

# SKIDMORE

C O L L E G E

*Published Fall 2022*

## **Annual Campus Safety and Security Report and Annual Fire Safety Report**

Containing statistics for 2020, 2021, 2022

**Skidmore College  
815 North Broadway  
Saratoga Springs, New York 12866 and  
London Campus  
CEA CAPA Education Abroad London  
146 Cromwell Rd, London SW7 4EF, United Kingdom**

**The Campus Safety and Security Report is available online at [www.skidmore.edu/campus\\_safety/clery/safety\\_report.pdf](http://www.skidmore.edu/campus_safety/clery/safety_report.pdf) and in hard copy (call Campus Safety at 518-580-5567).**

## Introduction

Skidmore College has issued this report to inform the Skidmore community, campus visitors, and the general public of the College's policies and procedures for campus safety and security. Skidmore has made a firm commitment to maintain a safe campus environment in which to live, learn, and work.

Though emergencies and incidents of serious crime are relatively few at Skidmore, it is crucial that all members of the campus community know how to report such situations and have an understanding of our security operation. Skidmore's security programs include awareness seminars for students, thorough training of residential-life staff, and a professional campus security force. The Department of Campus Safety emphasizes open communication with students and employees and has a close working relationship with local, county, and state law enforcement agencies.

Skidmore College is located in Saratoga Springs, New York, a small cosmopolitan city with a population of approximately 30,000. Saratoga Springs is known for its health spas, horse racing, lively cultural life, and history. Skidmore's core campus consists of some 50 buildings on nearly 1,200 wooded acres at the northwest edge of the city, just over one mile from the downtown area. The College's property includes additional acreage of open space and athletic fields near the main campus. The core campus offers nine residence halls as well as student apartments. The College has an enrollment of approximately 2,600 students and a workforce of some 870 full-time equivalent employees.

Skidmore College also has a small separate campus in London, England, where 32 students attend classes. Students attend classes at the London campus, located at 146 Cromwell Rd, London or at a number of partner institutions in London. Skidmore faculty/staff members are on site at the London campus to provide instruction and support.

## Annual Campus Safety and Security Report

The Department of Campus Safety prepares this report to comply with the Jeanne Clery Act. The annual *Skidmore College Campus Safety and Security Report* includes statistics for the previous three years concerning reported crimes that occurred on both the main and London campuses, in certain off-campus buildings owned or controlled by Skidmore, and on public property within or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, bias-related crime, and other matters. The Advisory Committee on Campus Security will provide, upon request, all campus crime statistics as reported to the U.S. Department of Education. You can obtain a copy of this report by contacting Campus Safety (518-580-5567) during business hours or online at [www.skidmore.edu/campus\\_safety/clery/safety\\_report.pdf](http://www.skidmore.edu/campus_safety/clery/safety_report.pdf).

Each year, students and employees are emailed notifications about the availability of this report and notices are placed on bulletin boards.

## **Safety Alerts**

The Department of Campus Safety communicates safety alerts for both campuses via email, on the Campus Safety website, Skidmore Urgent Notification System (SUNS) and through social media (Twitter, Facebook) when appropriate and at key locations on campus when there are incidents that require public notification either on or off campus. *These alerts are issued when the incident is considered a serious or continued threat to students or employees.* The department also works with the local police and the student news to report on safety and security issues. Safety alerts for reported crimes shall withhold the names of victims as confidential. Anyone with information warranting a safety alert should contact the Department of Campus Safety at 518-580- 5566. These alerts can be found at [www.skidmore.edu/campus\\_safety/programs/alerts.php](http://www.skidmore.edu/campus_safety/programs/alerts.php). Events reported more than five days after the occurrence will generally not be the subject of a safety alert.

## **Skidmore College Department of Campus Safety**

### **On the Saratoga Campus**

Skidmore College employs a security department of 19 full-time and several part-time employees. All members of Campus Safety receive extensive training, and many have had prior police training and experience. The Director of Campus Safety is in charge of the department. The Director, Associate Director and Assistant Director share the responsibility of being on call 24 hours a day, 365 days a year. Between them, the individuals currently holding these positions have 80 years of police experience. In case of a serious crime or emergency, the on-call director is notified immediately and then supervises the investigation.

Campus Safety personnel are all New York state-licensed security guards empowered by the College to enforce the institution's rules and regulations, with the authority to make citizen's arrests. The safety officers receive annual training that includes the following areas: first aid, CPR/AED, use of force, crime-scene preservation, interviewing techniques, diversity, sexual assault, and conflict resolution. The officers provide campus patrols 24 hours a day and are responsible for enforcing safety rules and regulations, supervising fire and safety drills, and handling emergency situations on campus. Also, several members of the department are NYS-certified emergency medical technicians (EMTs). 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 works closely with local, county, and state law enforcement agencies, both in the investigation of crimes and in crime prevention. The department is in frequent contact with area law enforcement agencies regarding the collection of information and crime statistics that may impact the College and are required to be reported. The College has a Memorandum of Understanding with the Saratoga Springs Police Department regarding the investigation of serious criminal offenses and missing students.

### **On the London Campus**

Skidmore College does not have Campus Safety personnel in London. Faculty/staff in London work with offices on the Saratoga campus such as Campus Safety, Title IX, Student Conduct and others as specific incidents arise. Crimes are reported to the London Police Department at 44-020-7404-1212. The number for the reception desk at The Stay Club, the non-campus residence hall, is 44-020-7267-7774. To request police, ambulance or fire brigade call 999 or 112.

## Reporting Crimes and Emergencies

### On the Saratoga Campus

Witnesses and victims of a campus crime or emergency, as well as anyone who is suspicious of people or situations on campus, are urged to contact Campus Safety or local authorities immediately. Campus Safety can be reached at campus extension 5566 (for emergencies) and 5567 (for non-emergencies), or from an outside line at 518-580-5566. In addition, the department has a confidential “TIPS” (8477) line for anyone to report suspicious activity anonymously (518-580-TIPS). Tips may also be submitted anonymously, via the Campus Safety “Silent Witness” program at [https://www.skidmore.edu/campus\\_safety/programs/anonymous\\_crime\\_reporting.php](https://www.skidmore.edu/campus_safety/programs/anonymous_crime_reporting.php). The Saratoga Springs Police Department can be reached at 911 for emergencies and 518-584-1800 for non-emergencies. Cellular 911 calls are answered by the Saratoga County Sheriff’s Department or New York State Police. The College encourages accurate and prompt reporting of all crimes to the Department of Campus Safety and the appropriate law enforcement agencies.

In addition, victims have the option to notify and seek assistance from law enforcement and campus authorities. Victims will be advised of their rights and institutional responsibilities regarding judicial no-contact, restraining, and protective orders.

Skidmore has a system of emergency phones located at key points on campus. Marked with blue lights that become flashing strobes when the phone is activated, the hands-free phone kiosks offer a direct line to Campus Safety. Multiple buildings across campus have direct-dial phones or auto-dialing devices in key locations that connect directly to Campus Safety. One can also report incidents in person to Campus Safety, located on the ground level of Jonsson Tower, which operates 24/7. If a person is unable to contact Campus Safety directly to report an emergency, that person should notify a staff member, administrator in charge, or residence hall staff member, who in turn will contact Campus Safety. In the case of any reportable offenses covered under the Clery Act, an incident is officially reported, resulting in that incident being listed in campus crime statistics when it is reported to local police agencies and brought to the attention of Campus Safety or “any official of the institution who has significant responsibility for student and campus activities.” This includes housing and disciplinary staff, the athletic director and coaches, and faculty advisers to student groups.

The College has an agreement with local police, who will monitor any criminal activity at off-campus student organizations that are recognized by the College, including student organizations with off-campus housing facilities. Skidmore currently has no organizations, such as fraternities and sororities that operate off-campus facilities or residences.

### On the London Campus

Witnesses and victims of a campus crime or emergency, as well as anyone who is suspicious of people or situations on the London campus, are urged to notify on-site Skidmore staff, or the London Police Department at 44-020-7404-1212. Individuals may report non-urgent matters to Campus Safety in Saratoga Springs by calling 518-580-5566 or emailing [campus-safety@skidmore.edu](mailto:campus-safety@skidmore.edu), or anonymously via the Campus Safety “Silent Witness” program at [https://www.skidmore.edu/campus\\_safety/programs/anonymous\\_crime\\_reporting.php](https://www.skidmore.edu/campus_safety/programs/anonymous_crime_reporting.php). Campus Safety will collect statistical data and conduct college-level investigations as needed.

## Daily Crime Log

Campus Safety maintains a daily crime log at the main Saratoga Springs campus, where criminal incidents and alleged criminal incidents are recorded. The log can be viewed in person at the Campus Safety office. Entries or additions to the log must be made within two business days of receipt of the information.

The log is available for the most recent 60-day period for inspection. Campus Safety will provide crime log data related to incidents older than 60 days within two business days of a request for the data.

No daily crime log is required to be maintained for the London campus, as there are no campus police or security personnel on site.

## Confidential Reporting

Mandated reporters and the general public are able to report incidents of crimes confidentially by using the “TIPS” (518-580-8477) line, the Silent Witness Report Form, the Skidmore Clery Report Proxy Form, and the Sexual and Gender-Based Misconduct Anonymous Reporting Form; the latter three forms are available, respectively, at:

[www.skidmore.edu/campus\\_safety/programs/anonymous\\_crime\\_reporting.php](http://www.skidmore.edu/campus_safety/programs/anonymous_crime_reporting.php)

[https://www.skidmore.edu/campus\\_safety/clery/Skidmore\\_Proxy\\_Report\\_Form.pdf](https://www.skidmore.edu/campus_safety/clery/Skidmore_Proxy_Report_Form.pdf)

[https://cm.maxient.com/reportingform.php?SkidmoreCollege&layout\\_id=6](https://cm.maxient.com/reportingform.php?SkidmoreCollege&layout_id=6)

These services are available to anyone at the main campus or London campus.

## Response to Reports of Crimes and Incidents

If a crime or incident on the Saratoga campus is reported to Campus Safety, the following steps are taken:

- A safety officer is dispatched immediately to assess the situation and secure the scene, if needed. (The safety officers are trained to attend to the needs of victims and to take control of the situation.) If the incident warrants, outside services such as the police, EMS, and fire department are called. At the scene, the safety officer is responsible for maintaining order, interviewing and counseling victims and witnesses, and preserving evidence.
- In the case of injury or illness, the individual may be cared for by Skidmore Campus Safety officers, Skidmore College Emergency Medical Service (SCEMS), at the College’s health services facility, or may choose the Saratoga Hospital emergency room or other Urgent Care Facility.
- The Director, Associate Director or Assistant Director of Campus Safety notifies the appropriate Skidmore officials of the incident as needed in accordance with the College’s emergency communications plan.
- The investigating officer files a written incident report that is forwarded to the appropriate College officials. All serious crimes and accidents occurring on campus are reported to and investigated by the Saratoga Springs Police Department, New York State Police, or the Saratoga County Sheriff’s Department.

In the event of a situation that poses a risk to the safety and security of the Skidmore College community the Department will issue a Campus Safety Alert through various mediums to advise the campus of

potentially dangerous or important safety information, to include, but not limited to Clery Act crimes. We will alert the community by:

- Posting notices campus-wide on colored paper that is reserved solely for this purpose.
- Distributing campus-wide emails.

If an incident is considered serious and poses an immediate threat to people and/or property the College would send an emergency notification to the campus community using SUNS, emails, website postings and social media.

The College has a written Memorandum of Understanding with the Saratoga Springs Police Department that the department will respond and investigate serious crimes and missing persons. In addition, the police will request additional local and State Police resources as needed.

For incidents occurring in London, Campus Safety collects statistical data, conducts college-level investigations if needed, and would liaison with local authorities in London as needed.

## **Campus Security Authorities**

Campus officials that have a significant responsibility for student and campus activities are considered to be Campus Security Authorities as defined by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998. Examples of Campus Security Authorities for Skidmore College include, but are not limited to:

- Dean of Students Office
- Residential Life Office
- Resident Advisors
- Office of Campus Life and Engagement
- Advisors to Student Organizations
- Athletic Directors and Team Coaches
- Department of Campus Safety
- Contract Security of any Campus Office

## **Clery Policy Statement Addressing Counselors**

Campus “Pastoral Counselors” and Campus “Professional Counselors”, when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary (not confidential) basis for inclusion into the annual crime statistics. Counselors are defined as:

- Pastoral Counselor is an employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as pastoral counselor.
- Professional Counselor is an employee of an institution whose official responsibilities includes providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.

## **Emergency Response and Evacuation**

- The College has an Emergency Management Team that meets regularly to prepare up-to-date procedures to respond to any emergency that may occur on campus.
- The College will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff. Warnings will be withheld only if they would compromise efforts to contain the emergency or at the request of a police department for an ongoing investigation.
- When an emergency situation occurs on campus, safety officers are dispatched to assess and render aid. Additionally, local and state police, fire, and EMS resources are immediately requested, depending on the emergency. Situations at the London campus are reported directly to local authorities, who respond as needed, as there are no Campus Safety personnel in London.
- Specific emergency response and evacuation procedures may be initiated by the Department of Campus Safety and members of the College's Emergency Management Team or other qualified on-site persons.
- Response procedures and communication systems are tested on the Saratoga campus several times each year. Students and staff are also provided instruction and training in emergency procedures, including evacuation drills several times each year. Tests may be announced or unannounced and are documented. Emergency response and evacuation procedures are posted in all buildings.
- When a sexual assault is reported to one of the College's designated officials, or otherwise comes to the attention of Campus Safety, the College initiates a preliminary investigation and informs victims of their options for having the investigation handled by Skidmore's judicial system, the criminal justice system of the State of New York, or both. If a reporting person indicates they do not want a formal investigation, the College will attempt to honor that request consistent with community safety. The College and/or the victims may file formal allegations through Skidmore's judicial system (when the alleged assailant is a Skidmore student), and either party may also file criminal charges with local, county, or state police. When appropriate, Skidmore issues a campus safety alert and uses other means of communication to inform members of the Skidmore community. Skidmore's resources (e.g., medical, legal, and counseling options) are available to students at the Saratoga campus, whether or not the alleged assailant is a member of the Skidmore community. Similar services are made available to students in London at local providers which may be accessed through the on-site Skidmore faculty/staff.

## **Security and Access to Campus Facilities**

### **On the Saratoga Campus**

All Skidmore buildings are equipped with exterior locks, and many buildings have electronic anti-intrusion devices. All residence halls are locked 24 hours a day. All student rooms in residence halls are equipped with card access locks. Campus Safety patrols the campus 24 hours a day, checking all campus buildings, and placing special emphasis on residence halls during the late-night and early morning hours. Safety personnel conduct daily fire and safety checks on all floors of all residence halls during the late-night and early morning hours. Campus Safety conducts unannounced fire alarm drills two times a semester for all residence halls and academic buildings. In addition, Campus Safety conducts monthly checks of all fire alarms, elevator phones, handicap doors and emergency blue light phones on campus.

As part of the safety and security sessions held for students each year, students are reminded that it is not permissible under any circumstances to prop open the doors of campus buildings. Campus Safety

officers and residential hall staff are instructed to report and close any doors found propped open. The hours that administrative and classroom buildings are open vary depending on the patterns of usage for the specific buildings and the needs of students and employees. During the academic year, Scribner Library is open until 1 a.m. Sunday through Thursday and until 10 p.m. on Friday and Saturday (extended hours are offered at the library during exam time). Campus Safety offers an escort service for any member of the campus community who requests this service.

The College also has a maintenance staff on duty 24 hours a day, seven days a week. This crew has radio contact with Campus Safety and is available immediately to carry out building maintenance or repairs related to security and safety. In addition, all maintenance jobs with security and/or safety ramifications are given a special priority designation. They serve as additional source of eyes and ears, especially during overnight hours to report suspicious activity.

## **On the London Campus**

### **Non-Campus Residence Hall**

The residence hall has 24-7 security coverage with an electronic key-card entry system, and the front desk in the reception area is staffed 24 hours a day. Also, there is a dedicated Skidmore program assistant (typically a student that has just graduated from Skidmore) living in the residence hall with the students. These security measures and staff help ensure that students are safe within their living environment.

The building has comprehensive fire safety and all rooms and corridors have fire doors. There are fire blankets, fire alarms, and extinguishers throughout the building and clearly identified fire exits. The fire alarms are tested weekly on Wednesday at 2 pm. and the building performs an unannounced fire drill three times a year. When the alarms are sounded, all elevators are out of use and the building is evacuated via the fire escapes.

### **On-Campus Classroom Space**

The building has comprehensive fire safety, with alarms on every floor, sensors, fire doors and clearly marked fire exits. The fire alarm is tested weekly on a Friday, and there is an unannounced drill during each semester.



## Awareness Programs

Skidmore College offers many programs specifically designed to inform members of the campus community about security procedures and policies, personal safety, and crime prevention. In addition to a number of programs tailored for students, the College offers this information to employees through new-employee orientation, the employee handbook, and a brochure on Skidmore policies regarding drug and alcohol use/abuse. Residence hall staff undergo extensive training each fall (or when first assigned staff duties) in preparation for their responsibilities. As part of this training, staff members must attend a series of workshops focusing on such issues as security and safety, disciplinary procedures for infractions of rules, fire safety, sexual harassment, diversity, and sexual assault. They are also advised of their reporting requirements according to the Clery Act. The residence hall staff, in turn, hold sessions in their buildings to inform the general student body about security and safety issues. Campus Safety officers are involved with many of these formal or informational meetings.

First-Year International students participate in mandatory education programs related to Intercultural Communication and Sexual Values, Consent, Reporting Options, and College Policy.

For the London campus, Skidmore Center security and notification procedures are explained to students at mandatory on-site program orientations.

Each new student is apprised of the Skidmore College Student Handbook, which is available online at [www.skidmore.edu/student\\_handbook/](http://www.skidmore.edu/student_handbook/). It presents information on fire prevention and campus security issues, as well as Skidmore's policies on alcohol and drugs.

## Drug and Alcohol Abuse Education Programs

### **Think About It “Primary” (mandate for incoming students)**

*Think About It*, offered through Campus Clarity, is a research based, comprehensive training program focused on preparing students for the unique challenges of college and empowering them to make healthy, responsible choices and to confront and prevent serious campus problems (Campus Clarity website). The program educates students about alcohol, drugs, and sexual violence and is designed to minimize risk associated with these areas. It uses a multifaceted approach to motivate and engage with students, such as live social norming and interactive real- world stories and scenarios.

### **Think About It: Alcohol (sanction)**

This is an individualized lesson that uses interactive exercises designed to influence behavior change around alcohol use. It reviews alcohol education, strategies for avoiding the dangers of drinking, tips for partying safely, and addresses common misconceptions about alcohol in college. The language is synonymous to the primary *Think About It* course to reinforce the messages around responsible decision making.

### **Think About It: Drugs (sanction)**

This course specifically addresses drug use and “challenges students to reflect on why they use drugs and whether the underlying causes of their drug use, such as stress, depression, and chronic pain can and should be addressed with safe, healthier alternatives...” (Campus Clarity website). It is designed to refresh students on crucial information from the initial *Think About It* course.

## **BASICS (sanction or voluntary)**

BASICS, Brief Alcohol Screening and Intervention for College Students, is a two-part motivational interviewing program designed to reduce risk among students who demonstrate worrisome patterns of alcohol use. Although the BASICS program is available to all Skidmore students free of charge, most participants find their way to BASICS after violating the College's alcohol policy. Seventeen students were required to complete the program during 2021 and a majority of those reported positive changes to their alcohol use as a result of their participation. The program is non-judgmental and is an excellent opportunity for students to assess their own patterns of alcohol use and evaluate the role that alcohol plays in their life as a college student. In general, students report highly positive experiences with BASICS, and the program has proven to be very successful both at Skidmore and nationally. Fifteen students completed BASICS course in 2022.

## **Marijuana 101**

Marijuana education course.

## **Under the influence**

Alcohol education class.

## **Alcohol Education Workshops**

The Department of Health Promotion offered workshops throughout the year to various offices and student groups to address areas of concern regarding alcohol and other drugs.

## **Social Norms Campaign**

The Skidmore College Social Norms campaign is an awareness campaign designed to inform incoming first-year students, as well as the entire Skidmore community, that most students make healthy and responsible choices when it comes to alcohol and other drug use. The goal of the multi-year campaign is to correct misperceptions about "normal" student behaviors. Research shows that people often overestimate the prevalence of negative behaviors and underestimate the positive, protective behaviors of their peers. If an individual believes that a majority of their peers are engaging in a certain behavior, they are more likely to follow suit. The aim is to dispel misperceptions about what's "normal" by providing true and accurate data to the community, therefore changing the culture around alcohol and drug use at Skidmore. The social-norms team hopes to empower students to continue their healthy, sensible behaviors and, in turn, to help build a wider campus culture that mirrors their values and habits.

## **The Source**

The Source is a multifaceted program designed to promote connection among various levels for students who are either non-drinkers or are looking for an alternative to the typical party scene. The Source works to connect students to like-minded peers by allowing them to complete interest inventories on its web portal and then connects them to students with shared interests. The Source also provides a list of events going on locally that are substance-free that students can parse through based on interest categories. The Source also hosts various events throughout the year based on students' interests that serve as an alternative to the weekend scene.

## **Peer Health Education (PHE) Program**

The Department of Health Promotion oversees Skidmore's Peer Health Education (PHE) Program, in which the students involved are committed to promoting healthy choices and lifestyles through educating and empowering themselves and their peers on a variety of health-related topics, including alcohol and other drugs. They provide innovative, creative, and educational opportunities

for their peers to learn about alcohol and other drug prevention. They also serve as a resource, referral agent, and role model for their peers.

### **Academic Training for Peer Health Educators**

In order to become a Peer Health Educator (PHE), PHEs have to successfully complete a 3-credit course in which they are trained on a variety of health-related topics. One of the topics that they are trained in is alcohol and other drug education. The following is an abbreviated list of issues that are addressed: the challenges of transitioning into college (as it pertains to alcohol), binge drinking, responsible decision making, low-risk vs. high-risk behaviors, and resources on and off campus.

### **Thursday Night Alternatives**

The Peer Health Educators (PHEs) provide a weekly alcohol and drug-free Trivia Night on Thursdays in Case Student Center that serve as an alternative to the bar/party scene.

### **Friday Night Alternatives**

The Peer Health Educators (PHEs) offer weekly interactive, fun, alcohol and drug-free programming for students on Friday nights. Students are required to register ahead of time and events include a mixture of on campus activities (ex/ pottery painting, game nights, etc) and off campus field trips (ex/ haunted hayride, rock climbing gym, ninja gym, escape room, etc).

### **Alcohol and Other Drug (AOD) Task Force**

Chaired by the Department of Health Promotion and composed of Student Affairs stakeholders and invested students, the Task Force aims to evaluate and address concerns related to AOD on campus.

### **Alcohol and Other Drug Campus Culture Assessments**

The Department of Health Promotion surveys the student body annually to examine alcohol and other drug-use trends and assess resource needs on campus. With the information gathered, the Department is able to advocate for the needs of the student body.

### **Health and Wellness Fairs**

The Peer Health Educators, under the supervision of the Department of Health Promotion, conduct various tabling events and health/wellness fairs throughout the year in which alcohol and other drug education is a focus. For example, during the month of October and in preparation for the upcoming Halloween celebrations, the health/wellness fair focuses on alcohol education. Students take part in interactive activities in which they learn about standard drink sizes, low-risk strategies, alternatives to the party scene, recognizing alcohol-related emergencies, etc.

### **Peer Mentor Training**

Prior to the start of each academic year, the Peer Mentors go through an alcohol education workshop. This workshop includes basic alcohol and other drug information, and information about Skidmore's AOD Policy, the Responsible Student policy. Students learn how to work with their peers around the topics of alcohol and drug use and are taught several methods on how to effectively engage with their peers, such as using motivational interviewing techniques.

### **Residential Life Training**

Residential Life staff (CAs and ACs) are trained on various dimensions of AOD use. Issues addressed include alcohol poisoning, binge drinking, having effective conversations with peers, dealing with intoxicated students, the secondary effects of AOD abusers on other residents and positive role modeling in regard to alcohol use. CAs and ACs are also educated about the AOD policy and the Responsible Student Policy.

### **Bystander Intervention Programming**

A committee of Peer Health Educators (PHEs) is dedicated to educating the campus on bystander intervention strategies that can be used to address concerning behaviors, including alcohol and other drug use. The group educates peers in a variety of ways, including workshops, passive programming, and tabling events.

### **Student Wellness Center**

The Student Wellness Center is open weekday 9-4 and serves as a resource to all students. Students can obtain a variety of information and materials related to various health-related topics, including alcohol and other drugs. The Wellness Center is staffed by Peer Health Educators who are equipped to provide information and resources to students around these topics. Students can also take out books from the Wellness Center library. Therapy dogs are also available in the Wellness Center for at least one hour per day Monday – Friday.

### **One-on-One Informational Sessions for Students**

The Department of Health Promotion offers one-on-one consultation sessions for students in which health information is provided and discussed, including alcohol and other drug use.

### **High-Risk Event Preventative Programming**

As a proactive approach to counteracting the traditionally known events that involve high-risk alcohol consumption, the PHEs and Health Promotion provide various outlets for student alcohol safety education, such as tabling events and highly visualized public health campaigns. In addition, staff across various student affairs departments meet to discuss prevention plans to promote student safety and responsibility.

