



2025 Annual Security & Fire Safety Report

Contains policy information for the 2025-2026 Academic Year and includes crime and fire statistics for 2022, 2023, and 2024, for the Main Hartwick Campus and the Pine Lake Campus

Contains the Drug and Alcohol Abuse Prevention Program information for the Main Hartwick Campus and the Pine Lake Campus

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Notice and Administrative Notifications

Notice

This report is a part of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 (the Clery Act). This document is a copy of Hartwick College's Annual Security and Fire Safety Report for the Main Hartwick Campus in the City of Oneonta, New York, based in Otsego County, and the Pine Lake campus in the Town of Davenport, New York, based in Delaware County. This report includes statistics for both campuses from the three previous calendar years concerning reported crimes on campus; in certain off-campus buildings or properties owned or controlled by Hartwick College; and on public property within, or immediately adjacent to and accessible from either the Main Hartwick Campus or the Pine Lake campus. This report also includes institutional policies and procedures concerning campus safety and security, fire safety, sexual assault, and the Violence Against Women Act (VAWA).

Additionally, Hartwick College's Drug and Alcohol Abuse Prevention Program information for both the Main Hartwick Campus and the Pine Lake Campus is included in this report as required in federal statutes.

Except where otherwise stated, all policies and statements within this report apply to both the Main Hartwick Campus and the Pine Lake Campus.

This report is prepared by the Clery Compliance Officer in conjunction with the Office of Campus Safety, the Title IX Office, the Office of Residential Life and Community Standards, and the Office of Environmental Health, Safety, and Chemical Hygiene.

Statistics for crimes required to be reported on by the Clery Act listed in this report are compiled through reports made to the Office of Campus Safety, the Office of Residential Life and Community Standards, the Title IX Office, or Campus Security Authorities (CSAs). Requests are distributed to local and state law enforcement for criminal statistics that are required by the Clery Act that may not have been reported to Campus Safety, the Title IX Office, or CSAs. Statistics disclosed in these requests are compared to received reports to mitigate any potential duplication and then added to the statistical charts.

Statistics for fires required to be reported on are collected through the Office of Campus Safety and the Office of Environmental Health, Safety, and Chemical Hygiene.

You can obtain a copy of this report by contacting the Office of Campus Safety at 607-431-4111 or by visiting the Campus Safety Dispatch Desk on the third floor of Dewar Union.

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Revision History

Version Number	Date	Person	Rationale/Comments
0.1.0	17 September 2025	S. Janitz	Document created.
0.1.1	18 September 2025	C. Bunn	2024 Clery crime numbers added into chart
0.1.2	23 September 2025	G. Gabriel	Updated grievance procedures from the applicable policies - Title IX and Sexual Misconduct Policy; Title IX Discrimination, and Harassment Policy; updated the Primary and Ongoing Awareness and Prevention Campaign; Updated/Checked VAWA, Clery and related Criminal Definitions.
0.1.3	24 September 2025	D.DePass	Updated active assailant and emergency management preparedness training, removed Run, Hide Fight training information.
0.1.4	25 September 2025	S. Harrington	Updated to pages 108, 109 titles as they changed. 109 Notification in case of a fire. Title changes and change in procedure. Page 111 Title changes. Page 114 fire reporting log. Page 115 Drills for calendar year. (Main Campus) Page 118 Fire reporting log for Pine Lake. Page 119 Drills for calendar year. (Pine Lake) Also called Safety dispatch to confirm numbers. (9/25/2025 @ around 11am.

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Hartwick College Office of Campus Safety

Hartwick College employs a security and dispatcher force of 20 full-time, part-time, and per diem employees. All members of Campus Safety receive extensive training and some have had prior police training and experience. A Campus Safety Officer is available 24 hours a day, 365 days a year who can be accessed by calling the Campus Safety Dispatch Desk. The Campus Safety Dispatch Desk is available 24 hours a day, 365 days a year and is staffed by a trained Campus Safety Dispatcher. The Director and the Assistant Director of Campus Safety share the responsibility of being on-call 24 hours a day, 365 days a year. In the case of a serious crime or emergency, the on-call director is notified immediately and then supervises the investigation.

Campus Safety Officers receive training that includes first aid, CPR/AED, NARCAN, emergency response, use of force, crime scene preservation, diversity, sexual assault, Title IX/VAWA, and conflict-resolution skills. The officers provide campus patrols 24 hours a day and are responsible for enforcing safety rules and regulations, supervising all fire and safety drills, and handling all emergencies on campus. In addition, they work closely with the residential life staff, facilities services staff, and the Student Government Association to address quality-of-life issues on the campus.

Campus Safety Authority and Jurisdiction

Enforcement Authority

The Office of Campus Safety is responsible for providing security services for Hartwick College. Campus Safety officers and staff are responsible to Hartwick College for the enforcement of college policies and Federal and State laws for campus administrative purposes only. Campus Safety investigates campus criminal incidents for administrative purposes as they relate to the campus judicial process. Criminal incidents may be investigated for possible criminal prosecution by the local Oneonta Police Department or other law enforcement agency with jurisdiction. The Director of Residential Life and Community Standards, in conjunction with the Title IX Coordinator, coordinates disciplinary action for matters that are violations of college policies when students are involved. The Vice President for Human Resources and Compliance, in conjunction with the Title IX Coordinator, coordinates disciplinary action for matters that are violations of college policies when employees are involved.

Arrest Authority

Campus Safety personnel are non-sworn security personnel for Hartwick College and have no official powers of arrest authority. Campus Safety will request support from the Oneonta Police Department or other applicable law enforcement entities to affect an arrest on or within college-owned, -controlled, -leased, or -recognized property.

Campus Safety Jurisdiction

Campus Safety's jurisdiction encompasses its Clery geography which includes the Main Hartwick Campus located at 1 Hartwick Drive, Oneonta, NY 13820; the Pine Lake Campus located at 1894 Charlotte Creek Rd, Oneonta, NY 13820; any residence halls, buildings, and/or facilities located on the Main Hartwick Campus or the Pine Lake Campus; designated non-campus long term properties and facilities that are within the City of Oneonta and local township; public property adjacent to and accessible from on-campus property; and leased, rented, or otherwise recognized and/or controlled buildings, spaces, and/or facilities that are also within the City of Oneonta or local township.

Working Relationships with Other Local and State Law Enforcement Agencies

Campus Safety has an excellent working relationship with the Oneonta Police Department (OPD), which is the law enforcement agency with primary jurisdiction for the investigation of all criminal matters occurring on the Main Hartwick Campus. Communication between the Director of Campus Safety and the Oneonta Police Chief is continual. The response time of the Oneonta Police Department to the Main Hartwick Campus averages less than three minutes for emergency calls.

Campus Safety also enjoys a good relationship with the New York State Police, which is the law enforcement agency with primary jurisdiction for the investigation of all criminal matters occurring on the Pine Lake Campus. The Director of Campus Safety communicates with the Captain of the New York State Police at least monthly to discuss issues of concern. The response time of the New York State Police to the Pine Lake Campus varies based on the location of officers.

While Hartwick College is private property and constitutional protections apply, law enforcement officers may enter the Main Hartwick Campus or the Pine Lake Campus to conduct business as needed. Additionally, New York State Police or Oneonta Police officers are invited to patrol the Main Hartwick Campus and Pine Lake Campus to assist Campus Safety in deterring crime. All law enforcement agencies are expected to check in with Campus Safety when present on either campus.

Written Memorandums of Understanding with Local and State Law Enforcement Agencies

Hartwick College currently has an active Memorandum of Understanding (MOU) with each of the following agencies for the investigation of alleged criminal incidents and collaboration/assistance when warranted: the New York State Police, the Oneonta Police Department, and the State University of New York at Oneonta (SUNY Oneonta) University Police. The memorandums of understanding are held by the Office of Campus Safety.

Monitoring and Recording Criminal Activity at Non-Campus Locations of Student Organizations

The College has an agreement with local police, who will monitor any criminal activity at off-campus student organizations recognized by the College, including student organizations with off-campus housing facilities. These include Clery-defined non-campus properties. Hartwick currently has four organizations, such as fraternities and sororities, that operate non-campus facilities or residences. None of these facilities are owned by Hartwick College.

Emergency Contact Information and Resources

In an emergency, please call 911.

Cellular 911 calls are answered by the New York State Police or the Otsego County Sheriff's Department, depending on the caller's location.

All community members are able to use the emergency contact information below, regardless of campus designation. This chart provides resources available for emergencies as well as victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking.

The charts below list main line phone numbers for resources unless otherwise stated.

Hartwick College Resources		
Name of Resource	Campus and Location	Telephone Number
Campus Safety	Main Campus, Dewar Union 3 rd Floor	(607) 431-4111
Office of Residential Life	Main Campus, Dewar Union 4 th Floor	(607) 431-4501
Perrella Counseling Center	Main Campus, Perrella Wellness Center	(607) 431-4420
Perrella Health Center	Main Campus, Perrella Wellness Center	(607) 431-4120
Pine Lake Main Office	Pine Lake Campus, Robertson Lodge	(607) 431-4520
Title IX Coordinator	Main Campus, Shineman Chapel House	(607) 431-4293 (personal line)

Off Campus/Local Resources		
Name of Resource	Location	Telephone Number
Opportunities for Otsego – Violence Intervention Program	3 West Broadway Oneonta, NY 13820	(607) 432-4855 (24-hr line) (607) 433-8000 (office line)
Otsego County Mental Health	242 Main Street Oneonta, NY 13820	(607) 433-2343
Oneonta Police Department	81 Main St #2 Oneonta, NY 13820	(607) 432-1113 (non-emergency)
Oneonta Fire Department	81 Main St, Oneonta, NY 13820	(607) 433-3480 (non-emergency)
A.O. Fox Hospital	1 Norton Avenue Oneonta, NY 13820	(607) 432-2000 (main line) (607) 431-5000 (emergency line)
Bassett Medical Center	1 Atwell Rd Cooperstown, NY 13326	(607) 547-3456 (main line) (607) 547-3355 (emergency line)

Campus Geography Overview

Understanding Clery Geography

The Clery Act defines three categories of geography that must be considered for reporting crimes in the annual disclosure of crime statistics:

- On-campus property including campus residence halls, buildings, and/or facilities;
- Designated non-campus properties and facilities; and
- All public property, including thoroughfares, streets, sidewalks, and parking facilities that are within the campus or immediately adjacent to and accessible from the campus or on-campus property/facilities.

The definition from the regulations for the Clery Act for each category of property are listed in Appendix A.

Main Hartwick Campus

The Main Hartwick Campus is located in the City of Oneonta, situated on Oyaron Hill and surrounded by residential properties. The main campus is approximately 425 acres of land consisting of residence halls, academic and administrative buildings, athletic facilities, hiking trails, fields, and an observatory. The vast majority of residential, academic, and administrative buildings on the Main Hartwick Campus are located on the lower side of campus, while the remainder of the campus is a wooded area surrounding the upper campus which contains the Table Rock hiking trails, Strawberry Field, and the observatory.

The public streets bordering the Main campus directly are West Street and Clinton Street. Private roads running through the Main campus are: Cayuga Lane, Elmore Fields, Hartwick Drive, Hartwick Fields, Iroquois Drive, Mohawk Trail, Mohican Lane, Observatory Lane, Oneida Lane, Onondaga Drive, Otisco Lane, Oyaron Drive, Richie Quad, and Tuscarora Drive.

A Main Campus Clery Boundary map is included in Appendix B.

Pine Lake Campus

The Pine Lake Campus is located at 1894 Charlotte Creek Road in West Davenport, New York, approximately eight (8) miles away from the Main Hartwick Campus. The mailing address specifies Oneonta as opposed to West Davenport. The Pine Lake Campus consists of approximately 120 acres of land with a mixture of open fields, wetlands, a small lake and beach, and wooded area with trails. In addition, there are multiple cabins for residential students, a communal living lodge, a multi-use building, a classroom, and low- and high-rope challenge environments.

The public roads bordering the Pine Lake campus directly are Charlotte Creek Road and Pine Lake Road. Additionally, the Pine Lake campus is bordered by private property and Charlotte Creek. The Pine Lake Campus Road runs through the center of the property for access to the residential cabins.

A Pine Lake Campus map is included in Appendix B.

Reporting Procedures

General Reporting

Community members, students, faculty, staff, administrators, and College guests should report

- All crimes, emergencies, and actual or potentially safety-related incidents to Hartwick College Campus Safety by calling 607-431-4111 or going to the Campus Safety Dispatch Desk on Dewar Union 3rd Floor; and
- Gender-based violence to the Hartwick College Title IX Coordinator as soon as possible.

If a person is unable to contact Campus Safety directly to report an emergency, that person should notify a Hartwick College employee or Residential Life and Housing professional or student employee. This employee will then attempt to contact Campus Safety and assist in triaging the emergency.

All serious crimes and accidents occurring on either campus are reported to and investigated by the Oneonta Police Department, the New York State Police, the Otsego County Sheriff, or the Delaware County Sheriff as appropriate.

Reporting a crime, emergency, or actual or potentially safety-related incident in a timely manner is important. The Hartwick community is encouraged to report incidents promptly and accurately to Campus Safety or local police when the victim of a crime elects to or is unable to make such a report. Incidents should be reported to Campus Safety in case timely warnings or emergency notifications are needed and for the collection of statistical data to potentially be included in this annual security report. Anyone with information that they believe may warrant issuing a timely warning or emergency notification should immediately report the information to the Office of Campus Safety by calling 607-431-4111.

When an incident is reported to Hartwick College Campus Safety, the general following steps are taken:

- A Campus Safety Officer (CSO) is dispatched immediately to assess the situation and, if needed, will secure the scene. CSOs are trained to attend to the needs of victims and to take control of the situation. If outside services — including police, emergency medical services (EMS), or the fire department — are required, the appropriate agency is called. At the scene, the CSO is responsible for maintaining order, interviewing and counseling victims and witnesses, and preserving evidence.
- If an incident is considered serious and poses an immediate threat to people and/or property, it is assessed to determine if a timely warning or emergency notification is required.
- In the case of injury or illness, the individual may be cared for at the Perrella Health Center or they may choose to go to the A.O. Fox Hospital emergency room.
- At the conclusion of an incident, the investigating CSO files a written incident report, which is forwarded to the appropriate College officials for follow-up and/or adjudication.
- Depending on the incident, the Director or Assistant Director of Campus Safety may notify the appropriate College official(s) of the incident in accordance with the College's Emergency Management Plan.

Hartwick College will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Voluntary Confidential Reporting

Hartwick College encourages anyone who is the victim or witness of any crime to promptly report the incident to Campus Safety or the Oneonta Police Department. Campus Safety does not have a voluntary confidential reporting process because Campus Safety reports are educational records and not law enforcement reports. As a result, Campus Safety cannot hold reports of crime in confidence.

Confidential Reporting

Students may make confidential reports to Professional Counselors in the Perrella Counseling Center. Professional Counselors, when acting in their capacity and function as Hartwick College counselors, do not make identifiable reports of incidents to Campus Safety unless the student specifically requests them to do so; however, the College encourages counselors, if and when they deem it appropriate, to inform students they can report incidents of crime to Campus Safety, which can be done directly or through the Silent Witness Program as outlined below.

A Professional Counselor is defined by the Clery Act as “[a] person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification.” [34 C.F.R. §668.46 (a) (<https://www.law.cornell.edu/cfr/text/34/668.46>)]

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to counselors in the Perrella Counseling Center or the Perrella Health Center Director. Counselors in the Perrella Counseling Center or the Perrella Health Center Director, in their capacity as a Campus Security Authority (CSA), can make confidential crime reports to Campus Safety to ensure inclusion in the annual disclosure of crime statistics without disclosing personally identifiable information.

Hartwick College HEART Peer Counselors are confidential resources but are not able to make confidential reports. HEART Peer Counselors report all incidents of a crime to the HEART Advisor(s). The HEART Advisor(s) report these incidents to the Director of Counseling Services who reports anonymized statistics for inclusion in the annual disclosure of crime statistics to Campus Safety.

Hartwick College does not employ pastoral counselors.

Silent Witness Program

The College allows Hartwick community members the opportunity for anonymous reporting of actual crimes/incidents or serious policy violations which may affect the health, safety, or welfare of the Hartwick College community. It is not designed to replace the need to contact Campus Safety or call 911 directly with information about an emergency, crime in progress, or potential harmful situation. During those situations, contact Campus Safety immediately at extension 4111 (607-431-4111) or call 911.

To access the Silent Witness Program and submit a report, you can go to https://cm.maxient.com/reportingform.php?HartwickCollege&layout_id=4.

On submission of a form, an email is generated and sent to Campus Safety and Community Standards for review by an official of the College and is subsequently acted on as appropriate.

It is the College's policy not to trace the origin of a submission sent via this form. If there is a threat to personal or public safety, or if there is suspicion that the report is a false report under New York State law, a trace via campus network logs and the submitter's IP address will be conducted. In such a case, the trace will be approved by the Vice President for Finance and Operations, the Dean of Students, the President, or one of their respective designees.

While the Silent Witness Program is available, the College's ability to investigate and address reported incidents may be limited based on information submitted.

Hartwick College will use Silent Witness reports to keep an accurate record of the number of incidents occurring, identify potential patterns of incidents, and alert the campus community to potential dangers. Reports filed in this manner are counted, cross-referenced, and included in the annual disclosure of crime statistics.

Campus Security Authorities (CSAs)

Although Hartwick College encourages the reporting of all campus incidents directly to Campus Safety, in some instances a member of the community may be uncomfortable doing so. In this case, the community member may choose to report to a Campus Security Authority (CSA). Campus Security Authority (CSA) is a Clery-specific term that encompasses four categories of individuals or organizations associated with the institution who have a responsibility at some level for the safety of the College community.

Some examples of CSAs are employees for Campus Safety, employees for Residential Life and Housing, employees for the Campbell Fitness Center, employees for Student Experience, employees for Athletics, select employees for Academic Affairs, and advisors for clubs and organizations.

In addition to CSAs, there are individuals designated across campus as Preferred Receivers of Reports. Those individuals are in the following positions and contact information for them can be found in Appendix C:

- Director of Campus Safety
- Director of Residential Life and Community Standards
- Title IX Coordinator and College Compliance Officer
- Dean of Students
- Vice President for Academic Affairs and Provost
- Vice President for Human Resources and Compliance
- Clery Compliance Officer

Timely Warning Procedures

A timely warning is issued to give students, faculty, and staff timely notice of crimes that, in the judgment of the Director of Campus Safety or their designee, may represent a serious or ongoing threat to the campus community and to heighten safety awareness.

Timely warnings will be distributed as soon as pertinent information is available, in a manner that is timely, that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar crimes or occurrences.

Timely warnings are typically distributed by email to all students and employees on campus as soon as pertinent information is available. Timely warnings can also be distributed via the RAVE Emergency Notification System. If needed, additional distribution methods can be, but are not limited to, information posted on the College's website or social media channels, or distribution through local media.

The Director of Campus Safety or their designee will typically write and distribute the timely warning. However, they are routinely reviewed and approved by the Vice President for Strategic Communications or their designee prior to distribution. The Director of Campus Safety or their designee have the authority to immediately issue a timely warning if the time for consultation is not available. Should the Director of Campus Safety or their designee be directly impacted or otherwise unavailable to issue an alert, the Vice President for Strategic Communications or their designee is able to write and issue an alert or designate an individual to do so.

Timely warnings are sent to the College community to notify members of a Clery Act crime that happened on Clery Act geography associated with the Main Hartwick Campus or the Pine Lake Campus that have been reported to Campus Safety or a Campus Security Authority. Prior to issuing a timely warning, the incident that is reported is reviewed and evaluated to determine if it may pose a serious or continuing threat to members of the College community. Timely warnings are always sent to the entire College community and may not be segmented to specific populations.

Timely warnings are typically issued for the following Clery Act crimes:

- Murder/Non-negligent manslaughter;
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger Hartwick College community);
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning, but will be assessed on a case-by-case basis);
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the Director of Campus Safety or their designee). In cases involving sexual assault, they are sometimes reported long after the incident occurred, thus there is no ability to distribute a “timely” warning to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning;
- Major incidents of Arson; and
- Other Clery crimes as determined necessary by the Director of Campus Safety or their designee.

Typically, timely warnings are not issued for any incidents reported that are older than ten (10) days from the date of occurrence, as such a delay in reporting has not afforded the College to react or respond in a timely manner.

Campus officials who are not subject to the timely reporting requirement are those serving as professional licensed counselors in the Perrella Counseling Center who were providing confidential services to a crime victim at that time.

Emergency Response and Communication

Emergency Preparedness

Hartwick College has adopted an Emergency Management Program that establishes policies, procedures, and an organizational hierarchy for response to emergencies on campus. The core of the Emergency Management Program is the Emergency Management Plan (EMP) which outlines incident priorities, campus organization, and the role and operation of Hartwick College personnel during an emergency. The EMP is compiled and managed by the Director of Campus Safety in conjunction with additional appropriate offices (e.g., Campus Safety, Residential Life and Housing, etc.).

Emergency preparedness at Hartwick College means preventing, preparing for, responding to, and recovering from any and all emergencies that could affect the College and local community. The EMP provides the power to activate the Emergency Management Team (EMT) to the President of the College or their designee. The EMT, under the direction of the Emergency Management Program Coordinator, is the primary authority across campus that enacts the EMP and authorizes further management of an emergency.

A copy of the EMP is maintained by the Director of Campus Safety and the Office of Campus Safety.

Emergency Response Tests

Hartwick College conducts at least one emergency response test each year. A test of the emergency response process contains three elements: regularly scheduled drills (such as fire evacuation or shelter-in-place drills), regularly scheduled exercises (such as tabletops), and appropriate assessment and evaluation of the results. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the College. Reviews are conducted following each exercise and/or complete test and used to improve the response process and Emergency Management Plan.

The College publicizes a summary of the emergency response and evacuation procedures via email to all students, faculty, and staff once a year in conjunction with a test that meets all of the requirements laid out in the Clery Act.

Emergency Evacuation Procedures

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of fire or other emergencies. An evacuation drill is coordinated by the Facilities Liaison and Office of Campus Safety at least once each semester for all residential facilities and academic and administrative buildings. Typically, evacuation drills occur four times per academic year for each residence hall and three times per academic year for each academic or administrative building on the Main Hartwick Campus. On the Pine Lake Campus, evacuation drills occur in the Robertson Lodge twice per academic year.

Evacuation drills are monitored by the Facilities Liaison, Office of Campus Safety, and additional appropriate staff (for example, Residential Life and Housing staff within the residence halls on either campus or Facilities within academic and administrative buildings on either campus) to evaluate egress and behavioral patterns. Reports are prepared by participating offices to note deficient equipment so that repairs can be made promptly. Recommendations for improvements are also submitted to appropriate offices. All drills are documented by the Facilities Liaison and Office of Campus Safety.

Residence Halls on the Main Hartwick Campus and the Pine Lake Campus

Residential students receive information about evacuation and shelter-in-place procedures during their first floor meetings in their residence halls and during other educational sessions they can participate in throughout the year. Students learn the locations of the emergency exits in the residence halls and are provided guidance by Campus Safety and Residential Life staff about the direction they should travel when exiting residence halls for a short-term building evacuation. Residential Life staff members are trained in the procedures and act as an ongoing resource for students living in residential facilities.

Academic or Administrative Buildings on the Main Hartwick Campus and the Pine Lake Campus

Hartwick Community members learn the locations of emergency exits in the academic or administrative buildings and are provided guidance by Campus Safety or Hartwick staff about the direction they should travel when exiting buildings for a short-term building evacuation.

Emergency Shelter-in-Place Procedures

College authorities may instruct campus community members to “shelter-in-place” if a condition exists that is potentially life threatening and has an immediate threat to the health and safety of the campus community. Immediate threats could include, but are not limited to: active shooter incidents, mass acts of violence, tornadoes, terrorist attacks, or hazardous materials incidents. Thus, to shelter-in-place means to make a shelter of the building that you are in, and, with a few adjustments, make the location even safer and more comfortable until it is safe to leave that space.

Basic “Shelter-in-Place” Guidance

If an incident occurs and the building you are in is not damaged, stay inside and seek an interior room until you are told it is safe to come out by a College official or a first responder. If your building is damaged, take only your personal belongings (purse, wallet, WICKit card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, quickly seek shelter at the nearest College building. If Campus Safety, police, or fire departments are on the scene, follow their directions.

How You Will Know to “Shelter-in-Place”

A shelter-in-place notification may come from several sources, including Campus Safety, Residential Life staff, other College employees, police or fire departments, or other authorities utilizing the College’s emergency communication tools.

How to “Shelter-in-Place”

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps unless instructed otherwise by local emergency personnel:

- If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
- Locate a room inside to shelter in. It should be an interior room that is above ground level and without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
- Shut and lock all windows and close exterior doors. If necessary, barricade doors as best as possible with furniture or items in the room.
- Turn off air conditioners, heaters, and fans. Close vents to ventilation systems as you are able. Hartwick College staff will turn off the ventilation as quickly as possible if necessary.
- Make a list of the people with you and ask someone (residential life staff [professional or student staff], faculty, or other College staff) to call the list in to Campus Safety so they know who is present and where you are sheltering. If only students are present, one of the students should call in the list.
- Turn on a radio, TV, or utilize the internet, if available, to listen for further instructions.
- Open the door only when you are satisfied the person on the other side is there to help you.

Off-Campus Emergencies

Campus Safety may receive emergency information from the Oneonta Police Department or the New York State Police regarding incidents in Oneonta or near the Pine Lake Campus that could imminently impact the safety of the Hartwick

College community. When appropriate, Campus Safety notifies the campus community of off-campus threats that could also represent a threat to the health or safety of members of the Hartwick College community.

Emergency Notifications

Hartwick College has developed a process to notify the campus community in cases of emergency. While it is impossible to predict every significant emergency or dangerous situation that may occur on campus, the following identified situations are examples which may warrant an emergency (immediate) notification after confirmation: armed/hostile intruder; bomb/explosives (threat); communicable disease outbreak; severe weather; terrorist incident; civil unrest; natural disaster; hazardous materials incident; or structural fire.

As part of the Emergency Management Plan (EMP), the College has adopted a formalized procedure for issuing emergency notifications to the campus community.

Generally, the emergency notification process will be managed collaboratively by the Vice President for Strategic Communications, the Director of Campus Safety or designee, the President of the College, the Emergency Management Program Coordinator, and/or the Clery Compliance Officer.

In an extreme emergency, the emergency notification process will be implemented at the sole discretion of the College's Director of Campus Safety or designee. In all other cases, the notification process will be implemented after consultation by at least two members of the following group of individuals:

- Director of Campus Safety or designee
- Vice President for Strategic Communications or designee
- President of the College
- Emergency Management Program Coordinator
- Clery Compliance Officer

The emergency notification capability of the RAVE Emergency Notification System is designed to assist the College in immediately notifying the campus community upon confirmation of a significant emergency or dangerous situation occurring on or near the campus that involves an immediate threat to the health or safety of students or employees.

The College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system to the appropriate segment or segments of the campus community, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.

Immediate notification to the campus can be accomplished through a variety of communications methods. Notification will be made by using some or all of the following multi-modal notification methods depending on the type of emergency:

- The RAVE Emergency Notification System (which contains email, cell phone text, and voice message alert);
- Mass emails;
- Social media channels;
- Local media; and
- Website banners or notices.

If any of these systems fail or the College deems it appropriate, in-person communication may be used to communicate an emergency.

Notification to the larger community of Oneonta for the Main Hartwick Campus or Davenport for the Pine Lake Campus is managed through Strategic Communications by the Vice President for Strategic Communications or their designee. Typically, communication to the larger community will take place through local media. The Director of Campus Safety maintains communication with the Chief of Police in Oneonta on a weekly and as needed basis and the Captain of the New York State Police on a monthly and as needed basis.

