, dial (315) 228, then the extension.
Campus Safety
Colgate University
13 Oak Drive, Hamilton, New York 13346
315-228-7333
cusafety@colgate.edu
www.colgate.edu/offices-and-services/campussafety