### **Parent Orientation**

The Department of Health Promotion is involved in Parent Orientation in which discussions around alcohol and other drugs is highlighted and parents receive answers to frequently asked questions.

### **Social Media Outreach**

Health Promotion educates students around the topics of alcohol and other drug use through various social media platforms (Facebook, Instagram and Twitter). For example, educational articles are often posted on Facebook for the 300+ student followers to engage with.

### **Ongoing Collaboration with Student Affairs Offices**

To encourage Student Affairs offices to continue to explore their own work related to AOD prevention efforts, Health Promotion has been offering leadership, guidance and support to various student affairs offices. Ongoing meetings have been held with several offices to implement prevention and education plans for students.

### **Capital District Regional College Consortium on Alcohol and Other Drugs**

Designated Skidmore staff participate in this group that consists of representatives from local colleges and service agencies in the community. The mission of the group is to discuss best practices, evaluate the needs of students in our communities and implement effective educational methods for students around alcohol and other drug related topics. Consortium members collaborate on various alcohol and other drug related initiatives and educational efforts, including training programs and conferences for students and staff to attend.

## **Wellness Coaching**

The Department of Health Promotion offers Wellness Coaching. Coaching sessions are one-on-one, in-person meetings that students can access for no charge. Students meet regularly with their coach as they work toward goals.

## **Other Programs/Initiatives**

### **First-Year Experience**

In a collaboration between Student Affairs and the First-Year Experience, all Peer Mentors of first-year students are provided a curriculum for them to offer an alcohol- and drug prevention workshop or one-on-one conversation.

### **Substance-Free Housing Option**

Dedicated residence halls (Howe and Rounds halls) where residents agree not to bring substances or the effects of substance abuse into the residence hall.

### **Parental Notification**

Enlisted as individual circumstances dictate.

### **Weeks of Welcome Program**

The program is designed to help students make a successful transition to Skidmore by encouraging them to explore the many opportunities related to health and wellness available to them their first two months on campus. The program is built around eight dimensions of wellness; social, intellectual, emotional, diverse and inclusive, physical, environmental, occupational and spiritual. Each week of the program takes one of those dimensions as a focus and offers a wealth of programs and activities that will provide opportunities for engagement, exploration and connection.

## **Results of Disciplinary Proceedings**

The institution will disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a forcible or non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a 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.

## **Missing Person Protocol**

The Skidmore College Department of Campus Safety will initiate an investigation into any report of a missing person as soon as this information is received. Students, employees, and other individuals are advised to contact the Department of Campus Safety when a person is missing for 24 hours, or sooner under suspicious circumstances. The College has a missing-student notification policy for students who reside on campus that informs students that they have an option to identify an individual to be contacted by the institution no later than 24 hours after the time that the student is determined missing.

The notification procedure is confidential and requires students under 18 who are not emancipated to register the name of their custodial parent or guardian. The protocol includes notification to students that the institution will inform appropriate law enforcement agencies about missing students (a student is considered missing 24 hours after a report is made to the College and confirmation of his or her status to

the institution) unless local law enforcement was the entity that made the determination that the student is missing.

Any missing-person report about an on-campus student must be immediately referred to the Department of Campus Safety, and this department will contact the individual identified as the student's contact, if any. If the student is over 18 years of age or is an emancipated student under 18 years of age and has not registered a contact person, Campus Safety will report his or her missing status to the appropriate law-enforcement agency upon confirmation of the missing status of the student no later than 24 hours after receiving information the student is missing. For students under 18 years of age and not emancipated, Skidmore must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. In any event Campus Safety will initiate an investigation immediately upon notification of a missing student.

When faculty/staff in London become aware of a missing person, they will notify local authorities who will conduct an investigation consistent with local policy. Skidmore faculty/staff will assist London authorities with their investigation however possible.

# Sexual and Gender-Based Misconduct Policy

*Note: The following policy was written to address events encountered by members of the Skidmore community connected to our campus in Saratoga Springs, New York, or programs associated with that campus. For events occurring at other off-campus study programs, all listed Skidmore College resources are available to involved parties. For off-campus study programs, (or events occurring outside Saratoga Springs that are connected to main campus programs), the respective local authorities should be substituted for the Saratoga Springs Police and Saratoga District Attorney's Office when addressed in this policy.*

## I. NOTICE OF NON-DISCRIMINATION

Skidmore College does not discriminate on the basis of sex in its educational, co-curricular, athletic, or other programs or in the context of admissions or employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that:

*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.*

Skidmore College, as an educational community, will promptly and equitably respond to all reports of sexual and gender-based misconduct in order to eliminate the misconduct, prevent its recurrence, and address its effects on any individual or the community

**Please note that the following policy only addresses forms of Sexual Harassment (including but not limited to Sexual Assault, Domestic Violence, Dating Violence, and Stalking) as defined in the 2020 final Title IX regulations, 34 CFR Part 106, as released on May 6, 2020 by the United States Department of Education (“Title IX Sexual Harassment”).**

**Other forms of sexual harassment or discrimination, including acts of sexual harassment (including but not limited to sexual assault, domestic violence, dating violence, and stalking) not in the jurisdiction of Title IX, are addressed in different policies.**

**While several College policies govern sexual and gender-based misconduct, it is not the responsibility of a Complainant to determine which policy will apply to address an incident of sexual or gender-based misconduct. When any report of any sexual or gender-based misconduct is communicated to the Title IX Coordinator or designee, the report will be reviewed by the Title IX Coordinator or designee. If the report aligns with the definition and jurisdiction of Title IX as defined by the 2020 regulations, the procedures of this policy will be applied. If it does not, then the report will be referred to the appropriate personnel for review under the applicable student policy, such as the *Enough is Enough* policy or Student Code of Conduct, or to the applicable employee policy. To illustrate this, a diagram has been provided in Section III.**

In instances when there are alleged Student Conduct or *Enough is Enough* policy violations that are directly related to or arise from an alleged Title IX policy violation, all such alleged violations will be consolidated into the Title IX process and utilize Title IX procedures as determined by the Title IX Coordinator.

Inquiries or complaints about the application of Title IX may be directed to the College's Title IX Coordinator and/or to the U.S. Department of Education's Office for Civil Rights.

Skidmore College's Title IX Coordinator oversees compliance with all aspects of the Title IX policy. The Title IX Coordinator reports directly to the President of the College, and questions about this policy should be directed to the Title IX Coordinator. Anyone wishing to make a report relating to sexual and gender-based misconduct can report to the appropriate individual(s), listed below (*last updated on July 28, 2020*):

**Reports Alleging Sexual or Gender-Based Misconduct Involving Any Skidmore Student, Faculty, or Staff Member:**

Joel Aure  
Title IX Coordinator  
Case Center 311  
815 North Broadway  
Saratoga Springs, NY 12866  
518-580-5708  
[jaure@skidmore.edu](mailto:jaure@skidmore.edu)

Campus Safety  
Jonsson Tower (ground floor)  
815 North Broadway  
Saratoga Springs, NY 12866  
518-580-5566  
[campus-safety@skidmore.edu](mailto:campus-safety@skidmore.edu)

**\*For emergencies or immediate assistance on-campus, please call Campus Safety at x5566\***

**Reports Alleging Sexual & Gender-Based Misconduct Involving a Skidmore Student:**

Gabriela Melillo  
Title IX Deputy Coordinator in Student Affairs  
Case Center 3<sup>rd</sup> floor  
518-580-5022  
[gmelillo@skidmore.edu](mailto:gmelillo@skidmore.edu)

**Reports Alleging Sexual & Gender-Based Misconduct Involving a Skidmore Faculty Member:**

Janet Casey  
Associate Dean of the Faculty for Diversity and Faculty Affairs  
Professor of English  
Palamountain 416  
(518) 580-5705  
[jcasey@skidmore.edu](mailto:jcasey@skidmore.edu)

**Reports Alleging Sexual & Gender-Based Misconduct Involving a Skidmore Faculty or Staff Member:**



Sarah Delaney Vero, Esq.  
Interim Director of Human Resources  
Barrett Center  
518-580-5800  
[svero@skidmore.edu](mailto:svero@skidmore.edu)

### **Office of the Dean of Students and Vice President for Student Affairs**

Additionally, for any student who is uncertain who to contact about any matter related or unrelated to this policy or if they are unsure if they wish to contact any of the individuals above, they can always contact the Office of the Dean of Students and Vice President for Student Affairs to speak with:

Lorri Riggs  
Assistant Dean of Student Affairs for Student Success  
Case Center 313  
518-580-5788

If student wishes to speak to a confidential or anonymous resource, those are listed in Section VIII of this policy.

### **Off Campus:**

Saratoga Springs Police Department  
518-584-1800  
Office of Civil Rights  
New York Office for Civil Rights  
U.S. Department of Education 32 Old Slip, 26th Floor  
New York, NY 10005-2500  
Telephone: 646-428-3900  
FAX: 646-428-3843  
TDD: 800-877-8339  
Email: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

### **Anonymous Reporting**

**Additionally, anonymous reports can be made using the online reporting form**

## **II. SKIDMORE COLLEGE STATEMENT OF SEXUAL VALUES**

Skidmore College is committed to providing a learning, working, and living environment that reflects and promotes personal integrity, civility, and mutual respect. Members of the Skidmore community have the right to be free from all forms of abuse, assault, harassment, and coercive conduct, including sexual and gender-based misconduct. Skidmore College considers sexual and gender-based misconduct to be one of the most serious violations of the values and standards of the College. Unwelcome sexual contact of any form is a violation of students' personal integrity and their right to a safe environment and therefore violates Skidmore's values. Skidmore College will not tolerate sexual or gender-based misconduct in any form. Sexual and gender-based misconduct is also prohibited by federal regulations. In accordance with Title IX, Skidmore College does not discriminate on the basis of sex in any of its programs and activities.

Skidmore recognizes that part of students' development at the College may include learning and understanding themselves as sexual individuals. Skidmore also respects and upholds the principle that not all students choose to explore their sexual nature or sexuality.

Skidmore therefore aims to provide an environment that is comfortable and respectful for all students and their choices regarding sex and their sexuality. Understanding and applying this policy to the behavior and behavioral expectations of all members of the community helps to ensure Skidmore's goal of being a safe, open community regarding sexuality. Failure to comply with this policy may result in a complaint of Title IX Sexual Harassment.

Skidmore College strives to promote an environment where mutual respect, communication, cultural competency, understanding, and awareness are the basis for any sexual behavior or activity. Mutual respect and communication are keys to maintaining each student's personal integrity when engaging in sexual behavior.

### **Community Expectations**

- *Mutual Respect:* Treat others as they would like to be treated. In sexual relations this includes respecting your partner (their desires, boundaries, and body) and having open communication with the person(s) with whom you are engaging in sexual contact so that all those involved are comfortable with the activity that may occur and understand the boundaries and needs of those involved.
- *Communication:* Open communication and listening includes understanding one's own needs and desires, discussing these needs and desires with your partner(s), and, in general, creating open communication within the relationship, whether it is for a brief encounter or a longer commitment. Verbal communication in sexual situations is almost always the clearest means to communicate. The College encourages students who choose to engage in sexual behavior to talk with each other clearly about what they want, or do not want, from sex prior to engaging in sexual activity. An environment based on open communication and listening promotes *affirmative consent*, which Skidmore College considers integral to any responsible sexual relationship.
- *Cultural Awareness and Respect:* The Skidmore College community is a multicultural educational environment where the customs and values of each individual are respected. Although the College's standards regarding behavioral expectations and guidelines apply to all individuals, each person should recognize and respect the variations in the cultural expectations of others and demonstrate civility while engaging in open communication regarding sexual desires and boundaries.

### **III. SCOPE OF THIS POLICY**

All members of the Skidmore College community have an obligation to act responsibly in the realm of sexuality, gender, and relationships, to recognize and challenge any sexual and/or gender-based misconduct, and to adhere to College policies and local, state, and federal law.

**This policy applies specifically to sexual harassment as defined by Title IX and set forth below, occurring on Skidmore College property or at other locations within the United States at which the College exercises substantial control over the alleged Respondent(s) and context in which the sexual harassment occurs, and also includes such conduct occurring at any building owned or controlled by a recognized student organization.**

When used in this policy, “Complainant” refers to the individual who is identified as the target of the alleged Title IX Sexual Harassment. “Respondent” refers to the individual alleged to have engaged in Title IX Sexual Harassment. A “Third Party” refers to any other participant in the process, including a witness or an individual who makes a report who is not also a Complainant.

This policy identifies the rights, options and resources afforded Complainants, Respondents and Third Parties when involved in a Title IX Sexual Harassment complaint.

Title IX Sexual Harassment can be committed by any member of the Skidmore College community, including students, staff, and faculty. Under Title IX, the College has jurisdiction over a Respondent who is a current student or employee. This policy applies to address and resolve reports against a current **Student**.

For information about complaints against other Skidmore community members, please visit [www.skidmore.edu/sgbm](http://www.skidmore.edu/sgbm).

As long as the College has jurisdiction over the Respondent, there is no time limit to invoking this policy in cases of alleged Title IX Sexual Harassment. Nevertheless, persons are encouraged to report alleged sexual harassment as soon as possible in order to maximize the College’s ability to respond promptly and effectively.

Complaints against a party not under the jurisdiction of this Policy will be resolved under appropriate College policies, depending on the identity of the party and the party’s relationship with the College. Complaints against a party not affiliated with the College may not be able to be resolved through a College process. Regardless, all appropriate support resources and measures are still available to the Complainant, and every effort will be made to assist the Complainant in filing a complaint against the Respondent through the appropriate channels (ie. police, current workplace, current institution they attend, etc.).

Skidmore College strongly encourages reports of any sexual and/or gender-based misconduct, including Title IX Sexual Harassment, regardless of who engaged in the conduct. Even if the College does not have jurisdiction over the Respondent, the College will take prompt action to provide for the safety and well-being of the Complainant and the broader campus community.

Complaints that relate to conduct that occurred prior to adoption of this policy will be evaluated for a policy violation using the behavioral standards and definitions under the policy that was in place at the time the incident allegedly occurred, and the allegations of the complaint will be investigated and adjudicated using the procedures in the policy that is in effect at the time the complaint is made. The policies and procedures are updated regularly to comply with federal and state law.

The following chart illustrates the policy or policies that may be applied to a complaint specific to whether the Respondent is a student, faculty, or staff member. For questions about this, please contact the Title IX Coordinator at [jaure@skidmore.edu](mailto:jaure@skidmore.edu):

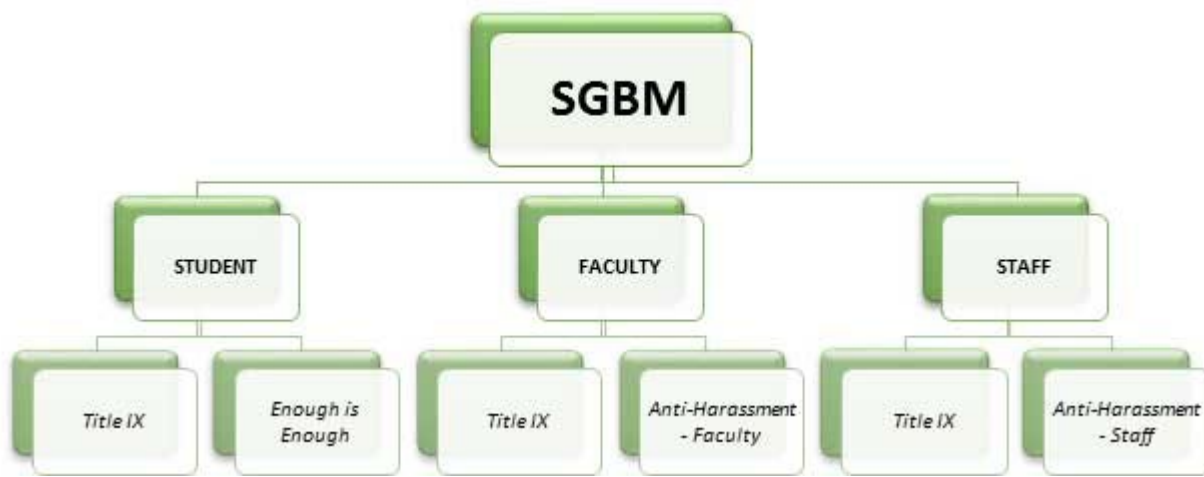


Figure 1 - Policy Jurisdiction Flowchart

The Title IX Coordinator has discretionary authority to interpret and construe the scope and applicability of this policy and the other policies referenced above, and any uncertain or disputed aspects of this policy or those other policies.

#### IV. STATEMENT OF PRIVACY AND CONFIDENTIALITY

All College employees (faculty, staff, administrator), with the exception of the Counseling Center and Health Services – who are confidential resources and Victim Advocates who can protect anonymity – are expected to immediately report actual or suspected discrimination, harassment, or sexual and/or gender- based misconduct to appropriate officials.

Skidmore College is committed to protecting the privacy of all individuals involved in a report under this policy. Skidmore also is committed to providing assistance to help Complainants make informed choices. With any report under this policy, Skidmore will make reasonable efforts to protect the privacy interests of the individuals involved in a manner consistent with the need for a careful assessment of the allegation and reasonable steps available to eliminate the reported conduct, prevent its recurrence, and address its effects.

Privacy and confidentiality have distinct meanings under this policy.

**Privacy:** Privacy generally means that information related to a report of misconduct will be shared with a limited circle of individuals who “need to know” in order to assist in the active review, investigation, and resolution of the report, and related issues. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process. Even Skidmore offices and employees who cannot guarantee confidentiality will maintain privacy to the greatest extent possible. The information provided to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator, Title IX Deputy Coordinator, or designee to investigate and/or seek a resolution.

**Confidentiality:** Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual, or as otherwise permitted by law. Those campus and community professionals include medical providers, mental health providers, and ordained clergy, all of

whom normally have privileged confidentiality that is recognized by the law. These individuals are prohibited from breaking confidentiality unless (i) given permission to do so by the person who disclosed the information; (ii) there is an imminent threat of harm to self or others; (iii) the conduct involves suspected abuse of a minor under the age of 18; or (iv) as otherwise required or permitted by law or court order. While not confidential, Skidmore has also designated Victim Advocates who can protect the anonymity of Complainants.

**Non-Confidential or Not Private:** Any other College employee who is not designated as a confidential resource under this policy is required to share a report of sexual and/or gender-based misconduct with the Title IX Coordinator or designee. The Title IX Coordinator or designee will conduct an initial assessment of the alleged conduct, the Complainant's desired course of action, and the necessity for any interim remedies or accommodations to protect the safety of the Complainant or the community. The goal is to eliminate any hostile environment.

All College proceedings are conducted in compliance with the applicable requirements of the Family Educational Rights and Privacy Act (FERPA), the Clery Act, Title IX, the Violence Against Women Act (VAWA), New York's Enough Is Enough law other state and local laws, and College policy. No information shall be released from such proceedings except as required or permitted by law and College policy.

## V. TERMINOLOGY

**Complainant:** An individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

**Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute a violation of this policy.

**Advisor of Choice:** Both the Complainant and Respondent may elect to be accompanied by an advisor of their choosing to any meetings, hearings, conferences, and interviews pertaining to the investigation or adjudication of the Title IX complaint. In most of these instances, the advisor's role is limited to observing, consulting with, and providing support to the party.

*An Advisor of Choice may not speak or communicate on behalf of the Complainant or Respondent except during the live hearing conducted to adjudicate the allegations to the extent provided in this policy.* Outside of the hearing, this includes but is not limited to in-person meetings, phone conversations, email, or any other forms of electronic or written communication with College personnel.

Parties have the right to consult with and engage an attorney as their Advisor of Choice, at their own expense with an exception noted below. As with any other Advisor of Choice, an attorney will not be permitted to speak or communicate on behalf of the student they are advising as described in the paragraph above except during the hearing.

As described more fully below, at the hearing, each party's Advisor of Choice is permitted to ask the other party or parties and any witnesses all relevant questions and follow-up questions, including those challenging credibility. All such cross-examination questions must be asked in a respectful, non-intimidating and non-abusive fashion. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. If a party does not have an advisor present at the hearing to conduct cross-examination, the College will provide without fee or charge to that party, an advisor of the

College's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. Additionally, a party may ask the College to provide them an advisor at an earlier stage of the complaint process.

Any Advisor of Choice who fails to comply with this policy may be asked to leave any such meeting, proceeding or conversation and is expected to comply with this request. Continued failure to adhere to this policy may result in the Advisor of Choice no longer being allowed to participate in this role. If an Advisor of Choice fails to comply with this policy's requirement to conduct cross-examination in a respectful, non-intimidating and non-abusive manner or otherwise violates the policy's rules with respect to the advisor's role during the hearing, the Advisor may be required to leave the hearing. In that event the party will be required to obtain a new advisor to conduct cross-examination or, alternatively, the College will provide an advisor for that purpose as described above.

**Victim Advocate:** As part of their positions at Skidmore College, these individuals work to support and assist victims of sexual and/or gender-based misconduct. Students who have experienced sexual and/or gender-based misconduct can seek help from Victim Advocates knowing that those staff members will not report identifying details about the incident. This status is not legally protected in the same way that disclosures to mental health, health care providers, or college chaplains are. During the investigation and adjudication processes, Victim Advocates can also serve a SGBM Support Specialist as defined below.

**Sexual and Gender-Based Misconduct (SGBM) Support Specialist:** The SGBM Support Specialist is a Skidmore Community staff or faculty member appointed by the Dean of Students and Vice President for Student Affairs who is trained to support the Complainant or Respondent. [A current list of trained SGBM Support Specialists is maintained online.](#)

**Formal Complaint:** a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in an education program or activity of the College.

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information for the Title IX Coordinator set forth above. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail) or some other mechanism that otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party and must comply with the relevant Title IX requirements.

**Supportive Measures:** non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased

security and monitoring of certain areas of the campus, and other similar measures. The College will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures

**Witness:** A person or bystander who observes or has information about alleged conduct in violation of the Title IX policy. Witnesses must have observed the conduct in question or otherwise have information relevant to the incident.

**Investigator:** The individual(s) charged with investigating a complaint under this policy. The Investigator(s) will typically be the Title IX Deputy Coordinator, a members of Campus Safety, and/or external investigators designated by the College. Investigators attend, at a minimum, annual Title IX investigator training.

**Hearing Administrator:** This individual will oversee the scheduling, logistics, and overall execution of the live hearing, including time-keeping and any technology needs related to the recording or accessibility. The Hearing Administrator will not have any role in the determining the relevance or allowance of evidence or testimony. The Title IX Coordinator or appropriate designee will fulfill this role.

**Hearing Panel:**

The decision about whether there has been a violation of the Title IX Policy will be made by a three-person panel or, in certain instances, a single adjudicator. Panelists and adjudicators will receive specific training regarding subjects including the dynamics of sexual and gender-based misconduct, the factors relevant to a determination of credibility, the appropriate manner in which to receive and evaluate sensitive information and evidence, including the evaluation of cross-examination questions, the manner of deliberation, and the application of the preponderance of the evidence standard as well as the College’s policies and procedures.

Parties will have the opportunity to state whether there is a panelist or adjudicator they feel should not participate in the hearing due to bias or any other reason that would prevent them from making a fair assessment of the information. Any such requests for recusal should be directed to the Title IX Coordinator.

- **Adjudicator:** In the event that a panel cannot be convened due to the limited availability or potential conflicts with trained panelists, a single adjudicator will fulfill the role of the panel in determine whether there has been a violation of the Title IX Policy.

Hearing Panelists or Adjudicators may be members of the campus community or may be external to the College as determined by the Title IX Coordinator.

**Incapacitation:** a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).

Incapacitation may occur because of the individual’s age. Under New York law, the age of consent is 17 years of age and, therefore, a person under the age of 17 lacks the capacity to provide affirmative consent.

Incapacitation can also occur because of an individual's physical or mental condition or disability that impairs the individual's ability to provide consent. Incapacitation as a result of a physical or mental condition includes, but is not limited to, being: (i) asleep or in a state of unconsciousness; (ii) physically helpless; or (iii) involuntarily restrained. Depending on the degree of intoxication, someone who is under the influence of alcohol or drugs may be incapacitated and unable to consent to sexual activity. Being drunk or intoxicated, however, does not necessarily render someone incapacitated. The impact of alcohol or drugs varies from person to person.

Whether sexual activity with an incapacitated person constitutes gender-based misconduct depends on whether the Respondent knew or should have known of the Complainant's incapacitation. The question of what a Respondent knew or should have known is objectively based on what a reasonable person in the place of the Respondent, sober and exercising good judgment, would have known about the condition of the Complainant.

**Appeal Panel:** These individuals are responsible for reviewing and determining the outcome of any appeal submitted by any of the parties. The panel will consist of the Dean of Students and at least one other panelist.

## VI. STUDENT BILLS OF RIGHTS

Under this policy, all students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the Complainant is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the Respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a Complainant or Respondent throughout the conduct process including during all meetings and panels related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or conduct process of the institution.