Emergencies occurring on or within any of the College's Clery geography should be reported to Campus Safety by calling (607) 431-4111 or on-campus extension 4111, or by dialing 911 for outside emergency responders.

Emergency notifications that should be shared with the larger Oneonta community will be coordinated through the Vice President for Strategic Communications or their designee.

Verification of an Emergency

Confirmation of the existence of an emergency typically involves the response and assessment of Campus Safety Officers (CSOs), sometimes in conjunction with campus administrators and other college officials, local police and first responders and/or the national weather center.

When a CSO becomes aware of a situation that may warrant the issuing of an emergency notification, the CSO confirms (through response, investigation, or collaboration with emergency responders) that there is a significant emergency and then immediately contacts the Director or the Assistant Director of Campus Safety with the information. The Director or Assistant Director evaluates the situation shared by the CSO to determine if an emergency notification is warranted.

If an emergency notification is warranted, the Director or Assistant Director identifies the appropriate segment(s) of the campus community that should receive the emergency notification. An emergency notification can be sent to a specific segment or segments of the campus community. These segments are identified based on the type, location, and severity of the emergency as well as those who are or may become involved in the emergency.

Development of Content for an Emergency Notification

When an emergency notification is warranted and created, it will contain information about the emergency situation, its exact location, and will likely request community members to protect themselves by evacuating the affected area if it is safe to do so and/or by employing the "shelter-in-place" concept.

Basic content for an emergency notification is pulled from templates included in the EMP and then tailored to the specific situation by the Vice President for Strategic Communications or their designee. If content for the emergency notification does not exist in the EMP, the Vice President for Strategic Communications collaborates with additional members of the EMT, when possible, to develop the content of the emergency notification.

Issuance of an Emergency Notifications and updates

Initial Emergency Notifications and follow-up notices/communications will be provided via the methods listed above.

Follow-up notices/communications will be provided as necessary during an active incident and may be provided by the Vice President for Strategic Communication, the Director of Campus Safety, the Assistant Director of Campus Safety, or a member of the EMT. When a threat is neutralized or effectively removed, campus community members will be appropriately informed via all or some of the previously mentioned communication methods. Additionally, updates regarding a prolonged and ongoing emergency situation such as a health emergency (such as norovirus or a pandemic) can be provided by creating a banner or webpage on the College's website to provide a centralized resource of updates and links to relevant documents and entities.

If there is an immediate threat to the health or safety of College community members occurring on campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

Emergency Notification Distribution Matrix

Primary Methods	Primary Message Creator	Backup Message Creator	Authority to Approve/Send	Primary Message Sender	Backup Message Sender
Mass emails	Vice President for Strategic Communications, or their designee	Director of Campus Safety, or their designee	If time allows, consult with the EMT; or, If time does not permit, the primary or backup creator/sender can proceed with predetermined/format ted messages.	Vice President for Strategic Communications, or their designee	Director of Campus Safety, or their designee
RAVE Emergency Notification System (Email, Text message, and Voice message)	Vice President for Strategic Communications, or their designee	Director of Campus Safety, or their designee	If time allows, consult with the EMT; or, If time does not permit, the primary or backup creator/sender can proceed with predetermined/format ted messages.	Vice President for Strategic Communications, or their designee	Director of Campus Safety, or their designee

Secondary Methods	Primary Message Creator	Backup Message Creator	Authority to Approve/Send	Primary Message Sender	Backup Message Sender
Social media channels	Vice President for Strategic Communications, or their designee	Director of Campus Safety, or their designee	If time allows, consult with the EMT; or, If time does not permit, the primary or backup creator/sender can proceed with predetermined/format ted messages.	Vice President for Strategic Communications, or their designee	Social Media Manager, or their designee
Local media	Vice President for Strategic	Director of Campus Safety, or their designee	If time allows, consult with the EMT; or,	Vice President for Strategic	Media and Communications

	Communications, or their designee		If time does not permit, the primary or backup creator/sender can proceed with predetermined/formatted messages.	Communications, or their designee	Manager, or their designee
Website banners, pages, or notices	Vice President for Strategic Communications, or their designee	Director of Campus Safety, or their designee	If time allows, consult with the EMT; or, If time does not permit, the primary or backup creator/sender can proceed with predetermined/formatted messages.	Vice President for Strategic Communications, or their designee	Associate Director of Communications for Web Services, or their designee

RAVE Emergency Notification System Testing and Registration

The RAVE Emergency Notification System is tested at least once per academic term to ensure that all systems are working properly and that emergency managers maintain a working knowledge of the system. These tests are also educational moments for the campus community to remind them that the system does exist and that it is a working and functioning system that they can rely on.

Students are registered automatically for the RAVE Emergency Notification System through Information Technology. To update your information, please log into Self Service to do so.

Employees are registered automatically for the RAVE Emergency Notification System through the Office of Human Resources. To update your information, please log into Paycom and update your information, then send the new information to Human Resources to have it updated in Colleague.

Security of and Access to Campus Facilities

Main Hartwick Campus

Administrative and Academic Buildings

The Main Hartwick Campus, located in the City of Oneonta, is open to visitors during regular business hours. Offices and classrooms within the Anderson Center for the Arts, Yager Hall, Johnstone Science Center and Miller Hall, Golisano Hall, Bresee Hall, Dewar Student Union, Campbell Fitness Center, Shineman Chapel House, Perrella Wellness Center, Clark Hall, Binder Physical Education Center, and the Ernest B. Wright Observatory are accessed using access cards or keys. Employees are encouraged to secure their office spaces and personal belongings within their respective work areas.

After business hours and during breaks or when the College is closed, administrative and academic facilities are locked and only accessible to authorized individuals. Campus Safety Officers conduct routine walkthroughs in administrative and academic buildings to monitor and report any issues.

Dewar Student Union is the only 24-hour building on campus. When classes are in session, Dewar Student Union is open 24-hours a day and accessible through all entrances. When classes are not in session, Dewar Student Union is open 24-hours a day and accessible through the main entrances next to the Campus Safety Dispatch Desk on the third floor.

Outdoor athletic facilities and recreational areas are available and accessible for use by members of the Hartwick community and authorized individuals.

Residence Halls

Access to residence halls on the Main Hartwick Campus is restricted to Hartwick College students and authorized staff and most are secured 24-hours a day by card access systems. The Townhouse Quad spaces are secured by hard key access. Internally, all bedroom doors have a hard key access. Residential students are encouraged to secure their residences at all times. Campus Safety Officers routinely patrol the interior common areas, spaces, and hallways of buildings with such common spaces and routinely patrol the exteriors of all residence halls. Residence hall professional and student staff also enforce campus policies and security measures within the residence halls to achieve a community respectful of individual and group rights and responsibilities.

Maintenance of Campus Facilities

The College takes proactive steps to address safety and security issues across campus. This includes continual evaluation of the physical facilities and grounds of the campus. The Director of Campus Safety or their designee and Director of Aramark Facilities or their designee participate in an annual safety walk with the Student Government Association and interested students who attend the event. The annual safety walk typically takes place at night and seeks to address student concerns across campus related to campus lighting, building access, and safety conditions (e.g., sidewalks, crosswalks, severely uneven terrain, etc.). Some tasks completed annually by Aramark Facilities on behalf of the College include, but are not limited to, the following: repainting road lines and crosswalks; removing vines from windows and doorways to improve/maintain egress; trimming or removing foliage to increase sightlines and improve safety; and verifying that exterior lights and doors are maintained in collaboration with Campus Safety.

The College also has maintenance staff available twenty-four hours a day. The primary working hours for maintenance staff are Monday through Friday from 4 am to 10 pm, and a limited crew is available from 6 am to 2:30 pm Saturday and Sunday. There is typically at least one maintenance staff member available overnight Monday night through Friday night. This crew has contact with Campus Safety and is available to immediately carry out building maintenance or repairs related to safety and security. Maintenance requests with safety and/or security ramifications are given a special priority designation for completion.

Pine Lake Campus

Administrative and Academic Buildings

Pine Lake is typically open to Hartwick community members and individuals with a public membership. During business hours, administrative and academic buildings on the Pine Lake Campus are open to authorized employees, students, and visitors. Typically, the Vaudevillian is locked but bathrooms in the entrance foyer are available for use by those utilizing the campus. Outside of business hours or when the College is closed, buildings across the Pine Lake Campus are secured and closed. All buildings utilize hard key and lock systems.

Outdoor facilities and recreational areas are available and accessible for use by members of the Hartwick community and authorized individuals.

Housing Spaces

Access to housing spaces on the Pine Lake Campus is restricted to occupants and authorized staff and are secured 24-hours a day by keyless entry access systems. Internally, all bedroom doors have a hard key access. Occupants are encouraged to secure their residences at all times. Pine Lake professional and student staff also enforce campus policies and security measures on the Pine Lake Campus to achieve a community respectful of individual and group rights and responsibilities. Visual inspections of buildings take place on a daily basis with the exception of holidays and when the College is closed.

Maintenance of Campus Facilities

The College takes proactive steps to address safety and security issues across campus. This includes continual evaluation of the physical facilities and grounds of the campus. Executive Director of Pine Lake and Facilities Manager conduct a seasonal walk. The seasonal walks include but are not limited to looking at areas of feature projects ce, hazardous trees, trail maintenance and upkeep, driveways and road conditions across the campus, dock maintenance and upkeep, evaluation of access points, periodic inspection of property signs (e.g., No Trespassing; No Swimming; Keep Off Ice; etc.), and verifying security and sensor lights attached to buildings or in parking lots are working.

The College has at least one professional staff member on site during business hours, and student staff members on site regularly throughout the year. All professional staff members are able to perform routine maintenance and external contractors are utilized when required. During the summer months, a limited number of student staff assist in performing maintenance and upkeep as requested. Outside of business hours or when the College is closed maintenance requests for assistance are fielded by Campus Safety on the Main Hartwick Campus and connected with the appropriate resource.

Daily Crime and Fire Logs

Hartwick College combines its Daily Crime Log and Fire Log into one public document. Maintained by Campus Safety, the Daily Crime and Fire Logs for the most recent 60-day period are open to public inspection during normal business hours (typically Monday through Friday, from 9 am to 5 pm during the academic year and 8 am to 4 pm during the summer months) at the Campus Safety Dispatch Desk.

Any portion of these crime and fire logs that are older than 60 days will be made available within two business days of a request for public inspection. All confirmed fires occurring within or on any and all on-campus residential facilities will also be included in the Daily Crime and Fire Log. The information in the crime and fire log typically includes the incident number, crime classification or nature of the fire, date reported, date occurred, general location of crime or fire, and disposition of each reported crime or fire. Faculty, staff, and students are encouraged to review these logs periodically to become more familiar with the types and locations of criminal incidents and fires that may impact the College's campus community.

Unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim, newly reported crimes/incidents within the college's Clery geography and updated information regarding previously reported crimes are

entered into the Daily Crime and Fire Log within two business days of when it is reported to Campus Safety. It is important to note that Campus Safety has no expanded patrol jurisdiction outside of its identified Clery geography.

Crime Prevention and Safety Awareness Programming

Hartwick College offers many programs designed for students and employees to inform them about campus safety and security procedures and practices and the prevention of crimes. In addition, the College has programs designed to provide and reassure community members of the safety of campus.

Crime Prevention Programming

Hartwick College provides a number of different ways to assist in preventing crime on campus. Some examples include staffing the Campus Safety Dispatch Desk 24 hours a day, 7 days a week; providing safety escorts when requested; conducting routine patrols of the buildings and grounds on the Main Hartwick Campus; operating and maintaining a network of blue light phones across the Main Hartwick Campus; requiring all College community members (employees and students) to carry a Hartwick identification card (WICKit); and providing Campus Safety Officers (CSOs) at major College events as a measure of security.

Individuals can always contact Campus Safety by calling the Dispatch Desk at 607-431-4111 from a cell phone or outside line, or by calling 4111 from a campus phone. Pressing the call button on a blue light phone will connect that blue light phone to the Campus Safety Dispatch Desk and allow for conversation between the individual at the phone and the Dispatcher.

Security Awareness Programming

The Office of Campus Safety presents annually at new student orientation (called Wick Weekend by Hartwick College) and monthly at new employee orientations to provide all new community members with information about general safety on campus. All employees are assigned yearly training on emergency management from Vector Solutions. The courses are Active Assailant Preparedness and Emergency and Disaster Preparedness. The Perrella Counseling Center and Office of Wellness and Health Promotions also holds an “Exercise Your Fight” which serves as a self-defense class on a regular basis.

Annual Notification of Drug and Alcohol Policies and Programs

As a requirement of the Drug-Free Schools and Communities Act, Hartwick College is required to disseminate drug and alcohol-related information to all students and employees on an annual basis. Through this notification, the College satisfies the requirements of Education Department General Administrative Regulations (EDGAR), Part 86, by informing the community of standards of conduct, sanctions for violations, prevention programming, health risks associated with alcohol and drug use/abuse, and local, state, and federal laws related to drug and alcohol use, and on-campus and community resources that are available to students, faculty, and staff. Hartwick College policies related to alcohol and illicit drug use are informed by state and federal laws, such as the Drug-Free Schools and Communities Act and the Drug-Free Workplace Act.

Standards of Conduct

In accordance with the federal Drug-Free Workplace Act of 1988, the federal Drug-Free Schools and Communities Act (DFSCA) of 1989, and New York State policies on Alcohol and Other Drugs, Hartwick College prohibits the unlawful or unauthorized possession, use, sale, manufacture, distribution, or dispensation of alcohol and other drugs by employees and students in the workplace, on college property, or as part of any campus activity. Employee or student violators are subject to disciplinary action, up to and including termination of employment or expulsion.

Hartwick College does not permit or condone the illicit or unauthorized possession, use, consumption, sale, or distribution of illicit drugs and/or alcohol by students or employees on college property or as part of any College-sponsored activity.

Student Standards of Conduct

Students who violate this policy will be charged under the Hartwick College Code of Community Standards (<https://www.hartwick.edu/campus-life/student-affairs/code-of-conduct/>). If found responsible for their actions, students receive an appropriate sanction consistent with local, state, and federal laws, up to and including expulsion from the College. Disciplinary measures may include required completion of an appropriate rehabilitation program. In addition, students may be referred to the proper law enforcement authorities for prosecution.

All students must adhere to policies and guidelines regarding the use of alcohol and/or illicit drugs that are contained within the Hartwick College Code of Community Standards. Further, Hartwick College adheres to all local, state, and federal laws regarding drugs and alcoholic beverages. Available below is a summary of policies and prohibited conduct as published in the Code of Community Standards.

Code of Community Standards Policy Summaries

Alcohol

- **Use of Alcohol.** Use of alcoholic beverages by any student under the age of 21, use that jeopardizes the health and/or safety of any individual, or use that disrupts the normal operations of the College is prohibited.
- **Possession of Alcohol.** Possession of alcoholic beverages by any student under the age of 21 is prohibited. Students over the age of 21 are permitted to keep alcohol for personal use in their residential room (not common areas unless all roommates are over the age of 21). Personal use amounts are defined as follows:
 - 1 six pack of beer/malted beverage
 - 1 750ml bottle of wine
 - 1 750ml bottle of hard liquor
- **Distribution/Sale.** The distribution and/or sale of alcohol to others, of legal age or not, is strictly prohibited.
- **Paraphernalia.** Defined as full, partially full or empty alcoholic beverage containers, flask, mass-quantity drinking apparatuses (i.e., funnel, beer bong, drinking hats), items utilized as part of drinking games or other items that are known to be used primarily for consumption purposes.
- **In the Presence of.** Being in the presence of alcoholic beverages or items that are, or in a context that is, otherwise prohibited by college policy.
- **Bulk Alcohol.** Bulk alcohol is defined as any amount of alcohol beyond the personal amounts defined above. Kegs, beer balls, personal BORGs (“blackout rage gallon”), etc. are not permitted on campus except where provided by catering services or a permitted licensed 3rd party vendor. Bulk alcohol is not permitted in residence buildings or areas under any circumstances.

- **Advertisement.** Advertising alcohol in any way is not permitted on campus property.
- **Social Activities.** Alcohol is permitted at on-campus events when provided through Catering Services or another third-party vendor where a liquor license is approved. All private events (both for Fraternity and Sorority Life off-campus house events and on-campus student organization events) MUST be registered. Failure to register may result in sanctions or status through the Code of Community Standards for both individuals and organizations. Refer to the Student Code of Community Standards for specific alcohol policies concerning social activities.

Drugs

- **Use of Drugs.** Use of illicit drugs is prohibited.
- **Possession of Drugs.** Possession of illicit drugs is prohibited.
- **Paraphernalia.** Defined as any equipment, product, or material that is utilized for making, using, modifying, or concealing drugs.
- **Distribution.** Selling or distributing illicit drugs, equipment or materials is prohibited.
- **Production.** Manufacturing of illicit drugs, equipment or materials is prohibited.
- **In the Presence of.** Being in the presence of drugs or items that are, or in a context that is, otherwise prohibited by college policy.

Marijuana Policy

- While the State of New York has legalized the use of recreational marijuana in New York for those age 21 and older, possession of marijuana (in any form) is still prohibited on the Hartwick College campus.

Prescription Medications

- Abuse, misuse, unlawful sale, or unlawful distribution of prescription or over-the-counter medications.

Amnesty

- **For Victims:** Hartwick provides amnesty to victims who may be hesitant to report to Hartwick officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident.
- **For Those Who Offer Assistance:** To encourage students to offer help and assistance to others, Hartwick pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the DRLCS or designee, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Students providing assistance should stay with the situation and make contact with appropriate authorities for assistance (Campus Safety, Residential Life and Housing staff, EMS), and fully cooperate with personnel through the situation and any ensuing investigation or conduct process.
- **For Those Who Report Serious Violations:** Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of Hartwick are offered amnesty for their minor violations. Abuse of amnesty requests can result in a decision by the DRLCS or designee not to extend amnesty to the same person repeatedly.
- **Safe Harbor:** Hartwick has a Safe Harbor rule for students. Hartwick believes that students who have a drug and/or addiction problem deserve help. If any Hartwick student brings their own use, addiction, or dependency to the attention of Hartwick officials outside the threat of drug tests or Community Standard Educational Outcomes and seeks and completes assistance, a community standards complaint is likely not to be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student, and appropriate waivers may be sought to verify follow through of the action plan. Failure to follow the action plan will nullify the Safe Harbor protection and community standards processes will be initiated.

Student Sanctions

Hartwick College uses a status system to help communicate sanctions to students. Under the system, all students found in violation of Code policies are assigned a status, in addition to educational outcomes.

- *The following Alcohol and Drug Violations can result in a Written Warning:*
 - Alcohol or drug violation where a student opts to utilize the Safe Harbor opportunity.
 - Under the age of 21 in the presence of alcohol.
 - Open container of alcohol.
 - In the presence of empty alcohol containers or alcohol paraphernalia on campus where not permitted.
 - Possession of alcohol under the age of 21.
- *The following Alcohol and Drug Violations can result in up Disciplinary Notice:*
 - Possession of drug paraphernalia.
 - Public drunkenness on or off campus.
 - Consumption of or in the presence of alcohol while under the age of 21.
- *The following Alcohol and Drug Violations can result in Probation:*
 - Serving alcohol to individuals under the age of 21.
 - Heavy intoxication (student loses consciousness or is transported for medical assistance).
 - Violation of bulk alcohol policy.
 - Marijuana use and/or possession.
- *The following Alcohol and Drug Violations can result in Suspension:*
 - Illegal drug use and/or possession (not marijuana).
 - Distribution of any illegal/controlled substances.
 - Drinking accompanied by violence regardless of age.
- Students on a Probation status may be prohibited from studying abroad and may not be eligible to live off campus when applicable.
- Students who violate policy while on Probation may be separated from the College for a period of time to be determined by the DRLCS or designee, but no less than one term.

All students who are found responsible for violations of the Code of Community Standards are placed on a status:

- **Written Warning.** An official written notice that the student has violated Hartwick policies and/or rules and that more severe community standards action will result should the student be involved in other violations while the student is enrolled at Hartwick.
- **Disciplinary Notice.** A specified period of time during which the student, organization, or group remains in good standing, but must demonstrate the ability to comply with College policies and any sanction assigned.
- **Probation.** The student is put on official notice that, should further violations of Hartwick policies occur during a specified probationary period, the student may face more severe outcomes, such as extension of their probation, and an elevated risk of suspension or expulsion. Regular probationary meetings may also be imposed.

- Students on probation may not be able to hold leadership positions, including, but not limited to, executive positions in student organizations, serve as a career exploration trip host, or participate as a Blue Key.
- Students on probation will not be permitted to study abroad, participate in career exploration trips or Alternative Spring Break, attend conferences representing Hartwick, or represent Hartwick at an official function, event, or intercollegiate competition as a player, manager, or student coach, etc.
- **Deferred Suspension.** Only to be used during the last two weeks of a Fall/Spring term and the last week of a summer or January term and for a student who does not pose a threat to campus. At the end of the deferred suspension period, the suspension period begins.
- **Suspension.** Separation from Hartwick for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the DRLCS or designee. During the suspension period, the student is banned from Hartwick property, functions, events, and activities without prior written approval from the DRLCS or designee. This Community Standards Status may be enforced with a trespass action as necessary. This Community Standards Status will be noted as a Conduct Suspension on the student's official academic transcript.
- **Expulsion.** Permanent separation from Hartwick. The student is banned from Hartwick property and the student's presence at any Hartwick sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary. This Community Standards Status will be noted as a Conduct Expulsion on the student's official academic transcript.

In addition to the status, one or more of following Educational Outcomes may be imposed upon any student for any single violation of the Code:

- **Restitution.** Compensation for damage caused to Hartwick or any person's property. This could also include situations such as failure to return a reserved space to proper condition. This is not a fine, but rather a repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.
- **Community/Hartwick Service Requirements.** For a student or organization to complete a specific supervised Hartwick service.
- **Loss of Privileges.** The student will be denied specified privileges for a designated period of time.
- **Confiscation of Prohibited Property.** Items whose presence is in violation of Hartwick policy will be confiscated and will become the property of Hartwick. Prohibited items may be returned to the owner at the discretion of the DRLCS or designee and/or Campus Safety.
- **Behavioral Requirement.** This includes required activities including, but not limited to, seeking academic counseling or substance abuse screening, writing a letter of apology, etc.
- **Reflective Assignment.** This may include requiring the student to complete a reflective action including but not limited to responding to specific questions outlined in the decision letter, researching and providing reflection to a specific topic, or responding to an identified reading assignment.
- **Judicial Educator Module.** Requirement to complete an online module. Instructions for accessing and completing the module are provided when the Notice of Outcomes is issued.
- **Educational Program.** Requirement to attend, present and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible. Audience may be restricted.

- **Restriction of Visitation Privileges.** May be imposed on a resident or non-resident student. The parameters of the restriction will be specified.
- **Hartwick Housing Reassignment.** Reassignment to another Hartwick housing facility. The Director of Residential Life and Community Standards will decide on the reassignment details in consultation with the DRLCS or designee.
- **Decision Making Workshop.** Attend a 3 hour workshop facilitated by a professional staff member to reflect on their decision making process and learn skills to improve their decision making process. Held once per month.
- **Independent Living Restriction.** Restricted from selecting into an Independent Living option (Leitzell, Townhouses, Apartments, Pine Lake) during Housing Selection.
- **Other Educational Outcomes.** Additional or alternate Educational Outcomes may be created and designed as deemed appropriate to the offense with the approval of the DRLCS or designee.

Employee Standards of Conduct

Faculty and staff who are found in violation of this policy will be subject to appropriate disciplinary action consistent with local, state, and federal laws. Such disciplinary action may include counseling, mandatory participation in an appropriate rehabilitation program, a verbal or written warning, suspension from employment, or termination of employment. In addition, faculty and staff may be referred to appropriate law enforcement authorities for prosecution.

Employee Policy Summaries

Alcohol on Campus

As published in the Employee Handbook, Hartwick College believes the choice to use alcohol legally is a personal and an educational issue. The use of alcohol by students raises issues regarding personal responsibility and accountability, and the College, through its employees, has a commitment to present these issues to students. This approach is consistent with the educational philosophy of the College which holds that students should be encouraged and helped to develop responsible attitudes and behavior as they prepare to enter a world in which alcohol is used.

Serving of Alcoholic Beverages on Campus

Alcohol is not permitted at the following on-campus events:

- programs sponsored by college student organized groups and clubs
- programs sponsored by the Student Union (some special events may be approved)
- athletic events (except for approved "closed" events such as tailgate parties)
- residence hall events, floor events, other housing unit events
- special interest house events
- new student orientation programs
- fraternity and sorority on-campus events

Alcoholic beverages may be served at College social functions defined as "closed events"--invitational events where students are present and the majority of guests are over 21 years old. Examples include faculty socials, Board of Trustee events, College Citizens' Board events, honor society events, and class events. Closed events, as defined above, must adhere to the following guidelines:

1. The event must have an authorized person (aged 21 or older) from the group who is to be in charge of the event. This person's name is noted on a Facilities Reservations Form filed with the Scheduling Office.
2. The event must be by invitation only.
3. A list of individuals under the age of 21 must be provided to the server of alcoholic beverages prior to the event.
4. Alcoholic beverages will be dispensed in single unit servings not to exceed 16 oz. of beer, 4 oz. of wine or 1 oz. of other alcoholic beverages.
5. Non-alcoholic beverages must be available.
6. The sponsoring individual (defined in #1 above) has the responsibility to see that all legal requirements are observed, that all College regulations are upheld, that all guests act responsibly in ensuring compliance, that the premises are left in good order, and that any special regulations for the area where the function is held are observed.

College liability insurance does not cover any events involving the sale or distribution of alcoholic beverages. Events where alcoholic beverages are provided require:

- the acquisition of a permit to serve liquor at the event; and
- provision and serving of alcoholic beverages by the College's food services staff or an independent caterer.

An independent caterer must furnish its own liability insurance and provide the Chief Financial Officer with written proof of insurance coverage in advance of the event.

The Employee Conduct section of the Employee Handbook, Hartwick expects employees to comply with any safety, health, or security policy, rule, or procedure of the College, which does include the procedures detailed above. Furthermore, Hartwick College prohibits:

- Working under the influence of alcohol and
- Possessing, distributing, selling, transferring, or using--or being under the influence of--alcohol or illegal drugs in the workplace.

As detailed in the General Rules of Conduct for Employees section of the Employee Handbook, acts on Hartwick College property that are detrimental to the educational goals, purposes and environment of the College may result in disciplinary action by the College and/or arrest. Examples of these include, but are not the possession or use of narcotics or other dangerous or illegal substances, and disorderly conduct.

Pursuant to College policies, Hartwick College reserves the right to impose disciplinary action on any employee up to and including referral for treatment, or termination of employment, for any violation of the General Rules of Conduct for Employees and Employee Conduct expectations detailed in the Employee Handbook.

Drug-Free Workplace Policy

As published in the Employee Handbook, Hartwick College is committed to a workplace environment in compliance with the Drug-Free Workplace Act of 1988. The unlawful manufacture, distribution, dispensing, possession, use, or being under the influence of illicit drugs, controlled substances or alcohol by any employee on college property or as part of any activity sponsored by the College is prohibited. It is a condition of employment with the College to maintain compliance with the provisions of our Drug-Free Workplace policy.

As detailed in the General Rules of Conduct for Employees section of the Employee Handbook, acts on Hartwick College property that are detrimental to the educational goals, purposes and environment of the College may result in disciplinary action by the College and/or arrest. Examples of these include, but are not limited to the possession or use of narcotics or other dangerous or illegal substances, or disorderly conduct.

Although New York State law now permits the use of medical marijuana under certain conditions, federal law prohibits all use, possession, and/or cultivation of marijuana at U.S. educational institutions, Federal law also requires an institution of higher education which receives federal funding to have policies in place which prohibit possession and use of marijuana on campus. Therefore, the use, possession, and/or cultivation of marijuana for medical purposes is not allowed on any Hartwick College property.