**Additionally, as required by the Department of Education in the 2020 Title IX regulations, throughout the process, the Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the process.**



## **Amnesty for Complainant(s)/Witnesses/Bystanders**

The health and safety of every student at Skidmore College is of utmost importance. Skidmore 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, or the alleged incident of sexual and gender-based misconduct – occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Skidmore College strongly encourages students to report domestic violence, dating violence, stalking, sexual assault, or sexual and gender-based misconduct to reporting resources listed above. A bystander acting in good faith or a Complainant acting in good faith who discloses any incident of domestic violence, dating violence, stalking, sexual assault, or sexual and gender-based misconduct to College officials or law enforcement will not be subject to Skidmore College 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, sexual assault, or incident of sexual and gender-based misconduct.

## **VII. PROHIBITED CONDUCT (AS DEFINED BY TITLE IX)**

The definition of Title IX Sexual Harassment is a specific term determined by the Department of Education. Included within the Department's definition of Title IX Sexual Harassment are the Department's formal definitions for sexual assault, domestic violence, dating violence, and stalking in accordance with the Violence Against Women Act (VAWA). Sexual and gender-based misconduct may vary in its severity and consists of a range of behaviors. The following descriptions represent sexual behaviors and gender-based misconduct that violate Skidmore's community standards and values of respect, civility, and personal integrity as well as Title IX. These behaviors are serious violations and represent a threat to the safety of the Skidmore Community. Other forms of sexual behaviors and gender-based misconduct that violate Skidmore's community standards and values are addressed in the *Enough is Enough* policy.

For purposes of this Policy, Title IX Sexual Harassment includes the following forms of misconduct occurring on Skidmore College property or at other locations within the United States at which the College exercises substantial control over the alleged Respondent(s) and context in which the sexual harassment occurs, and also includes such conduct occurring at any building owned or controlled by a recognized student organization. It is the policy of Skidmore College to hold individuals accountable for all acts that violate this policy:

### **Sexual Harassment**

Conduct on the basis of sex that aligns with one or more of the following conditions as defined by Title IX:

1. An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct;<sup>[1]</sup>
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity; or
3. Sexual Assault, Dating Violence, Domestic Violence, and Stalking as defined below as required by the United States Department of Education:

## **Sexual Assault**

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent described as follows:

- **Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent. The age of consent in New York is 17, but this varies by state.

This definition aligns with the definition of Rape, Fondling, Incest or Statutory Rape as used in the FBI's UCR program as required by the Department of Education under Title IX.

## **Dating Violence**

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the Complainant'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. For the purposes of this definition—

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

## **Domestic Violence**

A felony or misdemeanor crime of violence committed—

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- 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.

Please note that in order for an alleged Domestic Violence incident to be investigated under the policy, the relationship between the Complainant and Respondent must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have a relationship or status as described above.

## **Stalking**

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person’s safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition:

- *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the Complainant.
- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking as defined above may not always be “on the basis of sex” (for example when an individual stalks an athlete due to celebrity worship rather than sex), but when stalking is “on the basis of sex” (for example, when the stalker desires to date the victim) stalking constitutes “sexual harassment” for purposes of this policy. Stalking that does not constitute sexual harassment because it is not “on the basis of sex” may be addressed under other applicable College policies.

### **Retaliation**

In addition to prohibiting Title IX Sexual Harassment, this Policy also prohibits Retaliation based on an individual who reports or complains about an alleged violation of, or who otherwise participates in good faith in the procedures set forth in, this Policy. Neither the College nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for Student Code of Social Conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, that are undertaken for the purpose of interfering with any right or privilege secured by Title IX or this policy, constitute retaliation.

The College will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the federal Family Educational Rights and Privacy Act and its implementing regulations (FERPA) or as required by law, or to carry out this policy, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation related to a Title IX matter may be filed according to the procedures detailed in Section XI of this policy (“Filing a Formal Complaint”).\.

It is the policy of Skidmore College to hold individuals accountable for all acts that violate this Policy and other forms of sexual or gender-based misconduct covered by other College policies.

### **Note on Other Policy Violations**

After reviewing the report, the Title IX Coordinator or designee and Student Conduct

administrator will determine whether other alleged policy violations in addition to the Title IX charges should be applied in the instances when other violations may arise out of the same or closely related incident(s). These will be included in the Formal Complaint and will be provided to both the Complainant and Respondent. All alleged policy violations, including the Student Conduct violations, in the Title IX Formal Complaint will be investigated and adjudicated under the Title IX policy.

Furthermore, the Student Conduct administrator in accordance with the policies of the Student Code of Social Conduct may determine that other policy violation charges should be applied to other parties as well separate from the Title IX complaint.

If any charges are addressed in and added to the Formal Complaint during the investigation, both parties will be notified and will have an opportunity to address them as well as the original charges prior to the Adjudication Hearing. Subsequent or unrelated allegations involving the Complainant and Respondent will be addressed separately under the appropriate policy.

## **Affirmative Consent**

Affirmative consent is the basis of this policy because affirmative consent maintains the value that all persons have the right to feel respected, acknowledged, and safe during sexual activity. 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 can be communicated verbally or by action(s). In whatever way consent is communicated, it must be mutually understandable.
- Consent is mutually understandable when a reasonable person would consider the words and/or actions that you and your partner(s) have expressed to demonstrate a desire to do the same thing, at the same time, in the same way, with one another.
- In the absence of mutually understandable words or actions, the initiators of sexual contact are responsible for making sure they have obtained affirmative consent from their partner(s). The initiators must fully understand what their partner(s) want(s) and do(es) not want sexually.
- 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. Each new sexual act requires new consent. Affirmative consent has time boundaries.
- 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 (*See "Incapacitation" in the Terminology section above*).

- The existence of a dating/romantic relationship between the persons involved or the fact of a previous sexual relationship does not automatically establish affirmative consent for future sexual activity.
- Consent is not the absence of resistance.
- Silence is an inactive behavior, and affirmative consent is an active behavior. Therefore, silence alone (absent a non-verbal action clearly demonstrating consent) is not considered affirmative consent. Silent and inactive behavior may indicate that something is wrong and the potential for sexual misconduct exists. If a partner is inactive (for example, silent or physically still) sexual activity must stop until both partners have communicated clearly with each other about what, if any, sexual activity is mutually desired.
- Affirmative consent can never be given by minors (under the age of 17 in New York State), mentally disabled individuals, or by incapacitated persons. A person who is unconscious, unaware, or otherwise physically helpless cannot give affirmative consent to sexual activity.
- Affirmative consent cannot result from force, or threat of harm, coercion, fraud, intimidation, or incapacitation. The use of force to obtain sexual access or to induce consent violates this policy whether the force is physical in nature, violent, or involving threats, intimidation, or coercion.
  - Physical force includes but is not limited to: hitting, kicking, and restraining. Physical force means someone is acting on you physically and exerting control over you through violence.
  - Intimidation is an implied threat. It is not as clear or explicit as an overt threat.
  - Coercion is the use of pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Coercion is evaluated based on the intensity, frequency, and duration of the comments or actions. Examples of coercion include threatening to "out" someone based on sexual orientation, gender identity, or gender expression, and threatening to harm oneself if the other party does not engage in the sexual activity.
- Threatening someone to obtain consent for a sexual act is a violation of this policy. Threats exist where a reasonable person would have been compelled by the words or actions of another to give permission to sexual activity to which they otherwise would not have consented.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

## VIII. CONFIDENTIAL & SUPPORT RESOURCES

Skidmore College is committed to creating an environment for individuals to report incidents of gender based or sexual misconduct. Members of the Skidmore community are strongly encouraged to seek support and information from available reporting sources. Immediate reporting is essential for the protection of students. All sources will provide the Complainant with information about obtaining support, resources, and the process associated with making a report or a formal complaint with the College and/or with a law enforcement agency.

The College will endeavor to respect the wishes of the Complainant regarding how and if to move forward; however, in some circumstances, the College will have to move forward. Under

these circumstances, the College will weigh the request for confidentiality or that no further action be taken against certain factors, including but not limited to those described below in the section of this policy entitled “Requesting Confidentiality/No Further Action.”

All individuals shall have the right to emergency access to the Title IX Coordinator, Campus Safety or other trained official who shall be available upon the first instance of disclosure by a Complainant to provide information regarding options to proceed and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, as well as other pertinent information.

## 1. To Speak with Someone Confidentially:

Confidential resources are those individuals who, by law and/or College policy, are obligated to maintain confidentiality of allegations of sexual or gender-based misconduct. These individuals are not required to re-disclose information shared with them other than in very extreme and unusual circumstances involving evidence of a serious and imminent threat to the individual making the report or to an identifiable third party. Confidential resources include:

- Counseling Center
- Health Services
- Wellspring - A victim advocate from Wellspring (formerly Domestic Violence and Rape Crisis Services of Saratoga County) can be quickly accessible to individuals (**contact information and to schedule a meeting**).

## 2. Anonymous Reporting Sources

Anonymous reporting sources have been deemed confidential by the College but are still required to report statistical information to the Title IX Coordinator.

- **Victim Advocates**  
While maintaining a victim’s anonymity, Victim Advocates must report the nature, date, time, and general location of an incident to the Title IX Coordinator or designee. This limited report – which includes no information that would directly or indirectly identify the victim – helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the victim to ensure that no personally identifying details are shared with the Title IX Coordinator.
- **Peer Health Educators**  
Student Peer Health Educators are mandated to report for statistical purposes all incidents of sexual and gender-based misconduct that are disclosed to them. This report is made to Campus Safety and will not include any information that could identify the Complainant. However, when a Student Peer Health Educator reasonably believes that an individual’s safety is at risk, they will discuss the report with members of the Student Counseling Center and/or Health Promotion staff to determine what information from the report must be shared with administrators at the College responsible for ensuring campus safety. In these situations, Student Peer Health Educators will make every effort to let the student know in advance and offer to go with the student to help facilitate an appropriate campus response.

- The Student Wellness Center, located on the 3rd floor of Case Center, is a student run, administratively affiliated safe space for reporting incidents of sexual and gender-based misconduct and obtaining support after incidents of sexual and gender-based misconduct. Trained Peer Health Educators can help students get help from on and off campus resources. Hours, which vary by semester, are posted on the door to the Wellness Center.

### 3. Private Reporting Sources:

Complainants may speak with a Private Reporting Source if they are considering filing a formal report or complaint. Private Reporting Sources are individuals who are trained to provide students with information and assist with obtaining information and support from available resources at the College and in the Saratoga Springs community. Private Reporting Sources will also provide students with information about the process associated with making a report or a formal complaint with the College or with a law enforcement agency. Although these reporting sources will endeavor to maintain the privacy of the matter and the individuals involved, they are required to disclose necessary information that is disclosed to them to the Title IX Coordinator. In some circumstances, Private Reporting Sources may also be responsible for initiating an investigation of the alleged sexual or gender-based misconduct. Private Reporting Sources include:

- Title IX Coordinator
- Title IX Deputy Coordinator
- Dean of Students/Vice President for Student Affairs
- Campus Safety
- Trained SGBM Support Specialists

### 4. Non-Confidential/Not Private Resources:

Other college resources are individuals who can assist with obtaining campus resources, information and support about available resources at the College. Although these college resources will endeavor to maintain the privacy of the matter and the individuals involved, they are **required** to share what is disclosed to them to the Title IX Coordinator. Non-Confidential/Not Private Campus Resources include:

- Student Affairs administrative staff (except Counseling Center and Health Services staff who are confidential sources, and Victim Advocates, who can protect anonymity)
- Residential Life staff members (Area Coordinator, Assistant Director, Director, etc.)
- Resident Assistants
- Peer Mentors
- Deans
- Faculty
- Coaches and Athletic Trainers
- Student organization faculty/staff advisors

**In addition, a Title IX complaint can be filed with the United States Department of Education, Office of Civil Rights (contact information available in the “Notice of Non-Discrimination” at the beginning of this policy).**

## Accommodations and Supportive Measures

Regardless of whether the Complainant wishes to pursue a Formal Complaint, the College will consider the information provided and take such prompt and effective action as is reasonably possible under the circumstances to support and protect the parties involved and protect the College community. This may include taking appropriate steps before the final outcome of the process, potentially including the emergency removal of the Respondent, after an individualized safety and risk analysis as described below. Additionally, the College may choose to impose other measures at its discretion to restore or preserve equal access to its education programs or activities without unreasonably burdening the other party, including measures designed to ensure the safety of all parties, the broader College community, and/or the integrity of the process, and/or to deter sexual harassment, once again after an individualized analysis as required by Title IX.

Supportive measures may include, but are not limited to:

- Access to counseling and health services;
- Restrictions on contact between the parties;
- Campus escorts;
- Change of on-campus student housing to different on-campus location;
- Rescheduling an academic exam, paper, assignment, etc.;
- Taking an incomplete in a class;
- Transferring of class sections;
- Alternative course completion options;
- Employment modification (change of schedule or assignment, etc.);
- Assistance to seek an Order of Protection from a court of competent jurisdiction; the College will enforce the Order of Protection once notified of its existence and terms (more information on how to obtain on Order of Protection is included in a later section); and/or
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

Please note that supportive measures are available at the request of either the Complainant or Respondent, with or without the filing of a Formal Complaint.

All individuals are encouraged to report concerns about failure of another individual to abide by any requirement applied by a supportive measure, such as a mutually applied No Contact Order. The College will take immediate and responsive action to enforce a previously implemented measure.

The College will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the College's ability to provide the supportive measures.

While any supportive measure is in place, a party impacted by the supportive measure has the right to request that the supportive measure be reviewed for modification or rescission. Reviews will be conducted promptly, and modifications will be made as warranted. Requests must be submitted, in writing, to the Title IX Coordinator and should include the basis and any evidence in support of the request.



## No Contact Orders

College administrators may unilaterally or by request issue a No Contact Order (NCO) when there exists a reasonable concern that physical, psychological, and/or emotional harm may result from such contact. The College will consider all facts and circumstances that may be relevant to whether a standard NCO should be issued, including but not limited to, the following factors:

- When there are allegations, threats, or evidence of physical violence by one student against another;
- When there are allegations, threats, or evidence of emotional abuse or harassment by one student against another;
- When there is a substantial risk of emotional harm from continued contact between students;
- When continued contact between students may have a material impact on campus disciplinary proceedings;
- When requested or agreed to in good faith by both students involved;
- When there are allegations of serious college policy violations; and
- Emergency situations involving personal safety in which the Director of Campus Safety or designee may issue a temporary No Contact Order, which shall be confirmed, modified or rescinded within 72 hours by the Title IX Coordinator or Title IX Deputy Coordinator once all relevant information is reviewed.

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

### *Standard No Contact Order*

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

- Avoid any form of contact with the other party subject to the same NCO. This includes, but is not limited to, (1) calling the other party; (2) sending electronic communication (text message/email/social media) to the other party, (3) sending campus or regular mail to the other party; and/or (3) contacting or communicating with the other party through a third party.

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

In certain instances, as determined on a case-by-case basis after an individualized assessment, proximity restrictions could be added to a standard NCO. Such restrictions may include but are not limited to:

- Restricting a student from being in close proximity to the other student in other spaces;
- Restricting a student's access to certain campus locations, including another student's residence hall;
- Restricting the times a student may be present in on-campus dining facilities;

- Requiring that the students not be enrolled in the same academic course(s); and
- Requiring that the students not participate in the same co-curricular or extra-curricular activities.

### ***Reviewing a No Contact Order for Modification or Rescission***

While any NCO is in place, both students have the right to request that the document be reviewed for modification or rescission. Reviews will be conducted promptly, and modifications to NCOs will be made as needed. Requests must be submitted, in writing, to the appropriate college official as indicated on the issued No Contact Order and should include the basis and any evidence in support of the request.

### ***Enforcement of No Contact Orders***

Intentional violation of a No Contact Order is cause for conduct charges. All reported potential violations will be investigated and adjudicated under the "Failure to Comply" section of the code of social conduct in the *Student Handbook*.

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

Violations of a No Contact Order should be reported to Campus Safety. Although the College encourages individuals to report violations of a NCO promptly, safety is always the top priority. Whenever a student is off campus and believes that their safety is at risk, that student should call 911 immediately. Whenever a student is on campus and believes that their safety is at risk, that student should call Campus Safety at 518-580-5566.

### ***On-Campus Violations:***

- If safety is at risk: Immediately call Campus Safety at 518-580-5566.
- To report a violation of a NCO, Contact Campus Safety at 518-580-5567 or in person on the lower level of Jonsson Tower.

### ***Off-Campus Violations:***

- If safety is at risk: Immediately call 911. Skidmore College is not able to provide immediate assistance in off-campus incidents.
- To report a violation of a NCO, Contact Campus Safety at 518-580-5567 or in person on the lower level of Jonsson Tower.
- The existence or alleged violation of a NCO is not a police matter. If you call 911 to report a safety risk, you should tell the police about your NCO, but they will only enforce violations of law, not College policy related to a NCO or violations of a NCO.

### ***Determination***

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

- size and layout of the space where the alleged NCO violation took place;

- any attempted contact or communication by the subject of the NCO;
- duration of time before the student vacated the space;
- frequency and nature of alleged contact; and
- obligation of the subject of the NCO to be present in the space (i.e., place of work, athletic competition, internship location, etc.)

Any reported alleged violation of a NCO will be investigated promptly. Students who fail to comply with the terms of an NCO may be found in violation of the code of social conduct under "Failure to Comply." Alleged violations of proximity NCOs are subject to review by the Title IX Coordinator or Deputy Coordinator. Additionally, depending on the nature, severity and frequency of the alleged NCO violation as well as other potentially relevant factors, the College reserves the right to apply additional violations under the Code of Social Conduct or the *Enough is Enough* policy. These may include but are not limited to retaliation, stalking, attempted act, and other prohibited conduct. Any such alleged violation will be addressed consistent with the appropriate college policy.

### **College-Imposed Emergency Removal or Administrative Leave**

- The College reserves the right to remove a Respondent from the College on an emergency basis if an individualized safety and risk analysis determines that there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Title IX Sexual Harassment to justify the removal. An Emergency Removal does not assume that the removed student is responsible for the alleged violations.
- If such a removal were to take place, the Respondent would be provided notice and an opportunity to challenge the decision immediately following the removal.
- Emergency Removals are imposed after an individualized safety and risk analysis and in consultation with the Title IX Coordinator and the Vice President of Student Affairs and Dean of Students.
- For faculty and staff as well as student-employees, the College reserves the right to administer an administrative leave consistent with existing policies outside of the scope of Title IX. However, for student-employees, such an administrative leave cannot be punitive or disciplinary, such as the loss of wages, salary, or other forms of compensation, pending the outcome of the process.

## **IX. REPORTING SEXUAL HARASSMENT**

### **Reporting to the College**

Any Skidmore College community member can report an incident of Title IX Sexual Harassment or any other sexual and/or gender-based misconduct to the Title IX Coordinator or Campus Safety at any time. For reports specifically alleging Title IX Sexual Harassment by a student, individuals can also report this to the Title IX Deputy Coordinator for Student Affairs. Any Skidmore employee, who is not a Confidential Resource, is required to report any information they receive about an incident of sexual and/or gender based misconduct harassment to the Title IX Coordinator.

For as long as the Respondent is a currently a Skidmore student, faculty, or staff member any person may file a Formal Complaint of sexual and/or gender-based misconduct with the Title IX Coordinator or designee.

## Reporting to Law Enforcement

It is the Complainant's decision whether or not to file a criminal report. The College encourages Complainants to seek out the support system that feels most appropriate and helpful. It is the policy of Skidmore College, and the Saratoga Springs Police Department, to not issue citations or take disciplinary action against victims who are under the legal drinking age or under the influence of illegal substances who report an assault.

In the event an individual chooses to report to law enforcement, they may do so on their own or request assistance from Campus Safety. Saratoga Springs police can come to campus to take a statement and ensure that the Complainant is physically safe. The police will also interview the Complainant about what happened. The interview is conducted in private, but the Complainant can request to have a friend or another supportive person accompany them if they wish. The police will get as much information as possible about the incident and investigate the case further.

Once an investigation is completed, the police refer the case to the District Attorney's office. The District Attorney's office decides whether or not the case will be prosecuted by considering factors such as the amount of evidence available to prove the charge(s) in court. If the District Attorney decides not to prosecute, this does not mean that the District Attorney doesn't believe that an assault occurred. It means that based on past experience, the District Attorney does not believe that there is sufficient evidence to successfully prosecute the case. To report to local law enforcement, Complainants should contact the Saratoga Springs Police Department at 518-584-1800.

## Violation of Law and College Sanction/Discipline

While sexual harassment under Title IX may constitute both a violation of College policy and criminal activity, the standards for finding a violation of criminal law are different from the standards for finding a violation of this policy, and criminal investigations or reports are not determinative of whether sexual harassment as defined by Title IX has occurred under the College's policy. In other words, conduct may constitute sexual harassment under the College's policy even if it is not a crime or law enforcement agencies lack sufficient evidence of a crime and therefore decline or are unable to prosecute.

The filing of a report of sexual or gender-based misconduct with the College is independent of any criminal investigation or proceedings (except that the College's investigation may be delayed temporarily while the criminal investigators gather evidence), and the College will not necessarily wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and provide supportive measures to the Complainant and protect the College community as necessary.

### **Timely Warning**

If a report of sexual harassment or sex or gender-based misconduct under this policy or other policies discloses information indicating a serious or continuing threat to the Skidmore community, the College may issue a campus wide timely warning (which can take the form of campus flyers and/or an email/text communication to campus community) to protect the health or safety of the community. The College will make every effort to ensure that a Complainant's name and other identifying information are not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

At no time will the College release the name of the Complainant to the general public without the express consent of the Complainant. The release of the Respondent's name to the general public is guided by Family Educational Rights and Privacy Act (FERPA) and the Clery Act.

All College proceedings are conducted in compliance with the applicable requirements of FERPA, the Clery Act, Title IX, the Violence Against Women Act (VAWA), New York's Enough Is Enough law, and other state and federal laws. No information shall be released from such proceedings except as required or permitted by law and College policy.

### **Order of Protection**

Complainants have the right to be assisted by Campus Safety or other official reporting resources in obtaining a court ordered order of protection or, if outside of New York State, an equivalent protective or restraining order. An order of protection can only be issued by a judge if a criminal complaint is made.

If the College receives an order of protection, a copy of the order will be shared with the Complainant or Respondent. Either party will have an opportunity to meet or speak with a College representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the Respondent's responsibility to stay away from the protected person or persons. Consequences for violating these orders may include, but are not limited to, arrest, additional conduct charges, and/or emergency removal.

In the event of a violation of the order of protection, Complainants may receive assistance from Campus Safety in contacting local law enforcement and effecting an arrest.

### **Additional Information on Obtaining an Order of Protection:**

An Order of Protection is a legal document in which a Judge orders someone to follow specific conditions of behavior – that is, tells someone things that they must or must not do.

Police can make immediate arrests if they have good reason to believe those conditions have been violated. The point of an Order of Protection is to maintain peace and provide protection until all the facts have been gathered and the case is heard in Court. The Order remains in effect as written until it is changed or terminated by the Court, or until it expires in accordance with its terms.

There are generally two types of Orders of Protection, Family Court Order and Criminal Court Order. For more information, please see <https://www.nycourts.gov/faq/orderofprotection.shtml#q1>

*Note:* Representatives from Wellspring may assist members of the Skidmore community in obtaining orders of protection from Family Court. Likewise, Campus Safety will assist community members with obtaining orders from the Criminal Court via the police.

Orders of Protection may be enforceable on campus and in other jurisdictions in accordance with their terms, including out of state. This becomes particularly important if the requesting party anticipates problems when they are home or elsewhere during class breaks. Most orders are entered into a nationwide database so police will be able to confirm the existence of an order, even if you don't have a hardcopy with you. More information on the NYS Order of Protection Alert System can be found here: <https://oop.nyalert.gov/OOP/Default.aspx>.

## X. REQUESTING CONFIDENTIALITY/NO FURTHER ACTION

### **Requesting Confidentiality and No Further Action from the College: How the College Will Weigh the Request and Respond**

Prior to filing a Formal Complaint, a Complainant can request that, even though the College has received actual notice of an incident, no further action be taken by the College and that the incident remains private. The Title IX Coordinator and/or designee will review the information received and decide if that option is available. If this option is available, the incident will remain private and no disciplinary action by the College will be taken, but the College will offer supportive measures to the Complainant. The incident will be kept on file with the Title IX Coordinator and may be considered in the event that a future pattern emerges. The College's response to the incident may be re-evaluated if a pattern does emerge. If the Title IX Coordinator or designee has information indicating that the College has a duty to respond to the behavior, regardless of the Complainant's participation in the process, the Title IX Coordinator may move forward with filing a Formal Complaint

In the event that a Complainant does not wish to proceed with an investigation or adjudication process, the Title IX Coordinator or designee will determine, based on the available information, including any investigative report, whether the investigation or conduct proceedings should nonetheless go forward.