Pursuant to College policies, including the Tobacco, Smoking, and Vaping policy, Hartwick College reserves the right to impose disciplinary action on any employee up to and including referral for treatment, or termination of employment, for any violation of the General Rules of Conduct for Employees and Employee Conduct expectations detailed in the Employee Handbook.

In compliance with the Drug-Free Workplace Act of 1988, and as a condition of continued employment, any employee convicted of a criminal drug statute violation which occurred in or on College property, or as part of any activity sponsored by the College, must notify the Vice President for Human Resources and Compliance in writing within five (5) calendar days following such conviction. (The term "conviction" means a finding of guilt, which includes a plea of nolo contendere, or imposition of sentence or both.)

The College's efforts to establish a drug-free awareness program will include policy discussions during employee group orientations, implementation and strict enforcement of this and other conduct policies as well as communication that eligible employees can obtain assistance with drug and alcohol related concerns through the College's confidential Employee Assistance Program (EAP). For more information about the EAP program, please contact Human Resources at 607-431-4315.

Employee Sanctions

Hartwick College reserves the right to impose disciplinary action on any employee up to and including termination for any violation of the General Rules of Conduct for Employees and Employee Conduct expectations detailed in the Employee Handbook.

Applicable Legal Sanctions and Penalties

In addition to the standards and sanctions on alcohol and other drug abuse set forth above, members of the campus community are also required to abide by local, state, and federal laws governing consumption, sale, or possession of alcohol and other drugs. Below are applicable local, state, and federal laws and any applicable legal penalties for violations of the below laws.

Local Laws

The City of Oneonta Alcoholic Beverage Code contains a number of provisions, those most applicable to college students include:

Applicable to the Main Hartwick Campus in the City of Oneonta, New York

- The Code / Part II, General Legislation, Chapter 62 Alcoholic Beverages
 - § 62-1 Purpose. It is the purpose of this article to regulate and restrict the consumption and distribution of alcohol to minors
 - § 62-2 Unlawful possession of alcoholic beverages with intent to consume by persons under age.
 - Possession by persons under 21 prohibited. Except as hereinafter provided, no person under the age of 21 years shall possess any alcoholic beverage, as defined in this article, with the intent to consume such beverage.
 - Exceptions. A person under the age of 21 years may possess any alcoholic beverage with intent to consume if the alcoholic beverage is given:
 - To a person who is a student in a curriculum licensed or registered by the State Education Department and the student is required to taste or imbibe alcoholic beverages in courses which are a part of the required curriculum, provided that such alcoholic beverages are used only for instructional purposes during class conducted pursuant to such curriculum.
 - To a person under 21 years of age by that person's parent or guardian.
 - Summons to court; penalties.
 - Any person who possesses an alcoholic beverage with intent to consume may be summoned before and examined by a court having jurisdiction of that charge; provided, however, that no contained herein shall authorize, or be construed to authorize, a peace officer, as defined in Subdivision 33 of § 1.20 of the Criminal Procedure Law, or a police officer, as defined in Subdivision 34 of § 1.20 of such law, to arrest a person who unlawfully possesses an alcoholic beverage with intent to consume. If a determination is made sustaining such charge, the court may impose a fine not exceeding \$50 and/or completion of an alcohol awareness program established pursuant to Paragraph six-a of Subdivision (a) of § 19.07 of the Mental Hygiene Law and/or an appropriate amount of community service not to exceed 30 hours.
 - No such determination shall operate as a disqualification of any such person subsequently to hold public office or public employment or as a forfeiture of any right or privilege or to receive any license granted by public authority; and no such person shall be denominated a criminal by reason of such determination, nor shall such determination be deemed a conviction.
 - Seizure of beverage; destruction or disposal.
 - Whenever a peace officer, as defined in Subdivision 33 of § 1.20 of the Criminal Procedure Law or a police officer, as defined in Subdivision 34 of § 1.20 of the Criminal Procedure Law shall observe a person under 21 years of age openly in possession of an alcoholic beverage as defined in this article, with the intent to consume such beverage in violation of this section, said officer may seize the beverage and shall deliver it to the custody of his or her department.
 - Any alcoholic beverage seized in violation of this section is hereby declared a nuisance. The official to whom the beverage has been delivered shall, no earlier than three days following the return date for initial appearance on the summons, dispose of or destroy the alcoholic beverage seized or cause it to be disposed of or destroyed. Any person claiming ownership of an alcoholic beverage seized under this section may, on the initial return date of the summons or earlier on five days' notice to the official or department in possession of the beverage, apply to the court for an order preventing the destruction or

disposal of the alcoholic beverage seized and ordering the return of that beverage. The court may order the beverage returned if it is determined that return of the beverage would be in the interest of justice or that the beverage was improperly seized.

- Article II Consumption by Minors on Private Property [Adopted 3-20-2018 by Ord. No. 1-2018]
 - § 62-3 Legislative intent. It is the purpose of this article to protect the public interest, welfare, health and safety within the City of Oneonta by prohibiting the service to and consumption of alcoholic beverages and drugs by persons under the age of 21 at private residences located in the City of Oneonta. The Common Council finds that the occurrence of social gatherings at private residences where alcoholic beverages or drugs are served to or consumed by persons under the age of 21 is harmful to such persons themselves and a threat to public welfare, health and safety. The Common Council finds further that persons under the age of 21 often obtain alcoholic beverages or drugs at such gatherings and that such persons who are in control of such residences know or have reason to know of such service and/or consumption and will be more likely to ensure that alcoholic beverages and drugs are neither served to nor consumed by persons under the age of 21 at these gatherings.
 - § 62-5 Prohibition. No person having control of any residence shall allow an open house party to take place at said residence if such person knows or has reason to know that any alcoholic beverage or drug is being unlawfully possessed, served to or consumed by a minor at said residence.
 - § 62-8 Penalties for offenses. Failure to comply with the provisions of this article shall constitute a violation, punishable by a fine of \$1,000 or imprisonment for 15 days.

Applicable to the Pine Lake Campus in the Town of Davenport, New York

Applicable local liquor and drug laws for the town of Davenport, New York could not be located. The Town of Davenport website, the Delaware County website, and the New York State Department of State's local law directory do not publish relevant local laws. New York State alcohol and drug laws are applicable to the Pine Lake Campus.

New York State Laws

Alcohol

Alcohol offenses and penalties in New York State are defined by the Alcoholic Beverage Control Law and Penal Law. These laws include possession with intent to consume while under age 21, driving while intoxicated, driving while ability is impaired by alcohol, driving after consuming alcohol while under age 21, furnishing alcohol to a person under age 21, selling alcohol to an intoxicated person, or providing false identification. In addition, New York State General Obligations Law imposes personal injury liability for damages resulting from furnishing alcohol to persons under age 21 or selling alcohol to an intoxicated person. While not exhaustive, a summary of offenses and penalties is provided below:

Offense	Penalty
Serving Alcohol to Persons Under 21	Up to 1 year in jail, \$1,000 fine
Fraudulent Attempt to Purchase Alcohol (using false ID or ID of another person)	Fine up to \$100, community service up to 30 hours, and/or completion of an alcohol awareness program, 90 days license suspension if a New York State driver's license is used as the false ID Possession of Alcohol by Person Under 21: Up to \$50 fine and/or completion of an alcohol awareness program and/or up to 30 hours community service
Driving While Intoxicated (DWI) (>.08 blood alcohol content)	First offense: up to 1 year prison, \$500 to \$1,000 fine, minimum 6 months license revocation

	Second offense in 10 years: up to 4 years prison, \$1,000-\$5,000 fine, minimum 1 year license revocation.
Driving While Ability Impaired (DWAI) (.05-.07 blood alcohol content)	First offense: up to 15 days jail, \$300-\$500 fine, 90 day license suspension. Second offense in 5 years: up to 30 days jail, \$500 to \$750 fine, minimum 6 months license revocation. Third offense in 10 years: up to 180 days jail, \$750-\$1,500 fine, minimum 6 months license revocation.
Operating a Motor Vehicle after Consuming Alcohol While Under 21	License suspension or revocation and \$125 charge
Possession of Open Container in Public Place	Up to 15 days in jail, up to \$500 fine or both

Drugs

The State of New York Public Health Law prohibits: growing marijuana or knowingly allowing it to be grown without destroying it; selling or possessing a hypodermic needle without a doctor's written prescription; or manufacturing, selling, or possessing with intent to sell an imitation controlled substance.

The State of New York Penal Law defines a wide range of offenses and penalties for possessing or distributing marijuana and other controlled substances. These sanctions can include imprisonment, fines, assigned community service, and loss of federal student financial aid eligibility.

In addition, driving a motor vehicle with ability impaired by drugs is subject to the same New York State law and sanctions as driving while intoxicated.

Legal Sanctions for Marijuana and Controlled Substances

	Offense	Penalty
<i>Possession and Distribution of Marijuana</i>	Unlawful Possession (less than 25g)	First offense: fine less than \$100 Second offense: fine less than \$200 Third offense: fine less than \$250
	Criminal Possession (depends on amount seized)	>25 g: Misdemeanor: 3-month imprisonment and/or \$500 fine 2-8 oz: Misdemeanor: 1-year imprisonment and/or \$1,000 fine 8 oz-1 lb: Felony: 4 years imprisonment and/or \$5,000 fine 1-10 lbs: Felony: 7 years imprisonment and/or \$5,000 fine >10 lbs: Felony: 15 years imprisonment and/or \$15,000 fine
	Criminal Sale (depends on amount seized)	2 g or less without profit (1 marijuana cigarette): Misdemeanor: 3 months imprisonment and/or \$500 fine 25 g or less: Misdemeanor: 1 year imprisonment and/or \$1,000 fine >25 g-4 oz: Felony: 4 years imprisonment and/or \$5,000 fine

		>4 oz-1 lb: Felony: 7 years imprisonment and/or \$5,000 fine >1 lb: Felony: 15 years imprisonment and/or \$15,000 fine Using a child to assist: Felony: 4 years imprisonment and/or \$5,000 fine To a minor: Felony: 7 years imprisonment and/or \$5,000 fine
	Drug Trafficking	Any amount: Felony: 15-25 years imprisonment (mandatory minimum sentence of 15 years) and/or \$100,000 fine
	Cultivation (also considered possession under current case law)	Any amount: Misdemeanor: 1 year imprisonment and/or \$1,000 fine
	Hash and Concentrates	Possession < .25 oz: Misdemeanor: 1 year imprisonment and/or \$1,000 fine Possession .25 oz to < 1 oz: Felony: 7 years imprisonment and/or \$5,000 fine Possession 1 oz or more: Felony: 15 years imprisonment and/or \$15,000 fine Sale: Felony: 15 years imprisonment and/or \$15,000 fine
<i>Possession and Distribution of Other Controlled Substances</i>	Possession and Sale (Degree depends upon substance, amount of substance, age of purchaser, and prior record)	Seventh degree: Class A Misdemeanor: 1 year imprisonment or less Fifth degree: Class D Felony: 7 years imprisonment or less Fourth degree: Class C Felony: 15 years imprisonment or less Third degree: Class B Felony: 6-25 years imprisonment Second degree: Class A-II Felony: 3-8 years to life imprisonment First degree: Class A-I Felony: 15-25 years to life imprisonment

Federal Laws

Federal Sanctions for Sale of Marijuana

- A first offense of trafficking in marijuana in amounts of less than 50 kg may result in imprisonment of not more than 5 years and a fine not to exceed \$250,000. Imprisonment and fine minimums are doubled for a second offense.
- Trafficking in marijuana in quantities greater than 1,000 kg may result in not less than 10 years and not more than life imprisonment and/or a fine not to exceed \$4 million (minimums double for a second offense).

Federal Sanction for Possession of a Controlled Substance

- First conviction: Up to one-year imprisonment and/or fine of at least \$1,000 but not more than \$100,000, or both.

- After one prior drug conviction: At least 15 days in prison, not to exceed 2 years and/or fine of at least \$2,500 but not more than \$250,000, or both.
- After two or more prior drug convictions: At least 90 days prison, not to exceed 3 years and fine of at least \$5,000 but not more than \$250,000, or both.

Special sentencing provisions for possession of crack cocaine

Mandatory at least 5 years in prison, not to exceed 20 years, and fine of up to \$250,000, or both if:

- First conviction and the amount of crack possessed exceeds 5 grams;
- Second conviction and the amount of crack possessed exceeds 3 grams;
- Third or subsequent conviction and the amount of crack exceeds 1 gram;
- Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one-year imprisonment;
- Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance;
- Civil fine up to \$10,000 (pending adoption of final regulations);
- 853a: Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses;
- 922(g): Ineligible to receive or purchase a firearm; or
- Miscellaneous: Revocation of certain federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual federal agencies.

Federal Sanctions for Sale of Controlled Substances

- Penalties range from imprisonment for less than one year and/or a fine of less than \$100,000 for a first offense involving a small quantity of a controlled substance.
- For a large quantity, second offense, the penalty may be as severe as 20 years to life imprisonment and a fine of not more than \$8 million.

In addition, Section 484(r) of the Higher Education Act of 1998 (20 U.S.C. §1091) provides that a student's eligibility for federal student aid be suspended upon conviction under federal or state law for any offense involving the possession or sale of a controlled substance for conduct that occurred during a period of enrollment for which the student was receiving any grant, loan, or work assistance under this subchapter shall not be eligible to receive any grant, loan, or work assistance. Eligibility may be regained upon completion of a drug rehabilitation program that meets statutory and regulatory requirements or if the conviction is overturned.

Health Risks Associated with Alcohol and Other Drug Use

There are serious health risks associated with the use of illicit drugs or the abuse of alcohol. Some of those health risks are summarized below. For more information about the health risks associated with drug or alcohol abuse, or for support or treatment, contact one or more of the available resources listed previously.

Alcohol

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses also increase the incidence of aggressive acts. Moderate to high doses impair higher mental

functions, severely altering the ability to learn and remember information. Very high doses of alcohol can be fatal. Repeated use of alcohol can lead to dependence. Alcohol withdrawal can result in severe anxiety, tremors, hallucinations, and convulsions, which may be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can lead to permanent damage to vital organs such as the brain, heart, pancreas, and liver, as well as the immune system. Drinking too much, on a single occasion or over time, has been linked to cardiomyopathy, stroke, high blood pressure, fibrosis, cirrhosis, pancreatitis, and cancer. Alcohol consumption during pregnancy may result in fetal alcohol syndrome, which causes irreversible physical and/or mental abnormalities at birth. Researchers from the National Institute on Alcohol Abuse and Alcoholism provided the following information that is representative of reported experiences from the 18 – 24-year-old college population (yearly):

- Academic Problems: 1:4 students reported academic consequences from drinking, including missing class, falling behind, poor grades of exams/papers, and lower grades overall.
- Assault: 696,000 students are assaulted by another student who has been drinking.
- Sexual Assault: ~97,000 students experience alcohol-related sexual assault
- Alcohol Use Disorder (AUD): 20 percent of college students meet the criteria for AUD
- Death: 1,825 college students die from alcohol-related Death unintentional injuries, including motor-vehicle crashes

Common Drugs and Symptoms of Abuse

Stimulants

- Drugs that stimulate the central nervous system
- Examples: Amphetamine, Dextro-Amphetamine, Methamphetamine, Nicotine, Cocaine
- Symptoms of Use: Restlessness, anxiety, nervousness, irritability, mood swings
- Hazards of Use: Addiction, sleeplessness, anxiety, loss of appetite, brain damage

Depressants

- Drugs that slow down the central nervous system
- Examples: Barbiturates, Pentobarbital, Secobarbital, Quaalude, Sopor, Alcohol, Marijuana
- Symptoms of Use: Drowsiness, confusion, impaired judgment, slurred speech
- Hazards of Use: Addiction with severe withdrawal symptoms

Narcotics

- Drugs that stimulate the central nervous system
- Examples: Demerol, Dilaudid, Methadone, Percodan, Codeine, Heroine, Morphine
- Symptoms of Use: Drowsiness, lethargy
- Hazards of Use: Addiction, impaired memory and perception

Hallucinogens

- Drugs that alter perception of reality
- Examples: PCP, LSD, Mushrooms, Ketamine
- Symptoms of Use: Slurred speech, blurred vision, lack of coordination, confusion, aggression
- Hazards of Use: Anxiety, depression, impaired memory

Inhalants

- Substances abused by inhalation
- Examples: Gasoline, Airplane Glue, Paint Thinner, Dry-Cleaning Fluid, Nitrous Oxide, Amyl Nitrate, Butyl Nitrate
- Symptoms of Use: Impaired judgment, poor motor coordination, impaired vision, memory, and thought
- Hazards of Use: Addiction, organ failure, muscular damage

Alcohol and Other Drug Prevention Programs and Resources

A campus alcohol and other drug working group meets monthly to discuss current substance abuse related issues and trends. As mandated by the Drug-Free Schools and Communities Act, this policy is distributed to all students, staff and faculty on an annual basis, and during every other year, a biennial review of the comprehensive alcohol and other drug program is conducted.

Alcohol and Other Drug Prevention Programs for Students

Through the Office of Wellness and Health Promotion, Perrella Health Center, Residential Life, and the Counseling Center, individual, group and community educational programs and interventions designed to prevent and reduce alcohol and other drug use/abuse are offered to the Hartwick College Community. This includes; AlcoholEdu, “Rethink Your Drink (Reoccurring Peer Health Education Program),” Narcan Training, and Alcohol Awareness Week activities.

Alcohol and Other Drug Prevention Programs for Employees

Employee Assistance Program: The Employee Assistance Programs provides eligible Hartwick employees with access to substance abuse counseling and community resources.

Available Resources for Alcohol and Other Drug Assistance

On-Campus Resources

Perrella Health Center	(607) 431-4120	Serves students
Perrella Counseling Center	(607) 431-4420	Serves students
Campus Safety	(607) 431-4111	Serves all (employees limited)
Wellness and Health Promotions	(607) 431-4500	Serves all (employees limited)
Office of Student Experience	(607) 431-4501	Serves students
Residential Life and Housing	(607) 431-4501	Serves students
Human Resources	(607) 431-4315	Serves employees

Off Campus Resources

Otsego County Addiction Recovery Services	(607) 431-1030	Serves all
Vertaya Health	(844) 485-0385	Serves all
Hartwick Employee Assistance Program	(800) 854-1446	Serves employees

Hotline Numbers

National Clearinghouse for Drug and Alcohol Information	(800) 729-6686	Serves all
New York State’s OASAS Drug Abuse Information Line	(800) 522-5353	Serves all

Crime Definitions and Statistics

Crime Definitions

The crimes reported below are defined based on the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program. The chart below identifies where each crime definition can be located from federal government documentation, and a definition of each crime can be found in Appendix A. Definitions for the Violence Against Women Act (VAWA) can be found in the **Violence Against Women Act (VAWA)** section of this Annual Security and Fire Safety Report.

National Incident-Based Reporting System					
Murder and nonnegligent manslaughter	Rape	Fondling	Incest		
Manslaughter by negligence	Statutory Rape	Robbery	Aggravated Assault		
Burglary	Motor Vehicle Theft	Arson	Drug Abuse Violations		
Liquor Law Violations		Weapons Carrying, Possessing, etc. Law Violations			
Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual					
All Hate Crimes					
Violence Against Women Act of 1994					
Domestic Violence	Dating Violence		Stalking		

Main Hartwick Campus Crime Statistics Charts

Below are the charts for crime statistics on the Main Hartwick Campus in Oneonta, New York.

Criminal Offenses or Primary Crimes (Crimes Reported by Hierarchy)	Calendar Year	On Campus (including Residential)	Non-Ca mpus	Public Property	Total	On Campus (Residential Only)
Murder/Non-negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Manslaughter by Negligence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Rape	2024	3	1	0	4	3
	2023	113 ¹	0	0	113	112
	2022	5	1	0	6	5
Fondling	2024	0	0	0	0	0
	2023	7	0	0	7	6
	2022	6	1	0	7	6
Incest	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Statutory Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Robbery	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Aggravated Assault	2024	0	0	0	0	0
	2023	7	1	0	8	6
	2022	0	0	0	0	0
Burglary	2024	3	0	0	3	3
	2023	1	1	0	2	1
	2022	1	0	0	1	1
Motor Vehicle Theft	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Arson	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

¹100 of the reported incidents of rape in calendar year 2023 were alleged to have occurred between a single victim and a single perpetrator who were in an established relationship. Neither of the individuals involved were active students or employees as of Fall 2024. These incidents were reported in a single disclosure to the College and the victim did not want to pursue a formal complaint.

VAWA Offenses; and Arrests and Referrals for Disciplinary Action for Weapons, Drug Abuse, and Liquor Law Violations (Crimes Not Reported by Hierarchy)	Calendar Year	On Campus (including Residential)	Non-Campus	Public Property	Total	On Campus (Residential Only)
Domestic Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	1	0	0	1	1
Dating Violence	2024	7	1	0	8	7
	2023	100 ²	5	0	105	100
	2022	5	3	0	8	5
Stalking	2024	4	0	0	4	4
	2023	13	0	0	13	5
	2022	10	0	0	10	9
Weapons Law Arrests	2024	1	0	0	1	1
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2024	1	0	0	1	0
	2023	3	0	0	3	3
	2022	11	0	0	11	11
Drug Law Violations Referred for Disciplinary Action	2024	65	0	0	65	62
	2023	64	0	1	65	63
	2022	43	0	0	43	42
Liquor Law Violations Referred for Disciplinary Action	2024	51	0	0	51	50
	2023	69	0	0	69	66
	2022	118	4	0	122	116

²100 of the reported incidents of dating violence in calendar year 2023 were alleged to have occurred between a single victim and a single perpetrator who were in an established relationship. Neither of the individuals involved were active students or employees as of Fall 2024. These incidents were reported in a single disclosure to the College and the victim did not want to pursue a formal complaint.

Main Hartwick Campus Hate Crimes

In the identification of hate crimes, the College addresses those Criminal Offenses or Primary Crimes listed in the Clery Act as well as four additional specific crimes and their occurrence on the College’s Clery geography. They include the following:

Criminal Offenses or Primary Crimes considered for Hate Crimes			
Murder and nonnegligent manslaughter	Rape	Fondling	Incest
Simple Assault	Statutory Rape	Robbery	Aggravated Assault
Burglary	Motor Vehicle Theft	Arson	Larceny-theft
Intimidation		Destruction, Damage, or Vandalism of Property	

In order to be identified as a hate crime, the offense must have occurred where the victim was intentionally selected because of the actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability of the victim.

Hate Crime Statistics	
2024	Zero (0) hate crimes, as defined by applicable federal law, were reported at the Main Hartwick Campus of Hartwick College.
2023	Zero (0) hate crimes, as defined by applicable federal law, were reported at the Main Hartwick Campus of Hartwick College.
2022	Zero (0) hate crimes, as defined by applicable federal law, were reported at the Main Hartwick Campus of Hartwick College.

Main Hartwick Campus Unfounded Crimes

An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting it as an Unfounded Crime.

Unfounded Crime Statistics	
2024	Zero (0) unfounded crimes were reported at the Main Hartwick Campus of Hartwick College.
2023	Zero (0) unfounded crimes were reported at the Main Hartwick Campus of Hartwick College.
2022	Zero (0) unfounded crimes were reported at the Main Hartwick Campus of Hartwick College.

Pine Lake Campus Crime Statistics Charts

Below are the charts for crime statistics on the Pine Lake Campus in Davenport, New York.

Criminal Offenses or Primary Crimes (Crimes Reported by Hierarchy)	Calendar Year	On Campus (including Residential)	Non-Ca mpus	Public Property	Total	On Campus (Residential Only)
Murder/Non-negligent Manslaughter	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Manslaughter by Negligence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Rape	2024	0	0	0	0	0
	2023	1	0	0	1	1
	2022	0	0	0	0	0
Fondling	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Incest	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Statutory Rape	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Robbery	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Aggravated Assault	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Burglary	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Motor Vehicle Theft	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Arson	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

VAWA Offenses; and Arrests and Referrals for Disciplinary Action for Weapons, Drug Abuse, and Liquor Law Violations (Crimes Not Reported by Hierarchy)	Calendar Year	On Campus (including Residential)	Non-Campus	Public Property	Total	On Campus (Residential Only)
Domestic Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Dating Violence	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Stalking	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Weapons Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Arrests	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2024	0	0	0	0	0
	2023	0	0	0	0	0
	2022	0	0	0	0	0

Pine Lake Campus Hate Crimes

In the identification of hate crimes, the College addresses those Criminal Offenses or Primary Crimes listed in the Clery Act as well as four additional specific crimes and their occurrence on the College’s Clery geography. They include the following:

Criminal Offenses or Primary Crimes considered for Hate Crimes			
Murder and nonnegligent manslaughter	Rape	Fondling	Incest
Simple Assault	Statutory Rape	Robbery	Aggravated Assault
Burglary	Motor Vehicle Theft	Arson	Larceny-theft
Intimidation		Destruction, Damage, or Vandalism of Property	

In order to be identified as a hate crime, the offense must have occurred where the victim was intentionally selected because of the actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability of the victim.

Hate Crime Statistics	
2024	Zero (0) hate crimes, as defined by applicable federal law, were reported at the Pine Lake Campus of Hartwick College.
2023	Zero (0) hate crimes, as defined by applicable federal law, were reported at the Pine Lake Campus of Hartwick College.
2022	Zero (0) hate crimes, as defined by applicable federal law, were reported at the Pine Lake Campus of Hartwick College.

Pine Lake Campus Unfounded Crimes

An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting it as an Unfounded Crime.

Unfounded Crime Statistics	
2024	Zero (0) unfounded crimes were reported at the Pine Lake Campus of Hartwick College
2023	Zero (0) unfounded crimes were reported at the Pine Lake Campus of Hartwick College.
2022	Zero (0) unfounded crimes were reported at the Pine Lake Campus of Hartwick College.

Sex Offender Registry

The Adam Walsh Child Protection and Safety Act of 2006 provides for the registration and tracking of sex offenders. Institutions of higher education are required to issue a statement advising the campus community of where to obtain law enforcement agency information provided by a State concerning registered sex offenders. The law 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, or is a student.

In the State of New York, information regarding registered sex offenders can be found at the following web address:
https://www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp.

Missing Student Notification Policy

Hartwick College is a residential campus and has housing facilities on both the Main Hartwick Campus and the Pine Lake Campus. The College has, in accordance with the Higher Education Opportunity Act (HEOA), developed procedures to be followed when on-campus residential students are determined to be missing.

Making a report of a missing student

If a student has been missing for 24 hours, Hartwick community members are required to report this information to any of the following offices or individuals:

- The Campus Safety Dispatch Desk by calling 607-431-4111 or reporting in person on the third floor of Dewar Student Union;
- The Director of Campus Safety by calling 607-431-4112 or reporting in person on the third floor of Dewar Student Union;
- The Title IX Coordinator by calling 607-431-4293 or reporting in person in Shineman 102;
- The Director of Residential Life and Community Standards by calling 607-431-4501 or reporting in person on the fourth floor of Dewar Student Union; or
- The Dean of Students by calling 607-431-4501 or reporting in person on the fourth floor of Dewar Student Union.

Any missing student report received by a member of the community must be immediately referred to Campus Safety by calling 607-431-4111 or reporting in person on the third floor of Dewar Student Union. The Campus Safety Dispatch Desk is available 24 hours a day to receive reports. If the Campus Safety Dispatch Desk is not available, the missing student report must be immediately referred to the Oneonta Police Department for the Main Hartwick Campus or the New York State Police for the Pine Lake Campus.

Registering a Missing Persons Contact

Students are provided the opportunity to register confidential contact information for a Missing Persons Contact who will be notified by the College in the event the student is officially reported as missing. Providing a Missing Persons Contact is optional.

Contact information for the Missing Persons Contact can be entered by a student in the MCR Housing Portal. The Missing Persons Contact can be any individual that a student wishes the College to contact in the event that they are determined to be missing by Hartwick College Campus Safety or local law enforcement.

Contact information for a Missing Persons Contact is registered confidentially and is only accessible by authorized campus officials. It will only be disclosed to law enforcement personnel in furtherance of a missing person investigation.

Required notifications of a missing student

If the student has designated a Missing Persons Contact, the College must notify that person within 24 hours that the student is missing.

If the student is under the age of 18 and is not an emancipated individual, Hartwick College must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional Missing Persons Contact designated by the student.

Regardless of whether the student has identified a Missing Persons Contact, is above the age of 18, or is under the age of 18 and is or is not emancipated, the College will notify the local law enforcement agency that has jurisdiction in the area within 24 hours that the student is missing unless the local law enforcement agency is the entity that determined the student is missing. On the Main Hartwick Campus, the local law enforcement agency that has jurisdiction is the Oneonta Police Department. On the Pine Lake Campus, the local law enforcement agency that has jurisdiction is the New York State Police.

How Campus Safety determines if a student is missing

Campus Safety will initiate an investigation into any report of a missing person as soon as the report is received. Typically, this investigation starts with interviewing roommates, friends, classmates, residential life staff, and others who may have information concerning the student's whereabouts, lifestyle, and habits. Based on the information received, Campus Safety will attempt to track the student using various methods including, but not limited to, use of WICKit cards across campus, viewing of CCTV records, and the tracking of wi-fi network access. Campus Safety will also attempt to make contact directly with the student.

If no contact is made with the student for 24 hours through the above efforts, the student is officially considered missing and the contact processes described above will be enacted. If this process does not result in positive contact with the suspected missing student, Campus Safety will contact the Oneonta Police Department for assistance. If a student is *initially* reported missing for over 24 hours, the Oneonta Police Department will be immediately notified.

Violence Against Women Act (VAWA)

Hartwick College prohibits the crimes of domestic violence, dating violence, sexual assault and stalking. The federal and New York State definitions for these crimes are below.

Definition

Dating Violence

VAWA Definition

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim

- I. 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.
- II. For the purposes of this definition—
 - A. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - B. Dating violence does not include acts covered under the definition of domestic violence
- III. For the purposes of complying with the requirements of this section and 34 C.F.R. §668.41 (<https://www.law.cornell.edu/cfr/text/34/668.41>), any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Local Jurisdiction Definition

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

Domestic Violence

The Violence Against Women Reauthorization Act of 2022 (VAWA) did update the definition of Domestic Violence, 34 U.S.C. § 12291(a)(12). This definition was adopted by Hartwick College in the January 2024 revision of the Title IX and Sexual Misconduct Policy and the revision and renaming of the policy as the Title IX, Discrimination, and Harassment Policy effective August 1st, 2024; for the purpose of references to these policy revisions in the ASR, they are hereafter collectively referred to as the Title IX, Discrimination, and Harassment Policy.

In accordance with the Clery Act and effective September 26, 2023, Hartwick College investigates domestic violence in accordance with the Violence Against Women Reauthorization Act of 2013. Allegations of domestic violence occurring between January 1st, 202f, and December 31st, 2024, were investigated in accordance with the definition established under the Violence Against Women Reauthorization Act of 2022, 34 U.S.C. § 12291(a)(12): “felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who: (A) is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim; (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) shares a child in common with the victim; or (D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

VAWA Definition

- I. A felony or misdemeanor crime of violence committed—
 - A. By a current or former spouse or intimate partner of the victim;
 - B. By a person with whom the victim shares a child in common;
 - C. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - D. 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
 - E. 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.
- II. For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Local Jurisdiction Definition

New York State does not specifically define domestic violence. However, in New York State, “family offenses” are certain violations of the penal code, including but not limited to harassment, sexual abuse, stalking, and menacing, committed by a family member or intimate partner that have created a substantial risk of physical or emotional harm to a person or a person’s child.

Domestic violence is an act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction or breaching or blood circulation, or strangulation; and such acts have created a substantial risk of physical or emotional harm to a person or a person’s child. Such acts are alleged to have been committed by a family member. The victim can be

anyone over the age of 16, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of the act.

A "Family or Household Member" is defined as "persons related by consanguinity or affinity; persons legally married to one another; person formerly married to one another regardless of whether they still reside in the same household; persons who have a child in common regardless of whether such persons are married or have lived together at any time; unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time."

Factors that may be considered in determining whether a relationship is an "intimate relationship" include, but are not limited to: the nature or type of relationship regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship"; Any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation. Intimate relationship status shall be applied to teens, lesbian/gay/bisexual/transgender, and elderly individuals, current and formerly married and/or dating heterosexual individuals who were, or are in an intimate relationship.

"Parent" is defined as "natural or adoptive parent or any individual lawfully charged with a minor child's care or custody."

Sexual Assault

VAWA Definition

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

- Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Local Jurisdiction Definition³

New York State does not specifically define sexual assault. However, according to the Federal Regulations, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape as used in the FBI's UCR program. Those definitions are stated below.

³ All links to the New York State Penal Code within this section will refer the user to the database. Once there, the user will need to search for each specific code using the database tools.

Lack of Consent

NY Penal Code § 130.05 (<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>)

Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.

Sexual Misconduct

NY Penal Law § 130.20 (<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>)

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

NY Penal Code § 130.25 (<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>)

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

NY Penal Code § 130.30 (<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>)

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

NY Penal Code § 130.35 (<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>)

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

NY Penal Code § 130.40 (<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>)

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

NY Penal Code § 130.45 (<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>)

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

NY Penal Code § 130.35 (<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>)

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

NY Penal Code § 130.52 (<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>)

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

NY Penal Code § 130.53 (<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>)

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

NY Penal Code § 130.55 (<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>)

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

NY Penal Code § 130.60 (<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>)

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

NY Penal Code § 130.65 (<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>)

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 in the Fourth Degree

NY Penal Code § 130.65 (<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>)

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

Aggravated Sexual Abuse in the Third Degree

NY Penal Code § 130.66 (<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>)

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

NY Penal Code § 130.67 (<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>)

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

NY Penal Code § 130.68 (<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>)

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

NY Penal Code § 130.80 (<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>)

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

NY Penal Code § 130.75 (<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>)

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

NY Penal Code § 130.90 (<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>)

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 administer such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and (2) commits or attempts to commit such conduct constituting a felony defined in this article.

Incest in the Third Degree

NY Penal Code § 255.25 (<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>)

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

NY Penal Code § 255.26 (<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>)

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

Incest in the First Degree

NY Penal Code § 255.27 (<http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO:>)

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

Stalking

VAWA Definition

- i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - a. Fear for the person's safety or the safety of others; or
 - b. Suffer substantial emotional distress.
- ii. For the purposes of this definition—

- a. 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.
 - b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- iii. For the purposes of complying with the requirements of this section and 34 C.F.R. §668.41 (<https://www.law.cornell.edu/cfr/text/34/668.41>), any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Local Jurisdiction Definition

Stalking in the fourth degree

NY Penal Law § 120.45 (<https://www.nysenate.gov/legislation/laws/PEN/120.45>)

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:

1. is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or
2. causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or
3. is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

For the purposes of subdivision two of this section, "following" shall include the unauthorized tracking of such person's movements or location through the use of a global positioning system or other device.

Stalking in the fourth degree is a class B misdemeanor.

Stalking in the third degree

NY Penal Law § 120.50 (<https://www.nysenate.gov/legislation/laws/PEN/120.50>)

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

1. Commits the crime of stalking in the fourth degree in violation of 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
2. Commits the crime of stalking in the fourth degree in violation of 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
3. 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

4. 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

NY Penal Law §120.55 (<https://www.nysenate.gov/legislation/laws/PEN/120.55>)

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

1. Commits the crime of stalking in the third degree as defined in 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, shiriken, "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
2. Commits the crime of stalking in the third degree in 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
3. Commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree as defined in subdivision four of section 120.50 of this article against any person; or
4. 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
5. Commits the crime of stalking in the third degree, as defined in 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

NY Penal Law §120.60 (<https://www.nysenate.gov/legislation/laws/PEN/120.60>)

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 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:

1. intentionally or recklessly causes physical injury to the victim of such crime; or
2. commits a class A misdemeanor defined in article one hundred thirty of this chapter, or a class E felony defined in section 130.25, 130.40 or 130.85 of this chapter, or a class D felony defined in section 130.30 or 130.45 of this chapter.

Stalking in the first degree is a class D felony.

Consent

Local Jurisdiction Definition

New York State defines consent under New York Penal Code Article 130, Section 130.05 and New York Education Law Article 129-B, Section 6441.

Sex offenses; lack of consent

NY Penal Law §130.05 (<https://www.nysenate.gov/legislation/laws/PEN/130.05>)

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:
 - a. Forcible compulsion; or
 - b. Incapacity to consent; or
 - c. 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; or
 - d. Where the offense charged is rape in the third degree as defined in 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.
3. A person is deemed incapable of consent when he or she is:
 - a. less than seventeen years old; or
 - b. mentally disabled; or
 - c. mentally incapacitated; or
 - d. physically helpless; or
 - e. 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 incarcerated individuals; 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 incarcerated individual is confined at the time of the offense, consisting of providing custody, medical or mental health services, or direct supervision to such incarcerated individuals; or (iii) a person, including a volunteer, providing direct services to incarcerated individuals 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
 - f. 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 incarcerated individuals. 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 incarcerated individuals 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

- g. 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
- h. 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 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 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
- i. 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, habilitative 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; or
- j. detained or otherwise in the custody of a police officer, peace officer, or other law enforcement official and the actor is a police officer, peace officer or other law enforcement official who either: (i) is detaining or maintaining custody of such person; or (ii) knows, or reasonably should know, that at the time of the offense, such person was detained or in custody.

Affirmative consent to sexual activity

New York Education Law § 6441 (<https://www.nysenate.gov/legislation/laws/EDN/6441>)

1. Every institution shall adopt the following definition of affirmative consent as part of its code of conduct:
"Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual

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

2. Each institution's code of conduct shall reflect the following principles as guidance for the institution's community:
 - a. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
 - b. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
 - c. Consent may be initially given but withdrawn at any time.
 - d. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
 - e. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
 - f. When consent is withdrawn or can no longer be given, sexual activity must stop.

Hartwick College Definition

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

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

Primary and Ongoing Prevention and Awareness Campaigns

Educational programs to prevent and to promote the awareness of domestic violence, dating violence, sexual assault, and stalking are offered online for all students and employees, during Wick Weekend for new students, in new employee orientations, in residence hall floor meetings, and on campus throughout the academic year.

Such prevention and awareness programs include a statement that the College prohibits all forms of sexual misconduct (including domestic violence, dating violence, sexual assault, and stalking); provides definitions of the various types of prohibited sexual misconduct, as defined by federal and local laws, as well as the definition and meaning of affirmative consent; safe and positive options for bystander intervention; and information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks.

Programs to prevent domestic violence, dating violence, sexual assault, and stalking are comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end domestic violence, dating violence, sexual assault, and stalking 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.

Programs to prevent domestic violence, dating violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

Subject Codes for Tables

Code	Topic	Code	Topic
RRSA	Risk Reduction and Safety Awareness	DA V	Dating Violence
DV	Domestic Violence	BI	Bystander Intervention
SA	Sexual Assault	ST	Stalking
CON	Affirmative Consent		

Primary Prevention and Awareness Programs for First-Year and Transfer Students

Name of Program	Date of Program	Location	Subject Code Covered
Sexual Assault Prevention - Undergraduates	Summer Orientation	Online -Vector Solutions	RRSA; DA V; DV; BI; SA; ST; CON
How to Soar as a Hawk	August	In-person	RRSA; DA V; DV; BI; SA; ST; CON
Sexual Assault Prevention for Student Athletes	August - September	Online - Vector Solutions Customized Course Delivered by Hartwick College Athletic Coaches	RRSA, DV, SA, DA V, BI, ST
Rights & Responsibilities	Ongoing	In-person and displayed on websites, brochures, pamphlets, and posters.	RRSA; DA V; DV; BI; SA; ST; CON

Primary Prevention and Awareness Programs for New Employees

Name of Program	Date of Program	Location	Subject Code Covered
New Employee Orientation - Title IX Office: Hartwick College Responsible Employee Training	Monthly or as needed	In-Person	RRSA; DA V; DV; BI; SA; ST;
Vector Solutions: Customized Course: Hartwick College's Mandated Discrimination and Harassment Training	Within 30 days of hire	Online	RRSA; DV; SA; DA V; BI; ST; CON

Ongoing Awareness and Prevention Programs for Students

Name of Program	Date of Program	Location	Subject Code Covered
Vector Solutions Sexual Assault Prevention Ongoing – Taking Action/Healthy Relationships for returning students	Beginning of Fall and Spring Terms	Online	RRSA; DA V; DV; BI; SA; ST; CON
Vector Solutions Sexual Assault Prevention Training for Undergraduates for new and transfer students	Beginning of Fall and Spring Terms	Online	RRSA; DA V; DV; BI; SA; ST; CON
Vector Solutions - Sexual Assault Prevention for Student Athletes	Beginning of Fall and Spring Terms	Online	CON; RRSA
Rights & Responsibilities New Student Orientation	Beginning of Spring Term	In Person	RRSA; DA V; DV; BI; SA; ST; CON
How to Soar as a Hawk New Student Orientation	Beginning of Fall and Spring Term	In Person	RRSA; DA V; DV; BI; SA; ST; CON
First Responder Training – Student Leaders	Beginning of Fall Term	In Person	RRSA; DA V; DV; BI; SA; ST; CON
Sex and Chocolate	February	In Person	RRSA; DA V; DV; SA; ST; CON
Fraternity and Sorority Life Social Event Workshop	Beginning of Fall Term	In Person	RRSA; DA V; DV; BI; SA; ST; CON
Sexual Assault Awareness Month Program Series	April	In-Person	RRSA; DA V; DV; BI; SA; ST; CON
Take Back the Night	April	In-Person	RRSA; DA V; DV; BI; SA; ST; CON
Sexual Wellness Fair	August, October, and April	In-Person	RRSA; DA V; DV; BI; SA; ST; CON

Ongoing Awareness and Prevention Programs for Employees

Name of Program	Date of Program	Location	Subject Code Covered
Vector Solutions: Hartwick College's Mandated Discrimination and Harassment Training	Annually by end of October	Online	RRSA; DA V; DV; SA; ST
Take Back the Night	April	In-Person	RRSA; DA V; DV; BI; SA; ST; CON
Sexual Wellness Fair	August, October, April	In-Person	RRSA; DA V; DV; BI; SA; ST; CON
Athletics Staff and Coaches - Title IX, Sexual Assault Awareness and Preventions	Beginning of Fall Terms, and as needed	In-Person	RRSA; SA; DV, BI

Bystander Intervention and Risk Reduction

Bystander Intervention

Bystanders play a critical role in the prevention of sexual and relationship violence. According to Stanford University's SHARE Title IX Office, "[t]he key to bystander intervention is the recognition and acceptance that you might be the only one that will act and you should take measures to intervene in the interests of helping someone else, while assessing and

taking precautions to protect your own safety and well-being.” Stanford University suggests that there are many different ways to safely respond, including the 3 Ds of intervention:

- Direct: Check in
 - Examples of helpful questions - Are you okay? How are you doing? What do you need? Would you like to go?
 - Provide options, a listening ear, and make sure that they get home safely.
- Delegate: Tell another person who can help you intervene (friend, police, someone with authority, etc.).
- Distract: Interrupt the situation or redirect individuals that may be at risk.

To promote bystander intervention and reduce in-action these strategies are emphasized in required online training content presented to all students. Bystander intervention training and strategies are incorporated in student trainings offered throughout the academic year and during new student orientation.

Risk Reduction

With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one’s risk of sexual assault, relationship violence, or harassment. In addition, common warning signs are provided that indicate when someone may have experienced sexual or relationship violence (taken from Rape, Abuse, & Incest National Network, www.rainn.org).

Increasing on-campus safety

The following tips may reduce your risk for many different types of crimes, including sexual violence.

- *Know your resources.* Who should you contact if you or a friend needs help? Where should you go? Locate resources such as the campus health center, campus police station, and a local sexual assault service provider. Notice where emergency phones are located on campus, and program the campus security number into your cell phone for easy access.
- *Stay alert.* When you’re moving around on campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or asking campus security for an escort. If you’re alone, only use headphones in one ear to stay aware of your surroundings.
- *Be careful about posting your location.* Many social media sites, like Facebook and Foursquare, use geolocation to publicly share your location. Consider disabling this function and reviewing other social media settings.
- *Make others earn your trust.* A college environment can foster a false sense of security. They may feel like fast friends, but give people time to earn your trust before relying on them.
- *Think about Plan B.* Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can’t use a credit card? Do you have the address to your dorm or college memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?
- *Be secure.* Lock your door and windows when you’re asleep and when you leave the room. If people constantly prop open the main door to the dorm or apartment, tell security or a trusted authority figure.

Safety in social settings

It’s possible to relax and have a good time while still making safety a priority. Consider these tips for staying safe and looking out for your friends in social settings.

- *Make a plan.* If you're going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don't leave someone stranded in an unfamiliar or unsafe situation.
- *Protect your drink.* Don't leave your drink unattended, and watch out for your friends' drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured. It's not always possible to know if something has been added to someone's drink. In drug-facilitated sexual assault, a perpetrator could use a substance that has no color, taste, or odor.
- *Know your limits.* Keep track of how many drinks you've had, and be aware of your friends' behavior. If one of you feels extremely tired or more drunk than you should, you may have been drugged. Leave the party or situation and find help immediately.
- *It's okay to lie.* If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it's okay to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened. You can also lie to help a friend leave a situation that you think may be dangerous. Some excuses you could use are needing to take care of another friend or family member, an urgent phone call, not feeling well, and having to be somewhere else by a certain time.
- *Be a good friend.* Trust your instincts. If you notice something that doesn't feel right, it probably isn't. Learn more about how to keep your friends safe in social settings.

Feeling safe after an assault

If you have experienced sexual assault, there are steps you can take to feel safer.

- *Make use of on-campus resources.* Colleges often provide a host of services to students for free, including security escorts, health centers, psychological services, and sexual assault services.
- *Request a schedule or housing change.* If you have classes with the perpetrator or live in the same building, you can request a change from your college administration. Federal laws, such as the Campus SaVE Act, require colleges to honor these requests.
- *Access off-campus support services.* If you are concerned about anonymity, you can seek out resources located off campus in the community, like a local sexual assault service provider or domestic violence shelter.
- *Seek an Order of Protection (OOP).* An OOP, sometimes also referred to as a temporary restraining order (TPO), is a legal document that bars an individual from certain types of contact with the person who is awarded the order. An individual who violates the terms of the restraining order can face criminal charges. Each state has its own rules and regulations for Sexual Assault CPOs that you can learn more about through the American Bar Association.
- *Create a safety plan.* If you are concerned for your ongoing safety, it can be worthwhile to create a safety plan. Safety planning is about finding ways to be safe in the present while planning for your future safety as well.

Warning signs that someone may have been sexually assaulted

- Signs of depression, such as persistent sadness, lack of energy, changes in sleep or appetite, withdrawing from normal activities, or feeling "down"
- Self-harming behaviors, thoughts of suicide, or suicidal behaviors
- Low self-esteem
- Sexually transmitted infections (STIs)
- Anxiety or worry about situations that did not seem to cause anxiety in the past
- Avoiding specific situations or places
- Falling grades or withdrawing from classes
- Increase in drug or alcohol use

Warning signs that could lead to a sexual assault

- Withdrawing from other relationships or activities, for example, spending less time with friends, leaving sports teams, or dropping classes
- Saying that their partner doesn't want them to engage in social activities or is limiting their contact with others
- Disclosing that sexual assault has happened before
- Any mention of a partner trying to limit their contraceptive options or refusing to use safer sexual practices, such as refusing to use condoms or not wanting them to use birth control
- Mentioning that their partner is pressuring them to do things that make them uncomfortable
- Signs that a partner controlling their means of communication, such as answering their phone or text messages or intruding into private conversations
- Visible signs of physical abuse, such as bruises or black eyes
- Using technology to hurt others

Intimate Partner Sexual Violence

Warning Signs of abuse include a partner who:

- Attempts to cut you off from friends and family
- Is extremely jealous or upset if you spend time away from them
- Insults you, puts you down, says that you can never do anything right
- Tries to prevent you from attending work or school
- Tries to prevent you from making decisions for yourself
- Destroys your property, attempts to harm your pets
- Threatens to harm your children or take them away from you
- Tells you that you are worthless and that no one else could ever love you
- Controls your finances

Initiator Risk Reduction

Through various student and employee training workshops, strategies are presented to help initiators prevent engaging in sexual misconduct. Such strategies include:

- Clearly communicate your intentions and give them a chance to clearly relate their intentions to you
- Identify, understand, and respect the personal boundaries of others and self
- Obtaining affirmative consent to engage in sexual activity and not making assumptions about consent
- Not engaging in sexual activity when parties have consumed alcohol or other intoxicants
- Discussing strategies on how to appropriately communicate

Affirmative Consent

To further prevent perpetration of domestic violence, dating violence, sexual assault and stalking, all community members receive training on the definition of affirmative consent and how one must obtain affirmative consent.

Affirmative consent training is presented in all new employee orientation sessions, through required online student training, new student orientation, and through various formal and passive programs at the College.

The College also provides training to students concerning healthy relationships. This training provides information on how to maintain a healthy relationship and identify when a person may be subject to domestic violence, dating violence, sexual assault, or stalking in a relationship. Community members receive training on affirmative consent.

Procedures to Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking has Occurred

- Hartwick College’s Title IX and Sexual Misconduct Policy Grievance/Disciplinary Procedures Applicable from 1/24 - 7/31/24: This policy complied with the applicable 2020 Title IX Regulations.
- Hartwick College’s Title IX, Discrimination, and Harassment Policy Grievance/Disciplinary Procedures Applicable from 8/1/24 - 12/31/24: This policy complied with the 2024 Title IX Regulations. Hartwick College’s disciplinary procedures for sexual assault, domestic violence, dating violence and stalking are detailed in Hartwick College’s Discrimination, and Harassment Policy. The Policy was created to incorporate the 2024 Title IX Final Rule published by the USDOE on 4/19/24 and effective 8/1/24. The Policy governs all reports and formal complaints of sexual misconduct, including domestic violence, dating violence, sexual assault, stalking, sex discrimination, sex/gender-based harassment, sexual harassment, and retaliation. An individual who has a question about which Policy applies in a specific instance should contact the College’s Title IX Coordinator.

Both policies applied to Hartwick students; Hartwick employees including faculty and visiting faculty, staff, and administrators (“Employees”); contractors, subcontractors, vendors, or other third parties; and visitors or guests affiliated with the College by reason of employment or education and within the College’s control (collectively, the “College community”). Sexual misconduct may occur between members of the same or different sex, or any combination of members of the College community. The policies applied regardless of an individual’s race, color, national origin, religion, creed, age, disability, sex, sexual orientation, gender, gender identity or expression, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, criminal conviction, or other status protected by law.

When an employee of the College has knowledge of a violation of these policies, which includes incidents of domestic violence, dating violence, sexual assault, and stalking, the employee must report the incident to the Title IX Coordinator. Victims of such incidents are encouraged to report the incident to the Title IX Coordinator, Campus Safety, and/or law enforcement, however such disclosure is not required by the victim.

All reports of domestic violence, dating violence, sexual assault, or stalking are reviewed by the Title IX Coordinator.

Reporting

Reports may be filed at any time (including during non-business hours) in person, by mail, by telephone, by email, or online, using the contact information listed for the Title IX Coordinator or a Deputy Title IX Coordinator.

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Title IX Coordinator

College Compliance Officer

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Individuals may also report online, using the reporting form available at www.hartwick.edu/titleix.

The contact information for Campus Safety and law enforcement resources is:

- Hartwick Campus Safety, Dewar Union 3rd Floor, **607-431-4111**
- New York State Police Sexual Assault Hotline, **1-844-845-7269**
- Oneonta Police Department, **607-432-1113**

Rights, Options, and Resources

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, Hartwick College will assist victims of domestic violence, dating violence, sexual assault, and stalking and will provide each victim with a written explanation of their rights and options, resources, and the College's procedures for disciplinary action (i.e., grievance procedures). A victim's rights and options, resources, and applicable disciplinary procedures are available in the Title IX and Sexual Misconduct Policy and the Title IX, Discrimination, and Harassment Policy. In New York, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights: <https://ovs.ny.gov/ovs-services>. In addition, www.hartwick.edu/titleix, provides victims with additional information about their rights and available resources.

Furthermore, should a victim or the College file a formal complaint of domestic violence, dating violence, sexual assault, or stalking, the College will provide, in writing, to the alleged offender a written explanation of their rights, options, and resources, and the College's applicable procedures for disciplinary action (i.e., grievance procedures).

Written Notification

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, the College will provide written notification to the victim. The written notification will acknowledge the report and provide the following information:

- The victim's Bill of Rights.
- Contact information and directions on how to access campus and community confidential and non-confidential resources (such as counseling, medical services, legal services, and advisor services).
- The importance of preserving evidence that may assist in proving that the alleged offense occurred or that may be helpful in obtaining a protection order.
- If the victim did not file the complaint, information about how a victim can directly report the incident is provided.
- The victim's right to file a report or not file a report with Hartwick College Campus Safety or law enforcement and to receive assistance from the College in filing such a report.
- The victim's right to obtain supportive measures including obtaining a no contact order and/or protection order. Victims are provided with information on how to access information and to contact the Title IX Coordinator to inquire about, receive, or change supportive measures.

- Access to the Title IX, Discrimination, and Harassment Policy, grievance procedures, and possible sanctions.
- Information on the College's prohibition on retaliation.

Confidential Reporting and Resources

Reporting parties have the right to disclose confidentially an incident of sexual misconduct (including sexual assault, domestic violence, dating violence, and stalking) to Hartwick College representatives who may offer confidentiality pursuant to applicable laws and can assist in obtaining services for reporting individuals. Reporting individuals also have the right to disclose confidentially and obtain services from the state or local government.

Professional, licensed counselors and pastoral counselors (e.g. clergy/chaplain) who provide mental health counseling to members of the College community (including those who act in that role under the supervision of a licensed counselor) may not report any information about an incident of sexual misconduct (including sexual assault, domestic violence, dating violence, and stalking) disclosed while acting within the scope of that counselor's license or certification to the Title IX Coordinator without a Complainant's permission.

Confidential resources are available for support on campus and off campus.

The following is the contact information for on-campus confidential resources (for students):

- Perrella Wellness Center Counseling Services, 607-431-4420 or, on nights and weekends 607-431-4111,⁴ counselingcenter@hartwick.edu
- Perrella Wellness Center Health Services, 607-431-4120, healthcenter@hartwick.edu

The following is the contact information for off-campus confidential resources (for any individual):

- For immediate assistance call 911
- The College's Campus Safety staff is available to respond immediately when contacted and can provide individuals with assistance in obtaining medical treatment. Opportunities for Otsego, Inc.'s VIP, 607-432-4855 24-hour hotline
- NYS Domestic Violence Hotline, 1-800-942-6906
- New York State Office of Victim Services, 1-800-247-8035
- A.O Fox Hospital, 1 Norton Drive, Oneonta, NY 13820, 607-432-2000
- Bassett Medical Center, 1 Atwell Drive, Cooperstown, NY 13326, 607-547-3456
- RAINN National Sexual Assault Hotline 800-656-HOPE (1-800-656-4673) (available 24/7)
- Opportunities for Otsego (OFO): <https://ofoinc.org/>
- Opportunities for Otsego, Violence Intervention Program (VIP), 607-432-4855 24-hour hotline, <https://ofoinc.org/find-program/violence-intervention-program>
- (OFO-VIP) Jess Eklund – Victim Advocate 607-386-5663
- NYS Domestic Violence Hotline, 1-800-942-6906
- New York State Office of Victim Services, 1-800-247-8035
- NYS Division of Human Rights Sexual Workplace Sexual Harassment: 1-800-HARASS-3 (available M-F 9 am-5 pm)
- NYS Office of Victim Services Toll-Free Number – 800-247-8035 *can report
- anonymously

⁴ The night and weekend hours phone line (607-431-4111) for the Counseling Center is the Campus Safety Dispatch Desk who has the ability to contact the counselor who is on-call.