When weighing an individual's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator or designee will consider a range of factors, including, but not limited to, the following:

- The increased risk that the Respondent will commit additional acts of sexual and gender-based misconduct or other violence, such as:
  - Whether there have been other sexual and gender-based misconduct complaints about the same Respondent;
  - Whether the Respondent has a history of arrests or records from a prior school indicating a history of violence;
  - Whether the Respondent threatened further sexual and gender-based misconduct or other violence against the Complainant or others;
- Whether the sexual violence was committed by multiple perpetrators;
- Whether the misconduct was perpetrated with a weapon;
- Whether the victim is a minor;
- Whether the Respondent has admitted to the conduct;
- The extent of prior remedial methods taken with the Respondent;
- Whether the College possesses other means to obtain relevant evidence of the misconduct (e.g., security cameras or personnel, physical evidence);
- Whether the Complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.
- Whether the incident represents escalation in unlawful conduct on behalf of the Respondent from previously noted behavior; and
- Whether the incident occurred in the workplace (the College will generally be required to investigate allegations of workplace sexual harassment).

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the College will likely respect the Complainant's request for confidentiality.

The College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Complainant. The College will assess any barriers to proceeding, including retaliation, and will inform the Complainant that Title IX prohibits retaliation and the College will take strong responsive action to protect the Complainant. Where the College is unable to take action consistent with the request of the Complainant, the Title IX Coordinator or designee will communicate with the Complainant about the College's chosen course of action, which may include the Title IX Coordinator filing a Formal Complaint and the College choosing to pursue action against a Respondent on its own behalf. Alternatively, the course of action may also include steps to limit the effects of the alleged misconduct and prevent its recurrence that do not involve formal disciplinary action against a Respondent or revealing the identity of the Complainant.

**If the College determines that it cannot maintain a Complainant's confidentiality,** the College will inform the Complainant prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response.

The College may not require a Complainant or Respondent to participate in any investigation or disciplinary proceeding. Because the College is under a continuing obligation to address the issue of sexual and gender-based misconduct campus-wide, reports of sexual and gender-based misconduct (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual and gender-based misconduct occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

**If the College determines that it can respect a Complainant's request for confidentiality,** the College may nevertheless implement Supportive Measures as necessary to protect the Complainant. If the College honors the request for confidentiality, the Complainant must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the Respondent may be limited.

## **XI. INVESTIGATION PROCESS**

### **Filing a Formal Complaint**

After receiving or filing a Formal Complaint, the Title IX Coordinator will determine how to proceed. The options for next steps include:

1. **Move forward with a Formal Complaint process under this policy:** Information collected in the Formal Complaint gives reasonable cause to believe a violation of this policy may have occurred and warrants further investigation. A full investigation will begin.
2. **Refer the complaint to the proper office if the Title IX policy does not have jurisdiction.** If the one or more allegations alleged in the Formal Complaint:
  - would not constitute Title IX Sexual Harassment as defined in this policy even if proved;
  - did not occur in the College's education program or activity; OR

- did not occur against a person in the United States, then the College is required to dismiss those allegations for purposes of sexual harassment under Title IX and this policy, but may refer the allegations to the appropriate office for a review under any applicable policy as previously noted.

The Title IX Coordinator also may (but is not necessarily required to) dismiss a Formal Complaint or any of its allegations if at any time during the investigation or hearing (a) the Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any specific allegation; (b) the Respondent is no longer enrolled or employed by the College; or (c) specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or one or more of its allegations.

In the event a Formal Complaint is dismissed in whole or in part under this policy as described above, both the Complainant and the Respondent may appeal this dismissal and request to have the dismissed allegations reinstated under the Title IX process. Appeals should be sent to the Title IX Coordinator, who will refer the matter to the appropriate personnel for review. Please review the Appeals section below for further information about the appeals procedure.

Please note that the filing a Formal Complaint or the initiation of an investigation under this policy is not a presumption that the respondent is responsible for the alleged conduct.

## Alternative Resolution Process

If the Complainant and Respondent both wish to pursue an alternative resolution, the Title IX Coordinator or designee will facilitate this process. Please note that no party will ever be required to engage in an Alternative Resolution Process, and the process itself does not involve any in-person or face-to-face meetings between the parties.

After a complaint has been filed, all parties will receive a full disclosure of the allegations and a description of the adjudication process from the Title IX Coordinator or designee. The Alternative Resolution Process can be engaged only by mutual agreement by both parties and with the approval of the Title IX Coordinator before or at any time during the investigation and adjudication of the complaint prior to a finding. In either event, all parties must agree in writing to participate before the Alternative Resolution Process can commence.

Once the Alternative Resolution Process has been initiated, a party can elect to end the process at any time. At that point, that process will stop, and the formal investigation and adjudication process will proceed. Anything that is discussed during the Alternative Resolution Process, but that is not formally agreed to, is not binding on the parties.

If a resolution is reached through the Alternative Resolution Process, it will be formalized by a written agreement and must be signed by both parties and the Title IX Coordinator or designee to implement. Part of the resolution may include an acceptance of responsibility if that is agreed upon by all parties.

**Regardless of whether accepting responsibility is part of the agreement, the agreement must adequately address the rights and concerns of the Complainant, the rights and concerns of the Respondent, and the overall intent of the College to stop, remedy and**



**prevent sexual and gender-based misconduct as outlined in the College’s Title IX policy or related policies.**

In the event an agreement cannot be reached through the Alternative Resolution Process, any party’s willingness to engage in the Alternative Resolution Process will not be considered as part of the investigation and adjudication throughout the formal process. Neither the Title IX Coordinator nor the parties will disclose to the Adjudication Panel either the fact that the parties had participated in the Alternative Resolution Process or any information learned during that process (including statements made by the parties in the Alternative Resolution Process).

With the approval of all parties, an alternative resolution agreement could include but is not limited to, remedies such as:

- Implementing agreed upon measures or sanctions, such as:
  - No Contact Order (Standard/Proximity)
  - Counseling and/or Professional Assessment
  - Voluntary Personal Leave
  - Change in student housing
  - Change in on-campus work schedule or job assignment
  - Change in class schedule or other academic measures (in conjunction with and approval by the appropriate faculty or academic office)
  - Community Service
  - Acceptance of responsibility
  - One-time or recurring meetings with an appropriate administrator
  - Other specific measures or restrictions, such as
    - Schedules for when certain buildings/facilities/services can be accessed
    - Schedules for when certain off-campus buildings, establishments, and other locations can be accessed
    - Limitations on participating in clubs, activities, sports teams, SGA, or other College programs
  - Reimbursement for lost or damaged property
  - A written apology or self-reflection paper from the Respondent
  - Increasing monitoring or security at specified locations
  - Other **sanctions** as stated in the Title IX Policy
  - Any other remedy that can be tailored to the parties to achieve the goals of the Policy.

Please note that any type of monetary offering or settlement would be prohibited in any agreement with the exception of a reimbursement of lost or damaged property related to the complaint.

Agreed upon measures can incorporate suspension or expulsion from the College. If suspension or expulsion are included in the resolution, each party will have up to three business days after the agreement is signed to appeal. The appeal must be submitted in writing to the Title IX Coordinator or designee. It will then be reviewed by the Dean of Students and Vice President for Student Affairs and will be considered on the following grounds:

- A procedural error occurred that significantly impacted the outcome of the process (e.g. substantiated bias, material deviation from established procedures, etc.);

- The discovery of new information, unavailable to the appealing party during the process, that could substantially impact either of the party's willingness to enter an agreement; or
- Sanctions or remedies are disproportionate to the nature or severity of the violation(s), taking into account the totality of the circumstances (including the cumulative conduct record of the Respondent, if any).

An alternative resolution agreement may incorporate a formal Acceptance of Responsibility by the Respondent. Such an acceptance will be considered a formal finding of responsibility and would be indicated on the student's conduct record. If the agreement provides for a suspension, withdrawal, or expulsion of the Respondent from the College, there will be a **transcript notation** in compliance with NY's *Enough is Enough* and Skidmore's SGBM policy.

Any agreement reached must be approved by the Title IX Coordinator. Any remedy, stipulation, or sanction requested by any party that is not listed above is subject to review and requires approval from the Title IX Coordinator or designee. The Title IX Coordinator or designee cannot advise any party as to whether they should pursue, agree, or reject an agreement or any proposed remedy, stipulation, or sanction therein.

To initiate this process, all parties are required to review the Permission to Initiate the Alternative Resolution Process Checklist with the Title IX Coordinator or designee. Additionally, each party must consult with an SGBM Support Specialist (including a Victim Advocate). If a party does not wish to consult with an SGBM Support Specialist, the party must submit a written request that identifies an appropriate advisor of choice to the Title IX Coordinator or designee for review and approval. It is recommended that a party work with such an advisor, or a SGBM Support Specialist, throughout the process.

If all parties wish to engage in an Alternative Resolution Process and if both parties agree, the College can postpone the start of its investigation for up to 10 business days as parties attempt to reach an agreement and can extend this period with agreement from both parties. At any point during these initial 10 days or after, either party has the right to cease the Alternative Resolution Process and start (or resume) **the formal investigation and adjudication process**.

If an agreement is reached and signed by all parties and the Title IX Coordinator or designee, the College would end its investigation and adjudication, and the matter would be considered closed. All parties would waive their right to appeal the agreement except for when either suspension or expulsion are part of the agreement. Please note that the agreement would not prohibit any party from pursuing the matter through law enforcement or another external agency.

Unless there is new and significant information (especially if such information was not available at the time of the agreement) neither the College nor the Complainant will be permitted to reopen the complaint. This does not preclude any party's ability to file a complaint in the future regarding a different matter.

Any agreement by all parties and approved by the College is considered to be a directive of the College. Any violation of any of the stipulations would be grounds for misconduct charges. Such allegations will be investigated and adjudicated under the Failure to Comply section of the Code of Social Conduct in the Student Handbook.

A written copy of the agreement will be provided to the Office of the Associate Dean of Residential Life and Student Conduct and also maintained by the Title IX Coordinator for

recordkeeping, pattern-tracking, and sharing with College personnel as needed for implementation.

The Title IX Coordinator has the right to determine that an Alternative Resolution Process would not be an appropriate option based on the nature and severity of the allegations, as well as the right to end an Alternative Resolution Process that may already be underway. Any agreement reached is under the purview of Skidmore College and does not affect or preclude any party's ability to pursue a complaint with law enforcement or another external entity.

## Full Investigation

In all cases of alleged Title IX Sexual Harassment, the College will respond to the report in a prompt, impartial, procedurally fair, and effective manner. Upon submission of a Formal Complaint, the College will strive to complete the investigation and adjudication processes (excluding the appeal process) within sixty (60) calendar days. This time frame and other time frames in this policy may be extended due to circumstances including but not limited to unavailability of one or more parties or advisors due to unanticipated events or circumstances, the timing of academic breaks or holidays, concurrent law enforcement activity, or other extenuating circumstances. Delays due to concurrent law enforcement activity should not exceed ten calendar days except when law enforcement authorities specifically request and justify a longer delay. The parties will be notified of the reasons for such extensions.

Throughout the investigation and adjudication process, a Complainant and Respondent may be accompanied by their Advisor of Choice to all meetings, investigation interviews, and/or hearings pertaining to the complaint. Additionally, the Complainant and Respondent may be accompanied by a SGBM Support Specialist, and/or an Advisor of their choosing to all meetings, investigation interviews, and/or hearings pertaining to the complaint.

Please keep in mind that any advisor or support specialist is not permitted to speak on behalf of the party they are supporting, as described on page 9 under the definition of Advisor of Choice, other than at the hearing specific to the cross-examining advisor.

### **Investigation Process:**

An investigation into whether a violation of this policy has occurred will begin after a Formal Complaint has been filed.

The Title IX Coordinator or designee will then reach out to the parties to provide them Written Notice of the Formal Complaint, including (to the extent known) the identities of the involved parties; the date, time, and location of the alleged misconduct; the factual allegations then known allegedly constituting a violation; the policy provisions allegedly violated; potential sanctions; and their right to

- an Advisor of their Choice, who may be, but is not required to be, an attorney;
- their right to inspect and review evidence in accordance with this policy;
- notice that knowingly making false statements or knowingly submitting false information is prohibited under this policy among others; and
- that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process.

This information will be provided in sufficient detail and with sufficient time to prepare a response before any initial interview. If, in the course of the investigation, the College decides to investigate allegations that are not included in the notice initially provided to the parties, the Title IX Coordinator or designee will provide notice of the additional allegations to the parties.

Throughout the investigation and adjudication, the College assumes the responsibility for gathering evidence, and it is not the responsibility of the parties to conduct their own investigation. Parties will also maintain the following rights throughout the investigation:

- An equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- Not be restricted to discuss the allegations under investigation or to gather and present relevant evidence;
- The same opportunities to have others present during any proceeding, including the opportunity to be accompanied to any related meeting or proceeding by their Advisor of Choice, who may be, but is not required to be, an attorney.
- Written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
- Equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation;
- Access to the evidence prior to completion of the investigative report for inspection and review in an electronic format or a hard copy;
- A minimum of 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
- Access to all such evidence (along with their advisor) subject to the parties' inspection and review as described above at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and
- An investigative report that fairly summarizes relevant evidence, that will be provided to the parties and their advisors a minimum of 10 days prior to a hearing in an electronic format or a hard copy, for their review and written response.

Please note that any evidence, including a party or witness interview, that was reasonably available during the investigation but was not provided during the investigative stage will NOT be permitted to be introduced at the hearing. Any proposed exception will be reviewed by a designated member of the Hearing Panel or single adjudicator and determined on a case-by case basis.

Recordings of investigative interviews or any such meeting throughout the investigative process is strictly prohibited. Any party, witness or employee who creates an unauthorized recording of meetings or interviews related to the complaint will be charged with a policy violation under the applicable policy. Advisors who record on behalf of a party will be expelled from the process, and charges of a policy violation will be applied to the party who was advised by that advisor under the appropriate policy.

Once the investigation report is final, it is turned over to the Hearing Administrator to begin the adjudication process along with any responses from the Complainant and Respondent.

## **XII. ADJUDICATION HEARING**

Once the final investigation report is complete and responses have been collected (or the time to submit responses has expired), the Hearing Administrator will provide the report and responses to the Hearing Panel or Adjudicator to review. Hearing Panelists or Adjudicators may be members of the campus community or may be external to the College as determined by the Title IX Coordinator.

The Complainant and Respondent have a right to petition that the Adjudicator or a Hearing Panelist be removed on the basis of knowledge of one or more of the participants in the case that may impair – or may be perceived to impair – their ability to review and determine a case impartially, or on the basis of any other conflict of interest or bias for or against complainants or respondents generally or the Complainant(s) or Respondent(s) in the case. An Adjudicator or Panelist is also encouraged to remove themselves from the process if they have any knowledge of circumstances or information that may impair – or may be perceived to impair – their ability to review and determine a case impartially, and to recuse themselves if their participation might compromise the integrity of the adjudication process.

The Complainant and Respondent will be informed in writing of the date and time of the hearing no later than 10 days before it takes place. Requests to alter the date/time of the hearing must be submitted to Title IX Coordinator within 48 hours of the time the parties are informed of the proposed date and time of the hearing. **If a party or their advisor is not available during the proposed hearing date/time, they can request for it to be rescheduled, but a hearing will only be delayed up to 5 business days due to party/advisor availability.** If the party's advisor is not available within the five business days referenced, then the party must either find a new advisor or have one assigned to them by the College. Requests for exceptions due to special circumstances will be reviewed and addressed on a case-by-case basis.

The Complainant and Respondent may be accompanied by one Advisor of Choice to conduct cross-examination during the hearing and a secondary Advisor of Choice who is limited to advising and consulting with their respective party and may not speak on their party's behalf during the hearing.

Pursuant to Title IX, at the live hearing the parties are provided the following rights and procedures:

- After the Hearing Panel or Adjudicator has an opportunity to pose questions to a party or witness, the Hearing Panel or Adjudicator will permit each party's Advisor of Choice to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility; provided that questions that seek disclosure of information protected under a legally recognized privilege will not be permitted unless the person holding the privilege has waived the privilege.
- Such cross-examination must be conducted directly, orally, and in real time by the party's Advisor of Choice and never by a party personally.

- At the request of either party, parties may be located in separate rooms with technology enabling the Hearing Panel or Adjudicator and parties to simultaneously see and hear the party or the witness answering questions.
- Only relevant cross-examination questions may be asked of a party or witness.
- Before a Complainant, Respondent, or witness answers a cross-examination question, the Hearing Panel or Adjudicator will first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
- If a party does not have an advisor present at the hearing, the College will provide without fee or charge to that party, an advisor of the College’s choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
- 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 offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
  - concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.
- If a party or witness does not submit to cross-examination at the live hearing or does not attend the hearing, the Hearing Panel or Adjudicator must not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Hearing Panel or Adjudicator will not draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.
- Live hearings may be conducted with all parties physically present in the same geographic location or, at the College’s discretion, any or all parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling participants simultaneously to see and hear each other.
- The College will create an audio or audiovisual recording, or transcript, of the hearing and make it available to the parties for inspection and review. Any other recording during the hearing is strictly prohibited. Any party, witness or employee who creates an unauthorized recording of the hearing will be charged with a policy violation under the applicable policy. Advisors who record on behalf of a party will be expelled from the process, and charges of a policy violation will be applied to the party who was advised by that advisor under the appropriate policy.

Formal rules of evidence will not apply at the hearing. Except as otherwise expressly prohibited by this policy, any information that the Hearing Panel or Adjudicator determines is relevant may be considered, including hearsay, history and information indicating a pattern of behavior, and character evidence. The Hearing Panel or Adjudicator will address any concerns regarding the consideration of information prior to and/or during the hearing and may exclude irrelevant information. Subject to the terms of this policy, the Hearing Panel or Adjudicator will have discretionary authority to determine all questions of procedure, to determine whether particular questions, evidence or information will be accepted or considered, to call breaks or temporary adjournments of the hearing, and/or to recall parties or witnesses for additional questions as the Hearing Panel or Adjudicator deems necessary or appropriate. The Hearing Panel or Adjudicator may impose additional ground rules as the Hearing Panel or Adjudicator may deem necessary or appropriate for the orderly and efficient conduct of the hearing, which will apply equally to both parties.

Following conclusion of the hearing, the parties and their advisors will depart and the Hearing Panel or Adjudicator will determine whether or not the Respondent violated the Title IX policy as alleged in the Formal Complaint by finding either: “Responsible” or “Not Responsible” with

respect to each allegation, using the Preponderance of the Evidence standard. A preponderance of the evidence exists when a reasonable person, after a careful balancing of available information, would conclude that it is “more likely than not” a violation has occurred and the Respondent is responsible for the violation.

- **Impact Statement:** The Complainant and Respondent each have the right to prepare and submit, in writing, an Impact Statement to be considered by the Hearing Panel or Adjudicator while determining sanctions. Impact statements may outline the Complainant’s or Respondent’s thoughts regarding an appropriate sanction. The Hearing Panel or Adjudicator is not bound by these statements in determining sanctions. Impact statements are optional and are only admissible if a violation is found.

## Determination Regarding Responsibility

The Hearing Panel or Adjudicator will issue a written determination. The written determination will include the following:

- A. Identification of the allegations potentially constituting Title IX Sexual Harassment
- B. 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;
- C. Findings of fact supporting the determination;
- D. Conclusions regarding the application of the College’s Title IX policy and Student Code of Social Conduct to the facts;
- E. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College will be provided to the Complainant; and
- F. The College’s procedures and permissible bases for the Complainant and Respondent to appeal.

The Hearing Administrator will provide the written determination to the parties simultaneously within 5 business days after the hearing or as soon thereafter as practicable.

The Title IX Coordinator is responsible for coordinating effective implementation of any remedies.

## Sanctions

Sanctions are designed to stop the harassing behavior, prevent its reoccurrence, and remedy the effects upon the victim and community. Sanctions preserve individual and institutional safety and integrity and, whenever possible and appropriate, help offenders repair the damage to the individual and community for which they have been found responsible. Individuals found to be responsible for sexual and gender-based misconduct offenses involving penetration regardless of the genders of the parties involved will likely face a recommended sanction of suspension or expulsion. Individuals found to be in repeat violation of sexual and/or gender-based misconduct offenses will likely face a recommended sanction of suspension or expulsion.

The Title IX Coordinator and Office of Residential Life maintains a record of all student misconduct and sanctions applied, and these are admissible in subsequent student conduct proceedings involving the student(s) in question. Student misconduct may have an impact on eligibility for academic prizes and honors, eligibility to hold a student leadership position, participation and/or status in the housing selection process, law school applications, security clearances, etc.

When considering appropriate sanctions for the violation, the Hearing Panel or Adjudicator will consider the following information (in no particular order):

- a. The nature and violence of the conduct;
- b. The Respondent's prior discipline history;
- c. The impact of the conduct on the Complainant, and their desired sanctions, if known;
- d. The impact of the conduct on the Skidmore community, its members, and/or its property;
- e. How the College has sanctioned similar incidents in the past;
- f. Whether the Respondent has accepted responsibility; and
- g. Any other mitigating or aggravating circumstances, including the College's values.

The sanctions available to the Adjudication Panel to assign include, but are not limited to, the following:

- **Professional Assessment:** Completion of a professional assessment and ongoing compliance with all recommendations that could help the student or the College ascertain the student's ongoing supervision or support needs to successfully participate in the College community.
- **Educational Program:** The Hearing Panel or Adjudicator may require the Respondent 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 was found responsible. Students may be required to complete a workshop, online education courses, research or a reflection paper articulating the harm caused by their actions and/or strategies they may adopt to prevent further disruptive behavior.
- **Specific Restriction(s):** The Hearing Panel or Adjudicator may impose specific restrictions on an individual to prevent either access to an area of campus or participation in one or more College or College-recognized or sponsored programs or activities (e.g. commencement).
- **No Contact Order:** The Hearing Panel or Adjudicator may decide to continue and/or impose a prohibition against having any avoidable contact with one or more identified persons, in person or through telephonic, electronic, written or other means. A No Contact Order may include additional restrictions and terms.
- **College Housing Reassignment or Suspension:** The Hearing Panel or Adjudicator may reassign the student to another College housing facility, or may remove the student from College housing for a specified period of time, including permanent removal.
- **Disciplinary Probation:** If determined appropriate by the Hearing Panel or Adjudicator a student may be placed on Disciplinary Probation. In such a case, any subsequent violation of this policy (or other college policy) is likely to result in suspension or expulsion. Note that some campus organizations do not permit their members to serve in leadership positions or hold campus jobs if they are on Disciplinary Probation. Probation may also affect eligibility for study abroad, attending conferences, or representing the College at an official function, event or intercollegiate competition as a player, manager or student coach, etc.



- **College Suspension:** The Hearing Panel or Adjudicator may recommend suspension to the DoS/VPSA. During the suspension period, the student is prohibited from being present on or at College property, functions, events and activities without prior written approval from the appropriate personnel. The Hearing Panel or Adjudicator may also assign specific sanctions, such as a professional assessment or community service, for completion during the suspension period. While suspended, students may transfer up to 18 credits taken at another institution, subject to the usual review by the Registrar. In the event of a suspension the College follows the refund practices for personal leaves. Further information may be found on the [Bursar's Office website](#). A decision for suspension constitutes a recommendation to the DoS/VPSA, who will consider whether to accept or modify the recommendation either during the appeal process or during a review if no appeal is submitted. Students wishing to return from a suspension must contact the CA by the date specified in their outcome letter in order to commence the readmission processes.
- **College Suspension in Abeyance:** In cases of suspension, the Hearing Panel or Adjudicator may decide that there are circumstances that mitigate against the immediate separation of the student from the College. For example, they may allow the student to complete the current semester's coursework and begin their suspension period at the semester's end. However, should the student be found in violation of the Honor Code, the Code of Social Conduct, this policy or the Enough is Enough policy during the period of abeyance, the abeyance may be lifted and the suspension shall take effect immediately and continue through the originally scheduled expiration date for the suspension (subject to any additional sanctions that may be imposed as a result of the new violation).
- **Expulsion:** The Hearing Panel or Adjudicator may recommend expulsion to the DoS/VPSA. The student is prohibited from being present on or at College property, functions, events or activities. Expulsion is a permanent status. The Respondent must leave the College immediately and cannot register again as a student without going through a full readmission process. A decision for expulsion constitutes a recommendation to the DoS/VPSA, who will consider whether to accept or modify the recommendation either during the appeal process or during a review if no appeal is submitted.
- **Degree Revocation:** In the event of serious misconduct committed while still enrolled, but for which the Respondent is found responsible after the Respondent has graduated, the College may revoke that student's degree. The student will be asked to return the diploma.

A student who fails to comply with assigned sanctions will generally be placed on hold and may receive additional, more substantial sanctions. In the case of graduating seniors, students may not receive diplomas or transcripts or participate in the graduation ceremony until completion of all sanction requirements, unless specifically permitted by the Adjudication Panel.

## Transcript Notation

For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. § 1092(f)(1)(f)(i)(i)-(viii) for which a Respondent is found responsible and assessed a sanction of suspension or expulsion, Skidmore shall make a notation on the transcript of the Respondent that they were "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." For the Respondent

who withdraws from Skidmore while conduct charges for such offenses are pending, and declines to complete the disciplinary process, Skidmore shall make a notation on the transcript of the Respondent that they “withdrew with conduct charges pending.” Students who are suspended after a finding of responsibility for an offense as described above may submit a written appeal to the Dean of Students/Vice President of Student Affairs requesting that the transcript notation be removed from their transcript. Such a notation may not be removed from a student’s transcript prior to one year after conclusion of the suspension. Notations for expulsion will not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

## Special Procedures

### A. False Reports

The College will not tolerate false allegations of incidents of sexual or gender-based misconduct. Complaints made in good faith that are not substantiated through the processes described in this policy will not be considered false allegations. It is a violation of the *Student Code of Conduct* to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws. Any individual who knowingly, maliciously, or frivolously makes a false allegation of sexual or gender-based misconduct will be subject to disciplinary action up to and including suspension or expulsion. Similarly, any party or witness who is later proven to have intentionally given false information during the course of an investigation or conduct process may be subject to disciplinary action.