- The NYS Domestic Violence and Sexual Assault Hotline provides crisis intervention, shelter services, and referrals 800-942-6906

These confidential resources can help and provide information regarding medical assistance and treatment (including information about sexually transmitted infections, and sexual assault forensic examinations), and resources available through the New York State Office of Victim Services, and law enforcement options. The on-campus health and counseling services noted as confidential reporting resources are available to students free of charge.

Employees are not eligible for on campus services, but eligible employees may utilize their Employee Assistance Program (EAP) benefits. More information regarding EAP benefits is available to employees online in D2L (online intranet). The above-listed hotlines are also available free of charge.

All of the confidential reporting resources maintain confidentiality except in extreme cases of immediacy of threat, or danger, or abuse of a minor.

Supportive and Protective Measures

The College will inform, in writing, and provide supportive measures, which are inclusive of protective measures, to the Complainant and the Respondent, as appropriate and reasonably available, without fee or charge to the parties. Supportive measures are available at any time. Supportive measures may be requested at the time of the report, during the grievance process, and after the grievance process.

Complainants do not need to report the incident to campus safety or law enforcement or proceed with a formal grievance process in order to receive supportive measures. Supportive measures are non-disciplinary, non-punitive individualized services that can range from referral to supportive services such as counseling or medical services to class and housing modifications, withdrawals, or leaves of absence. Examples of supportive measures include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services;
- Referral to the Employee Assistance Program (EAP);
- Referral to community-based service providers;
- Student financial aid counseling;
- Education to the institutional community or community subgroup(s);
- Altering campus housing assignment(s);
- Altering work arrangements for employees or student-employees;
- Providing campus safety escorts;
- Providing transportation accommodations;
- Implementing contact limitations (no-contact orders) between the parties;
- Academic support, extensions of deadlines, or other course/program-related adjustments;
- Timely warnings;
- Class schedule modifications, withdrawals, or leaves of absence;
- Increased security and monitoring of certain areas of the campus; or
- Any other actions deemed appropriate by the Title IX Coordinator.

At the time that supportive measures are offered, the College will inform the Complainant, in writing, that they may initiate a formal grievance process with the College either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

The College will maintain the confidentiality of the supportive measures, except as necessary to provide such supportive measures. The College will act to ensure as minimal an academic/workplace impact on the parties as possible. The College will implement measures in a way that does not unreasonably burden the other party. The College will review the facts and circumstances of each case, in deciding whether and what steps are reasonable and appropriate.

Upon a written request to the Title IX Coordinator, an individual may also seek a prompt review of the need for and terms of any supportive measures and accommodations that directly affects them. This request should include the basis for the request and any supporting evidence. Upon receipt of such a request, the Title IX Coordinator will inform the other party of the request and allow the other party to respond in writing and to submit evidence relevant to the request if desired.

Confidentiality & Privacy

Supportive / Protective Records

The College will maintain the confidentiality of the supportive measures and any records associated with the supportive measures, except as necessary to provide such supportive measures, for a period of seven years.

General Records

Records generated in connection with reports, investigations, grievance processes, and appeals are maintained in confidential files for at least seven (7) years by an appropriate office, which may be the Title IX Coordinator, the Dean of Students, Vice President for Human Resources and Compliance, Director of Residential Life and Community Standards, Clery Compliance Officer, and/or the Registrar (for records concerning disciplinary outcomes). Only those with a right and need to know are permitted access. Records associated with the grievance process are protected from public release until the appeals panel makes a final determination unless otherwise required by law.

Public Reporting

The College does have public reporting obligations. Such obligations include documenting crimes of domestic violence, dating violence, sexual assault, and stalking in the Annual Security Report and Daily Crime Log occurring in the College's Clery geographic locations, and, when applicable, issuing timely warnings or emergency notifications pertaining to such crimes in these locations. These publications do not include any personally identifying information about a survivor. The Title IX Coordinator, Clery Compliance Officer, and Director of Campus Safety work together to appropriately identify and redact documents subject to public records requests in order to remove personally identifying information not required to be shared pursuant to law or College policy.

Amnesty

For students

The health and safety of every student at Hartwick College is of utmost importance. Hartwick College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Hartwick College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A

bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Hartwick College's officials or law enforcement will not be subject to the College's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

For employees

Hartwick College endeavors to operate in an ethical and lawful manner and expects all employees and volunteers to conduct their activities in accordance with college policies and applicable federal, state, and local law. All employees have a responsibility to report alleged violations or suspected violations. Employees who make good-faith reports of violations, including domestic violence, dating violence, stalking, or sexual assault, are also afforded protections under the Whistleblower Protections as outlined in the Employee Handbook.

Grievance/Disciplinary Procedures for Domestic Violence, Dating Violence, Sexual Assault, and Stalking - Title IX and Sexual Misconduct Policy

Grievance/disciplinary procedures applicable from 1/1/24 - 7/31/24: Hartwick College's disciplinary procedures for sexual assault, domestic violence, dating violence and stalking are detailed in the Title IX and Sexual Misconduct Policy. The disciplinary procedures are comprised of two processes: Process A and Process B. These disciplinary proceedings are used to address any combination of Hartwick community members:

- Student/Student
- Student/Employee
- Employee/Employee

"Process A" applies to allegations of domestic violence, dating violence, sexual assault, or stalking that meet Title IX's definition of domestic violence, dating violence, sexual assault, or stalking. To fall under Title IX, the incident of domestic violence, dating violence, sexual assault, or stalking must have been in an education program or activity of the College against a person in the United States. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the College.

To initiate Process A, the victim (i.e. Complainant) or Title IX Coordinator must file a formal complainant. A formal complaint means a document filed by the Complainant or signed by the Title IX Coordinator alleging Title IX domestic violence, dating violence, sexual assault, and/or stalking by a Respondent and requesting that the College investigate the allegation(s).

"Process B" applies to all allegations of domestic violence, dating violence, sexual assault, or stalking that do not constitute Title IX.

To initiate Process B, a report of domestic violence, dating violence, sexual assault, and/or stalking by a Respondent must be submitted to the Title IX Coordinator by the Complainant. The Title IX Coordinator does reserve the right to proceed with Process B when the Complainant does not wish to participate in the grievance process or wishes to have their name remain confidential. After having considered the Complainant's wishes, the Title IX Coordinator may proceed with the

grievance process if it is determined that a failure to investigate would not adequately mitigate a potential risk of harm to the reporting individual or other members of the community.

If a report meets the criteria for both Process A and Process B, Process A will be followed.

The Process A and Process B grievance processes consist of an investigation, hearing, appeal, and option for informal resolution. Both processes use the preponderance of evidence standard to reach decisions of responsibility.

Grievance procedures for Process A and Process B are detailed in the Title IX and Sexual Misconduct Process. The procedures outlined in Process A and Process B are conducted in a prompt, fair, and impartial manner from initial investigation to final result. The formal grievance process, excluding time spent on informal processes or appeal, will be concluded within 90 business days of the filing of a formal complaint. Appeals will be concluded within 30 business days of the filing of an appeal. Informal Resolutions will be concluded within 20-30 business days of receiving both parties' voluntary, written consent to the informal resolution process.

College officials that conduct disciplinary proceedings (i.e., Title IX coordinators, investigators, decision makers, and anyone who facilitates an informal resolution process) are trained in the definition of Title IX sexual harassment, the scope of the College's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Decision makers will receive training on technology to be used at a live hearing and on issues of relevance of questions and evidence. Investigators will also receive training on issues of relevance. Administrative contacts, persons assigned as investigators and individuals appointed to disciplinary hearing proceedings to hear alleged violations of this Policy (e.g., hearing officers and appellate officers) will receive annual training on relevant topics, including discrimination, harassment, sexual misconduct, sexual assault, stalking, domestic violence and dating violence, the effects of trauma, impartiality, the rights of the Respondent, including the presumption of "not responsible," and how to conduct investigations of sexual violence and disciplinary proceedings pursuant to the College's policies and procedures and that protect the safety and respectful treatment of all parties and promote accountability. Any training materials used to train any of these individuals is available on the College's public website.

Grievance Process Procedures

Process A Grievance Process Procedures

The investigation will be performed by appropriate trained persons. Once the decision to commence a formal investigation is made, the Title IX Coordinator will appoint a trained investigator(s) to conduct the investigation (the "Investigator"). A party wishing to challenge the selection of the Investigator must notify the Title IX Coordinator, in writing, within three (3) business days of receipt of the name and contact information of the Investigator, stating the specific reason(s) for the party's objection. The Title IX Coordinator will determine whether the challenge has merit, and reserves discretion to make changes to the individual assigned as the Investigator. No investigator will have a conflict of interest or bias.

Formal complaints of Title IX domestic violence, dating violence, sexual assault, or stalking will be investigated normally within 45 to 60 business days of the filing of a formal complaint, though some investigations may take more time depending on the nature and specific circumstances of the case, involvement of law enforcement, and/or availability of

witnesses. The College will make a good faith effort to complete investigations as promptly as possible and will communicate regularly with the parties to update them on progress, timing of the investigation and delay for good cause, if necessary.

During the investigation, the College has the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility. While the Complainant and the Respondent are not restricted from gathering and presenting relevant evidence, the Investigator is responsible for gathering relevant evidence to the extent reasonably possible. The College cannot access, consider, disclose, or otherwise use in the formal grievance process a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the College obtains voluntary, written consent from that party (or, if the party is not an eligible student, that party's parent) to do so. Questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege are not permitted in the grievance process unless the person holding such privilege has waived that privilege.

An investigation usually involves interviews of the persons involved (e.g., Complainant, Respondent), including witnesses, and gathering and reviewing relevant evidence. The Complainant and the Respondent will be given an equal opportunity to present information in the context of the investigation, such as documents, communications, photographs, and other evidence, and the opportunity to suggest fact and expert witnesses and other inculpatory or exculpatory evidence. Parties and witnesses are expected to provide all available relevant evidence to the Investigator during the investigation. The Investigator retains discretion to determine the order and method of investigation and witnesses as unnecessary or inappropriate. Information will be obtained from each party separately.

Parties whose participation is invited or expected at a hearing, investigative interview, or other meeting will be provided written notice of the date, time, location, participants, and purpose of said event. Both parties can be accompanied during any proceeding or related meeting or proceeding by an advisor, subject to restrictions.

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If the Investigator elects to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording. Neither party is restricted from discussing the allegations or gathering and presenting evidence. If relevant evidence is destroyed by a party, the decision-maker can take that into account in assessing the credibility of the parties, and the weight of evidence in the case. Both parties will have an equal opportunity to inspect and review any evidence as part of the investigation that is directly related to the allegations in the formal complaint, including the evidence upon which the College does not intend to rely on reaching a determination regarding responsibility, and inculpatory or exculpatory evidence.

At the conclusion of the investigation, the Investigator will prepare a case file. The case file will include all collected evidence that is directly related to the allegations raised in the formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and any inculpatory or exculpatory evidence, whether obtained from a party or other source as part of the investigation. The Investigator will also complete a written investigative report. Prior to completing the investigation report, each party and their advisor, if any, will be provided with access to the evidence, subject to inspection and review, in an electronic format and will be provided 10 business days to submit a response. The Investigator will consider each party's response, if any, prior to completing the final investigative report.

The final investigative report must fairly summarize relevant evidence and an electronic or hard copy of the final investigative report must be provided to each party and their advisor, if any, ten business days prior to the hearing for their review and written response. The parties' written responses must be submitted during this 10-day period, at least five (5) business days prior to the start of the hearing. The response may consist of a written statement not to exceed three (3) pages. The parties and their advisors will be provided with the other party's written response to the investigative report, if any, in electronic format. The investigative report and all relevant evidence will be provided to the Hearing Officer and will be available for the parties to inspect, review, and refer to during the hearing, including for the purposes of cross examination.

Process A Hearing Process

A live hearing is required as part of the formal grievance process. The Title IX Coordinator will appoint a Hearing Officer from a pool of specially trained College personnel. Where circumstances warrant, the Title IX Coordinator may determine that a Hearing Officer external to the College will be assigned. The Hearing Officer will not have a conflict of interest or bias. Neither the Title IX Coordinator nor the Investigator(s) may serve as the Hearing Officer. After the investigative report is shared with and reviewed by the parties, the Title IX Coordinator will assign the matter to be heard by the Hearing Officer. The Hearing Officer will review the final investigatory report and supporting evidence as well as any written response to the final report submitted by the parties. The parties are free to reference the investigative report and any evidence during the hearing.

The Title IX Coordinator or designee will provide the parties with a written notice of the hearing at least 5 business days in advance. The written notice will include:

- The date, time, and place of the hearing.
- The name and contact information of the Hearing Officer. A party wishing to challenge the participation of the Hearing Officer must notify the Title IX Coordinator, in writing, within three (3) business days of receipt of the notice of hearing, stating the specific reason(s) for the party's objection. The Title IX Coordinator will determine whether the challenge has merit, and reserves discretion to make changes to the individual assigned as the Hearing Officer at any time.
- Any technology that will be used to facilitate the hearing.
- A statement that if the party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Hearing Officer.
- A reminder that the parties may have the assistance of an advisor of their choosing at the hearing and will be required to have one present to conduct cross-examination of the other party and any witnesses.
- A list of those who will attend the hearing (including but not limited to the parties, witnesses, etc.), along with the invitation to object on the basis of bias or conflict of interest.

The hearing will take place on the date and time specified in the notice of hearing. If circumstances arise that require a change in the hearing date or time, the College will provide the parties with written notice explaining the reason for such change. The live hearing may be in person, virtual, or a combination of both, as long as participants can simultaneously see and hear each other. Either party may request that the live hearing occur with parties located in separate rooms with technology enabling the Hearing Officer and parties to simultaneously see and hear the party or the witness answering questions.

The rules of decorum will be read to the parties at the beginning of the hearing. Any evidence that the Hearing Officer determines is relevant and credible may be considered. The Hearing Officer is responsible for maintaining an orderly, fair, and respectful hearing and will have broad authority to respond to disruptive or harassing behaviors, including adjourning

the hearing or excluding the offending individual, including a party, witness, or advisor. During the hearing, the parties may: speak on their own behalf, including providing an opening and closing statement; be accompanied by an advisor, who may be, but is not required to be, an attorney; have an advisor cross-examine the other party and any witnesses; and have the opportunity to attend the entire hearing or proceeding, except for the deliberation phase. The Hearing Officer will determine the order of witnesses and answer any procedural questions. At the hearing, each party's advisor is permitted to ask the other party(ies) and any witnesses all relevant questions and follow up questions, including those challenging credibility, as part of cross-examination. Thus, both the Complainant and Respondent must be accompanied by an advisor for at least this portion of the live hearing, though advisors are permitted to be present for the entire hearing. If a party does not have an advisor present at the hearing, then an advisor will be provided by the College, free of charge, for the purposes of conducting cross-examination. While the hearing is not intended to be a repeat of the investigation, cross-examination must be conducted directly, orally, and in real time by the advisor; parties are not permitted to personally conduct cross-examination.

Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Hearing Officer shall determine whether the question is relevant, verbally state a finding of relevance for the record, instruct the witness that they may or may not answer, and explain any decision to exclude a question as not relevant. The Hearing Officer may invite explanations regarding relevance with the advisors if he/she so chooses. The Hearing Officer will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. Only relevant cross-examination and other questions may be asked of a party or a witness; thus, the Hearing Officer may decline to allow any question that is duplicative of information already gathered or asked, irrelevant, or otherwise determined to be unnecessary or inappropriate. The Hearing Officer will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Hearing Officer and the parties and they will then be excused.

Both parties have the right to exclude their own mental health diagnosis and/or treatment from admittance in the hearing. In addition to psychological records, medical records are also excluded unless a party voluntarily waives that privilege and consents to the records being used. Both parties also have the right to exclude their own prior sexual history with persons other than the other party in the judicial or conduct process, subject to the exceptions in 34 CFR § 106.45(6)(i), which states that questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant unless such questions and evidence about the Complainant's prior sexual behavior are (1) offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or (2) if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Both the Complainant and Respondent will be provided with the same opportunity to submit information and evidence, including evidence in the case file, or otherwise in the possession or control of the institution, and relevant to the case.

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

Process A Impact Statements

The parties will be offered an opportunity to provide impact statements to the Hearing Officer while they are deliberating on appropriate sanctions. The impact statement may be up to three (3) pages single spaced. The Title IX Coordinator will

provide the impact statements to the Hearing Officer only once the Hearing Officer is deliberating on appropriate sanctions. Impact Statements cannot and will not be considered by the Hearing Officer when reaching a determination of responsibility.

Process A Determination of Responsibility

The Hearing Officer must issue a written determination regarding responsibility using a preponderance of the evidence standard. In reaching this decision, all relevant evidence must be objectively evaluated, and credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness. The Hearing Officer cannot defer to any conclusions in the investigative report and must make an independent determination of responsibility.

If the Hearing Officer concludes that the Respondent is responsible for a violation of the Title IX, Discrimination, and Harassment Policy, then the Hearing Officer shall receive the Respondent's disciplinary record (i.e., any previous disciplinary action or other violation of College Policy, including the Title IX, Discrimination, and Harassment Policy, for which the Respondent was found responsible), and the party's impact statements to consider, as appropriate, in determining sanctions. The disciplinary sanction(s) for a violation of the Title IX, Discrimination, and Harassment Policy will be based on a consideration of all of the circumstances, including but not limited to: the nature and severity of the conduct, the Respondent's disciplinary history, and any other information deemed relevant by the Hearing Officer.

Within ten business days of the conclusion of the hearing process, the Hearing Officer will issue a written decision to the Title IX Coordinator outlining relevant factual findings and whether a violation of the Title IX, Discrimination, and Harassment Policy has occurred and, if relevant, the appropriate sanctions. The Hearing Officer must issue a written determination that must include:

1. Identification of the allegations potentially constituting Title IX sexual harassment, domestic violence, dating violence, sexual assault, or stalking.
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the College's policy to the facts;
5. As to each allegation, a statement of, and rationale for, both the determination regarding responsibility and any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the Complainant;
6. The College's procedures and permissible grounds for the Complainant and Respondent to appeal; and
7. When the determination becomes final.

The College will provide the written determination to the parties simultaneously. The Title IX Coordinator is responsible for effective implementation of any remedies. The College must wait to act on the determination regarding responsibility, including implementing disciplinary sanctions or remedies, until the determination becomes final. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. Both parties have the right to choose whether to disclose or discuss the outcome of the formal grievance process.

Process A Disciplinary Sanctions and Remedies

Disciplinary sanctions are imposed on a Respondent who has been found responsible and range from a warning up to and including expulsion/termination from the College or revocation of a degree. The disciplinary sanction(s) for a violation of the Title IX, Discrimination, and Harassment Policy will be based on a consideration of all of the circumstances, including but not limited to: the nature and severity of the conduct, the Respondent's disciplinary history, previous allegations involving similar conduct, and any other information deemed relevant by the Hearing Officer. The following is a possible list of sanction(s) that may be imposed:

- Behavioral requirement
- Change of class/job assignment and/or housing/work location
- Required training and/or counseling
- Student/employee probation
- Educational requirements and/or community services
- Expulsion/termination
- Housing probation or removal from housing
- Removal from office/position, demotion, and/or reduction in pay
- Removal of privileges/eligibility restriction
- Suspension/leave with or without pay
- Written warning/letter of reprimand or censure
- Withholding diploma
- Revocation of degree

If a Respondent takes a leave of absence or withdraws while the grievance process is pending, the College in its discretion may continue processing a report or formal complaint pursuant to the Title IX, Discrimination, and Harassment Policy. In the event a former student is found responsible of sexual misconduct, Hartwick may revoke that student's degree or impose a ban from campus for any length of time. If the conclusion reached is that there has been no violation of the Title IX, Discrimination, and Harassment Policy, but other inappropriate conduct has occurred, the College retains the right to address that inappropriate behavior in accordance with College Policy and practice.

Remedies will be provided to a Complainant where a Respondent has been found responsible, through Process A or informal resolution, for Title IX domestic violence, dating violence, sexual assault, or stalking against the Complainant. Supportive remedies, which can include the supportive measures, range from referral to supportive services such as counseling or medical services to class and housing modifications, withdrawals, or leaves of absence; punitive or corrective sanctions or remedies range from a warning up to and including expulsion/termination from the College or revocation of a degree.

The College must wait to act on a determination regarding responsibility, including implementing disciplinary sanctions or remedies, until the determination becomes final. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Process A Appeals

Following issuance of a written determination from the Hearing Officer regarding a determination of responsibility or the College's dismissal of a formal complaint or any included allegations, the Complainant and/or Respondent, may file an

appeal with the Title IX Coordinator. A written appeal, based on one or more of the grounds listed below, must be made within five business days of the receipt of the written decision or notification of dismissal and must clearly and fully set forth the evidence to support each identified ground of appeal which the appealing party is asserting. The grounds for appeal are limited to:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- The Title IX Coordinator, investigator(s), or decision-maker(s) (i.e., the Hearing Officer) had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that affected the outcome of the matter.

The Title IX Coordinator, or designee, will determine if the written appeal clearly identifies one or more of the grounds for appeal. The Title IX Coordinator will not assess the merit of the appeal, but will review the documentation to confirm that grounds for an appeal have been asserted in the appeal. If a request for appeal is accepted, both parties will be notified in writing that an appeal is filed. The non-appealing party will be provided the opportunity to review the appeal and will be permitted five business days from the date of review of the appeal to submit a written statement in support of, or challenging, the appeal.

The Title IX Coordinator will appoint an Appeals Panel, which shall be made up of three (3) members from the pool of available Hearing Officers, or where appropriate, individuals trained in Title IX who are external to the College, to review the appeal. No member of the Appeals Panel shall have a conflict of interest or bias. Anyone who made the determination regarding responsibility (i.e., who served as the Hearing Officer at the hearing) or dismissal on a formal complaint, investigated the formal complaint, or who is a Title IX Coordinator cannot serve on the Appeals Panel regarding that same formal complaint.

Appeals are not intended to be full re-hearings of the formal complaint and generally will be considered upon a review of the written documentation of the parties and any pertinent documentation regarding the grounds for appeal.

A preponderance of the evidence standard will be applied on appeal. Unless there is good cause for temporary delay(s) or limited extension(s), the decision of the Appeals Panel will be communicated within eight business days to both parties, simultaneously and in writing; the written decision will describe the result of the appeal and the rationale for the result. The Appeals Panel's decision will be final and binding. Both parties have the right to choose whether to disclose or discuss the outcome of the formal grievance process.

Process A Informal Resolution

In some cases, an informal resolution may be appropriate to resolve allegations of domestic violence, dating violence, sexual assault, or stalking. An informal resolution process cannot be offered unless a formal complaint is filed; an informal resolution process is not permitted when the formal complaint involves a student Complainant and an employee Respondent. The College cannot require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of domestic violence, dating violence, sexual assault, or stalking. Similarly, the College cannot require the parties to participate in an informal resolution process under this section.

If a Title IX formal complaint has been filed, at any time prior to reaching a determination regarding responsibility, the College may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. To do so, the College must:

1. Provide to the parties a written notice disclosing:
 - a. the allegations;
 - b. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
 - c. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and
2. Obtain the parties' voluntary, written consent to the informal resolution process.

An informal resolution does not necessarily require the parties to meet together. An informal resolution may involve a college employee and/or a third-party facilitator, to be selected by the College. Anyone designated to facilitate an informal resolution process will not have a conflict of interest or bias. The results of Informal Resolution are not appealable. At any time during the process, the Complainant or the Respondent has the right to resume the formal processing of the complaint.

Informal resolution may involve mediation or restorative practices, by which the parties reach a mutually agreed upon resolution of an allegation. The Title IX Coordinator or designee may also, with the consent of the parties, negotiate and implement an agreement to resolve the allegations that satisfies all parties. If an informal resolution results in an agreement, then the informal resolution is considered successful. Both parties will sign a statement agreeing that the matter will be considered resolved. If attempts at informal resolution are unsuccessful, then the formal process will resume.

The Respondent may also accept responsibility for all or part of the alleged Title IX, Discrimination, and Harassment Policy violations at any point in the resolution process. An informal resolution may include an acceptance of responsibility. When a resolution is accomplished, the appropriate sanctions or responsive actions are promptly implemented in order to effectively stop the misconduct (sexual harassment, sexual assault, domestic violence, dating violence, and/or stalking), prevent its occurrence, and remedy the effects of the conduct.

Process B Grievance Process Procedures

During the investigation, the College has the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility. While the Complainant and the Respondent are not restricted from gathering and presenting relevant evidence, the Investigator is responsible for gathering relevant evidence to the extent reasonably possible. The College cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the College obtains voluntary, written consent from that party (or, if the party is not an eligible student, that party's parent) to do so. Questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege are not permitted unless the person holding such privilege has waived that privilege.

An investigation usually involves interviews of the persons involved (e.g., Complainant, Respondent), including witnesses, and gathering and reviewing relevant evidence. The Complainant and the Respondent will be given an equal opportunity to present information in the context of the investigation and the opportunity to suggest witnesses, and other relevant information, such as documents, communications, photographs, and other evidence. Parties and witnesses are expected to provide all available relevant evidence to the Investigator during the investigation. The Complainant and Respondent may also present to the Investigator proposed questions they wish for the investigators to ask of the other party and/or witnesses. The investigator retains discretion to determine the order and method of investigation and witnesses as unnecessary or inappropriate. Information will be obtained from each party separately.

Parties whose participation is invited or expected at a hearing, investigative interview, or other meeting will be provided written notice of the date, time, location, participants, and purpose of said event. Both parties can be accompanied during any Process B proceeding or related meeting by an advisor of their choice, subject to restrictions.

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If the Investigator elects to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording. Neither party is restricted from discussing the allegations or gathering and presenting evidence. If relevant evidence is destroyed by a party, the decision-maker can take that into account in assessing the credibility of the parties, and the weight of evidence in the case. Both parties will have an equal opportunity to review any evidence as part of the investigation that is directly related to the allegations in the report.

At the conclusion of the investigation, the Investigator will prepare a case file. The case file will include all collected evidence in the College's possession that is directly related to the case. The Investigator will also complete a written investigative report to be given to the Title IX Coordinator. The parties will be provided an opportunity to review the report and case file subject to redaction permitted and/or required by law, and to respond in writing to the investigative report. The parties will be allowed five (5) business days to review and submit a written response to the investigative report.

Process B Hearing

After the investigative report is shared with and reviewed by the parties, the Title IX Coordinator will assign the matter to be heard by a Hearing Officer. The Title IX Coordinator will appoint a Hearing Officer from a pool of specially trained College personnel. Where circumstances warrant, the Title IX Coordinator or designee may determine that a Hearing Officer external to the College will be assigned. The Hearing Officers will not have a conflict of interest or bias. Neither the Title IX Coordinator nor the Investigator(s) may serve as the Hearing Officer.

The Hearing Officer will review the final investigatory report and supporting evidence as well as any written response to the final report submitted by the parties. The Hearing Officer is not bound by the investigative report and should objectively evaluate relevant evidence. The Hearing Officer will hold a hearing to include interviews with both parties, and may, if deemed necessary, interview witnesses as part of the hearing process. A tape recording of any hearing interview will be created and made available to the parties for inspection and review.

The Title IX Coordinator or designee will provide written notice at least five (5) business days before the hearing date to the parties. The written notice will include:

- The date, time, and place of the hearing.

- The name and contact information of the Hearing Officer. A party wishing to challenge the participation of the Hearing Officer must notify the Title IX Coordinator, in writing, within three (3) business days of receipt of the notice of hearing, stating the specific reason(s) for the party's objection. The Title IX Coordinator will determine whether the challenge has merit, and reserves discretion to make changes to the individual assigned as the Hearing Officer at any time.
- Any technology that will be used to facilitate the hearing.
- A statement that if the party or witness does not appear at the scheduled hearing, the hearing may be held in their absence.
- A reminder that the parties may have the assistance of an advisor of their choosing at the hearing.
- A list of those who will participate in the hearing (including but not limited to the parties, witnesses, etc.), along with the invitation to object on the basis of bias or conflict of interest.

The hearing will take place on the date and time specified in the notice of hearing. If circumstances arise that require a change in the hearing date or time, the College will provide the parties with written notice explaining the reason for such change.

The Hearing Officer is responsible for maintaining an orderly, fair, and respectful hearing and will have broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending individual, including a party, witness, or advisor. The Hearing Officer will determine the order of witnesses and answer any procedural questions.

Both parties have the right to exclude their own prior sexual history with persons other than the other party in the judicial or conduct process or their own mental health diagnosis and/or treatment from admittance in the hearing. Both the Complainant and Respondent will be provided with the same opportunity to submit information and evidence, including evidence in the case file, or otherwise in the possession or control of the institution, and relevant to the case. Parties may submit questions before the hearing that they wish to have asked of the other party. The Hearing Officer will ask all questions at the hearing and may decline to ask any submitted question that is duplicative of information already gathered or asked, irrelevant, or otherwise determined to be unnecessary or inappropriate.

Process B Impact Statements

The parties will be offered an opportunity to provide impact statements to be presented to the Hearing Officer after a determination of responsibility and prior to the determination of appropriate sanctions. The impact statement may be up to three (3) pages single spaced. The Title IX Coordinator will provide the impact statements to the Hearing Officer only once the Hearing Officer is deliberating on appropriate sanctions. Impact Statements cannot and will not be considered by the Hearing Officer when reaching a determination of responsibility.

Process B Determination of Responsibility

The Hearing Officer must issue a written determination regarding responsibility using a preponderance of the evidence standard. In reaching this decision, all relevant evidence must be objectively evaluated, and credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness. The Hearing Officer cannot defer to any conclusions in the investigative report and must make an independent determination of responsibility.

If the Hearing Officer concludes that the Respondent is responsible for a violation of the Title IX, Discrimination, and Harassment Policy, then the Hearing Officer shall receive the Respondent's disciplinary record (i.e., any previous disciplinary action or other violation of College Policy, including the Title IX, Discrimination, and Harassment Policy, for which the Respondent was found responsible), and the party impact statements to consider, as appropriate, in determining

sanctions. The disciplinary sanction(s) for a violation of the Title IX, Discrimination, and Harassment Policy will be based on a consideration of all of the circumstances, including but not limited to: the nature and severity of the conduct, the Respondent's disciplinary history, and any other information deemed relevant by the Hearing Officer.

Within ten business days of the conclusion of the hearing process, the Hearing Officer will issue a written decision to the Title IX Coordinator outlining relevant factual findings and whether a violation of the Title IX, Discrimination, and Harassment Policy has occurred and, if relevant, the appropriate sanctions. The Hearing Officer will issue a written determination that must include:

1. Identification of the allegations potentially constituting domestic violence, dating violence, sexual assault, stalking or other sexual misconduct;
2. Findings of fact supporting the determination;
3. Conclusions regarding the application of the College's policy to the facts;
4. As to each allegation, a statement of, and rationale for, both the determination regarding responsibility and any disciplinary sanctions the College imposes on the Respondent and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the Complainant;
5. The College's procedures and permissible bases for the Complainant and Respondent to appeal; and
6. When the determination becomes final.

The College will provide the written determination to the parties simultaneously. The College must wait to act on the determination regarding responsibility, including implementing disciplinary sanctions or remedies, until the determination becomes final. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. Both parties have the right to choose whether to disclose or discuss the outcome of the formal grievance process.

Process B Disciplinary Sanctions and Remedies

Disciplinary sanctions range from a warning up to and including expulsion/termination from the College or revocation of a degree. The disciplinary sanction(s) for a violation of the Title IX, Discrimination, and Harassment Policy will be based on a consideration of all of the circumstances, including but not limited to: the nature and severity of the conduct, the Respondent's disciplinary history, previous allegations involving similar conduct, and any other information deemed relevant by the Hearing Officer. The following is a possible list of sanction(s) that may be imposed:

- Behavioral requirement
- Change of class/job assignment and/or housing/work location
- Required training and/or counseling
- Student/employee probation
- Educational requirements and/or community services
- Expulsion/termination
- Housing probation or removal from housing
- Removal from office/position, demotion, and/or reduction in pay
- Removal of privileges/eligibility restriction
- Suspension/leave with or without pay
- Written warning/letter of reprimand or censure
- Withholding diploma

- Revocation of degree

If a Respondent student takes a leave of absence or withdraws while the grievance process is pending, the College in its discretion may continue processing a report pursuant to the Title IX, Discrimination, and Harassment Policy. If a former student is found responsible, Hartwick may revoke that student's degree or impose a ban from campus for any length of time. If the conclusion reached is that there has been no violation of the Title IX, Discrimination, and Harassment Policy, but other inappropriate conduct has occurred, the College retains the right to address that inappropriate behavior in accordance with College Policy and practice. Remedies will be provided to a Complainant where a Respondent has been found responsible, through Process B or informal resolution, for sexual misconduct, domestic violence, dating violence, sexual assault, or stalking against the Complainant. Supportive remedies, which can include supportive measures, range from referral to supportive services such as counseling or medical services to class and housing modifications, withdrawals, or leaves of absence; punitive remedies range from a warning up to and including expulsion/termination from the College or revocation of a degree.

The College must wait to act on a determination regarding responsibility, including implementing disciplinary sanctions or remedies, until the determination becomes final. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Process B Appeals

Following issuance of a written determination from the Hearing Officer regarding a determination of responsibility or the College's dismissal of a report or any allegations therein, the Complainant and/or Respondent, may file an appeal with the Title IX Coordinator. A written appeal, based on one or more of the grounds listed below, must be made within five (5) business days of the receipt of the written decision or notification of dismissal and must clearly and fully set forth the evidence to support each identified ground of appeal which the appealing party is asserting. The grounds for appeal are limited to:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- The Title IX Coordinator, investigator(s), or decision-maker(s) (i.e., the Hearing Officer) had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that affected the outcome of the matter.

The Title IX Coordinator, or designee, will determine if the written appeal clearly identifies one or more of the grounds for appeal. The Title IX Coordinator will not assess the merit of the appeal, but will review the documentation to confirm that grounds for an appeal have been asserted in the appeal. If a request for appeal is accepted, both parties will be notified in writing that an appeal is filed. The non-appealing party will be provided the opportunity to review the appeal and will be permitted five business days from the date of review of the appeal to submit a written statement in support of, or challenging, the appeal.

The Title IX Coordinator will appoint an Appeals Panel, which shall be made up of three (3) members from the pool of available Hearing Officers, or where appropriate, individuals trained in Title IX and other pertinent areas who are external to the College, to review the appeal. No member of the Appeals Panel shall have a conflict of interest or bias. Anyone who made the determination regarding responsibility (i.e. who served as the Hearing Officer at the hearing) or dismissal of a

report, investigated a report, or who is a Title IX Coordinator cannot serve on the Appeals Panel regarding that same report.

Appeals are not intended to be full re-hearings of the report and generally will be considered upon a review of the written documentation of the parties and any pertinent documentation regarding the grounds for appeal. A preponderance of the evidence standard will be applied on appeal. Unless there is good cause for temporary delay(s) or limited extension(s), the decision of the Appeals Panel will be communicated within eight (8) business days to both parties, simultaneously and in writing; the written decision will describe the result of the appeal and the rationale for the result. The Appeals Panel's decision will be final and binding. Both parties have the right to choose whether to disclose or discuss the outcome of the formal grievance process.

Process B Informal Resolution

In some cases, an informal resolution may be appropriate. At any time prior to reaching a determination regarding responsibility, the College may facilitate an informal resolution process that does not involve a full investigation and adjudication. The College will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of reports of domestic violence, dating violence, sexual assault, stalking or other sexual misconduct. Similarly, the College will not require the parties to participate in an informal resolution process under this section.

An informal resolution process can also be utilized in a Complainant-initiated Process B if that is agreeable to the College and both parties' consent. Prior to beginning the informal process, the College will:

1. Provide to the parties a written notice disclosing:
 - a. the allegations;
 - b. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a matter arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the matter; and
 - c. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and
2. Obtain the parties' voluntary, written consent to the informal resolution process.

At any time during the process, the Complainant or the Respondent has the right to resume the formal processing of the report (i.e., investigation, hearing, appeal). An informal resolution does not necessarily require the parties to meet together. An informal resolution may involve a college employee and/or a third-party facilitator, to be selected by the College. Anyone designated to facilitate an informal resolution process will not have a conflict of interest or bias. An informal resolution must be agreed upon by both parties, and the Title IX Coordinator. The results of an Informal Resolution are not appealable.

An informal resolution may involve mediation or restorative practices, by which the parties reach a mutually agreed upon resolution of an allegation. The Title IX Coordinator or her designee may also, with the consent of the parties, negotiate and implement an agreement to resolve the allegations that satisfies all parties. If an informal resolution results in an agreement, then the informal resolution is considered successful. Both parties will sign a statement agreeing that the matter will be considered resolved. If attempts at informal resolution are unsuccessful, then the formal process will resume.

The Respondent may also accept responsibility for all or part of the alleged Title IX, Discrimination, and Harassment Policy violations at any point in the resolution process. An informal resolution may include an acceptance of responsibility and sanctions. When a resolution is accomplished, the appropriate sanctions or responsive actions are promptly implemented in order to effectively stop the misconduct, prevent its occurrence, and remedy the effects of the misconduct.

A case will not be resolved via informal resolution if:

- Either party does not give consent to participate in the informal resolution process
- Either party withdraws consent to participate in the informal resolution process before the process is concluded
- The parties cannot agree on an appropriate resolution
- The College administrator determines that the resolution agreed upon by the parties (with or without the assistance of a mediator) is not in the best interests of the College

If any of these scenarios occur, the case will be referred to a Hearing Officer for a hearing to be conducted.

Transcript Notations

For those crimes of violence that Hartwick College is required by federal law to include in its Annual Security Report, the transcripts of students found responsible after a hearing and appeal, if any, shall include the following notation: “Suspended after a finding of responsibility for a code of conduct violation” or “Expelled after a finding of responsibility for a code of conduct violation.” For the Respondent who withdraws from the College while such charges are pending and declines to complete the disciplinary process, the transcript shall include the following notation: “withdrew with conduct charges pending.”

A student has the right to appeal such transcript notation to request its removal in the event of a suspension. Transcript notations for suspensions may be removed at the discretion of the College, but no earlier than one (1) year after the conclusion of the suspension. Transcript notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

Grievance/Disciplinary Procedures for Domestic Violence, Dating Violence, Sexual Assault, and Stalking - Title IX, Discrimination, and Harassment Policy.

Hartwick College’s disciplinary procedures for sexual assault, domestic violence, dating violence and stalking are detailed in Hartwick College’s Discrimination, and Harassment Policy. The Policy was created to incorporate the 2024 Title IX Final Rule published by the USDOE on 4/19/24 and effective 8/1/24. These disciplinary proceedings are used to address any combination of Hartwick community members:

- Student/Student
- Student/Employee
- Employee/Employee

The Policy established a single Grievance/Resolution Process for allegations discrimination and discriminatory harassment, including, but not limited to domestic violence, dating violence, sexual assault, and stalking that meet Title IX’s definition of domestic violence, dating violence, sexual assault, or stalking.

Overview

The College will act on any Notice, Complaint, or Knowledge of a potential violation of the Policy that the Title IX Coordinator or any other Mandated Reporter receives by applying the Resolution Process below.

Notice/Complaint

Upon receipt of a Notice, a Complaint, or Knowledge of an alleged Policy violation, the Title IX Coordinator will initiate a prompt initial evaluation to determine the College's next steps. The Title IX Coordinator will contact the Complainant/source of the Notice to offer supportive measures, provide information regarding resolution options, and determine how they wish to proceed.

Collateral Misconduct

Collateral misconduct is defined to include potential violations of other College policies not incorporated into the Policy that occur in conjunction with alleged violations of the Policy, or that arise through the course of the investigation, for which it makes sense to provide one resolution for all allegations. Thus, the collateral allegations may be charged along with potential violations of the Policy, to be resolved jointly under these Procedures. In such circumstances, the Title IX Coordinator may consult with The College officials who typically oversee such conduct (e.g., human resources, student conduct, academic affairs) to solicit their input as needed on what charges should be filed, but the exercise of collateral charges under these procedures is within the discretion of Title IX Coordinator. All other allegations of misconduct unrelated to incidents covered by the Policy will typically be addressed separately through procedures described in the student, faculty, and staff handbooks.

Dismissal

The College may dismiss a Complaint if, at any time during the investigation or Resolution Process, one or more of the following grounds are met:

- The College is unable to identify the Respondent after taking reasonable steps to do so.
- The College no longer enrolls or employs the Respondent
- A Complainant voluntarily withdraws any or all of the allegations in the Complaint, and the Title IX Coordinator declines to initiate a Complaint
- The College determines the conduct alleged in the Complaint would not constitute a violation of this Policy, if proven.

In addition to the other members of the Nondiscrimination and Title IX Team, as authorized by the Title IX Coordinator, a Hearing Officer can recommend dismissal to the Title IX Coordinator if they believe the grounds are met. A Complainant who decides to withdraw a Complaint may later request to reinstate or refile it.

Upon any dismissal, the College will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after the Respondent has been made aware of the allegations, the College will also notify the Respondent of the dismissal.

This dismissal decision is appealable by any party.

Appeal of Dismissal

The Complainant may appeal a dismissal of their Complaint. The Respondent may also appeal the dismissal of the Complaint if dismissal occurs after the Respondent has been made aware of the allegations. All dismissal appeal requests must be filed within three (3) business days of the notification of the dismissal.

The Title IX Coordinator will notify the Parties of any appeal of the dismissal. If, however, the Complainant appeals, but the Respondent was not notified of the Complaint, the Title IX Coordinator must then provide the Respondent with a NOIA and will notify the Respondent of the Complainant's appeal with an opportunity to respond.

Throughout the dismissal appeal process, the College will:

- Implement dismissal appeal procedures equally for the Parties.
- Assign a trained Dismissal Appeal Officer who did not take part in an investigation of the allegations or dismissal of the Complaint.
- Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the dismissal.
- Notify the Parties of the result of the appeal and the rationale for the result.

The grounds for dismissal appeals are limited to:

- Procedural irregularity that would change the outcome.
- New evidence that would change the outcome and that was not reasonably available when the dismissal was decided.
- The Title IX Coordinator, Investigator, or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.
- The dismissal was erroneously granted or denied.

The appeal should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met. Upon receipt of a written dismissal appeal request from one or more Parties, the Title IX Coordinator will share the petition with all other Parties and provide three (3) business days for other Parties and the Title IX Coordinator to respond to the request. At the conclusion of the response period, the Title IX Coordinator will forward the appeal, as well as any response provided by the other Parties and/or the Title IX Coordinator to the Dismissal Appeal Officer for consideration.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the Dismissal Appeal Officer will deny the request, and the Parties, their Advisors, and the Title IX Coordinator will be notified in writing of the denial and the rationale.

If any of the asserted grounds in the appeal satisfy the grounds described in this Policy, then the Dismissal Appeal Officer will notify all Parties and their Advisors, and the Title IX Coordinator, of their decision and rationale in writing. The effect will be to reinstate the Complaint.

In most circumstances, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Dismissal Appeal Officer has seven (7) business days to review and decide on the appeal, though extensions can be granted at the discretion of the Title IX

Coordinator, and the Parties will be notified of any extension. Appeal decisions are deferential to the original determination, making changes only if there is a compelling justification to do so.

The Dismissal Appeal Officer(s) may consult with the Title IX Coordinator and at the discretion of the Vice President for Human Resources and Compliance, consult with legal counsel on questions of procedure or rationale for clarification if needed. The Title IX Coordinator will maintain documentation of all such consultations.

Emergency Removal/Interim Suspension of a Student

The College may emergency remove a student accused of Sex Discrimination or Sex-based Harassment upon receipt of Notice/Knowledge, a Complaint, or at any time during the Resolution Process. Prior to an emergency removal, the College will conduct an individualized risk assessment and may remove the student if that assessment determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons in the campus community arising from the allegations of sex discrimination justifies such action. Students accused of other forms of discrimination (not sex) are subject to interim suspension, which can be imposed for safety reasons.

When an emergency removal or interim suspension is imposed, wholly or partially, the affected student and the Complainant will be notified of the action, which will include a written rationale. Both the accused or Respondent and the Complainant shall, upon request, be afforded a prompt review, reasonable under the circumstances of the need for and terms of the interim suspension, including potential modification, and shall be allowed to submit evidence in support of the request. Parties desiring to challenge the emergency removal or interim suspension must submit a written request to the Title IX Coordinator within two (2) business days of the notification, providing the basis for that request and any evidence in support. Upon receipt of a challenge, the Title IX Coordinator will meet with the student (and their Advisor, if desired) as soon as reasonably possible thereafter to allow them to show cause why the removal/action should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal or interim suspension is appropriate, should be modified, or lifted. A student can later request a meeting to show why they are no longer an imminent and serious threat because conditions related to imminence or seriousness have changed. Each party and their Advisor may be permitted to participate in this meeting, separately, if the Title IX Coordinator determines it is equitable for them to do so.

The Respondent may provide information, including expert reports, witness statements, communications, or other documentation for consideration prior to or during the meeting.

An emergency removal or interim suspension may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available. The Title IX Coordinator will communicate the final decision in writing, typically within three (3) business days of the review meeting. The emergency removal process applies only to student Respondents. Employee Respondents are not subject to this section and may be placed on administrative leave pursuant to the College's employment policies and practices (including applicable collective bargaining agreements).

Placing an Employee on Leave

When the Respondent is an employee, or a student employee accused of misconduct in the course of their employment, existing provisions <https://www.hartwick.edu/policies/suspensions-policy/> for interim action are typically applicable instead of the above emergency removal process.

Counter-Complaints

The College is obligated to ensure that the Resolution Process is not abused for retaliatory purposes. Although the College permits the filing of counter-complaints, the Title IX Coordinator will use an initial evaluation, described above, to assess whether the allegations in the counter-complaint are made in good faith. When counter-complaints are not made in good faith, they will not be permitted. They will be considered potentially retaliatory and may constitute a violation of the Policy.

Counter-complaints determined to have been reported in good faith will be processed using the Resolution Process below. At the Title IX Coordinator's discretion, investigation of such claims may take place concurrently or after resolution of the underlying initial Complaint.

Advisors in the Resolution Process

Who Can Serve as an Advisor?

The Parties may each have an Advisor (friend, mentor, family member, attorney, or any other individual a party chooses) present with them for all meetings, and interviews within the Resolution Process, including intake. The Parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available.

The Title IX Coordinator will offer to assign a trained Advisor to any party if the party chooses. If the Parties choose an Advisor from the Nondiscrimination and Title IX Team available from the College, the College will have trained the Advisor and familiarized them with the College's Resolution Process.

The College cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide an attorney to advise that party.

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. Parties are expected to provide the Title IX Coordinator with timely notification if they change Advisors. If a party changes Advisors, consent to share information with the previous Advisor is assumed to be terminated, and a release for the new Advisor must be submitted.

The College may permit Parties to have more than one Advisor, or an Advisor and a support person, upon special request to the Title IX Coordinator. The decision to grant this request is at the Title IX Coordinator's sole discretion and will be granted equitably to all Parties.

If a party requests that all communication be made through their attorney Advisor instead of to the party, the College will agree to copy both the party and their Advisor on all communications.

Advisors appointed by the institution cannot be Confidential Employees, and although they will not be asked to disclose details of their interactions with their advisees to institutional officials or Hearing Officers absent an emergency, they are still reminded of their Mandated Reporter responsibilities.

Advisor's Role in the Resolution Process

Advisors should help the Parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of their advisee unless given specific permission to do so.

The Parties are expected to ask and respond to questions on their behalf throughout the Resolution Process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any Resolution Process meeting or interview. For longer or more involved discussions, the Parties and their Advisors should ask for breaks to allow for private consultation.

Records Shared with Advisors

Advisors are entitled to the same opportunity as their advisee to access relevant evidence, and/or the same written investigation report that accurately summarizes this evidence.

Advisors may not disclose any The College work product or evidence the College obtained solely through the Resolution Process for any purpose not explicitly authorized by The College.

Advisor Expectations

The College generally expects an Advisor to adjust their schedule to allow them to attend The College meetings/interviews when planned, but the College may change scheduled meetings/interviews to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

The College may also make reasonable provisions to allow an Advisor who cannot be present in person to attend a meeting/interview by telephone, video conferencing, or other similar technologies.

Advisors are also subject to this Policy, whether they are attorneys or not, and whether they are selected by a party or appointed by the College. Advisors are expected to advise without disrupting proceedings.

Advisor Policy Violations

Any Advisor who oversteps their role as defined by the Policy, who shares information or evidence in a manner inconsistent with the Policy, or who refuses to comply with the College's established rules of decorum, will be warned. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview may be ended, or other appropriate measures implemented, including the College requiring the party to use a different Advisor or providing a different The College-appointed Advisor. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

Informal and Formal Resolution Processes Overview

This Resolution Process, consisting of Informal Resolutions or Formal Resolutions, is the College's chosen approach to addressing all forms of discrimination on the basis of protected characteristics, harassment, retaliation, and Other Prohibited Conduct under the Policy. The process considers the Parties' preferences but is ultimately determined at the Title IX Coordinator's discretion.

Resolution proceedings are confidential. All individuals present at any time during the Resolution Process are expected to maintain the confidentiality of the proceedings in accordance with the Policy.

Informal Resolution Process

To initiate an Informal Resolution, a Complainant or Respondent may make such a request to the Title IX Coordinator at any time prior to a final determination, or the Title IX Coordinator may offer the option to the Parties, in writing. The College will obtain voluntary, written confirmation that all Parties wish to resolve the matter through an Informal Resolution before proceeding and will not pressure the Parties to participate in any Informal Resolution.

Before initiation of an Informal Resolution process, The College will provide the Parties with a NOIA that explains:

- The allegations.
- The requirements of the Informal Resolution process.
- That any Party has the right to withdraw from an Informal Resolution process and to initiate or resume the College's Formal Resolution Process.
- That the Parties' agreement to a resolution at the conclusion of the Informal Resolution Process will preclude the Parties from initiating or resuming the Formal Resolution Process arising from the same allegations.
- The potential terms that may be requested or offered in an Informal Resolution agreement, including notification that an Informal Resolution agreement is binding only on the Parties.
- What information the College will maintain, and whether and how it could disclose such information for use in its Resolution Process.

The following consist of the primary forms of an Informal Resolution process:

- The Title IX Coordinator can resolve the matter informally by providing supportive measures (only) designed to remedy the situation.
- When the Title IX Coordinator can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant's concerns and institutional expectations or can accompany the Complainant in their desire to confront the conduct.
- When the Respondent is willing to accept responsibility for violating Policy and is willing to agree to actions that will be enforced similarly to sanctions, the Complainant(s) and the College are agreeable to the resolution terms.
- When the Parties agree to resolve the matter through an alternative resolution mechanism (which could include but is not limited to, mediation, shuttle negotiation, restorative practices, facilitated dialogue, etc.), as described below.

The individual facilitating an Informal Resolution must be trained and cannot be the Investigator, Hearing Officer, or Appeal Hearing Officer(s).

Any party participating in Informal Resolution can withdraw from the Informal Resolution Process at any time and initiate or resume the Formal Resolution Process.

The Parties may agree, as a condition of engaging in an Informal Resolution, on what statements made or evidence shared during the Informal Resolution process will not be considered in a Formal Resolution, should the Informal Resolution not be successful, unless agreed to by all Parties.

If an investigation is already underway, the Title IX Coordinator has the discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

Categories of Informal Resolution

Supportive Resolution

The Title IX Coordinator will meet with the Complainant to determine reasonable supportive measures that are designed to restore or preserve the Complainant's access to the College's education program and activity. Such measures can be modified as the Complainant's needs evolve or circumstances change. If the Respondent has received the NOIA, the Title IX Coordinator may also provide reasonable supportive measures for the Respondent as deemed appropriate. This option is available when the Complainant does not want to engage the other resolution options, and the Title IX Coordinator does not initiate a Complaint.

Educational Resolution

The Complainant(s) may request that the Title IX Coordinator address their allegations by meeting (with or without the Complainant) with the Respondent(s) to discuss concerning behavior and institutional policies and expectations. Such a conversation is non-disciplinary and non-punitive. Respondent(s) are not required to attend such meetings, nor are they compelled to provide any information if they attend. The conversation will be documented as the Informal Resolution for the matter, if it takes place. Considering this conversation, or the Respondent's decision not to attend, the Title IX Coordinator may also implement remedial actions to ensure that policies and expectations are clear and to minimize the risk of the recurrence of any behaviors that may not align with this Policy.

Accepted Responsibility

The Respondent may accept responsibility for any or all the alleged Policy violations at any point during the Resolution Process. If the Respondent indicates an intent to accept responsibility for all alleged Policy violations, the ongoing process will be paused, and the Title IX Coordinator will determine whether Informal Resolution is an option.

If an Informal Resolution is available, the Title IX Coordinator will determine whether all Parties and the College are able to agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of this Policy, implements agreed-upon restrictions and remedies, and determines the appropriate responses in coordination with other appropriate administrator(s), as necessary.

This resolution is not subject to appeal once all Parties indicate their written agreement to all resolution terms. When the Parties cannot agree on all terms of resolution, the Resolution Process will either continue or resume.

When a resolution is reached, the appropriate sanction(s) or responsive actions are promptly implemented to effectively stop the discrimination or harassment, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

Alternative Resolution

The College offers a variety of alternative resolution mechanisms to best meet the specific needs of the Parties and the nature of the allegations. Alternative resolution may involve agreement to pursue individual or community remedies,

including targeted or broad-based educational programming or training; supported direct conversation or interaction with the Respondent(s); indirect action by the Title IX Coordinator or other appropriate The College officials; and other forms of resolution that can be tailored to the needs of the Parties. Some alternative resolution mechanisms will result in an agreed-upon outcome, while others are resolved through dialogue. All Parties must consent to the use of an alternative resolution approach, and the Parties may, but are not required to, have direct or indirect contact during an alternative resolution process.

The Title IX Coordinator may consider the following factors to assess whether alternative resolution is appropriate, or which form of alternative resolution may be most successful for the Parties:

- The Parties' amenability to alternative resolution
- Likelihood of potential resolution, considering any power dynamics between the Parties
- The nature and severity of the alleged misconduct
- The Parties' motivation to participate
- Civility of the Parties
- Results of a violence risk assessment/ongoing risk analysis
- Respondent's disciplinary history
- Whether an emergency removal or other interim action is needed
- Skill of the alternative resolution facilitator with this type of Complaint
- Complaint complexity
- Emotional investment/capability of the Parties
- Rationality of the Parties
- Goals of the Parties
- Adequate resources to invest in alternative resolution (e.g., time, staff)

The Title IX Coordinator has the authority to determine whether alternative resolution is available or successful, to facilitate a resolution that is acceptable to all Parties, and/or to accept the Parties' proposed resolution, usually through their Advisors, often including terms of confidentiality, release, and non-disparagement.

Parties do not have the authority to stipulate restrictions or obligations for individuals or groups that are not involved in the alternative resolution process. The Title IX Coordinator will determine whether additional individual or community remedies are necessary to meet the institution's compliance obligations in addition to the alternative resolution.