### B. Past Title IX Violations, Past Conduct Violations, and Legally Recognized Privilege

1. If, in the past, a Respondent was found to have violated this policy or others (“Past Violation”), the information related to the Past Violation may be shared by the Hearing Administrator and considered by the Hearing Panel or Adjudicator prior to determining responsibility and sanctions, if:
  - A. The previous violation was substantially similar to the present complaint and therefore relevant; and
  - B. The previous violation indicates a relevant pattern of behavior and substantial conformity with that pattern by the Respondent.
2. Past Violations that were not substantially similar or other student misconduct (ex. Alcohol and other drug violations) may be shared by the Hearing Administrator after the Hearing Panel or Adjudicator has determined responsibility but prior to determining sanctions.
3. The Investigator(s) and Hearing Panel or Adjudicator will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege

## Appeal Process

Both parties can appeal the determination as well as an earlier dismissal of a Formal Complaint or any allegations therein, within 3 days of the relevant determination, on the following bases:

- A. Procedural irregularity that affected the outcome of the matter; and/or
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or

- C. The Title IX Coordinator, investigator(s), or Hearing Panel or Adjudicator 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.; and/or
- D. Sanctions are disproportionate to the nature or severity of the violation or violations, taking into account the totality of the circumstances (including the cumulative conduct record of the Respondent, if any).

### **To File an Appeal:**

- Submit a written appeal to the Hearing Administrator, or designee, within three (3) business days of the relevant determination being made available.
- Written appeals will be submitted to the other party for their response, which must be submitted within two (2) business days.

### **To Respond to an Appeal:**

- Parties will be notified of the other party's appeal once it has been received by the Hearing Administrator or designee.
- All parties will have access to all the written appeals and responses submitted by all parties after the submission deadlines have ended.

If an appeal is filed, the Hearing Administrator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. For an appeal of a finding and/or sanction by a Hearing Panel or Adjudicator, an Appeal Panel will be convened, consisting of the Dean of Students and another panelist. The Appeal Panelists will not include the Adjudicator or any of the Hearing Panelists (as applicable), the investigator or the Title IX Coordinator.

For an appeal of a complaint dismissal, the Title IX Coordinator in consultation with the Dean of Students will designate an appropriate staff member. In the event that an appeal is filed to contest the dismissal of a Formal Complaint or any allegations therein, the designee may uphold the dismissal or direct the reinstatement of the Formal Complaint or one or more allegations therein.

The Complainant and Respondent have a right to petition that an Appeal Panelist be removed on the basis of knowledge of one or more of the participants in the case that may impair – or may be perceived to impair – their ability to review and determine an appeal impartially, or on the basis of any other conflict of interest or bias for or against complainants or respondents generally or the Complainant(s) or Respondent(s) in the case. Appeal Panelists are also encouraged to remove themselves from the appeal process if they have any knowledge of circumstances or information that may impair – or may be perceived to impair – their ability to review and determine an appeal impartially, and to recuse themselves if their participation might compromise the integrity of the appeal process.

Both parties will have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. If a party submits an appeal, the other party will have an opportunity to submit a response. That response will be shared with the party who appealed but will not be subject to an additional response. After review, the Appeals Panel will issue a written decision describing the result of the appeal and the rationale for the result, providing the written decision simultaneously to both parties.

The Appeal Panel will review the appeal and render a decision within 10 business days after receiving the written appeal and any responses from the Hearing Administrator, or as soon as practicable thereafter. The decision of the Appeal Panel is final, subject to any further proceedings ordered by the Appeal Panel.

## **Potential Appeal Outcomes**

The Appeal Panel will meet in private to review all available case material, including (as applicable) the full investigation report, submitted impact statements, outcome letters (with written rationale), appeal statements and the recording or transcript of the hearing. After a review of all available information, the Appeal Panel may decide to:

- Decline to consider the appeal if it is not based on one or more of the criteria listed above,
- Ask the original Hearing Panel or Adjudicator to reconsider the case based on new information, or
- Implement a new Hearing Panel or Adjudicator to decide the case de novo, or
- Make a final determination either upholding or altering the outcome of the hearing, which may include but is not limited to:
  - Adding or removing one or more sanctions
  - Increasing or decreasing the duration of one or more sanctions
  - Reversal of the finding of Adjudicator/Hearing Panel's finding(s)
  - Alteration of deadlines related to sanction completion

In the event that the sanction determined by the Hearing Panel or Adjudicator is suspension or expulsion and no appeal is submitted by any party, the decision will still be reviewed by the Dean of Students and Vice President for Student Affairs (DoS/VPSA). Both parties can submit written statements to be considered by the DoS/VPSA during this review process.

\*The timeline above may change depending on individual circumstances of the case. If there are any changes to the appeal timeline, this will be communicated by the DoS/VPSA or their designee to all parties involved.

\*\*During the appeal process, the DoS/VPSA may implement interim restrictions for sanctions such as suspension or expulsion to allow the Respondent to continue to take classes but protect the safety and well-being of the Complainant.

## **XIII. LIABILITY INFORMATION FOR EMPLOYEES**

Skidmore College provides liability protection for employees for their work on behalf of the College, including their work as a Hearing Panelist, Adjudicator, Investigator, advisor, advocate, or other relevant role throughout the Title IX process. The liability insurance provided is the Educators' Legal Liability and General Liability policies. The Educators' Legal Liability protects against claims for "wrongful acts", such as harassment or discrimination. General Liability insurance protects against claims for bodily injury or property damage. Both policies are placed with United Educators.

For more information, please contact the Office of Risk Management at 518-580-5812.

## XIV. SERVICES AND RESOURCES

### On-Campus Resources

- **\*Counseling Center (Confidential):** 518-580-5555  
(9 a.m. - 12 noon, 1 p.m. - 5 p.m. Monday - Friday while school is in session)
- **\*Health Services (Confidential):** 518-580-5550  
(9 a.m. - 12 noon, 1 p.m. - 4:30 p.m. Monday - Friday, and 12 noon - 5 p.m. Sunday while school is in session)
- **Victim Advocates (Anonymous)**  
Jen McDonald, Director of Health Promotion: 518-580-5684  
Kim Golemboski, Prevention Specialist: 518-580-5484  
Wendy Walker, Prevention Specialist: 518-580-8256
- **Wellspring Advocate (Confidential, Not affiliated with Skidmore College)**  
A victim advocate from Wellspring (formerly Domestic Violence and Rape Crisis Services of Saratoga County) is on campus and accessible to individuals during set times
  - See <https://www.skidmore.edu/sgbm/contacts.php> for exact times and contact information.
- **\*Campus Safety:**  
518-580-5566
- **Title IX Coordinator (Private)**  
Joel Aure: 518-580-5708
- **Title IX Deputy Coordinator (Private)**  
Gabriela Melillo: 518-580-5022
- **Dean of Students/Vice President of Student Affairs (Private)**  
Cerri Banks: 518-580-5760
- **\*Administrator ON-CALL:** 518-580-5566  
(Call Skidmore Campus Safety to contact “on-call” person)

*\*indicates availability 24 hours a day/7 days a week*

### Off-Campus Confidential Reporting Sources

- **\*Wellspring Saratoga Springs 24 Hour Hotline:** 518-584-8188
- **\*Saratoga Hospital Emergency Room:** 518-583-8313
- **Saratoga Planned Parenthood/Schenectady Planned Parenthood:** 518-584-0041 or 518-374-5353
- **\*NYS Sexual Violence Hotline:**
  - English: 1-800-942-6906
  - Spanish: 1-800-942-6908
  - English TTY: 1-800-818-0656
  - Spanish TTY: 1-800-780-7660

### Off-Campus Reporting Sources

- **\*Saratoga Springs Police Department:** 518-584-1800

- **\*New York State Police Hotline:** 1-844-845-7269 (dedicated 24-hour hotline for sexual assaults occurring on a New York State college campus)
- **Office of Civil Rights**  
New York Office  
Office for Civil Rights  
U.S. Department of Education  
32 Old Slip, 26th Floor New York, NY 10005-2500  
Telephone: 646-428-3900  
FAX: 646-428-3843  
TDD: 800-877-8339  
Email: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

*\*indicates availability 24 hours a day/7 days a week*

*Policy revised in August 2020.*

*This policy may be amended, in writing, by Title IX Coordinator in consultation with the Vice President of Student Affairs and Dean of Students.*

[<sup>1</sup>] For complaints against employees, the relevant faculty or staff SGBM policy would apply. Please visit [www.skidmore.edu/sgbm](http://www.skidmore.edu/sgbm) for more.

## ***ENOUGH IS ENOUGH POLICY***

### **I. NOTICE OF NON-DISCRIMINATION**

Skidmore College does not discriminate on the basis of sex in its educational, co-curricular, athletic, or other programs or in the context of admissions or employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that:

*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.*

**Skidmore College, as an educational community, will promptly and equitably respond to all reports of sexual and gender-based misconduct in order to eliminate the misconduct, prevent its recurrence, and address its effects on any individual or the community**

**Please note that the following policy addresses sexual and gender-based misconduct, including but not limited to Sexual Harassment, Sexual Assault, Intimate-Partner Violence, and Stalking, outside of the jurisdiction of Title IX.**

**Sexual Harassment as defined in the 2020 Final Title IX regulations (ie. Title IX Sexual Harassment), 34 CFR Part 106, as released on May 6, 2020 by the United States**

**Department of Education (“Title IX Sexual Harassment”) is addressed in the Title IX Policy.**

**While several College policies govern sexual and gender-based misconduct (SGBM), it is not the responsibility of a Complainant to determine which policy will apply to address an incident of sexual or gender-based misconduct. When any report of any sexual or gender-based misconduct is communicated to the Title IX Coordinator or designee, the report will be reviewed by the Title IX Coordinator. If the report aligns with the definition and jurisdiction of Title IX as defined by the 2020 regulations, the procedures of the Title IX Policy will be applied. If it does not, then the report will be referred to the appropriate personnel for review under the applicable student policy, such as this policy (ie. *Enough is Enough* Policy) or Student Code of Conduct, or to the applicable employee policy. To illustrate this, a diagram has been provided in Section III.**

Please note that in instances when there are alleged Student Conduct or *Enough is Enough* policy violations that are directly related to or arise from an alleged Title IX policy violation, all such alleged violations will be consolidated into the Title IX process and utilize Title IX procedures as determined by the Title IX Coordinator.

Inquiries or complaints about the application of Title IX may be directed to the College’s Title IX Coordinator and/or to the U.S. Department of Education’s Office for Civil Rights.

Skidmore College’s Title IX Coordinator oversees compliance with all aspects of the Title IX policy. The Title IX Coordinator reports directly to the President of the College, and questions about this policy should be directed to the Title IX Coordinator. Anyone wishing to make a report relating to sexual and gender-based misconduct can report to the appropriate individual(s), listed below (*last updated on July 14, 2020*):

**Reports Alleging Sexual or Gender-Based Misconduct Involving Any Skidmore Student, Faculty, or Staff Member:**

Joel Aure  
Title IX Coordinator  
Palamountain 434  
815 North Broadway  
Saratoga Springs, NY 12866  
518-580-5708  
[jaure@skidmore.edu](mailto:jaure@skidmore.edu)

Campus Safety  
Jonsson Tower (ground floor)  
815 North Broadway  
Saratoga Springs, NY 12866  
518-580-5566  
[campus-safety@skidmore.edu](mailto:campus-safety@skidmore.edu)

\*For emergencies or immediate assistance on-campus, please call Campus Safety at x5566\*

**Reports Alleging Sexual & Gender-Based Misconduct Involving a Skidmore Student:**

Gabriela Melillo  
Title IX Deputy Coordinator in Student Affairs  
Case Center 205  
518-580-5022  
[gmelillo@skidmore.edu](mailto:gmelillo@skidmore.edu)

**Reports Alleging Sexual & Gender-Based Misconduct Involving a Skidmore Faculty Member:**

Janet Casey  
Associate Dean of the Faculty for Diversity and Faculty Affairs  
Professor of English  
Palamountain 416  
(518) 580-5705  
[jcasey@skidmore.edu](mailto:jcasey@skidmore.edu)

**Reports Alleging Sexual & Gender-Based Misconduct Involving a Skidmore Faculty or Staff Member:**

Sarah Delaney Vero, Esq.  
Assistant Director of Employment and Workforce Diversity  
Barrett Center  
518-580-5800  
[svero@skidmore.edu](mailto:svero@skidmore.edu)

**Office of the Dean of Students and Vice President for Student Affairs**

Additionally, for any student who is uncertain who to contact about any matter related or unrelated to this policy or if they are unsure if they wish to contact any of the individuals above, they can always contact the Office of the Dean of Students and Vice President for Student Affairs to speak with:

Lorri Riggs  
Assistant Dean of Student Affairs for Student Success  
Case Center 313  
518-580-5788

If student wishes to speak to a confidential or anonymous resource, those are listed in Section VIII of this policy.

**Off Campus:**

Saratoga Springs Police Department  
518-584-1800

Office of Civil Rights  
New York Office for Civil Rights  
U.S. Department of Education 32 Old Slip, 26th Floor  
New York, NY 10005-2500  
Telephone: 646-428-3900  
FAX: 646-428-3843



### **Anonymous Reporting**

**Additionally, anonymous reports can be made using the online reporting form.**

## **II. SKIDMORE COLLEGE STATEMENT OF SEXUAL VALUES**

Skidmore College is committed to providing a learning, working, and living environment that reflects and promotes personal integrity, civility, and mutual respect. Members of the Skidmore community have the right to be free from all forms of abuse, assault, harassment, and coercive conduct, including sexual and gender-based misconduct, as defined in this policy. Skidmore College considers sexual and gender-based misconduct to be one of the most serious violations of the values and standards of the College. Unwelcome sexual contact of any form is a violation of students' personal integrity and their right to a safe environment and therefore violates Skidmore's values. Skidmore College will not tolerate sexual or gender-based misconduct in any form. Sexual and gender-based misconduct is also prohibited by federal regulations. In accordance with Title IX, Skidmore College does not discriminate on the basis of sex in any of its programs and activities.

Skidmore recognizes that part of students' development at the College may include learning and understanding themselves as sexual individuals. Skidmore also respects and upholds the principle that not all students choose to explore their sexual nature or sexuality.

Skidmore therefore aims to provide an environment that is comfortable and respectful for all students and their choices regarding sex and their sexuality. Understanding and applying this policy to the behavior and behavioral expectations of all members of the community helps to ensure Skidmore's goal of being a safe, open community regarding sexuality. Failure to comply with this policy may result in a complaint of sexual and gender-based misconduct.

Skidmore College strives to promote an environment where mutual respect, communication, cultural competency, understanding, and awareness are the basis for any sexual behavior or activity. Mutual respect and communication are keys to maintaining each student's personal integrity when engaging in sexual behavior.

### **Community Expectations**

- *Mutual Respect:* Treat others as they would like to be treated. In sexual relations this includes respecting your partner (their desires, boundaries, and body) and having open communication with the person(s) with whom you are engaging in sexual contact so that all those involved are comfortable with the activity that may occur and understand the boundaries and needs of those involved.
- *Communication:* Open communication and listening includes understanding one's own needs and desires, discussing these needs and desires with your partner(s), and, in general, creating open communication within the relationship, whether it is for a brief encounter or a longer commitment. Verbal communication in sexual situations is almost always the clearest means to communicate. The College encourages students who choose to engage in sexual behavior to talk with each other clearly about what they want, or do not want, from sex prior to engaging in sexual activity. An environment based on open communication and listening promotes *affirmative consent*, which Skidmore College considers integral to any responsible sexual relationship.

- *Cultural Awareness and Respect*: The Skidmore College community is a multicultural educational environment where the customs and values of each individual are respected. Although the College’s standards regarding behavioral expectations and guidelines apply to all individuals, each person should recognize and respect the variations in the cultural expectations of others and demonstrate civility while engaging in open communication regarding sexual desires and boundaries.

### III. SCOPE OF THIS POLICY

All members of the Skidmore College community have an obligation to act responsibly in the realm of sexuality, gender, and relationships; to recognize and challenge any sexual and gender-based misconduct; and to adhere to College policies and local, state, and federal law.

This policy applies to sexual and gender-based misconduct (SGBM), **as specifically defined in this policy and not within the jurisdiction of the Title IX Policy**, occurring on Skidmore College property or at College-sanctioned events or programs that take place off campus, including study abroad and internship programs. This policy also applies to off-campus conduct that is likely to have a substantial adverse effect on any member of the Skidmore College community or Skidmore College.

When used in this policy, “Complainant” refers to the individual who is identified as the target of the alleged SGBM. “Respondent” refers to the individual alleged to have engaged in the alleged SGBM. A “Third Party” refers to any other participant in the process, including a witness or an individual who makes a report who is not also a Complainant.

This policy identifies the rights, options and resources afforded Complainants, Respondents and Third Parties when involved in a SGBM complaint under this policy.

Sexual and gender-based misconduct can be committed by any member of the Skidmore College community, including students, staff, and faculty. The College has jurisdiction to take disciplinary action against a Respondent who is a current student or employee. This policy (ie. the *Enough is Enough* (EiE) policy) applies to address and resolve reports against a current **Student**.

For information about complaints against other Skidmore community members, please visit [www.skidmore.edu/sgbm](http://www.skidmore.edu/sgbm).

As long as the College has jurisdiction over the Respondent, there is no time limit to invoking this policy in cases of alleged SGBM. Nevertheless, persons are encouraged to report alleged sexual harassment as soon as possible in order to maximize the College’s ability to respond promptly and effectively.

Complaints against a party not under the jurisdiction of this Policy will be resolved under appropriate College policies, depending on the identity of the party and the party’s relationship with the College. Complaints against a party not affiliated with the College may not be able to be resolved through a College process. Regardless, all appropriate support resources and measures are still available to the Complainant, and every effort will be made to assist the Complainant in filing a complaint against the Respondent through the appropriate channels (ie. police, current workplace, current institution they attend, etc.).

Skidmore College strongly encourages reports of any sexual and/or gender-based misconduct regardless of who engaged in the conduct. Even if the College does not have jurisdiction over the Respondent, the College will take prompt action to provide for the safety and well-being of the Complainant and the broader campus community.

Complaints that relate to conduct that occurred prior to adoption of this policy will be evaluated for a policy violation using the behavioral standards and definitions under the policy that was in place at the time the incident allegedly occurred, and the allegations of the complaint will be investigated and adjudicated using the procedures in the policy that is in effect at the time the complaint is made. The policies and procedures are updated regularly to comply with federal and state law.

The following chart illustrates the policy or policies that may be applied to a complaint specific to whether the Respondent is a student, faculty, or staff member. For questions about this, please contact the Title IX Coordinator at [jaure@skidmore.edu](mailto:jaure@skidmore.edu):

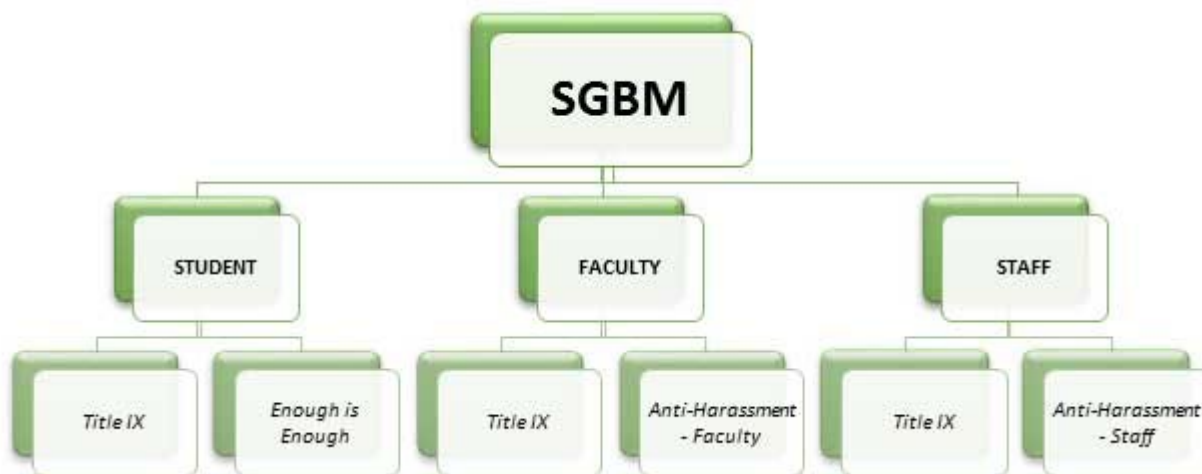


Figure 1- Policy Jurisdiction Flowchart

The Title IX Coordinator has discretionary authority to interpret and construe the scope and applicability of this policy and the other policies referenced above, and any uncertain or disputed aspects of this policy or those other policies.

#### IV. STATEMENT OF PRIVACY AND CONFIDENTIALITY

All College employees (faculty, staff, administrator), with the exception of the Counseling Center and Health Services – who are confidential sources and Victim Advocates who can protect anonymity – are expected to immediately report actual or suspected discrimination, harassment, or sexual and gender- based misconduct to appropriate officials.

Skidmore College is committed to protecting the privacy of all individuals involved in a report under this policy. Skidmore also is committed to providing assistance to help Complainants make informed choices. With any report under this policy, Skidmore will make reasonable efforts to protect the privacy interests of the individuals involved in a manner consistent with the need for a careful assessment of the allegation and reasonable steps available to eliminate the reported conduct, prevent its recurrence, and address its effects.

Privacy and confidentiality have distinct meanings under this policy.

**Privacy:** Privacy generally means that information related to a report of misconduct will be shared with a limited circle of individuals who “need to know” in order to assist in the active review, investigation, resolution of the report, and related issues. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process. Even Skidmore offices and employees who cannot guarantee confidentiality will maintain Complainants’ privacy to the greatest extent possible. The information provided to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator, Title IX Deputy Coordinator, or designee to investigate and/or seek a resolution.

**Confidentiality:** Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual, or as otherwise permitted by law. Those campus and community professionals include medical providers, mental health providers, and ordained clergy, all of whom normally have privileged confidentiality that is recognized by the law. These individuals are prohibited from breaking confidentiality unless (i) given permission to do so by the person who disclosed the information; (ii) there is an imminent threat of harm to self or others; (iii) the conduct involves suspected abuse of a minor under the age of 18; or (iv) as otherwise required or permitted by law or court order. While not confidential, Skidmore has also designated Victim Advocates who can protect the anonymity of Complainants.

**Non-Confidential or Not Private:** Any other College employee who is not designated as a confidential resource under this policy is required to share a report of sexual and gender-based misconduct with the Title IX Coordinator or designee. The Title IX Coordinator or designee will conduct an initial assessment of the conduct, the Complainant’s desired course of action, and the necessity for any interim remedies or accommodations to protect the safety of the Complainant or the community. The goal is to eliminate any hostile environment.

All College proceedings are conducted in compliance with the requirements of the [Family Educational Rights and Privacy Act \(FERPA\)](#), the [Clergy Act](#), [Title IX](#), [Violence Against Women Act \(VAWA\)](#), other state and local laws, and College policy. No information shall be released from such proceedings except as required or permitted by law and College policy.

## V. TERMINOLOGY

**Complainant:** An individual who is alleged to be the victim of conduct that could constitute a violation of this policy (*Enough is Enough* policy).

In some cases (e.g., cases in which a person involved in an incident of alleged sexual and/or gender-based misconduct does not wish to participate in the process but the College decides that the alleged misconduct needs to be investigated), Skidmore College may serve as the Complainant. In these cases, the College may extend the full rights of the Complainant as defined in this policy to affected parties as deemed appropriate by the Title IX Coordinator or Title IX Deputy Coordinator.

**Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute a violation of the *Enough is Enough* policy.

**Victim Advocate:** As part of their positions at Skidmore College, these individuals work to support and assist victims of sexual and gender-based misconduct. Students who have experienced sexual and gender-based misconduct can seek help from Victim Advocates knowing that those staff members will not report identifying details about the incident. This status is not legally protected in the same way that disclosures to mental health, health care providers, or college chaplains are. During the investigation and adjudication processes, Victim Advocates can also serve a SGBM Support Specialist as defined below.

**Sexual and Gender-Based Misconduct (SGBM) Support Specialist:** The SGBM Support Specialist is a Skidmore Community staff or faculty member appointed by the Dean of Students and Vice President for Student Affairs who is trained to support the Complainant or Respondent. A current list of trained SGBM Support Specialists is maintained online at: <https://www.skidmore.edu/sgbm/contacts.php>

**Advisor of Choice:** Both the Complainant and Respondent may elect to be accompanied by an advisor of their choosing to any meetings (including the Commenting Session), conferences, and interviews pertaining to the investigation or adjudication of an EiE complaint. In these instances, the advisor's role is limited to observing, consulting with, and providing support to the Complainant or Respondent.