The Title IX Coordinator maintains records of any resolution that is reached and will provide notification to the Parties of what information is maintained. Failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions (e.g., dissolution of the agreement and resumption of the Resolution Process, referral to the conduct process for failure to comply, application of the enforcement terms of the agreement). The results of Complaints resolved by alternative resolution are not appealable.

If an Informal Resolution option is not available or selected, the College will initiate or continue an investigation and subsequent Resolution Process to determine whether the Policy has been violated.

Formal Resolution Process

The Formal Resolution Process is used for all Complaints of discrimination on the basis of protected characteristics, harassment, retaliation, and Other Prohibited Behaviors (as defined by this Policy) or when Informal Resolution is either not elected or is unsuccessful.

The Formal Resolution Process consists of a hand-off of the investigation report and all relevant evidence to the Hearing Officer to make a finding and determine sanctions (if applicable).

At the discretion of the Title IX Coordinator, the assigned Hearing Officer will be an individual or a panel drawn from the Nondiscrimination and Title IX Team, or other trained individuals either internal or external to the institution.[5] Once the Hearing Officer receives and reviews the file, they can recommend dismissal to the Title IX Coordinator, if they believe the grounds are met.

The Formal Resolution Process typically takes approximately thirty (30) business days to complete, beginning with the Hearing Officer's receipt of the Draft Investigation Report. The Parties will be regularly updated on the timing and any significant deviation from this typical timeline.

Investigator-led Questioning Meetings

The Title IX Coordinator provides the Draft Investigation Report to the Hearing Officer and the Parties simultaneously for review. The Hearing Officer can then provide the Investigator with a list of relevant questions to ask the Parties or any witnesses.

To the extent credibility is in dispute and relevant to one or more of the allegations, the questions provided by the Hearing Officer may also explore credibility.

Typically, the Investigator will also ask each of the Parties to provide a proposed list of questions to ask the other Parties and any witnesses. To the extent credibility is in dispute and relevant to one or more of the allegations, questions proposed by the Parties may also explore credibility. All party questions must be posed during this phase of the process and cannot be posed later unless authorized by the Hearing Officer.

The Investigator will share all party-proposed questions with the Hearing Officer, who will finalize the list with the Investigator to ensure all questions are both relevant and permissible. The Investigator will then hold individual meetings with the Parties and witnesses to ask the questions posed by the Hearing Officer, as well as the questions proposed by the Parties that have been deemed relevant and not duplicative, including questions intended to assess credibility. These meetings will be recorded and transcribed.

For any question deemed not relevant or duplicative, the Investigator will provide a rationale for not asking the question, either during the recorded meeting or in writing (typically as an appendix to the Final Investigation Report).

Typically, within three (3) business days of the last of these meetings, the recordings or transcripts of them will be provided to the Parties for their review. The Parties will then have five (5) business days to review these recordings or transcripts and propose any follow-up questions for the Investigator to ask.

The Investigator will review the proposed questions with the Hearing Officer to determine relevance and permissibility. If deemed necessary, the Investigator will then meet individually with the Parties or witnesses for whom there are relevant,

and not duplicative, follow-up questions. These follow-up meetings will also be recorded, and the Parties will receive the recordings or transcripts of these meetings. This final round of questioning is the last round permitted unless permission is granted to extend, by the Hearing Officer.

The Investigator will then incorporate any new, relevant evidence and information obtained through the Parties' review of the Draft Investigation Report, the questioning, and follow-up meetings into a Final Investigation Report.

The Investigator will also respond in writing (typically within the Final Investigation Report) to the relevant elements of the Parties' responses to the Draft Investigation Report and incorporate relevant elements of the Parties' written responses, additional relevant evidence, and any necessary revisions into the Final Investigation Report. The Investigator will then share the Final Investigation Report with the Title IX Coordinator at the discretion of the Vice President for Human Resources and Compliance, consult with legal counsel for review and feedback.

The Investigator will provide the Title IX Coordinator with the Final Investigation Report and investigation.

The Hearing Officer's Determination

The Title IX Coordinator will provide the Hearing Officer, the Parties, and their Advisors with the Final Investigation Report (FIR) and investigation file, including the evidence and information obtained through the Investigator-led questioning meetings. The Hearing Officer will review the FIR, all appendices, and the investigation file.

If the record is incomplete, the Hearing Officer may direct a re-opening of the investigation or may direct or conduct any additional inquiry necessary, including informal meetings with the Parties or any witnesses, if needed.

Upon reviewing the relevant evidence, the Hearing Officer may also choose to pose additional questions:

- To the extent credibility is in dispute and relevant to one or more of the allegations, the Hearing Officer may meet individually with the Parties and witnesses to question them to assess their credibility. These meetings will be recorded, and the recording or transcript will be shared with the Parties.
- At their discretion, the Hearing Officer may also meet with any party or witness to ask additional relevant questions that will aid the Hearing Officer in making their findings. These meetings will be recorded, and the recording or transcript will be shared with the Parties.

The Hearing Officer will apply the Preponderance of the evidence to make a determination on each of the allegations and, if applicable, any associated sanctions.

Timeline

The Hearing Officer's determination process typically takes approximately ten (10) business days, but this timeframe can vary based on a number of factors and variables. The Parties will be notified of any delays.

Impact Statements

Prior to a determination of applying sanctions, the Title IX Coordinator will provide the Parties with an opportunity to submit a written impact statement. The Title IX Coordinator will review these statements upon receipt to determine whether there are any immediate needs, issues, or concerns, but will otherwise hold them until after the Hearing Officer has made determinations on the allegations. If there are any findings of a Policy violation, the Hearing Officer will request

the Impact Statements from the Title IX Coordinator and review them prior to determining sanctions. They will also be exchanged between the Parties at that time.

If it is later determined that a party or witness intentionally provided false or misleading information, that action could be grounds for re-opening a Resolution Process at any time, and/or referring that information to another process for resolution.

Sanctions

Factors the Hearing Officer may consider when determining sanctions and responsive actions include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history, including past findings of sexual assault, dating violence, domestic violence, or stalking may be considered in the disciplinary stage that determines sanctions.
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the Parties
- The Respondent's acceptance of responsibility
- Any other information deemed relevant by the Hearing Officer

Sanctions will be implemented as soon as it is feasible once a determination is final, either upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested.

Sanctions described in this Policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed, by external authorities.

Student Sanctions

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

- *Reprimand*: A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling*: A mandate to meet with and engage in either College-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Restrictions*: A student may be restricted in their activities, including, but not limited to, being restricted from locations, programs, participation in certain activities or extracurriculars, study abroad, or holding leadership roles in student organizations.
- *Probation*: An official sanction for violation of institutional policy, providing for more severe disciplinary sanctions if the student is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from extra-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.

- *Suspension*: Separation from the College, or one or more of its facilities, for a defined period of time, typically not to exceed two (2) years, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension, on successfully applying for readmission, or upon a general condition that the student is eligible to return if the institution determines it is appropriate to re-enroll/readmit the student. The student is typically required to vacate institutional property within 24 hours of notification of the action, though this deadline may be extended at the discretion of the Title IX Coordinator or other appropriate official. During an institution-wide suspension, the student is banned from institutional property, functions, events, and activities unless they receive prior written approval from an appropriate institutional official. This sanction may be enforced with a trespass action, as necessary. This sanction may be noted as a Disciplinary Suspension on the student's official academic transcript, per New York State law.
- *Expulsion*: Permanent separation from the institution. The student is banned from institutional property, and the student's presence at any institution-sponsored activity or event is prohibited. This action may be enforced with a trespass action, as necessary. This sanction may be noted as Disciplinary Expulsion on the student's official academic transcript, per institutional policy and/or state law.
- *Withholding Diploma*: The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for violating Policy.
- *Revocation of Degree*: While very rarely exercised, the College reserves the right to revoke a degree previously awarded from the College for fraud, misrepresentation, and/or other violation of The College policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Other Actions*: In addition to, or in place of, the above sanctions, the College may assign any other sanctions as deemed appropriate.

Student Groups, Clubs, and Organization Sanctions

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

- *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any College policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Probation*: An official sanction for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the group or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social and event privileges, denial of The College funds, ineligibility for honors and awards, restrictions on new member recruitment, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Termination of student group or organization recognition and/or institutional support for a defined period of time not to exceed two (2) years and/or until specific criteria are met. During the suspension period, a student group or organization may not conduct any formal or informal business or participate in The College-related activities, whether they occur on- or off-campus. Re-recognition is possible but not guaranteed and will only be considered after the end of the suspension period and based on meeting all re-recognition criteria and obtaining clearance from the College.
- *Expulsion*: Permanent termination of student group organization recognition and revocation of the privilege to congregate and conduct business on campus as an organization for any reason.
- *Loss of Privileges*: Restricted from accessing specific College privileges for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

Employee Sanctions, Responsive/Corrective Actions

Responsive actions for an employee who has engaged in discrimination, harassment, and/or retaliation include:

- *Verbal or Written Warning*
- *Performance Improvement Plan/Management Process*
- *Enhanced Supervision, Observation, or Review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Shift or schedule adjustments*
- *Reassignment*
- *Delay of (or referral for delay of) Tenure Track Progress*
- *Assignment to a New Supervisor*
- *Restriction of Stipends, Research, and/or Professional Development Resources*
- *Suspension/Administrative Leave with Pay*
- *Suspension/Administrative Leave without Pay*
- *Termination*
- *Other Actions: In addition to or in place of the above sanctions/responsive actions, the College may assign any other responsive actions as deemed appropriate*

Notice of Outcome

Within ten (10) business days of the conclusion of the Resolution Process, the Title IX Coordinator provides the Parties with a written outcome notification. The outcome notification will specify the finding for each alleged Policy violation, all applicable sanctions that the College is permitted to share pursuant to state or federal law, and a detailed rationale, written by the Hearing Officer, supporting the findings to the extent the College is permitted to share under federal or state law.

The notification will also detail the Parties' equal rights to appeal, the grounds for appeal, the steps to request an appeal, and when the determination is considered final if no party appeals.

The Title IX Coordinator will provide the Parties with the outcome notification simultaneously, or without significant time delay between notifications. The written outcome notification may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address as indicated in official The College records, or emailed to the Parties' The College-issued or designated email account. Once mailed, emailed, and/or received in person, the outcome notification is presumptively delivered.

The record of the Resolution Process shall be protected from public release until a final determination is made.

Withdrawal or Resignation Before Complaint Resolution

Students

Should a student Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If a student Respondent withdraws from the College, the Resolution Process may continue, or the Title IX Coordinator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, The College will still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the Complaint is dismissed or pursued to completion of the Resolution Process, the College will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When a student withdraws or leaves while the process is pending, the student may not return to the College in any capacity until the Complaint is resolved and any sanctions imposed are satisfied. If the student indicates they will not return, the Title IX Coordinator has the discretion to dismiss the Complaint. The Registrar, Office of Admissions, and HR may be notified, accordingly.

If the student Respondent takes a leave for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely. If found in violation, that student is not permitted to return to The College unless and until all sanctions, if any, have been satisfied.

Employees

Should an employee Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If an employee Respondent leaves their employment with the College with unresolved allegations pending, the Resolution Process may continue, or the Title IX Coordinator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, the College may still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When an employee resigns and the Complaint is dismissed, the employee may not return to the College in any capacity. The Registrar, Office of Admissions, and HR will be notified, accordingly. A note will be placed in the employee's file that they resigned with allegations pending and are not eligible for academic admission or rehire with the College. The records retained by the Title IX Coordinator will reflect that status.

Appeal of the Determination

The Title IX Coordinator will designate an Appeal Hearing Officer(s) – either a three-member panel, an individual College administrator, or other trained internal or external individuals, to hear the appeal. In any case, where the Respondent is a student accused of sexual assault, domestic violence, dating violence, or stalking, the appeal will be before a panel. No Appeal Hearing Officer(s) will have been previously involved in the Resolution Process for the Complaint, including in any supportive measure challenge or dismissal appeal that may have been decided earlier in the process. If a panel is used, a voting chair will be designated by the Title IX Coordinator.

Appeal Grounds

Appeals are limited to the following grounds:

- A procedural irregularity that would change the outcome.
- New evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility was made.
- The Title IX Coordinator, Investigator(s), or Hearing Officer(s) had a conflict of interest or bias for or against complainants or respondents generally or the specific Complainant or Respondent that would change the outcome.
- The Final Determination by the Hearing Officer(s) is substantially contrary to the weight of the evidence in the record (applicable to sanctions of suspension, expulsion, or termination, only).
- The sanctions fall outside the range of sanctions designated for this offense, considering the cumulative conduct/disciplinary record of the Respondent (applicable to sanctions of suspension, expulsion, or termination, only).

Request for Appeal

Any party may submit a written request for appeal (“Request for Appeal”) to the Title IX Coordinator within five (5) business days of the delivery of the Notice of Outcome.

The Request for Appeal will be forwarded to the Appeal Hearing Officer(s) for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This is not a review of the merits of the appeal, but solely a determination as to whether the request could reasonably be construed to meet the grounds and is timely filed.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the request will be denied by the Appeal Hearing Officer(s), and the Parties and their Advisors will be simultaneously notified in writing of the denial and the rationale.

If any of the information in the Request for Appeal meets the grounds in this Policy, then the Appeal Hearing Officer(s) will notify all Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the original Hearing Officer.

All other Parties and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigator(s) and/or the Hearing Officer(s) will be provided a copy of the Request for Appeal with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. The Appeal Hearing Officer(s) will forward all responses, if any, to all Parties for review and comment.

The non-appealing party (if any) may also choose to appeal at this time. If so, that Request for Appeal will be reviewed by the Appeal Hearing Officer(s) to determine if it meets the grounds in this Policy and will either be approved or denied. If approved, it will be forwarded to the party who initially requested an appeal, the Title IX Coordinator, and the Investigator(s) and/or original Hearing Officer, as necessary, who will submit their responses, if any, within five (5) business days. Any such responses will be circulated for review and comment by all Parties. If denied, the Parties and their Advisors will be notified accordingly, in writing.

No party may submit any new Requests for Appeal after this time period. The Appeal Hearing Officer(s) will collect any additional information needed and all documentation regarding the approved appeal grounds, and the subsequent responses will be shared with the Appeal Hearing Officer(s), who will promptly render a decision.

Appeal Determination Process

In most cases, appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The Appeal Hearing Officer(s) will deliberate as soon as is practicable and discuss the merits of the appeal.

Appeal decisions are to be deferential to the original determination, making changes to the finding only when there is a clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so. All decisions are made by majority vote and apply the Preponderance of the evidence standard of proof.

An appeal is not an opportunity for the Appeal Hearing Officer(s) to substitute their judgment for that of the original Hearing Officer merely because they disagree with the finding and/or sanction(s).

The Appeal Hearing Officer(s) may consult with the Title IX Coordinator or at the discretion of the Vice President for Human Resources and Compliance, consult with legal counsel questions of procedure or rationale, for clarification, if needed. The Title IX Coordinator will maintain documentation of all such consultations.

Appeal Outcome

An appeal may be granted or denied. Appeals that are granted should normally be remanded (or partially remanded) to the original Investigator(s) and/or Hearing Officer with corrective instructions for reconsideration. In rare circumstances where an error cannot be cured by the original Investigator(s) and/or Hearing Officer or the Title IX Coordinator (as in cases of bias), the Appeal Hearing Officer(s) may order a new investigation and/or a new determination with new Nondiscrimination and Title IX Team members serving in the Investigator and Hearing Officer roles.

A Notice of Appeal Outcome letter (“Appeal Outcome”) will be sent to all Parties simultaneously, or without significant time delay between notifications. The Appeal Outcome will specify the finding on each appeal ground, any specific instructions for remand or reconsideration, all sanction(s) that may result which the College is permitted to share according to federal or state law, and the rationale supporting the essential findings to the extent the College is permitted to share under federal or state law.

Written notification may be delivered by one or more of the following methods: in person, mailed to the Parties’ local or permanent address as indicated in official institutional records, or emailed to the Parties’ The College-issued email or otherwise approved account. Once mailed, emailed, and/or received in person, the Appeal Outcome will be presumptively delivered.

Once an appeal is decided, the outcome is final and constitutes the Final Determination; further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new determination). When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding, or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.

If a remand results in a new determination that is different from the appealed determination, that new determination can be appealed, once, on any of the five (5) available appeal grounds.

Sanction Status During the Appeal

Any sanctions imposed as a result of the determination are stayed (i.e., not implemented) during the appeal process, and supportive measures may be maintained or reinstated until the appeal determination is made.

If any of the sanctions are to be implemented immediately post-determination, but pre-appeal, then the emergency removal procedures (detailed above) for a “show cause” meeting on the justification for doing so must be permitted within two (2) business days of implementation.

Transcript Notations

For those crimes of violence that Hartwick College is required by federal law to include in this Annual Security Report, the transcripts of students found Responsible after the formal resolution process including an appeal, if any, shall include the following notation:

- Students suspended after a finding of responsibility for said violations will have the following noted on the transcript: “Suspended after a finding of responsibility for a code of conduct violation.”
- Students expelled after a finding of responsibility for said violations will have the following noted on the transcript: “Expelled after a finding of responsibility for a code of conduct violation.”

Students withdrawing from the College during an investigation, or any time prior to the completion of judicial procedures (including an appeal process), with respect to allegations of said violations, and do not participate through completion in any College process, will have the following noted on the transcript: “Withdrew with conduct charges pending.”

Transcript notations for suspensions may be removed at the discretion of the College, but no earlier than one (1) year after the conclusion of the suspension. Transcript notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

Annual Fire Safety Report

Fire evacuation procedures include the following directions for occupants of any Hartwick College building. When the fire alarm system on the Main Hartwick Campus is activated, it alerts a monitoring station who in turn notifies both the Campus Safety Dispatch Desk as well as Otsego County 911. Campus Safety as well as the City of Oneonta Fire Department will be dispatched to all fire alarms and emergency situations occurring on the Main Hartwick Campus.

The Pine Lake Campus only has local fire alarms. A call needs to be made to 911 for assistance in the event of a fire.

Fire Evacuation Procedures

Academic or Administrative Buildings

Hartwick College has a variety of academic and administrative buildings across the Main Hartwick Campus and the Pine Lake Campus.

If required, Campus Safety and any designated building captains present in the building will assist in the complete evacuation of the building and control the occupants in the assembly area until the emergency has been abated. Staff should familiarize themselves with evacuation maps, stairwells, emergency exits and any other pertinent information to their buildings.

If the fire alarm sounds:

- Occupants on all floors will **immediately** evacuate the building.
- Remain calm. Go to the nearest exit or fire exit stairwell. Walk on the right-hand side. Do not run.
- Do not use elevators. They will not be in service during a fire alarm condition.
- Provide assistance to physically disabled individuals to the identified refuge areas (stairwells) and notify Campus Safety (607-431-4111) of any individuals and their location.
- Once you are out of the building go to the designated meeting point. Remember to tell your leader(s) you are out of the building. Follow any instructions from Campus Safety, Facilities personnel or City of Oneonta Fire Department.
- Call Campus Safety to advise them of the fire alarm.

If you discover a fire:

- Remain calm and pull the nearest red manual pull station. (Usually located on the wall near stairwells and or exits.)
 - On the Main Hartwick Campus, this will activate the building's fire alarm system and the alarm will sound. A monitoring center will receive the alarm and contact both the Otsego County 911 Center and the Campus Safety Dispatch Desk.
 - On the Pine Lake Campus, this will activate the building's fire alarm system and the alarm will sound. However, a call must be made to 911 and the Campus Safety Dispatch Desk.
- Proceed to evacuate the building and go to the meeting area.
- Report the fire (regardless of size) to Campus Safety at 607-431-4111 once you are safely outside of the building. Be ready to give the following information:
 - Your name;
 - Location of fire (Building name, room number, if it is an apartment, and apartment number or area); and

- o Number of people injured and/or trapped, if any.
- Assist in the evacuation of the building if it is safe to do so.
- Campus Safety, upon any reported fire, will notify the Facilities Liaison immediately. If Facilities Liaison is not available Campus Safety will notify New York State Fire.
- Do not re-enter the building until the “all clear” has been announced by the Oneonta Fire Department and/or Campus Safety.
- Remember R.A.C.E.
 - o **R**- Remove
 - o **A**- Alarm
 - o **C**- Confine
 - o **E**- Extinguish or Evacuate

Any member of the Hartwick College community that finds evidence of a fire that has been extinguished, and is not aware if it has been reported should contact Campus Safety by calling 607-431-4111. Campus Safety will dispatch an officer to investigate. Campus Safety will also contact the following individuals:

- Director and/or Assistant Director of Campus Safety
- Facilities Manager

Fire Drills

Hartwick College is required by New York State law to hold fire drills throughout the academic year (including summer classes). Academic and administrative buildings will have three drills throughout the academic year. One or two during the fall semester and one or two during the spring semester. One will be between September 1 and December 1. If any summer sessions are conducted, there is one required drill per summer session.

Main Hartwick Campus Student Housing

Hartwick has ten residence halls or living areas on the Main Hartwick Campus. Seven of the residence halls are traditional corridor style buildings. One of the residence halls is a traditional suite style building with two or three rooms in each suite and a handful of studio-style rooms. One of the residence halls is an apartment style building with two or four bedrooms in each apartment. One of the living areas is a townhouse quad with four sets of townhouses (two sets with six connected townhouses and two sets with four connected townhouses).

If required, Campus Safety and Residential Life staff (professional and student) will assist in a complete evacuation of the building and control the occupants in the assembly area until the emergency has been abated. Students should familiarize themselves with the evacuation maps, stairwells, emergency exits, and any other pertinent information for their buildings. During a power outage when the fire detection system is compromised, Campus Safety and Residential Life staff (professional and student) conduct routine fire walks until power to the detection system is restored.

If the fire alarm sounds:

- If an alarm activates, occupants should immediately evacuate the building using the nearest available exit.
- Occupants should not attempt to fight the fire unless they have been trained and can do so safely.
- Occupants should attempt to wake any sleeping roommates or suitemates.
- Occupants should prepare to evacuate by putting on shoes and a coat if necessary and if it is safe to do so.
- While evacuating, occupants should feel doorknobs and doors with the backs of their hands.
 - o Doors that are hot, do not open.
 - o Doors that are cool, open slowly

- If heat or heavy smoke rushes in, occupants should close the door immediately and remain inside. Place a wet towel under the door.
- While evacuating, occupants should take keys in case it is necessary to return to the room should the conditions in the corridor deteriorate.
- Occupants should close doors tightly while leaving.
- Residential Life staff members who are present on their floors should facilitate the evacuation of their floors if safe to do so.
- Occupants should announce the emergency.
 - Example: “Emergency in the building, please use nearest exit.”
- Occupants should knock on doors as they exit.
- In smoky conditions stay low and crawl.
- Occupants should know how many doors between their room and the exit/stairwell. Occupants should know more than one way out of the building.
- Do not use elevators. Elevator shafts fill with smoke and power may fail, trapping the occupants. Elevators will not come when the button is pushed. Standing waiting for an elevator is a waste of time.
- Each student should report to their assigned assembly area.
 - Residential Life staff will report to their assigned assembly areas and make sure that students have cleared the building.
 - Residential Life staff will conduct a head count and relay any information to Campus Safety.
- DO NOT enter the building for any reason until you are instructed to do so by a Hartwick College official.

If you discover a fire:

- Remain calm and pull the nearest red manual pull station. (Usually located on the wall near stairwells and or exits.) This will activate the building’s fire alarm system and the alarm will sound. A monitoring center will receive the alarm and contact both Otsego County 911 center and the Campus Safety Dispatch Desk.
- Proceed to evacuate the building and go to the meeting area.
- Report the fire (regardless of size) to Campus Safety at 607-431-4111 once you are safely outside of the building. Be ready to give the following information:
 - Your name;
 - Location of fire (Building name, room number, if it is an apartment, and apartment number or area); and
 - Number of people injured, trapped, if any.
- Assist in the evacuation of the building if it is safe to do so.
- Campus Safety, upon any reported fire, will notify Facilities Liaison immediately. If Facilities Liaison is not available Campus Safety will notify New York State Fire.
- Do not re-enter the building until the “all clear” has been announced by the Oneonta Fire Department and/or Campus Safety.
- Remember R.A.C.E.
 - **R**- Remove
 - **A**- Alarm
 - **C**- Confine
 - **E**- Extinguish or Evacuate

Any member of the Hartwick College community that finds evidence of a fire that has been extinguished, and is not aware if it has been reported should contact Campus Safety by calling 607-431-4111. Campus Safety will dispatch an officer to investigate. Campus Safety will also contact the following individuals:

- Director and/or Assistant Director of Campus Safety
- Facilities Manager

Fire Drills

Hartwick College is required by New York State law to hold fire drills throughout the academic year (including summer classes). Residence halls are tested twice during the fall semester and twice during the spring semester. If occupied during the summer by students, they are tested at least once per summer. One drill will be between September 1 and December 1 and one will be during the hours after sunset and before sunrise.

Policies on Portable Electrical Appliances, Smoking, and Open Flames

Smoking (including electronic smoking devices), candles, and open flames are prohibited in ALL Hartwick College residential spaces on both the Main Hartwick Campus and the Pine Lake Campus. No portable electrical appliances, hot plates, fireworks, firearms, electric heaters and open coil appliances, lava lamps, or halogen lamps are allowed in Hartwick College housing.

Pine Lake Campus Student Housing

The Pine Lake Campus includes two types of living spaces: the Robertson Lodge and a number of standalone cabins across the property. The Robertson Lodge is a two-story communal living facility with bedrooms on the second floor, and a kitchen, a living room/lounge spaces, and office space on the first floor. The ground floor has an apartment for a Residential Life student staff member. The cabins are a mixture of styles and all contain at least one residential space, a kitchen, and a bathroom. Some cabins hold multiple bedrooms, may have porches, or may have a separate living room space.

If required, Campus Safety and Residential Life staff (professional and student) will assist in a complete evacuation of the building and control the occupants in the assembly area until the emergency has been abated. Students should familiarize themselves with the evacuation maps, stairwells, emergency exits, and any other pertinent information for their buildings.

If the fire alarm sounds:

- If an alarm activates, occupants should immediately evacuate the building using the nearest available exit.
- Occupants should not attempt to fight the fire unless they have been trained and can do so safely.
- Occupants should attempt to wake any sleeping roommates or suitemates.
- Occupants should prepare to evacuate by putting on shoes and a coat if necessary and if it is safe to do so.
- While evacuating, occupants should feel doorknobs and doors with the backs of their hands.
 - Doors that are hot, do not open.
 - Doors that are cool, open slowly
 - If heat or heavy smoke rushes in, occupants should close the door immediately and remain inside. Place a wet towel under the door if possible or tape.
- While evacuating, occupants should take keys in case it is necessary to return to the room should the conditions in the corridor deteriorate.
- Occupants should close doors tightly while leaving.
- Occupants should announce the emergency.
 - Example: “Emergency in the building, please use nearest exit.”
- Occupants should knock on doors as they exit.
- In smoky conditions stay low and crawl.
- Occupants should know how many doors between their room and the exit/stairwell. Occupants should know more than one way out of the building.

- Each student should report to their assigned assembly area.
 - Residential Life staff will report to their assigned assembly areas and make sure that students have cleared the building.
 - Residential Life staff will conduct a head count and relay any information to Campus Safety.
- DO NOT enter the building for any reason until you are instructed to do so by a Hartwick College official.

If you discover a fire:

- Remain calm, exit the building, and call 911. You will be connected with the Delaware County 911 Center.
 - The Robertson Lodge has manual pull boxes that may be utilized, but a call to 911 will still need to be made.
- Proceed to evacuate the building and go to the meeting area.
- Report the fire (regardless of size) to Campus Safety at 607-431-4111 once you are safely outside of the building. Be ready to give the following information:
 - Your name;
 - Location of fire (Building name, room number, if it is an apartment, and apartment number or area); and
 - Number of people injured, trapped, if any.
- Assist in the evacuation of the building if it is safe to do so.
- Campus Safety, upon any reported fire, will notify Facilities Liaison immediately. If Facilities Liaison is not available Campus Safety will notify New York State Fire.
- Do not re-enter the building until the “all clear” has been announced by the Oneonta Fire Department and/or Campus Safety.
- Remember R.A.C.E.
 - **R**- Remove
 - **A**- Alarm
 - **C**- Confine
 - **E**- Extinguish or Evacuate

Any member of the Hartwick College community that finds evidence of a fire that has been extinguished, and is not aware if it has been reported should contact Campus Safety by calling 607-431-4111. Campus Safety will dispatch an officer to investigate. Campus Safety will also contact the following individuals:

- Director and/or Assistant Director of Campus Safety
- Facilities Manager
- Executive Director of Pine Lake Center or designee

Fire Drills

Fire drills can only be conducted in the Robertson Lodge. All fire safety devices in cabins are inspected monthly by Pine Lake professional staff. Floor plans identifying exit routes exist in all residential spaces at the Pine Lake Campus.

Policies on Portable Electrical Appliances, Smoking, and Open Flames

Smoking (including electronic smoking devices), candles, and open flames are prohibited in ALL Hartwick College residential spaces on both the Main Hartwick Campus and the Pine Lake Campus. Gas stoves provided by the College at the Pine Lake Campus are permissible. No portable electrical appliances, hot plates, fireworks, firearms, electric heaters and open coil appliances, lava lamps, or halogen lamps are allowed in Hartwick College housing.

Fire Safety Education

Hartwick College takes fire training very seriously. Hartwick College, in conjunction with the New York State Department of Homeland Security – Division of State Fire, runs a training program for all Residential Life and Housing professional and student staff. Residential Life professional and student staff work throughout the year with residential students on fire education. Some examples of educational programs include but are not limited to:

- Residence hall floor meetings;
- Annual Fire Safety Inspections with New York State Division of Fire;
- Residence hall inspections by Resident Advisors;
- Residence hall inspections by Area Coordinators;
- Spot checks in residence halls by Campus Safety, Facilities Liaison, and other Hartwick College staff; and
- Emails and other various forms of communication.

Hartwick College also strives to educate staff and faculty throughout the academic year. Email reminders are sent out about potential fire hazards. Academic buildings and offices are inspected annually by the New York State Division of Fire, as well as Campus Safety, Facilities Liaison and other staff members.

Reporting a Fire

Report an active fire

If there is an active emergency, evacuate from the building and then call 911 and remember to contact Hartwick College Campus Safety at the Campus Safety Dispatch Desk by calling 607-431-4111 after. There are a variety of other methods that can be used to report a fire, whether it is outside a residence hall (e.g., dumpster fire) or fires in the confines of a building.

- Blue light phones will connect you with Campus Safety.
- Elevator phones (if equipped) go to Campus Safety.
- Calling 911 from Hartwick College phones will go to Otsego County Dispatch. They will notify the fire department. Give the proper street address when talking to the emergency service dispatch center.
- Pulling the red fire alarm pull box. This will go to a monitoring center who will notify both Otsego County Dispatch and Hartwick College Campus Safety unless otherwise identified.
- Remember to call Campus Safety as soon as it is safe to do so.

Report a fire that occurred

To report a fire has occurred, any person may contact the following individuals or departments:

- Campus Safety Dispatch Desk – 607-431-4111 or from campus phone ext. 4111
- Director of Campus Safety – 607-431-4112 or from campus phone ext. 4112
- Assistant Director of Campus Safety – 607-431-4113 or from campus phone ext. 4113
- Facilities Manager– 607-431-4098 or from campus phone ext. 4098
- Cleary Compliance Officer – 607-431-4152 or from campus phone ext. 4152

Future Improvement Plans

Hartwick College is committed to improving the state of fire safety and education across campus. At this time, the College is working to secure funding via grants to create a central monitoring station on campus at the Campus Safety Dispatch Desk. This will help with the notification process when there are emergencies occurring on campus. In addition, the College is working to increase fire training opportunities to all students, staff and faculty.

Description of Residence Hall Fire Alarm Systems

All residence halls on the Main Hartwick Campus are equipped with a standalone fire alarm system that are then connected through a dedicated fiber optic network system. If a residence hall loses power, the fire alarm system has a battery backup and will still function for a period of time, to let residents know there is an emergency. This will be a “local” alarm only and Residential Life Staff will notify Campus Safety or 911. During a power outage when the fire detection system is compromised, Campus Safety and Residential Life staff (professional and student) conduct routine fire walks until power to the detection system is restored. The fire alarms are tested by outside vendors at least twice a year and by New York State (NYS) Fire Codes. The college performs fire drills throughout the year.

All residence halls on the Main Hartwick Campus are equipped with a fire sprinkler system. The fire sprinklers may put out the fire in a room, but its primary function is to keep the fire from spreading and give the occupant(s) every opportunity to exit the room and building. Any tampering with either the fire alarm system or sprinkler system is a violation of the Code of Conduct and is also a state penal law violation which may result in criminal charges leading to potential fines and/or jail time. Persons who tamper with fire systems will be held accountable to pay for any and all expenses incurred in the repair process.

On the Main Hartwick Campus, the College does not monitor the fire alarm system. If the fire alarm system is activated it goes to a central monitoring dispatch center. The central monitoring center will then notify both Otsego County Emergency dispatch and campus safety. Please do not rely that notifications will be made, please take the time when it is safe to do so, to call Hartwick College Campus Safety and 911.

On the Pine Lake Campus, the occupant(s) are expected to call 911 in the event of a fire, and then contact Campus Safety, the Executive Director of Pine Lake, and Facilities Manager or the Caretaker of Pine Lake Campus.

Main Hartwick Campus Fire Statistics Charts for Residence Halls

Calendar Year 2022

Facility	Total Fires in Each Building (Fire Number)	Cause of Fire	Number of Injuries that required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damaged Caused by Fire
Main Hartwick Campus					
Apartment Complex (51 Mohawk Tr)	0 (0)	Not applicable	0	0	\$0
Hilltop House (18 Oyaron Dr)	0 (0)	Not applicable	0	0	\$0
Holmes Hall (7 Hartwick Dr)	0 (0)	Not applicable	0	0	\$0
Leitzell Hall (21 Mohican Ln)	0 (0)	Not applicable	0	0	\$0
Oyaron House (10 Oyaron Dr)	0 (0)	Not applicable	0	0	\$0
Saxton Hall (3 Hartwick Dr)	0 (0)	Not applicable	0	0	\$0
Smith Hall (13 Iroquois Dr)	0 (0)	Not applicable	0	0	\$0
Townhouse A Block (3 Richie Quad)	0 (0)	Not applicable	0	0	\$0
Townhouse B Block (4 Richie Quad)	0 (0)	Not applicable	0	0	\$0
Townhouse C Block (5 Richie Quad)	0 (0)	Not applicable	0	0	\$0
Townhouse D Block (8 Richie Quad)	0 (0)	Not applicable	0	0	\$0
van Ess Hall (9 Mohican Ln)	0 (0)	Not applicable	0	0	\$0
Wilder Hall (28 Oneida Ln)	1 (1)	Unintentional	0	0	\$0-\$99

Calendar Year 2023

Facility	Total Fires in Each Building (Fire Number)	Cause of Fire	Number of Injuries that required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damaged Caused by Fire
Main Hartwick Campus					
Apartment Complex (51 Mohawk Tr)	0 (0)	Not applicable	0	0	\$0
Hilltop House (18 Oyaron Dr)	0 (0)	Not applicable	0	0	\$0
Holmes Hall (7 Hartwick Dr)	0 (0)	Not applicable	0	0	\$0
Leitzell Hall (21 Mohican Ln)	0 (0)	Not applicable	0	0	\$0
Oyaron House (10 Oyaron Dr)	0 (0)	Not applicable	0	0	\$0
Saxton Hall (3 Hartwick Dr)	0 (0)	Not applicable	0	0	\$0
Smith Hall (13 Iroquois Dr)	0 (0)	Not applicable	0	0	\$0
Townhouse A Block (3 Richie Quad)	0 (0)	Not applicable	0	0	\$0
Townhouse B Block (4 Richie Quad)	0 (0)	Not applicable	0	0	\$0
Townhouse C Block (5 Richie Quad)	0 (0)	Not applicable	0	0	\$0
Townhouse D Block (8 Richie Quad)	0 (0)	Not applicable	0	0	\$0
van Ess Hall (9 Mohican Ln)	0 (0)	Not applicable	0	0	\$0
Wilder Hall (28 Oneida Ln)	0 (0)	Not applicable	0	0	\$0

Calendar Year 2024

Facility	Total Fires in Each Building (Fire Number)	Cause of Fire	Number of Injuries that required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damaged Caused by Fire
Main Hartwick Campus					
Apartment Complex (51 Mohawk Tr)	0	Not applicable	0	0	\$0
Hilltop House (18 Oyaron Dr)	0	Not applicable	0	0	\$0
Holmes Hall (7 Hartwick Dr)	0	Not applicable	0	0	\$0
Leitzell Hall (21 Mohican Ln)	0	Not applicable	0	0	\$0
Oyaron House (10 Oyaron Dr)	0	Not applicable	0	0	\$0
Saxton Hall (3 Hartwick Dr)	0	Not applicable	0	0	\$0
Smith Hall (13 Iroquois Dr)	0	Not applicable	0	0	\$0
Townhouse A Block (3 Richie Quad)	0	Not applicable	0	0	\$0
Townhouse B Block (4 Richie Quad)	0	Not applicable	0	0	\$0
Townhouse C Block (5 Richie Quad)	0	Not applicable	0	0	\$0
Townhouse D Block (8 Richie Quad)	0	Not applicable	0	0	\$0
van Ess Hall (9 Mohican Ln)	0	Not applicable	0	0	\$0
Wilder Hall (28 Oneida Ln)	0	Not applicable	0	0	\$0

Main Hartwick Campus Fire Safety Systems in Residence Halls

Facility	Clery Classification	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plan/Placards	Fire Alarm Monitoring Done off-site	Number of Evacuation (fire) Drills for Calendar Year 2024
Main Hartwick Campus							
Apartment Complex (51 Mohawk Tr)	On campus	Yes	Yes	Yes	Yes	Yes	4
Hilltop House (18 Oyaron Dr)	On campus	Yes	Yes	Yes	Yes	Yes	4
Holmes Hall (7 Hartwick Dr)	On campus	Yes	Yes	Yes	Yes	Yes	4
Leitzell Hall (21 Mohican Ln)	On campus	Yes	Yes	Yes	Yes	Yes	4
Oyaron House (10 Oyaron Dr)	On campus	Yes	Yes	Yes	Yes	Yes	4
Saxton Hall (3 Hartwick Dr)	On campus	Yes	Yes	Yes	Yes	Yes	4
Smith Hall (13 Iroquois Dr)	On campus	Yes	Yes	Yes	Yes	Yes	4
Townhouse A Block (3 Richie Quad)	On campus	Yes	Yes	Yes	Yes	Yes	4
Townhouse B Block (4 Richie Quad)	On campus	Yes	Yes	Yes	Yes	Yes	4
Townhouse C Block (5 Richie Quad)	On campus	Yes	Yes	Yes	Yes	Yes	4
Townhouse D Block (8 Richie Quad)	On campus	Yes	Yes	Yes	Yes	Yes	4
van Ess Hall (9 Mohican Ln)	On campus	Yes	Yes	Yes	Yes	Yes	4
Wilder Hall (28 Oneida Ln)	On campus	Yes	Yes	Yes	Yes	Yes	4

Pine Lake Campus Fire Statistics Chart for Residence Halls

Calendar Year 2022

Facility	Total Fires in Each Building (Fire Number)	Cause of Fire	Number of Injuries that required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damaged Caused by Fire
Pine Lake Campus					
Outback 1 (21 Pine Lake Campus Rd)	0 (0)	Not applicable	0	0	\$0
Outback 2 (23 Pine Lake Campus Rd)	0 (0)	Not applicable	0	0	\$0
Outback 3 (25 Pine Lake Campus Rd)	0 (0)	Not applicable	0	0	\$0
Robertson Lodge (1894 Charlotte Creek Rd)	0 (0)	Not applicable	0	0	\$0
Redwood 1 (53 Pine Lake Campus Rd)	0 (0)	Not applicable	0	0	\$0
Redwood 2 (339 Pine Lake Campus Rd)	0 (0)	Not applicable	0	0	\$0
Cabin Bailey (51 Pine Lake Campus Rd)	0 (0)	Not applicable	0	0	\$0
Hill & Dale (295 Pine Lake Campus Rd)	0 (0)	Not applicable	0	0	\$0
Crossroads Cabin (283 Pine Lake Campus Rd)	0 (0)	Not applicable	0	0	\$0
Strawbale (121 Pine Lake Campus Rd)	0 (0)	Not applicable	0	0	\$0
Cobb House (77 Pine Lake Campus Rd)	0 (0)	Not applicable	0	0	\$0

Calendar Year 2023

Facility	Total Fires in Each Building (Fire Number)	Cause of Fire	Number of Injuries that required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damaged Caused by Fire
Pine Lake Campus					
Outback 1 (21 Pine Lake Campus Rd)	0 (0)	Not applicable	0	0	\$0
Outback 2 (23 Pine Lake Campus Rd)	0 (0)	Not applicable	0	0	\$0
Outback 3 (25 Pine Lake Campus Rd)	0 (0)	Not applicable	0	0	\$0
Robertson Lodge (1894 Charlotte Creek Rd)	0 (0)	Not applicable	0	0	\$0
Redwood 1 (53 Pine Lake Campus Rd)	0 (0)	Not applicable	0	0	\$0
Redwood 2 (339 Pine Lake Campus Rd)	0 (0)	Not applicable	0	0	\$0
Cabin Bailey (51 Pine Lake Campus Rd)	0 (0)	Not applicable	0	0	\$0
Hill & Dale (295 Pine Lake Campus Rd)	0 (0)	Not applicable	0	0	\$0
Crossroads Cabin (283 Pine Lake Campus Rd)	0 (0)	Not applicable	0	0	\$0
Strawbale (121 Pine Lake Campus Rd)	0 (0)	Not applicable	0	0	\$0
Cobb House (77 Pine Lake Campus Rd)	0 (0)	Not applicable	0	0	\$0

Calendar Year 2024

Facility	Total Fires in Each Building (Fire Number)	Cause of Fire	Number of Injuries that required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damaged Caused by Fire
Pine Lake Campus					
Outback 1 (21 Pine Lake Campus Rd)	0	Not applicable	0	0	\$0
Outback 2 (23 Pine Lake Campus Rd)	0	Not applicable	0	0	\$0
Outback 3 (25 Pine Lake Campus Rd)	0	Not applicable	0	0	\$0
Robertson Lodge (1894 Charlotte Creek Rd)	0	Not applicable	0	0	\$0
Redwood 1 (53 Pine Lake Campus Rd)	0	Not applicable	0	0	\$0
Redwood 2 (339 Pine Lake Campus Rd)	0	Not applicable	0	0	\$0
Cabin Bailey (51 Pine Lake Campus Rd)	0	Not applicable	0	0	\$0
Hill & Dale (295 Pine Lake Campus Rd)	0	Not applicable	0	0	\$0
Crossroads Cabin (283 Pine Lake Campus Rd)	0	Not applicable	0	0	\$0
Strawbale (121 Pine Lake Campus Rd)	0	Not applicable	0	0	\$0
Cobb House (77 Pine Lake Campus Rd)	0	Not applicable	0	0	\$0

Pine Lake Campus Fire Safety Systems in Residence Halls

Facility	Clery Classification	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plan/Placards	Fire Alarm Monitoring Done off-site	Number of Evacuation (fire) Drills for Calendar Year 2024
Pine Lake Campus							
Outback 1 (21 Pine Lake Campus Rd)	On campus	No	Yes	Yes	Yes	No	Staff
Outback 2 (23 Pine Lake Campus Rd)	On campus	No	Yes	Yes	Yes	No	Staff
Robertson Lodge (1894 Charlotte Creek Rd)	On campus	No, fire suppression system in the kitchen / Sprinkler in the boiler room	Yes	Yes	Yes	No	4 / Student
Redwood 1 (53 Pine Lake Campus Rd)	On campus	No	Yes	Yes	Yes	No	4 / Student
Redwood 2 (339 Pine Lake Campus Rd)	On campus	No	Yes	Yes	Yes	No	Staff
Cabin Bailey (51 Pine Lake Campus Rd)	On campus	No	Yes	Yes	Yes	No	4 / Student
Hill & Dale (295 Pine Lake Campus Rd)	On campus	No	Yes	Yes	Yes	No	Staff
Crossroads Cabin (283 Pine Lake Campus Rd)	On campus	No	Yes	Yes	Yes	No	Staff
Strawbale (121 Pine Lake Campus Rd)	On campus	No	Yes	Yes	Yes	No	Staff
Cobb House (77 Pine Lake Campus Rd)	On campus	No	Yes	Yes	Yes	No	4 / Student

Appendices

Appendix A – Definitions

Clery Geography

Campus

The term “campus” means— (I) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and (II) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor). [20 U.S.C. § 1092 (f) (6), (https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=20-USC-1367741217-459747174&term_occur=999&term_src=))]

Non-campus building or property

The term “noncampus building or property” means— (I) any building or property owned or controlled by a student organization recognized by the institution; and (II) any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution’s educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution. [20 U.S.C. § 1092 (f) (6), (https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=20-USC-1367741217-459747174&term_occur=999&term_src=))]

Public property

The term “public property” means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution’s educational purposes. [20 U.S.C. § 1092 (f) (6), (https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=20-USC-1367741217-459747174&term_occur=999&term_src=))]

Clery Act Crime Definitions from the Uniform Crime Report (UCR)/National Incident-Based Reporting System (NIBRS)

Aggravated Assault

An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness. This also includes assault with disease (as in cases when the

offender is aware that [they are] infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.).

Arson

To unlawfully and intentionally damage, or attempt to damage, any real or personal property by fire or incendiary device.

Burglary

The unlawful entry into a building or other structure with the intent to commit a felony or a theft.

Drug Abuse Violation

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

Fondling

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

Incest

Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Intimidation

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

Larceny-Theft

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another person.

Liquor Law Violation

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages. Drunkenness and driving under the influence are **not** included in this category.

Motor Vehicle Theft

The theft of a motor vehicle. Theft from a motor vehicle is **not** included in this category.

Murder and Nonnegligent Manslaughter

The willful (non-negligent) killing of one human being by another.

Negligent Manslaughter

The killing of another person through negligence.

Rape

The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of [their] age or because of [their] temporary or permanent mental or physical incapacity.

Robbery

The taking, or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.

Simple Assault

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

Statutory Rape

Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Vandalism of Property

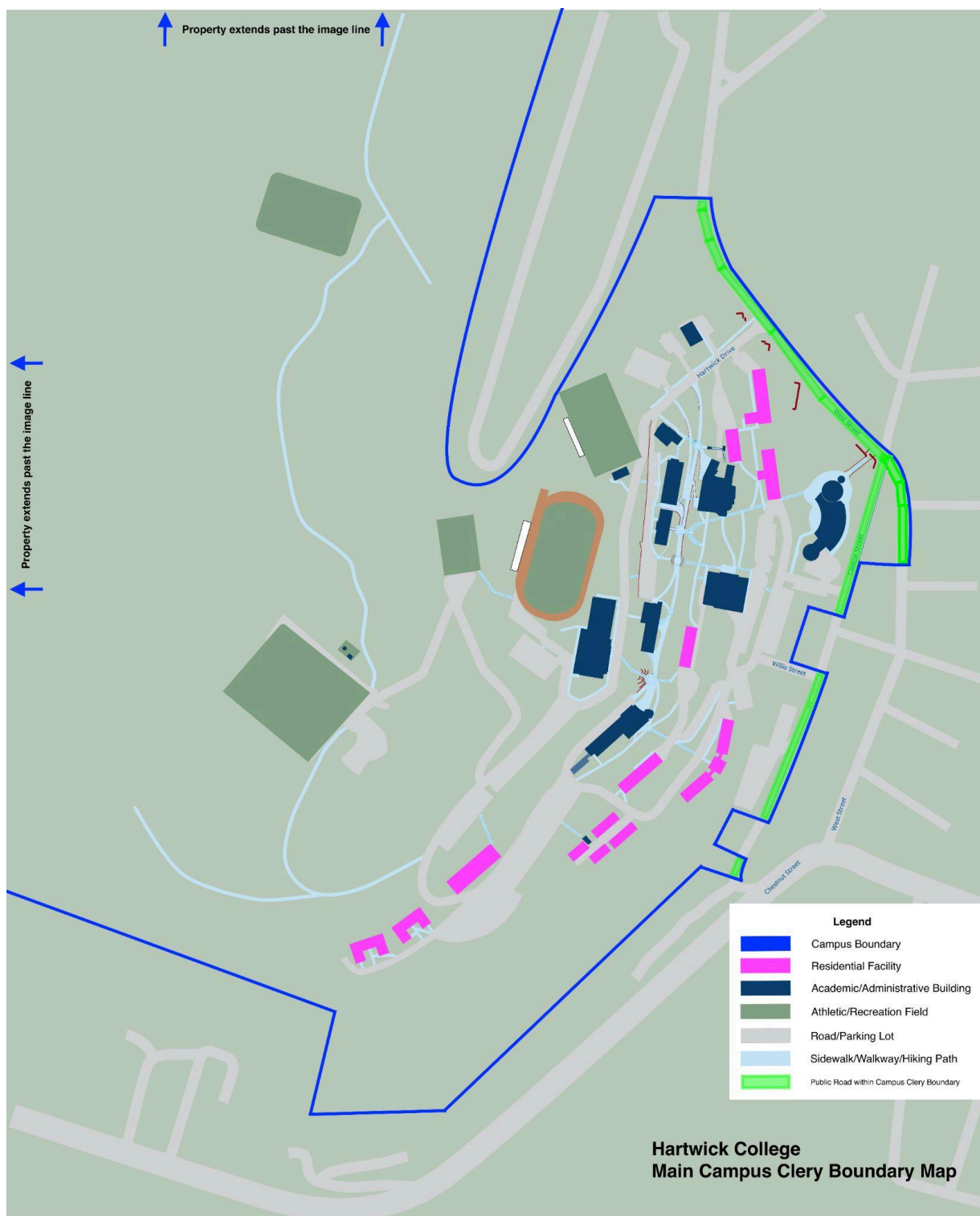
To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Weapons Violation

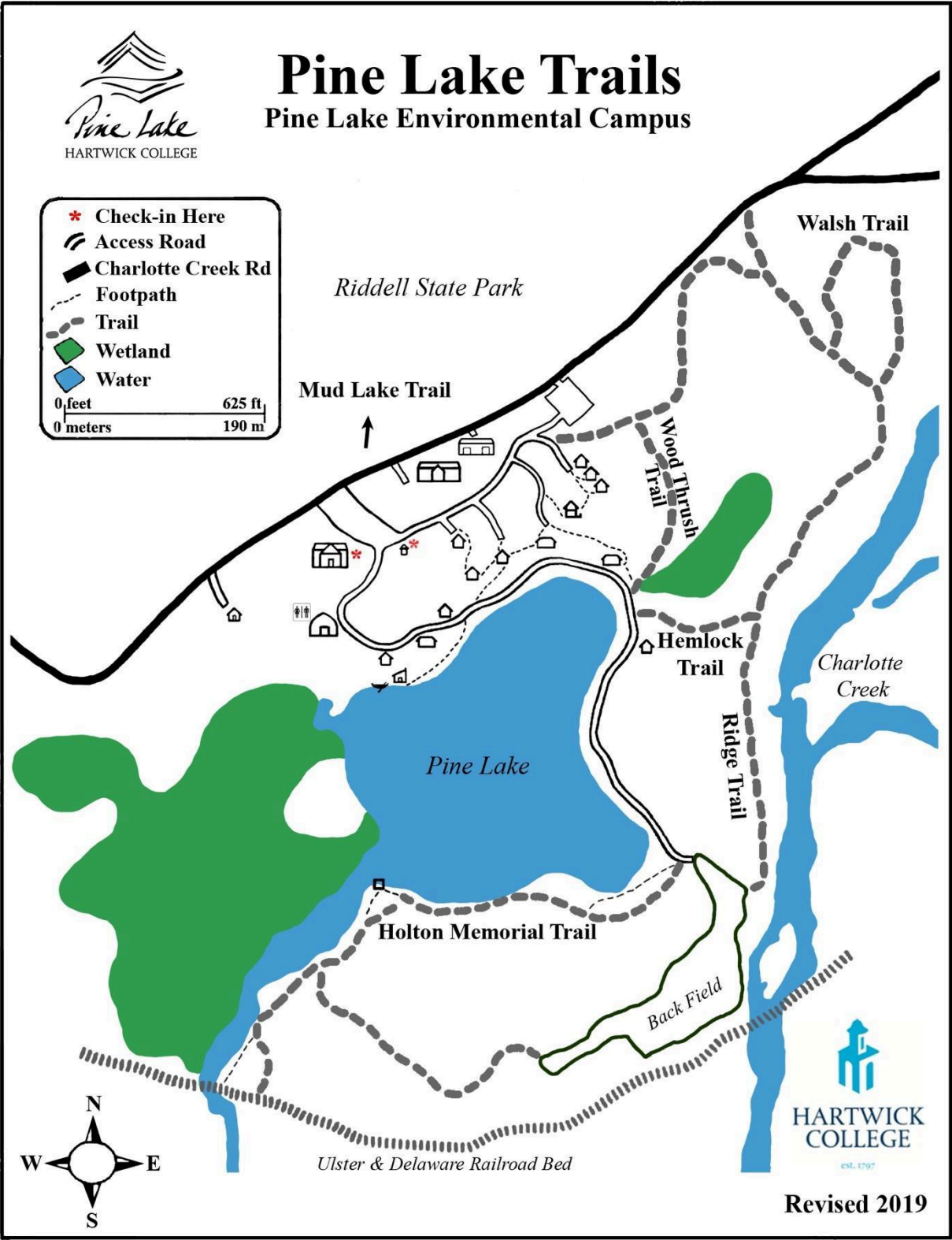
The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

Appendix B – Maps

Main Campus Clery Boundary Map



Pine Lake Campus map



Appendix C – Preferred Receivers of Reports Contact Information Chart

The following individuals have been designated as Preferred Receivers of Reports for crimes that have occurred on either the Main Hartwick Campus or the Pine Lake Campus.

All individuals are encouraged to first and foremost report to the Campus Safety Dispatch desk by calling 607-431-4111 or reporting in person on the third floor of Dewar Union. However, the individuals listed below have been identified in the event that a person does not wish to report directly to the Campus Safety Dispatch Desk.

Geoffrey Gabriel

*Title IX Coordinator
College Compliance Officer
Shineman Chapel House, 1st
floor
(607) 431-4293
gabrielg@hartwick.edu*

Suzanne Janitz

*Vice President for Human
Resources and Compliance
Shineman Chapel House, 1st
floor
(607) 431-4319
janitzs@hartwick.edu*

Dr. Colleen Bunn

*Deputy Title IX Coordinator
Director of Residential Life and
Community Standards
Dewar Union, 4th floor
(607) 431-4501
bunnc@hartwick.edu*

Donald DePass

*Director of Campus Safety
Dewar Union, 3rd floor
(607) 431-4112
depassd@hartwick.edu*

Dr. Cary Dresher

*Deputy Title IX Coordinator
Dean of Students
Dewar Union, 4th floor
(607) 431-4532
dresherc@hartwick.edu*

Dr. Laurel Bongiorno

*Vice President for Academic
Affairs
Provost
Bresee Hall, 2nd floor
(607) 431-4401
bongiornol@hartwick.edu*