*An Advisor of Choice may not speak or communicate on behalf of the Complainant or Respondent.* This includes but is not limited to in-person meetings, phone conversations, email, or any other forms of electronic or written communication.

The Complainant and Respondent have the right to consult with and engage an attorney as their Advisor of Choice at their own expense. As with any Advisor of Choice, an attorney may be present at any investigative or adjudicative meetings, including the Adjudication Panel, when applicable. However, an attorney, as with any Advisor of Choice, will not be permitted to speak or communicate on behalf of the student they are representing as described in the paragraph above.

Any Advisor of Choice who fails to comply with this policy may be asked to leave any such meeting or conversation and is expected to comply with this request. Continued failure to adhere to this policy may result in the Advisor of Choice no longer being allowed to participate in this role. In that event, the party may choose to obtain a new advisor for the remainder of the process.

**Witness:** A person or bystander who observes a crime, impending crime, conflict, potentially violent behavior, or conduct that is in violation of this policy. Witnesses must have observed the conduct in question or have information directly relevant to the incident (i.e. first told, etc.) and cannot be called solely to speak about an individual's character.

**Investigator:** The individual(s) charged with investigating a complaint of sexual or gender-based misconduct. The Investigator(s) will typically be members of Campus Safety, the Title IX Deputy Coordinator, the Assistant Director of Student Conduct, and/or external investigators designated by the College. Investigators attend, at a minimum, annual Title IX investigator training.

**Conduct Administrator (CA):** The Associate Dean of Student Affairs for Residential Life and Student Conduct or designee who will be the point of contact in the event that there are Student Code of Conduct Violations relevant to the Formal Complaint. The CA is not a decision maker in the adjudication process.

***Enough is Enough (EiE) Adjudication Panel:*** The decision about whether there has been a violation of the *Enough is Enough* Policy will be made by a panel of three faculty and/or staff members. The Panel will be drawn from a pool of staff and faculty who receive specific training regarding the dynamics of sexual and gender-based misconduct, the factors relevant to a determination of credibility, the appropriate manner in which to receive and evaluate sensitive information, the manner of deliberation, and the application of the preponderance of the evidence standard, as well as the College’s policies and procedures. The Complainant and Respondent will have the opportunity to state whether there are those they feel should not participate in the panel review due to bias or any other reason that would prevent them from making a fair assessment of the information. The final decision on any such requests for recusal will be made by the Conduct Administrator.

Incapacitation: a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).

Incapacitation may occur because of the individual’s age. Under New York law, the age of consent is 17 years of age and, therefore, a person under the age of 17 lacks the capacity to provide affirmative consent.

Incapacitation can also occur because of an individual’s physical or mental condition or disability that impairs the individual’s ability to provide consent. Incapacitation as a result of a physical or mental condition includes, but is not limited to, being: (i) asleep or in a state of unconsciousness; (ii) physically helpless; or (iii) involuntarily restrained. Depending on the degree of intoxication, someone who is under the influence of alcohol or drugs may be incapacitated and unable to consent to sexual activity. Being drunk or intoxicated, however, does not necessarily render someone incapacitated. The impact of alcohol or drugs varies from person to person.

Whether sexual activity with an incapacitated person constitutes gender-based misconduct depends on whether the Respondent knew or should have known of the Complainant’s incapacitation. The question of what a Respondent knew or should have known is objectively based on what a reasonable person in the place of the Respondent, sober and exercising good judgment, would have known about the condition of the Complainant.

**Character Evidence:** evidence to describe any testimony or document submitted for the purpose of proving that a person acted in a particular way on a particular occasion based on the character or disposition of that person.

## **VI. STUDENT BILL OF RIGHTS**

Under the *Enough is Enough* Policy, all students have the right to:

1. Make a report to local law enforcement and/or state police;

2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
  3. Make a decision about whether or not to disclose a crime or violation and participate in the conduct process and/or criminal justice process free from pressure by the institution;
  4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
  5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
  6. Be free from any suggestion that the Complainant is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
  7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
  8. Be protected from retaliation by the institution, any student, the accused and/or the Responding Student, and/or their friends, family and acquaintances within the jurisdiction of the institution;
  9. Access to at least one level of appeal of a determination;
  10. Be accompanied by an advisor of choice who may assist and advise a Complainant, accused, or Respondent throughout the conduct process including during all meetings and panels related to such process; and
  11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or conduct process of the institution.
- Additionally, throughout the process, the Respondent is not presumed to be responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the process.

## VII. PROHIBITED CONDUCT

Sexual and gender-based misconduct is a broad term encompassing any sexual behavior or gender-based misconduct that was committed without affirmative consent. Sexual and gender-based misconduct may vary in its severity and consists of a range of behaviors. The following descriptions represent sexual behaviors and gender-based misconduct that violate Skidmore's community standards and values of respect, civility, and personal integrity. These behaviors are serious violations and represent a threat to the safety of the Skidmore Community.

Because SGBM often involves multiple violations of affirmative consent, it is the policy of Skidmore College to hold individuals accountable for all acts that violate this policy. This practice can mean that multiple violations of the SGBM policy are possible within a single incident.

The Prohibited Conduct defined below are specific to this policy. It is the policy of Skidmore College to hold individuals accountable for all acts that violate this policy:

### 1. Sexual Harassment

Sexual harassment is defined as unwelcome action, language or visual representation of a sexual nature that has the effect of unreasonably interfering with an individual's work or academic performance or that creates a hostile working, educational, or living environment.

A form of sexual harassment (*quid pro quo*) exists when employment or academic benefits are

offered in exchange for submission to unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature. Quid pro quo sexual harassment also exists in those instances when rejection of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature results in adverse educational or employment action, or the threat of such adverse action, or limits or denies an individual's educational or employment access, benefits, or opportunities.

A second form of sexual harassment (hostile work environment) exists when an individual is subjected to unwelcome discriminatory conduct because of their sex or gender that is either severe or pervasive, alters the work or educational conditions of the individual, and creates an abusive environment.

Sexual harassment:

- may be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated;
- does NOT have to include intent to harm or involve repeated incidents;
- may be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational or employment relationships, harassment can occur in any context;
- may be committed by a stranger, an acquaintance, or someone with whom the individual has an intimate or sexual relationship;
- may be committed by or against an individual or may be a result of the actions of an organization or group;
- may occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation;
- may occur in the classroom, in the workplace, in residential settings, or in any other setting;
- may be a one-time event or can be part of a pattern of behavior;
- may be committed in the presence of others or when the parties are alone;
- may affect the subject of the harassment and/or third parties who witness or observe harassment and are affected by it.

Sexual harassment also includes gender-based harassment, which may include acts of verbal, nonverbal or physical aggression or hostility based on gender, sexuality or sex- or gender-stereotyping, even if those acts do not involve conduct of a sexual nature.

Examples of conduct that may constitute sexual harassment include:

**Physical conduct:**

- unwelcome touching, sexual/physical assault, impeding, restraining or blocking movements
- unwanted sexual advances

**Verbal conduct:**

- making or using derogatory comments, epithets, slurs or humor, not pedagogically appropriate



- verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations, not pedagogically appropriate
- objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes, which a reasonable peer would find offensive and which are not pedagogically appropriate

**Visual conduct:**

- leering, making sexual gestures, displaying of suggestive objects or pictures, cartoon or posters in a public space or forum, not pedagogically appropriate
- severe, persistent or pervasive visual displays of suggestive, erotic or degrading sexually oriented images, not pedagogically appropriate

**Written conduct:**

- letters, notes or electronic communications containing comments, words or images described above, not pedagogically appropriate

**Quid pro quo conduct:**

- offering employment benefits in exchange for sexual favors
- making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose
- making or threatening reprisals after a negative response to sexual advances.

The determination of whether an environment is “hostile” is based on a reasonable person standard, considering all the circumstances. These circumstances could include, but are not limited to:

- the frequency or pervasiveness of the speech or conduct;
- the nature and severity of the speech or conduct;
- whether the conduct was physically threatening;
- whether the speech or conduct was humiliating;
- the effect of the speech or conduct on the recipient's mental and/or emotional state;
- whether the speech or conduct was directed at more than one person;
- whether the speech or conduct arose in the context of other discriminatory conduct;
- whether the speech or conduct unreasonably interfered with the recipient's educational opportunities or performance (including study abroad), college-controlled living environment, work opportunities or performance;
- whether a statement is a mere utterance of an epithet which engenders offense in an employee or a student or offends by mere discourtesy or rudeness; and/or
- whether the speech or conduct deserves the protections of academic freedom.

**2. Sexual Assault**

Any nonconsensual sexual act prohibited by federal, tribal, or New York State law, including when the victim lacks capacity to affirmatively consent. Sexual assault includes, but is not limited to, sexual penetration and sexual touching, disrobing and/or exposure as defined below:

- **Sexual Penetration**

Any sexual penetration (anal, oral, or vaginal), however slight, with any object or sexual intercourse, *without affirmative consent*. Sexual penetration includes vaginal or anal penetration by a penis, object, tongue, or finger and oral copulation by mouth to genital contact or genital to mouth contact.

- **Sexual Touching, Disrobing and/or Exposure**

Any intentional sexual touching, however slight, with any object *without affirmative consent*. Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another or any other bodily contact in a sexual manner. Any disrobing of another or exposure to another by another without affirmative consent.

### 3. Sexual Exploitation

Sexual exploitation occurs when a student takes non-consensual or abusive advantage of another for their own advantage or benefit or from the advantage or benefit of anyone else. Examples of sexual exploitation include, but are not limited to: non-consensual recording (by any means) of sexual activity or nudity without the knowledge and fully informed consent of all parties involved, and voyeurism.

- **Voyeurism** is a form of sexual exploitation in which one individual engages in secretive observation of another for personal sexual pleasure or engages in non-consensual video or audio taping of sexual acts. Although the subject of the secretive viewing or taping may be unaware of the observation, this behavior is a form of sexual misconduct and violates the integrity of the unaware student.

### 4. Intimate-Partner Violence

Also referred to as dating violence, domestic violence, and relationship violence, intimate-partner violence includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic, or other intimate relationship with that person. It may involve one act or an ongoing pattern of behavior.

Intimate-partner violence can encompass a broad range of behavior, including, but not limited to, physical violence, sexual violence, emotional violence, and economic abuse. Intimate-partner violence may take the form of threats, assault, property damage, or violence or threat of violence to one's self, one's sexual or romantic partner, or to the family members or friends of the sexual or romantic partner. Intimate-partner violence affects individuals of all genders, gender identities, gender expressions, and sexual orientations, and does not discriminate by racial, social, or economic background.

- **Emotional Abuse:** Emotional Abuse can include, but is not limited to, acts of coercion, threat, intimidation, isolation or other forms of behaviors and communications which, taken together, systematically control, manipulate and/or exploit the other by undermining their confidence, identity, dignity, self-worth, capacity to grow, trust, and/or their emotional stability.
- **Domestic Violence** includes, but is not limited to, felony or misdemeanor crimes of violence committed by the victim's current or former spouse or intimate partner, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of New York, or by any other person against an adult or youth victim who is

protected from that person's acts under the domestic or family violence laws of the State of New York.

- Dating Violence: Dating violence means violence by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Whether there was such relationship will be determined by the length of the relationship, the type of the relationship, and frequency of interaction between the persons involved in the relationship.
  - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - Dating violence does not include act covered under the definition of domestic violence.

Individuals who are victims of Domestic Violence in New York may seek a civil Order of Protection through Family Court. Criminal Orders of Protection may be issued if criminal charges are filed and an arrest is made. For more information, refer to Section 9 of this policy and/or see the [New York State Law](#).

## **5. Stalking**

Stalking is defined as a course of conduct directed at a specific person or persons that would cause a reasonable individual to fear for their own or someone else's safety and/or to suffer substantial emotional distress. Stalking has occurred when any person engages in two or more separate acts that involve unwanted attention and/or contact. Examples include, but are not limited to, acts such as: repeated and unwanted phone calls, texts or emails, following or watching from a distance, spying on an individuals' contacts, schedule or personally identifying or locating information, and/or damaging or threatening to damage personal property, pets, or any person.

Stalking includes the concept of cyber-stalking, which is a form of stalking utilizing any type of electronic or social media to pursue, harass, threaten or make unwelcome contact with another person.

## **6. Attempted Act**

Attempts to commit sexual or gender-based misconduct are also prohibited under this policy, as is aiding the commission of sexual misconduct as an accomplice.

## **7. Retaliation**

Retaliation is any act or attempted act which would discourage a reasonable person from engaging in any activity protected under this policy, such as opposing or reporting SGBM, seeking services, receiving protective measures and accommodations, supporting a Complainant or a respondent student and/or participating in an investigation or SGBM resolution process, because of their participation in that protected activity. Examples of retaliation include, but are not limited to: threats, intimidation, pressuring, social aggression, damage to property, abuse, violence or maliciously interfering with an individual's academic or professional career or reputation. It can occur in various modes, including in person and through electronic communication.

All individuals and groups who are members of the Skidmore community are prohibited from engaging in retaliation. Any person who retaliates directly or indirectly against a Complainant, witness, Respondent, or any other person involved in the investigation of a SGBM allegation will be subject to discipline, up to and including termination (if an employee) or expulsion (if a

student). Retaliation is a violation of this policy whether or not the underlying SGBM allegation is substantiated.

Conduct not typically considered retaliation includes, but may not be limited to, making a good faith allegation of misconduct, filing a complaint under this Policy, and/or seeking or enforcing interim measures or accommodations.

***Note on Title IX Policy violation and other Code of Social Conduct Violations***

In the event an incident is reported that aligns with Prohibited Conducts as described above but also with conduct and geography within the jurisdiction of Title IX, the Title IX policy would apply.

Additionally, after reviewing the incident, the Title IX Coordinator or designee and a Conduct Administrator will determine whether other Code of Social Conduct charges in addition to the EiE charges of Prohibited Conduct should be applied. This will be reflected in the Formal Complaint and will be provided to both the Complainant and Respondent.

Furthermore, the Conduct Administrator in accordance with the policies of the Office of Residential Life may determine that Code of Social Conduct charges should be applied to other parties as well.

If any Code of Conduct charges are addressed in and added to the Formal Complaint during the investigation, both parties will be notified and will have an opportunity to address them as well as the original charges prior to the Adjudication Phase. Subsequent or unrelated allegations involving the Complainant and Respondent will be addressed separately under the appropriate policy.

## **A: Policy Expectations with Respect to Consensual Relationships**

As an educational community, Skidmore College stands by principles of fairness, equal opportunity, and non-discrimination. These principles take on special meaning in the relationship between students and members of the faculty, staff, or others in an advising or evaluative relationship. Specifically, all students have the right to be treated fairly, held to the same requirements and standards, and afforded equal opportunities based on their individual accomplishments. All employees are expected to maintain professional relationships with all College students; to act in accordance with standards of professional conduct; and to avoid conflict of interest, favoritism, bias, or creation of a hostile environment for any student of the College.

Sexual relationships between faculty and staff members and students are fraught with the potential for exploitation. The respect and trust accorded a professor by a student, as well as the actual or apparent authority of the professor, make voluntary consent by the student suspect. Even when both parties have in fact consented, the development of a sexual relationship renders both the faculty member and the College vulnerable to subsequent allegations of harassment.

### **1. Policy on Consensual Sexual Relationships with Current Students**

Sexual relationships, whether consensual or not, between College employees and their students (those whom they currently teach, advise, supervise, coach, evaluate, or hold

authority over in any way) violate the integrity of the College's educational community and constitute grounds for disciplinary action up to and including separation from the College.

## 2. **Policy on Consensual Sexual Relationships with Students When There Is No Formal Authority over the Student**

Even if a College employee does not currently hold a position of authority over a student, any sexual relationship between an employee and a student of the College potentially jeopardizes the integrity of the academic or living environment of the Skidmore community. The College, therefore, discourages in the strongest possible terms any sexual relationship between an employee and any student of the College. In the event that any such relationship is found to undermine the trust, respect, and fairness that are essential to the success of Skidmore's educational mission, the College will take appropriate disciplinary action, up to and including separation from the College.

### B: Affirmative Consent

Affirmative consent is the basis of this policy because affirmative consent maintains the value that all persons have the right to feel respected, acknowledged, and safe during sexual activity. 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 can be communicated verbally or by action(s). In whatever way consent is communicated, it must be mutually understandable.
- Consent is mutually understandable when a reasonable person would consider the words and/or actions that you and your partner(s) have expressed to demonstrate a desire to do the same thing, at the same time, in the same way, with one another.
- In the absence of mutually understandable words or actions, the initiators of sexual contact are responsible for making sure they have obtained affirmative consent from their partner(s). The initiators must fully understand what their partner(s) wants and does not want sexually.
- 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. Each new sexual act requires new consent. Affirmative consent has time boundaries.
- 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 (See "Incapacitation" in the Terminology section above).
- The existence of a dating/romantic relationship between the persons involved or the fact of a previous sexual relationship does not automatically establish affirmative consent for future sexual activity.
- Consent is not the absence of resistance.

- Silence is an inactive behavior, and affirmative consent is an active behavior. Therefore, silence alone (absent a non-verbal action clearly demonstrating consent) is not considered affirmative consent. Silent and inactive behavior may indicate that something is wrong and the potential for sexual misconduct exists. If a partner is inactive (for example, silent or physically still) sexual activity must stop until both partners have communicated clearly with each other about what, if any, sexual activity is mutually desired.
- Affirmative consent can never be given by minors (under the age of 17 in New York State), mentally disabled individuals, or by incapacitated persons. A person who is unconscious, unaware, or otherwise physically helpless cannot give affirmative consent to sexual activity.
- Affirmative consent cannot result from force, or threat of harm, coercion, fraud, intimidation, or incapacitation. The use of force to obtain sexual access or to induce consent violates this policy whether the force is physical in nature, violent, or involving threats, intimidation, or coercion.
  - Physical force includes but is not limited to: hitting, kicking, and restraining. Physical force means someone is acting on you physically and exerting control over you through violence.
  - Intimidation is an implied threat. It is not as clear or explicit as an overt threat.
  - Coercion is the use of pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Coercion is evaluated based on the intensity, frequency, and duration of the comments or actions. Examples of coercion include threatening to "out" someone based on sexual orientation, gender identity, or gender expression, and threatening to harm oneself if the other party does not engage in the sexual activity.
- Threatening someone to obtain consent for a sexual act is a violation of this policy. Threats exist where a reasonable person would have been compelled by the words or actions of another to give permission to sexual activity to which they otherwise would not have consented.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

## C: Use of Alcohol or Other Drugs

In general, the College considers sexual contact while under the influence of alcohol or other drugs to be risky behavior. Alcohol and drugs impair a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

The perspective of a reasonable person will be the basis for determining whether a Respondent should have been aware of the extent and amount of the ingestion of alcohol or drugs by the Complainant or of the extent to which the use of alcohol or drugs impacted a Complainant's ability to give consent. For example, an individual who is in a "blackout" may appear to act normally and be giving consent, but may not actually have conscious awareness, the ability to consent, or later recall the events in question. In determining whether consent has been given,

the College will consider both: the extent to which a Complainant affirmatively gives words or actions indicating a willingness to engage in sexual activity; and, whether the Respondent was aware – or reasonably should have known – of the Complainant’s level of alcohol consumption and/or level of impairment.

Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual harassment, sexual violence, stalking, or intimate partner violence, and does not diminish one’s responsibility to obtain affirmative consent.

## D: Capacity to Give Consent

Where alcohol or other drugs are involved, incapacitation is a state beyond drunkenness or intoxication, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. 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. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness, or emotional volatility.

Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual’s:

- Decision-making ability;
- Awareness of consequences;
- Ability to make informed judgments;
- Capacity to appreciate the nature and the quality of the act; and/or
- Level of consciousness.

In other words, a person may be considered unable to give affirmative consent due to incapacitation if the person cannot understand who, what, where, when, why, or how, with respect to the sexual interaction.

Evaluating incapacitation also requires an assessment of whether a Respondent should have been aware of the Complainant’s incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Respondent’s position.

An individual who engages in sexual activity with someone the individual knows or reasonably should know is incapable of making a rational, reasonable decision about whether to engage in sexual activity is in violation of this policy.

## VIII. OPTIONS FOR SUPPORT AND REPORTING

Skidmore College is committed to creating an environment in which individuals who have experienced an incident of sexual and gender-based misconduct are encouraged to come forward and make a report. Members of the Skidmore community are strongly encouraged to seek support and information from available reporting sources. Immediate reporting is essential for the protection of students. All sources will provide the Complainant with information about

obtaining support, resources, and the process associated with making a report or a Formal Complaint with the College and/or with a law enforcement agency.

The College will endeavor to respect the wishes of the Complainant regarding how and if to move forward; however, in some circumstances, the College will have to move forward. Under these circumstances, the College will weigh the request for confidentiality or that no further action be taken against the following factors among others: the seriousness of the alleged misconduct, any potential threats to community safety, the respective ages and positions of the Complainant and the Respondent, whether there have been other complaints against the Respondent, and the Respondent's right to receive information under applicable law.

Reporting the incident may help the Complainant to gain some control over the situation and make informed decisions using information provided by the reporting source. Prompt reporting will not only benefit and support Complainants, but will also help the College in maintaining a safe community.

All students shall have the right to emergency access to the Title IX Coordinator, Title IX Deputy Coordinator, or other trained official who shall be available upon the first instance of disclosure by a Complainant to provide information regarding options to proceed and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, as well as other pertinent information.

If the accused is an employee of the College, the Complainant shall have the right to report the incident to the College's Human Resources Department or may request that a confidential or private employee assist in reporting to the appropriate human resources authority.

Complainants have the right to receive assistance from appropriate institution representatives in initiating legal proceedings in family court or civil court.

## 1. To Speak with Someone Confidentially:

Confidential resources are those individuals who, by law and/or college policy, are obligated to maintain confidentiality of the disclosure of sexual or gender-based misconduct. These individuals are not required to re-disclose information shared with them other than in very extreme and unusual circumstances involving evidence of a serious and imminent threat to the individual making the report or to an identifiable third party. Confidential resources include:

- Counseling Center
- Health Services
- Wellspring - A victim advocate from Wellspring (formerly Domestic Violence and Rape Crisis Services of Saratoga County) can be quickly accessible to individuals (see <https://www.skidmore.edu/sgbm/contacts.php> for contact information and to schedule a meeting).

## 2. Anonymous Reporting Sources

Anonymous reporting sources have been deemed confidential by the College but are still required to report statistical information to the Title IX Coordinator.



- **Victim Advocates**

While maintaining a victim's anonymity, Victim Advocates must report the nature, date, time, and general location of an incident to the Title IX Coordinator or designee. This limited report – which includes no information that would directly or indirectly identify the victim – helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the victim to ensure that no personally identifying details are shared with the Title IX Coordinator.

- **Peer Health Educators**

Student Peer Health Educators are mandated to report for statistical purposes all incidents of sexual and gender-based misconduct that are disclosed to them. This report is made to Campus Safety and will not include any information that could identify the Complainant. However, when a Student Peer Health Educator reasonably believes that an individual's safety is at risk, they will discuss the report with members of the Student Counseling Center and/or Health Promotion staff to determine what information from the report must be shared with administrators at the College responsible for ensuring campus safety. In these situations, Student Peer Health Educators will make every effort to let the student know in advance and offer to go with the student to help facilitate an appropriate campus response.

- The Student Wellness Center, located on the 3rd floor of Case Center, is a student run, administratively affiliated safe space for reporting incidents of sexual and gender-based misconduct and obtaining support after incidents of sexual and gender-based misconduct. Trained Peer Health Educators can help students get help from on and off campus resources. Hours, which vary by semester, are posted on the door to the Wellness Center.

### 3. Private Reporting Sources:

Complainants may speak with a Private Reporting Source if they are considering filing a formal report or complaint. Private Reporting Sources are individuals who are trained to provide students with information and assist with obtaining information and support from available resources at the College and in the Saratoga Springs community. Private Reporting Sources will also provide students with information about the process associated with making a report or a Formal Complaint with the College or with a law enforcement agency. Although these reporting sources will endeavor to maintain the privacy of the matter and the individuals involved, they are required to disclose necessary information that is disclosed to them to the Title IX Coordinator. In some circumstances, Private Reporting Sources may also be responsible for initiating an investigation of the alleged sexual or gender-based misconduct. Private Reporting Sources include:

- Title IX Coordinator
- Title IX Deputy Coordinator
- Dean of Students/Vice President for Student Affairs
- Assistant Director of Student Conduct
- Campus Safety
- Trained Sexual and Gender-Based Misconduct Advisors

### 4. Non-Confidential/Not Private Resources:

Other college resources are individuals who can assist with obtaining campus resources, information and support about available resources at the College. Faculty and Staff members falling under this category are often referred to as Responsible Employees throughout federal mandates. Although these college resources will endeavor to maintain the privacy of the matter and the individuals involved, they are **required** to share what is disclosed to them to the Title IX Coordinator. Non-Confidential/Not Private Campus Resources include:

- Student Affairs administrative staff (except Counseling Center and Health Services staff who are confidential sources, and Victim Advocates, who can protect anonymity)
- Residential Life staff members (Area Coordinator, Assistant Director, Director, etc.)
- Resident Assistants
- Peer Mentors
- Deans
- Faculty
- Coaches and Athletic Trainers
- Student organization faculty/staff advisors

**In addition, a Title IX complaint can be filed with the United States Department of Education, Office of Civil Rights (contact information available in the “Notice of Non-Discrimination” at the beginning of this policy).**

## Accommodations and Interim Measures

Regardless of whether the Complainant wishes to pursue a Formal Report or Complaint, the College will undertake an appropriate inquiry and take such prompt and effective action as is reasonably possible under the circumstances to support and protect the parties involved and protect the College community. This may include taking appropriate interim measures before the final outcome of the investigation and/or adjudication, including interim suspension of the Respondent. Interim measures are available at the request of either the Complainant or Respondent. Additionally, the College may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader College community, and/or the integrity of the process.

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

- Access to counseling and health services;
- Imposition of a no contact order;
- Campus escorts;
- Change of on-campus student housing to different on-campus location;
- Rescheduling an academic exam, paper, assignment, etc.;
- Taking an incomplete in a class;
- Transferring of class sections;
- Alternative course completion options;
- Employment modification (change of schedule or assignment, etc.);
- College-imposed leave or separation;
- To seek an Order of Protection from a court of competent jurisdiction; the College will enforce the Order of Protection once notified of its existence and terms (more information on how to obtain an Order of Protection is included in a later section); and/or

- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

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

## No Contact Orders

College administrators may unilaterally or by request issue a No Contact Order (NCO) when there exists a reasonable concern that physical, psychological, and/or emotional harm may result from such contact. The College will consider all facts and circumstances that may be relevant to whether a standard or proximity NCO should be issued, including but not limited to, the following factors:

- When there are allegations, threats, or evidence of physical violence by one student against another;
- When there are allegations, threats, or evidence of emotional abuse or harassment by one student against another;
- When there is a substantial risk of emotional harm from continued contact between students;
- When continued contact between students may have a material impact on campus disciplinary proceedings;
- When requested or agreed to in good faith by both students involved;
- When there are allegations of serious college policy violations; and
- Emergency situations involving personal safety in which the Director of Campus Safety or designee may issue a temporary No Contact Order, which shall be confirmed, modified or rescinded within 72 hours by the Senior Associate Dean of Students, Title IX Coordinator, or Deputy Coordinator once all relevant information is reviewed.

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

### *Standard No Contact Order*

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

- Avoid any form of contact with the other party subject to the same NCO. This includes, but is not limited to, (1) calling the other party; (2) sending electronic communication (text message/email/social media) to the other party, (3) sending campus or regular mail to the other party; and/or (3) contacting or communicating with the other party through a third party.

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

### ***Proximity No Contact Order***

A proximity No Contact Order is a written document mutually prohibiting a Complainant and Respondent involved in a Formal Complaint specifically under the EiE policy from communicating each other while also temporarily requiring the Respondent to leave an area if they were to observe the Complainant in a public place among other areas. Other restrictions may also be applied. **A Complainant and Respondent subject to a proximity NCO must both:**

- Avoid any form of contact with the other party subject to the same NCO. This includes, but is not limited to, (1) calling the other party; (2) sending electronic communication (text message/email/social media) to the other party, (3) sending campus or regular mail to the other party; and/or (3) contacting or communicating with the other party through a third party.

**However, the Respondent subject to the proximity NCO must also:**

- Abide by any requirements to avoid contact with the Complainant in the Complainant's residence, in academic settings such as classrooms, laboratories, etc., and at any location where the Complainant is scheduled or known to be present, such as a work or internship location, volunteer activity, etc.
- Abide by requirements to leave a public place when the Complainant is present as detailed in the NCO. The NCO will indicate whether the Respondent is required to leave all public places where they observe the other party or if there are restrictions related to specific public places and locations.

Other restrictions may include but are not limited to:

- Restricting a student from being in close proximity to the other student in other spaces;
- Restricting a student's access to certain campus locations, including another student's residence hall;
- Restricting the times a student may be present in on-campus dining facilities;
- Requiring that the students not be enrolled in the same academic course(s); and
- Requiring that the students not participate in the same co-curricular or extra-curricular activities.

A proximity NCO can only be implemented when a Formal Complaint of Sexual and Gender-Based Misconduct is made, and it is only in place as an interim measure for the duration of the investigation and adjudication of the alleged sexual and gender-based misconduct (unless there is a finding of responsibility in which case a NCO could be issued as a sanction). A proximity NCO constitutes neither a waiver by any party of the right to file any complaint, nor does it constitute an admission of responsibility or wrongdoing by any party. Failure to comply with the order would result in further conduct charges and sanctions.

### ***Reviewing a No Contact Order for Modification or Rescission***

While any NCO is in place, both students have the right to request that the document be reviewed for modification or rescission. Reviews will be conducted promptly, and modifications to NCOs will be made as needed. Requests must be submitted, in writing, to the appropriate college official as indicated on the issued No Contact Order and should include the basis and any evidence in support of the request.

## ***Enforcement of No Contact Orders***

Intentional violation of a No Contact Order is grounds for conduct charges. All reported potential violations will be investigated and adjudicated under the "Failure to Comply" section of the code of social conduct in the *Student Handbook*.

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

Violations of a No Contact Order should be reported to Campus Safety. Although the College encourages individuals to report violations of a NCO promptly, safety is always the top priority. Whenever a student is off campus and believes that their safety is at risk, that student should call 911 immediately. Whenever a student is on campus and believes that their safety is at risk, that student should call Campus Safety at 518-580-5566.

### **On-Campus Violations:**

- If safety is at risk: Immediately call Campus Safety at 518-580-5566.
- To report a violation of a NCO, Contact Campus Safety at 518-580-5567 or in person on the lower level of Jonsson Tower.

### **Off-Campus Violations:**

- If safety is at risk: Immediately call 911. Skidmore College is not able to provide immediate assistance in off-campus incidents.
- To report a violation of a NCO, Contact Campus Safety at 518-580-5567 or in person on the lower level of Jonsson Tower.
- The existence or alleged violation of a NCO is not a police matter. If you call 911 to report a safety risk, you should tell the police about your NCO, but they will only enforce violations of law, not college policy related to a NCO or violations of a NCO.

### **Determination**

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

- size and layout of the space where the alleged NCO violation took place;
- any attempted contact or communication by the subject of the NCO;
- duration of time before the student vacated the space;
- frequency and nature of alleged contact; and
- obligation of the subject of the NCO to be present in the space (i.e., place of work, athletic competition, internship location, etc.)

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

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

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

- If either the Title IX Coordinator or Title IX Deputy Coordinator decide at any point that the safety of a student or of any member of the College community is at stake, an interim suspension may be imposed on a student who is suspected of violating the Student Code of Conduct, any rules, regulations, or procedures of the College, or otherwise poses a risk of safety to the campus, until the time student conduct resolution or disciplinary action can be completed. Interim suspensions are imposed in consultation with the Dean of Students/Vice President of Student Affairs. This action assumes no determination of responsibility and the student conduct process will be held as soon as possible. This action cannot be taken unless the Complainant files a formal report or complaint with the Title IX Coordinator, Title IX Deputy Coordinator, or designee. A student subject to such interim measures may appeal the decision to impose them to the DoS/VPSA within 3 business days after being notified of the decision.

## **IX. FILING A FORMAL REPORT**

### **Reporting to the College**

If the Respondent is a currently enrolled student, any person may file a formal report of gender-based misconduct with the Title IX Coordinator or designee. The Complainant works with the Title IX Coordinator or designee to submit a statement and explore options for proceeding through the process.

### **Reporting to Law Enforcement**

It is the Complainant's decision whether or not to file a criminal report. The College encourages Complainants to seek out the support system that feels most appropriate and helpful. It is the policy of Skidmore College, and the Saratoga Springs Police Department, to not issue citations or take disciplinary action against victims who are under the legal drinking age or under the influence of illegal substances who report an assault.

In the event an individual chooses to report to law enforcement, they may do so on their own or request assistance from Campus Safety. Saratoga Springs police can come to campus to take a statement and ensure that the Complainant is physically safe. The police will also interview the Complainant about what happened. The interview is conducted in private, but the Complainant can request to have a friend or another supportive person accompany them if they wish. The police will get as much information as possible about the incident and investigate the case further.

Once an investigation is completed, the police refer the case to the District Attorney's office. The District Attorney's office decides whether or not the case will be prosecuted by considering factors such as the amount of evidence available to prove the charge(s) in court. If the District Attorney decides not to prosecute, this does not mean that the District Attorney doesn't believe

that an assault occurred. It means that based on past experience, the District Attorney does not believe that there is sufficient evidence to successfully prosecute the case.

To report to local law enforcement, Complainants should contact the Saratoga Springs Police Department at 518-584-1800.

## Violation of Law and College Discipline

Because sexual and gender-based misconduct may constitute both a violation of College policy and criminal activity, the College encourages persons to report alleged sexual and gender-based misconduct promptly to Skidmore Campus Safety or local law enforcement agencies. Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence.

Because the standards for finding a violation of criminal law are different from the standards for finding a violation of any of the Skidmore College Sexual and Gender-Based Misconduct Policies, criminal investigations or reports are not determinative of whether sexual or gender-based misconduct has occurred under the College's policy. In other words, conduct may constitute sexual or gender-based misconduct under the College policy even if it is not a crime or law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute.

The filing of a report of sexual and gender-based misconduct with the College is independent of any criminal investigation or proceedings (except that the College's investigation may be delayed temporarily while the criminal investigators gather evidence), and the College will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and take interim measures to protect the Complainant and the College community as necessary.

### **Timely Warning**

If a report of sexual or gender-based misconduct discloses a serious or continuing threat to the Skidmore community, the College may issue a campus wide timely warning (which can take the form of campus flyers and/or an email to campus community) to protect the health or safety of the community. The College will make every effort to ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

At no time will the College release the name of the Complainant to the general public without the express consent of the Complainant. The release of the Respondent's name to the general public is guided by Family Educational Rights and Privacy Act (FERPA) and the Clery Act.

All College proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, New York's Enough Is Enough law, and other state and federal laws. No information shall be released from such proceedings except as required or permitted by law and College policy.

### **Order of Protection**

Complainants have the right to be assisted by Campus Safety or other official reporting resources in obtaining a court ordered order of protection or, if outside of New York State, an equivalent protective or restraining order. An order of protection can only be issued by a judge if a criminal complaint is made.

If the institution receives an order of protection, a copy of the order will be shared with the Complainant or Respondent. Either party will have an opportunity to meet or speak with an institution representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the Respondent's responsibility to stay away from the protected person or persons. Consequences for violating these orders may include, but are not limited to, arrest, additional conduct charges, and interim suspension.

In the event of a violation of the order of protection, Complainants may receive assistance from Campus Safety in contacting local law enforcement and affecting an arrest.

**Additional Information on Obtaining an Order of Protection:**

An Order of Protection is a legal document in which a Judge orders someone to follow specific conditions of behavior – that is, tells someone things that they must or must not do.

Police can make immediate arrests if they have good reason to believe those conditions have been violated. The point of a Temporary Order of Protection is to maintain peace and provide protection until all the facts have been gathered and the case is heard in Court. The Order remains in effect as written until it is changed or terminated by the Court.

There are generally two types of Orders of Protection, Family Court Order and Criminal Court Order. For more information, please see <https://www.nycourts.gov/faq/orderofprotection.shtml#q1>

*Note:* Representatives from Wellspring may assist members of the Skidmore community in obtaining orders of protection from Family Court. Likewise, Campus Safety will assist community members with obtaining orders from the Criminal Court via the police.

Orders of Protection are enforceable on campus and in other jurisdictions, including out of state. This becomes particularly important if the requesting party anticipates problems when they are home or elsewhere during class breaks. Most orders are entered into a nationwide database so police will be able to confirm the existence of an order, even if you don't have a hardcopy with you. More information on the NYS Order of Protection Alert System can be found here: <https://oop.nyalert.gov/OOP/Default.aspx>

## **X. REQUESTING CONFIDENTIALITY/NO FURTHER ACTION**

**Requesting Confidentiality and No Further Action From the College:  
How the College Will Weigh the Request and Respond**

Prior to filing a Formal Complaint, a Complainant can request that, even though the College has received actual notice, no further action be taken by the College and that the incident remains private. The Title IX Coordinator and/or designee will review the information received and decide if that option is available. If this option is available, the incident will remain private and no action by the College will be taken. The incident will be kept on file with the Title IX Coordinator in the event that a future pattern emerges. The incident may be re-evaluated if a pattern does emerge. If the Title IX Coordinator or designee has enough information indicating that the College has a duty to respond to the behavior, regardless of the Complainant's



participation in the process, the College may move forward with filing a Formal Complaint and serving as the Complainant in the absence of the Complainant.

In the event that a Complainant does not wish to proceed with an investigation or adjudication process, the Title IX Coordinator or designee will determine, based on the available information, including any investigative report, whether the investigation or conduct proceedings should nonetheless go forward.

When weighing an individual's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator or designee will consider a range of factors, including, but not limited to, the following:

- The increased risk that the Respondent will commit additional acts of sexual and gender-based misconduct or other violence, such as:
  - Whether there have been other sexual and gender-based misconduct complaints about the same Respondent;
  - Whether the Respondent has a history of arrests or records from a prior school indicating a history of violence;
  - Whether the Respondent threatened further sexual and gender-based misconduct or other violence against the Complainant or others;
  - Whether the sexual violence was committed by multiple perpetrators;
  - Whether the misconduct was perpetrated with a weapon;
  - Whether the victim is a minor;
  - Whether the Respondent has admitted to the conduct;
  - The extent of prior remedial methods taken with the Respondent
  - Whether the College possesses other means to obtain relevant evidence of the misconduct (e.g., security cameras or personnel, physical evidence);
  - Whether the Complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.
  - Whether the incident represents escalation in unlawful conduct on behalf of the Respondent Student from previously noted behavior;
  - The increased risk that the Respondent Student will commit additional acts of violence.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the College will likely respect the Complainant's request for confidentiality.

The College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the Complainant. The College will assess any barriers to proceeding, including retaliation, and will inform the Complainant that Title IX prohibits retaliation and the College will take strong responsive action to protect the Complainant. Where the College is unable to take action consistent with the request of the Complainant, the Title IX Coordinator or designee will communicate with the Complainant about the College's chosen course of action, which may include the College choosing to pursue action against a Respondent on its own behalf. Alternatively, the course of action may also include steps to limit the effects of the alleged misconduct and prevent its recurrence that do not involve formal disciplinary action against a Respondent or revealing the identity of the Complainant.

**If the College determines that it cannot maintain a student’s confidentiality,** the College will inform the Complainant prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College’s response.

The College will remain ever mindful of the Complainant’s well-being, and will take ongoing steps to protect them from retaliation or harm and work with the student to create a safety plan. Retaliation against the Complainant, whether by students or College employees, will not be tolerated. The College will also:

- Assist the Complainant in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus (see portion of policy identifying these);
- Provide other security and support, which could include issuing a no contact order, helping arrange a change of living or working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- Inform the Complainant of the right to report a crime to campus or local law enforcement – and provide the Complainant with assistance if they wish to do so.

The College may not require a Complainant to participate in any investigation or disciplinary proceeding. Because the College is under a continuing obligation to address the issue of sexual and gender-based misconduct campus-wide, reports of sexual and gender-based misconduct (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual and gender-based misconduct occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

**If the College determines that it can respect a Complainant’s request for confidentiality,** the College will also take immediate action as necessary to protect and assist the Complainant. If the College honors the request for confidentiality, the Complainant must understand that the College’s ability to meaningfully investigate the incident and pursue disciplinary action against the Respondent may be limited.

## **XI. INVESTIGATION PROCESS**

### **Filing a Formal Complaint**

If the Complainant wishes to file a Formal Complaint, the Title IX Coordinator and/or designee will collect information from the Complainant for the Formal Complaint. After receiving this statement, the Title IX Coordinator will take into consideration the choice/wishes of the Complainant and, as needed, consult certain parties or personnel to determine how to proceed. The options for next steps include:

1. Not enough information presented to move forward with a Formal Complaint.
2. Refer the complaint to the Title IX Policy if Title IX has jurisdiction.

3. **Moving forward with a Formal Complaint under this policy:** Information collected in the formal report gives reasonable cause to believe a violation of the EiE policy may have occurred and warrants further investigation. A full investigation will begin.

Please note that the filing a Formal Complaint or the initiation of an investigation under this policy is not a presumption that the respondent is responsible for the alleged conduct.

## Alternative Resolution Process

If the Complainant and Respondent both wish to pursue an alternative resolution, the Title IX Coordinator or designee will facilitate this process. Please note that no party will ever be required to engage in an Alternative Resolution Process, and the process itself does not involve any in-person or face-to-face meetings between the parties.

After a complaint has been filed, all parties will receive a full disclosure of the allegations and a description of the adjudication process from the Title IX Coordinator or designee. The Alternative Resolution Process can be engaged only by mutual agreement by both parties and with the approval of the Title IX Coordinator before or at any time during the investigation and adjudication of the complaint prior to a finding. In either event, all parties must agree in writing to participate before the Alternative Resolution Process can commence.

Once the Alternative Resolution Process has been initiated, a party can elect to end the process at any time. At that point, that process will stop, and the formal investigation and adjudication process will proceed. Anything that is discussed during the Alternative Resolution Process, but that is not formally agreed to, is not binding on the parties.

If a resolution is reached through the Alternative Resolution Process, it will be formalized by a written agreement and must be signed by both parties and the Title IX Coordinator or designee to implement. Part of the resolution may include an acceptance of responsibility if that is agreed upon by all parties.

**Regardless of whether accepting responsibility is part of the agreement, the agreement must adequately address the rights and concerns of the Complainant, the rights and concerns of the Respondent, and the overall intent of the College to stop, remedy and prevent sexual and gender-based misconduct as outlined in this policy or related policies.**

In the event an agreement cannot be reached through the Alternative Resolution Process, any party's willingness to engage in the Alternative Resolution Process will not be considered as part of the investigation and adjudication throughout the formal process. Neither the Title IX Coordinator nor the parties will disclose to the Adjudication Panel either the fact that the parties had participated in the Alternative Resolution Process or any information learned during that process (including statements made by the parties in the Alternative Resolution Process).

With the approval of all parties, an alternative resolution agreement could include but is not limited to, remedies such as:

- Implementing agreed upon measures or sanctions, such as:
  - No Contact Order (Standard/Proximity)
  - Counseling and/or Professional Assessment
  - Voluntary Personal Leave
  - Change in student housing

- Change in on-campus work schedule or job assignment
- Change in class schedule or other academic measures (in conjunction with and approval by the appropriate faculty or academic office)
- Community Service
- Acceptance of responsibility
- One-time or recurring meetings with an appropriate administrator
- Other specific measures or restrictions, such as
  - Schedules for when certain buildings/facilities/services can be accessed
  - Schedules for when certain off-campus buildings, establishments, and other locations can be accessed
  - Limitations on participating in clubs, activities, sports teams, SGA, or other College programs
- Reimbursement for lost or damaged property
- A written apology or self-reflection paper from the Respondent
- Increasing monitoring or security at specified locations
- Other **sanctions** as stated in the Title IX Policy
- Any other remedy that can be tailored to the parties to achieve the goals of the Policy.

Please note that any type of monetary offering or settlement would be prohibited in any agreement with the exception of a reimbursement of lost or damaged property related to the complaint.

Agreed upon measures can incorporate suspension or expulsion from the College. If suspension or expulsion are included in the resolution, each party will have up to three business days after the agreement is signed to appeal. The appeal must be submitted in writing to the Title IX Coordinator or designee. It will then be reviewed by the Dean of Students and Vice President for Student Affairs and will be considered on the following grounds:

- A procedural error occurred that significantly impacted the outcome of the process (e.g. substantiated bias, material deviation from established procedures, etc.);
- The discovery of new information, unavailable to the appealing party during the process, that could substantially impact either of the party's willingness to enter an agreement; or
- Sanctions or remedies are disproportionate to the nature or severity of the violation(s), taking into account the totality of the circumstances (including the cumulative conduct record of the Respondent, if any).

An alternative resolution agreement may incorporate a formal Acceptance of Responsibility by the Respondent. Such an acceptance will be considered a formal finding of responsibility and would be indicated on the student's conduct record. If the agreement provides for a suspension, withdrawal, or expulsion of the Respondent from the College, there will be a **transcript notation** in compliance with NY's *Enough is Enough* law and this policy.

Any agreement reached must be approved by the Title IX Coordinator. Any remedy, stipulation, or sanction requested by any party that is not listed above is subject to review and requires approval from the Title IX Coordinator or designee. The Title IX Coordinator or designee cannot advise any party as to whether they should pursue, agree, or reject an agreement or any proposed remedy, stipulation, or sanction therein.

To initiate this process, all parties are required to review the Permission to Initiate the Alternative Resolution Process Checklist with the Title IX Coordinator or designee. Additionally, each party must consult with an SGBM Support Specialist (including a Victim Advocate). If a party does not wish to consult with an SGBM Support Specialist, the party must submit a written request that identifies an appropriate advisor of choice to the Title IX Coordinator or designee for review and approval. It is recommended that a party work with such an advisor, or a SGBM Support Specialist, throughout the process.

If all parties wish to engage in an Alternative Resolution Process and if both parties agree, the College can postpone the start of its investigation for up to 10 business days as parties attempt to reach an agreement and can extend this period with agreement from both parties. At any point during these initial 10 days or after, either party has the right to cease the Alternative Resolution Process and start (or resume) **the formal investigation and adjudication process**.

If an agreement is reached and signed by all parties and the Title IX Coordinator or designee, the College would end its investigation and adjudication, and the matter would be considered closed. All parties would waive their right to appeal the agreement except for when either suspension or expulsion are part of the agreement. Please note that the agreement would not prohibit any party from pursuing the matter through law enforcement or another external agency.

Unless there is new and significant information (especially if such information was not available at the time of the agreement) neither the College nor the Complainant will be permitted to reopen the complaint. This does not preclude any party's ability to file a complaint in the future regarding a different matter.

Any agreement by all parties and approved by the College is considered to be a directive of the College. Any violation of any of the stipulations would be grounds for misconduct charges. Such allegations will be investigated and adjudicated under the Failure to Comply section of the Code of Social Conduct in the Student Handbook.

A written copy of the agreement will be provided to the Office of the Associate Dean of Residential Life and Student Conduct and also maintained by the Title IX Coordinator for recordkeeping, pattern-tracking, and sharing with College personnel as needed for implementation.

The Title IX Coordinator has the right to determine that an Alternative Resolution Process would not be an appropriate option based on the nature and severity of the allegations, as well as the right to end an Alternative Resolution Process that may already be underway. Any agreement reached is under the purview of Skidmore College and does not affect or preclude any party's ability to pursue a complaint with law enforcement or another external entity.

## Full Investigation

The Title IX Coordinator or designee will determine the most effective method of reviewing the concerns raised by the reported sexual or gender-based misconduct. In all cases, the College will respond to the report in a prompt, impartial, procedurally fair, and effective manner. Upon receipt of a report, the College will strive to complete the investigation and adjudication processes (excluding appeal process) within sixty (60) calendar days. Throughout the investigation process, a Complainant and Respondent may be accompanied by a trained SGBM Support Specialist and/or an Advisor of Choice to all meetings, investigation interviews, and/or panel reviews pertaining to the complaint. Please keep in mind that an Advisor of Choice is not

permitted to speak on behalf of the student they are supporting as described by the aforementioned definition of Advisor of Choice.

### **Investigation Process**

An investigation into whether or not a violation of the EiE Policy has occurred will begin after a Formal Complaint has been filed and the Complainant has been informed of their rights under this policy.

The Title IX Coordinator or designee will then reach out to the Respondent to provide them the Formal Complaint, including the date, time, location, and factual allegations concerning a violation, the investigation and adjudication process, and their rights under this policy. If the Respondent fails to arrange and meet with the Investigators within an appropriate time frame, the complaint process will proceed in their absence.

The Complainant and Respondent will be kept informed of all developments and will be advised of the procedures that will guide the resolution of the complaint.

The purpose of the investigation is to collect information, through meeting separately with the Complainant (if participating), Respondent, and pertinent witnesses, and reviewing other relevant information. At any time during the course of an investigation, the Complainant, Respondent, or any witnesses may also provide a written statement, other supporting materials, or identify other potential witnesses, regarding the matter under review. All information gathered will be used to complete an investigation report to be used during the adjudication process. Individuals who are interviewed may provide information that the Investigators determine is irrelevant to the finding of facts and reserve the right to redact this information from the final investigation report.

The investigation report will be shared with the Complainant and Respondent once it is complete. The Complainant and Respondent each have five business days following the receipt of the report to write a response to it or pose questions to the other parties (including witnesses), if they wish to do so, before the investigation report is considered final. Written responses may also include additional information not previously included in the report that is relevant to the determination of whether or not the EiE Policy has been violated. Submitted questions will be reviewed by the Investigators and if deemed appropriate and unanswered will be asked to the other parties. Investigators will gather answers to the questions asked and responses will be included in the final investigation report. Any new information will be reviewed for relevance by the Investigators prior to becoming part of the final investigation report. Written responses and answers to questions will be included in the official materials sent forward to the Adjudication Panel for review. Once the investigation report is final, it is turned over to the Conduct Administrator to begin the adjudication process. The final investigation report is provided to the Complainant, Respondent, and the Adjudication Panel.

Recordings of investigative interviews or any such meeting throughout the investigative process is strictly prohibited. Any party, witness or employee who creates an unauthorized recording of meetings or interviews related to the complaint will be charged with a policy violation under the applicable policy. Advisors who record on behalf of a party will be expelled from the process, and charges of a policy violation will be applied to the party who was advised by that advisor under the appropriate policy.

## XII. ADJUDICATION PROCESS

### Standard of Evidence

The Department of Education’s Office of Civil Rights has interpreted Title IX to allow schools to evaluate reports of alleged sexual and gender-based misconduct under a “preponderance of the evidence” standard, and that is the standard adopted by this policy. A preponderance of the evidence exists when a reasonable person, after a careful balancing of available information, would conclude that “more likely than not” a violation has occurred and the student charged is responsible for the violation.

### Adjudication Procedures

The Conduct Administrator shall assemble an *Enough is Enough (EiE)* Adjudication Panel of three trained members of Skidmore’s staff or faculty to review sexual and gender-based misconduct cases. Gender diversity will be ensured in panel composition. The pool of trained Adjudication Panel Members are staff members who are appointed by the DoS/VPSA and/or the faculty members who serve on the Faculty Advisory Board (FAB) and are appointed by the Faculty Executive Committee (FEC) to serve in over-lapping two-year terms. The Complainant and Respondent have a right to petition that any member of the Adjudication Panel be removed on the basis of knowledge of the participants in the case that may impair – or may be perceived to impair – their ability to review and determine a case impartially. Panel members are also encouraged to remove themselves from a panel if they have knowledge of the participants in the case that may impair – or may be perceived to impair – their ability to review and determine a case impartially, and to recuse themselves if their participation might compromise the integrity of the adjudication process.

The Adjudication Panel will deliberate in private to review the investigation report. The Panel will start its deliberations by reading the statements gathered by the Investigator(s) and the investigation report, along with the responses to the report (if any) from the Complainant and Respondent. After discussion, the Panel will decide whether there are additional questions that need to be asked. If so, the Conduct Administrator will go back to the parties to ask those questions. Any additional information collected will be submitted to the Complainant and Respondent before the panel commenting session.

Following the initial review by the Adjudication Panel, the Respondent and Complainant will be informed in writing of the date and time of the panel review and commenting session. Any scheduling requests must be submitted to the Conduct Administrator to be resolved no later than 48 hours prior to the scheduled date of the commenting session.

The Respondent and Complainant may be accompanied by one Advisor of Choice and one SGBM Support Specialist (which can be a Victim Advocate). The Advisor and Specialist are present to act as counselors and to advise/support the Respondent and Complainant, and to provide advice on procedural matters. The Advisor and Specialist do not have speaking privileges during the Adjudication Panel review. A panel review will not be cancelled or postponed in the event a scheduled Advisor and/or Specialist does not attend. If the scheduled Advisor and/or Specialist is not able to attend, the Complainant/Respondent is advised to arrange for a substitute. The Respondent and Complainant must notify the Title IX Coordinator or designee of any Advisor and Specialist attending the panel 24-hours prior to the panel review.

Any portion of the panel review not considered private deliberation will be audio-recorded, including the commenting session. A digital file will be made available upon request to the Complainant and/or Respondent in order to prepare a written appeal.

During the Adjudication Panel review, the Complainant and Respondent are invited to address the Panel during a 30-minute commenting session. The commenting session can be used to direct the Panel to review specific sections of the investigation report. The commenting session will not allow for any impact statements to be made. The Panel will not ask any questions during this phase, as all questions have been asked by the Investigators and answered by the appropriate parties. The Complainant and Respondent then leave the room and the Panel by unanimous decision will determine whether or not the Respondent violated the EiE Policy and/or Code of Social Conduct violation as alleged in the Formal Complaint by finding either: “Responsible” or “Not Responsible” using the standard of evidence described above. If the Respondent or Complainant fails to appear at the panel, the panel will move forward in their absence.

If the Panel renders a determination of “Not Responsible”, the Panel adjourns. The Complainant and Respondent have the right to appeal this determination. If either party submitted an impact statement, the Conduct Administrator will contact them to pick up the unread statements and they will not remain a part of the case information.

If the Panel renders a determination of “Responsible”, the Panel will review any submitted impact statements and information regarding past violations prior to making sanctioning determinations.

- **Impact Statement:** The Complainant and Respondent each have the right to prepare and submit, in writing, an Impact Statement to be considered by the Sexual and Gender-Based Misconduct Adjudication Panel while determining sanctions. Impact statements outline the Complainant’s or Respondent’s thoughts regarding an appropriate sanction. The Panel is not bound by these statements in determining sanctions. Impact statements are optional and are only admissible if a violation is found.

The Panel will then recommend a sanction consistent with those specified in this policy.

The Panel shall have up to five business days following the 30-minute commenting session to render a decision regarding a finding or sanction.

The Conduct Administrator will notify both the Complainant and Respondent simultaneously, in writing via email, of the Panel’s decision.

The Complainant and Respondent both have the right to appeal any decision made by the Panel. Appeal procedures can be found in the section below.

The College reserves the right to extend any time periods identified in this policy and both the Complainant and Respondent will be promptly notified of any changes in the procedures.

If a sexual or gender-based misconduct case is also being heard by a civil or criminal court, the College retains the right to hear the case before, after, or during the same time as the civil or criminal case, and to implement appropriate action (such as No Contact Orders, removal from campus residence facilities, removing a student from a class or classes or interim suspension) to maintain the safety of the campus.



The campus conduct process shall be confidential to the extent possible and as allowed by law.

## Notification of Determination

The determination made after an investigation (if there is not sufficient information to proceed with an adjudication process) or at the conclusion of adjudication is part of the education record of the Respondent, and is protected from disclosure under Federal law. However, there are two exceptions as follows:

- Complainants shall be informed of the Formal Complaint against the Respondent, the determination made after a panel, and any sanctions imposed. Information regarding the release of disciplinary records can be found in the Student Handbook.

## Sanctions

Sanctions are designed to stop the harassing behavior, prevent its reoccurrence, and remedy the effects upon the victim and community. Sanctions preserve individual and institutional safety and integrity and, whenever possible and appropriate, help offenders repair the damage to the individual and community for which they have been found responsible. Individuals found to be in violation of sexual and gender-based misconduct offenses involving penetration regardless of the genders of the parties will likely face a recommended sanction of suspension or expulsion. Individuals found to be in repeat violation of sexual and/or gender-based misconduct offenses will likely face a recommended sanction of suspension or expulsion.

The Office of Residential Life maintains a record of all student misconduct and sanctions applied, and these are admissible in subsequent student conduct proceedings involving the student(s) in question. Student misconduct may have an impact on eligibility for academic prizes and honors, eligibility to hold a student leadership position, participation and/or status in the housing selection process, law school applications, security clearances, etc.

When considering appropriate sanctions for the violation, the Panel will consider the following pieces of information (in no particular order):

- a. The nature and violence of the conduct;
- b. The Respondent's prior discipline history;
- c. The impact of the conduct on the Complainant, and their desired sanctions, if known;
- d. The impact of the conduct on the Skidmore community, its members, and/or its property;
- e. How the College has sanctioned similar incidents in the past;
- f. Whether the Respondent has accepted responsibility; and
- g. Any other mitigating or aggravating circumstances, including the College's values.

The sanctions available to the Adjudication Panel assign include, but are not limited to, the following:

- **Professional Assessment:** Completion of a professional assessment and ongoing compliance with all recommendations that could help the student or the College ascertain the student's ongoing supervision or support needs to successfully participate in the College community.
- **Educational Program:** The Panel may require the Respondent 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. Students may be required to complete a workshop, online education courses, research or reflection paper articulating the harm caused by their actions and/or strategies they may adopt to prevent further disruptive behavior.

- **Specific Restriction(s):** The Panel may impose specific restrictions on an individual to prevent either access to an area of campus or participation in one or more College or College-recognized or sponsored programs or activities (e.g. commencement).
- **No Contact Order:** The Panel may decide to continue and/or impose a prohibition against having any avoidable contact with one or more identified persons, in person or through telephonic, electronic, written or other means. A no contact order may include additional restrictions and terms.
- **College Housing Reassignment or Suspension:** The Panel may reassign the student to another College housing facility, or may remove the student from College housing for a specified period of time, including permanent removal.
- **Disciplinary Probation:** If determined appropriate by Panel a student may be placed on Disciplinary Probation. In such a case, any subsequent violation of this policy (or other college policy) is likely to result in suspension or expulsion. Note that some campus organizations do not permit their members to serve in leadership positions or hold campus jobs if they are on Disciplinary Probation. Probation may also affect eligibility for study abroad, attending conferences, or representing the College at an official function, event or intercollegiate competition as a player, manager or student coach, etc.
- **College Suspension:** The Panel may recommend suspension to the DoS/VPSA. During the suspension period, the student is prohibited from being present on or at College property, functions, events and activities without prior written approval from the CA. The Panel may also assign specific sanctions, such as a professional assessment or community service, for completion during the suspension period. While suspended, students may transfer up to 18 credits taken at another institution, subject to the usual review by the Registrar. The College follows the refund practices for personal leaves. Further information may be found on the Bursar's Office website at <https://www.skidmore.edu/bursar/withdrawal/index.php>. A decision for suspension constitutes a recommendation to the DoS/VPSA, who will consider whether to accept or modify the recommendation either during the appeal process or during a review if no appeal is submitted. Students wishing to return from a suspension must contact the CA by the date specified in their outcome letter in order to commence the readmission processes.
- **College Suspension in Abeyance:** In cases of suspension, the Panel may decide that there are circumstances that mitigate against the immediate separation of the student from the College. For example, they may allow the student to complete the current semester's coursework and begin their suspension period at the semester's end. However, should the student be found in violation of the Honor Code, the Code of Social Conduct, this policy or the Title IX Policy during the period of abeyance, the abeyance may be lifted and the suspension shall take effect immediately and continue through the originally scheduled expiration date for the suspension (subject to any additional sanctions that may be imposed as a result of the new violation).
- **Expulsion:** The Panel may recommend expulsion to the DoS/VPSA. The student is prohibited from being present on or at College property, functions, events or activities. Expulsion is a permanent status. The Respondent must leave the College immediately and cannot register again as a student without going through a full readmission process. A decision for expulsion constitutes a recommendation to the DoS/VPSA, who will consider whether to accept or modify the recommendation either during the appeal process or during a review if no appeal is submitted.

- **Degree Revocation:** In the event of serious misconduct committed while still enrolled, but found responsible after the Respondent has graduated, the College may revoke that student's degree. The student will be asked to return the diploma.

A student who fails to comply with assigned sanctions will generally be placed on hold and may receive additional, more substantial sanctions. In the case of graduating seniors, students may not receive diplomas or transcripts or participate in the graduation ceremony until completion of all sanction requirements, unless specifically permitted by the Adjudication Panel.

## Transcript Notation

For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. § 1092(f)(1)(f)(i)(i)-(viii), Skidmore shall make a notation on the transcript of a Respondent found responsible after a conduct process that they were "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." For the Respondent who withdraws from Skidmore while such conduct charges are pending, and declines to complete the disciplinary process Skidmore shall make a notation on the transcript of such students that they "withdrew with conduct charges pending." Students who are suspended after a finding of responsibility for a Code of Conduct violation may submit a written appeal to the Dean of Students/Vice President of Student Affairs requesting that the transcript notation be removed from their transcript. Such a notation may not be removed from a student's transcript prior to one year after conclusion of the suspension. Notations for expulsion will not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

## Special Procedures:

### A. False Reports

The College will not tolerate false allegations of incidents of sexual and gender-based misconduct. Complaints made in good faith that are found not to constitute harassment or discrimination will not be considered false allegations. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws. Any individual who knowingly, maliciously, or frivolously makes a false allegation of sexual and gender-based misconduct will be subject to disciplinary action up to and including suspension or expulsion. Similarly, any party or witness who is later proven to have intentionally given false information during the course of an investigation or conduct process may be subject to disciplinary action.

### B. Amnesty for Complainant(s)/Witnesses/Bystanders

The health and safety of every student at Skidmore College is of utmost importance. Skidmore 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, or the alleged incident of sexual and gender-based misconduct – occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Skidmore College strongly encourages students to report domestic violence, dating violence, stalking, sexual assault, or sexual and gender-based misconduct to reporting resources listed above. A bystander acting in good faith or a Complainant acting in good faith who discloses any incident of domestic violence, dating violence, stalking, sexual assault, or sexual and gender-based misconduct to College officials or law enforcement will not be subject to Skidmore College 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, sexual assault, or incident of sexual and gender-based misconduct.

### **C. Alternative Participation Options**

Complainants or Respondents may request alternative participation options during the commenting period of the panel. Options include placing a privacy screen in the panel review room, or other options that provide a safe space for participation while not depriving the Respondent of their rights in the process. While these options are intended to help make all parties more comfortable in participating in this process, they are not intended to work to the disadvantage of the Respondent.

### **D. Past Sexual History, Past Sexual and Gender-Based Misconduct Violations, and Past Conduct Violations**

1. The Investigator and the Sexual and Gender-Based Misconduct Adjudication Panel will not consider information concerning the sexual/romantic history or sexual character of either the Complainant or the Respondent, except:
  - a. From either the Complainant or the Respondent regarding their shared sexual history. If either offers such information, the other will have the right to respond; or
  - b. Information regarding the Respondent's sexual history that shows a pattern of behavior by the Respondent. In order to be relevant, the Investigators will strive to gather a description of the similar behavior, a summary of the relevance of the described behavior, and a brief explanation of why this information was not previously investigated and/or the status of the investigation. Whether certain conduct constitutes "similar behavior" is within the discretion of the Adjudication Panel.
2. If, in the past, a Respondent was found to have violated the Sexual and Gender-Based Misconduct Policy ("Past Violation"), the information related to the Past Violation may be shared by the Conduct Administrator and considered by the Adjudication Panel prior to determining responsibility and sanctions, if:
  - a. The previous violation was substantially similar to the present complaint; and
  - b. The previous violation indicates a pattern of behavior and substantial conformity with that pattern by the Respondent.
3. Other violations of the Sexual and Gender-Based Misconduct Policy that were not substantially similar or other student misconduct (ex. Alcohol and other drug violations) may be shared by the Conduct Administrator after the Panel has determined responsibility but prior to determining sanctions.

## **Appeal Process**

A student involved in the conduct process as a Complainant or a Respondent may file a written appeal of the Adjudication Panel's decision. Appeals will be considered on the following grounds:

- a. A procedural error occurred that significantly impacted the outcome of the process (e.g. substantiated bias, material deviation from established procedures, etc.);
- b. The discovery of new information, unavailable to the appealing party during the original panel or investigation, that could substantially impact the original finding or sanction; or
- c. Sanctions are disproportionate to the nature or severity of the violation or violations, taking into account the totality of the circumstances (including the cumulative conduct record of the Respondent, if any).

### **To File an Appeal**

- Submit a written appeal **within three (3) business days of the written outcome being made** available to the Title IX Coordinator or designee.
- Written appeals will be submitted to the other party for their response, which must be submitted within two (2) business days.

### **To Respond to an Appeal**

- Parties will be notified of the other party's appeal once it has been received by the Title IX Coordinator or designee.
- All parties will have access to all the written appeals and responses submitted by all parties after the submission deadlines have ended.

### **Potential Appeal Outcomes**

The appeal will be reviewed by an Appeal Panel, chaired by the Dean of Students/Vice President for Student Affairs (DoS/VPSA). The Appeal Panel members will be chosen from the same pool of trained Panel members described in the adjudication procedures above. The Complainant and Respondent have a right to petition that any member of the Adjudication Panel be removed on the basis of knowledge of the participants in the case that may impair – or may be perceived to impair – their ability to hear and determine a case impartially. Panel members are also encouraged to remove themselves from a panel if they have knowledge of the participants in the case that may impair – or may be perceived to impair – their ability to hear and determine a case impartially, and to recuse themselves if their participation might compromise the integrity of the adjudication process.

The Appeal Panel will meet in private to review all available written material, including the full investigation report, submitted impact statements, outcome letters (with written rationale), appeal statements and the digital recording of the 30-minute commenting session. After a review of all available information, the Appeal Panel may decide to:

- Decline to consider the appeal if it is not based on one or more of the criteria listed above,
- Ask the original Adjudication Panel to reconsider the case based on new information, or
- Impanel a new Adjudication Panel to decide the case de novo.
- Make a final determination either upholding or altering the outcome of the panel, which may include but is not limited to:
  - Adding or removing one or more sanctions
  - Increasing or decreasing the duration of one or more sanctions
  - Reversal of the finding of Adjudication Panel's finding(s)
  - Alteration of deadlines related to sanction completion

The Appeal Panel will review the appeal and render a **decision within ten business days after receiving the written appeal**. The decision of the Appeal Panel is final, subject to any further proceedings ordered by the DoS/VPSA as described above.

In the event that the sanction determined by the Adjudication Panel is suspension or expulsion and no appeal is submitted by any party, the decision will still be reviewed by the Dean of Students and Vice President for Student Affairs (DoS/VPSA). Both parties can submit written statements to be considered by the DoS/VPSA during this review process.

\*The timeline above may change depending on individual circumstances of the case. If there are any changes to the appeal timeline, this will be communicated by the DoS/VPSA or their designee to all parties involved.

\*\*During the appeal process, the DoS/VPSA may implement interim restrictions for sanctions such as suspension or expulsion to allow the Respondent to continue to take classes but protect the safety and well-being of the Complainant.

### **XIII. LIABILITY INFORMATION FOR EMPLOYEES**

Skidmore College provides liability protection for employees for their work on behalf of the College, including their work as a Hearing Panelist, Adjudicator, Investigator, advisor, advocate, or other relevant role throughout the EiE process. The liability insurance provided is the Educators' Legal Liability and General Liability policies. The Educators' Legal Liability protects against claims for "wrongful acts", such as harassment or discrimination. General Liability insurance protects against claims for bodily injury or property damage. Both policies are placed with United Educators.

For more information, please contact the Office of Risk Management at 518-580-5812.

### **XIV. SUPPORT SERVICES AND RESOURCES**

#### **On-Campus Resources**

- **\*Counseling Center (Confidential):** 518-580-5555  
(9 a.m. - 12 noon, 1 p.m. - 5 p.m. Monday - Friday while school is in session)
- **\*Health Services (Confidential):** 518-580-5550  
(9 a.m. - 12 noon, 1 p.m. - 4:30 p.m. Monday - Friday, and 12 noon - 5 p.m. Sunday while school is in session)
- **Victim Advocates (Anonymous)**  
Jen McDonald, Director of Health Promotion: 518-580-5684  
Kim Golemboski, Prevention Specialist: 518-580-5484  
Wendy Walker, Prevention Specialist: 518-580-8256
- **Wellspring Advocate (Confidential, Not affiliated with Skidmore College)**  
A victim advocate from Wellspring (formerly Domestic Violence and Rape Crisis Services of Saratoga County) is on campus and accessible to individuals during set times

- See <https://www.skidmore.edu/sgbm/contacts.php> for exact times and contact information.

- **\*Campus Safety:** 518-580-5566
- **Title IX Coordinator (Private)**  
Joel Aure: 518-580-5708
- **Title IX Deputy Coordinator (Private)**  
Gabriela Melillo: 518-580-5022
- **Dean of Students/Vice President of Student Affairs (Private)**  
Adrian Bautista: 518-580-5760
- **\*Administrator ON-CALL: 518-580-5566**  
(Call Skidmore Campus Safety to contact “on-call” person)

*\*indicates availability 24 hours a day/7 days a week*

### Off-Campus Confidential Reporting Sources

- **\*Wellspring Saratoga Springs 24 Hour Hotline:** 518-584-8188
- **\*Saratoga Hospital Emergency Room:** 518-583-8313
- **Saratoga Planned Parenthood/Schenectady Planned Parenthood:** 518-584-0041 or 518-374-5353
- **\*NYS Sexual Violence Hotline:**
  - English: 1-800-942-6906
  - Spanish: 1-800-942-6908
  - English TTY: 1-800-818-0656
  - Spanish TTY: 1-800-780-7660
  -

### Off-Campus Reporting Sources

- **\*Saratoga Springs Police Department:** 518-584-1800
- **\*New York State Police Hotline:** 1-844-845-7269 (dedicated 24-hour hotline for sexual assaults occurring on a New York State college campus)
- **Office of Civil Rights**  
New York Office  
Office for Civil Rights  
U.S. Department of Education  
32 Old Slip, 26th Floor New York, NY 10005-2500  
Telephone: 646-428-3900  
FAX: 646-428-3843  
TDD: 800-877-8339  
Email: OCR.NewYork@ed.gov

*\*indicates availability 24 hours a day/7 days a week*

*Policy revised in August 2019.*

*This policy may be amended, in writing, by Title IX Coordinator in consultation with the Dean of Students and Vice President for Student Affairs or the Dean’s designee at any time.*

# Sexual Assault, Domestic Violence, Dating Violence, Stalking Prevention Programs

Skidmore prohibits the offenses of domestic violence, dating violence, sexual assault and stalking.

Skidmore training programs provide safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault or stalking against a person other than such individual. Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks is also presented.

Students and employees are also provided information on resources and reporting options. These include the police, Campus Safety, Wellspring (formerly the Domestic Violence and Rape Crisis Services of Saratoga County), the Counseling Center, the Health Center, Human Resources, and the Employee Assistance Program.

## Specific programs:

- **Statistics, effective consent, policy, resources, and reporting review:** This program is conducted by the Title IX coordinator or designee. It explains the College's sexual misconduct policy and provides options for bystanders and reporting options to incoming students.
- **Behind Closed Doors:** Scenarios are used to demonstrate effective consent, reporting procedures, and bystander intervention as part of the training for RAs and UAs.
- **Everyday Leadership:** Training aimed at explaining dating violence, domestic violence and bystander intervention tactics to student leaders.
- **New Faculty Talk:** Includes reporting procedures, sexual misconduct training and stalking.
- **Consent "Restroom Readers":** Informational posters designed for bathroom stalls discussing sexual misconduct, dating violence, etc.
- **Sex Discussed Here First Year Orientation Program:** Safe sex, effective consent, dating violence.
- **First Year Seminar:** Peer Health Educators invited in to speak about consent and the Wellness Center.
- **Tabling (Atrium and Case) and Consent Pledge** with stickers and affirmative consent handouts created and distributed by the peer health educators.
- **Campus Safety Sexual Misconduct Policy Training** on domestic violence, dating violence, stalking.
- **"It's Happening Here":** A gender-neutral Student Government Association campaign to combat sexual and gender-based misconduct at Skidmore.
- **Think About It** (mandated for incoming students): Offered through Campus Clarity, it is a research-based, comprehensive training program focused on preparing students for the unique challenges of college and empowering them to make healthy, responsible choices and to confront and prevent serious campus problems (Campus Clarity website). The program educates students about alcohol, drugs, and sexual violence and is designed to minimize risk associated with these areas. It uses a multifaceted approach to motivate and engage with students, such as live social norming and interactive real-world stories and scenarios.
- **"It's On Us":** In an effort to raise awareness and speak out against sexual assault, the Student-Athlete Advisory Committee and Skidmore Athletics have taken on the "It's On Us" campaign. This is a national campaign that has served a specific purpose to bring attention to this issue through the use of social media and mainstream media. Skidmore student-athletes are continuing the work of the "Show Your Sport" committee that began with an anti-homophobia campaign in 2015. Our students decided to take on the "It's on Us" campaign to let our campus community know that we will stand against sexual violence and we are allies to survivors. You can learn more at [www.itsonus.org](http://www.itsonus.org).



# 2022 Sexual and Gender-Based Misconduct Training Schedule

## **January 5, 2022: Campus Safety Officers**

Topics: SGBM policy, affirmative consent, resources and reporting responsibilities

Presenter: Joel Aure, Title IX Coordinator

Audience: Full-time Campus Safety Officers, Mandatory

## **January 5, 2022 – Campus Safety Staff members**

Topic: How to support Students in crisis

Presenter(s): Counseling Center Staff

Audience: Campus Safety Staff

## **January 18, 2022 – New Res Life Staff**

Topic: How to Support Students in Crisis

Presenter(s): Counseling Center Staff

Audience: New Resident Assistants

## **January 18, 2022 – Library and IT Staff members**

Topic: How to Support Students in Crisis

Presenter(s): Counseling Center Staff

Audience: Library and IT Staff

## **January 19, 2022: New Res Life Staff Members**

Topics: Affirmative consent, policy, resources, and reporting responsibilities

Presenter(s): Joel Aure, Title IX Coordinator and Gabriela Melillo, Title IX Deputy Coordinator

Audience: New Residential Life Staff, mandatory

## **January 2022: Sexual Citizens Workshop**

Topics: Sexual assault prevention and awareness

Description: Peer Health Educators read “Sexual Citizens” by Jennifer Hirsch and Shamus Khan and were required to attend workshops debriefing the content of the book. They also had to formulate ideas on how to educate the campus community on the topic of sexual assault awareness and enhance prevention efforts on campus.

Presenters: Jennifer McDonald, Director of Health Promotion and Victim Advocates from Wellspring

Audience: Peer Health Educators, mandatory

## **February 2022: Valentine's Day Consent/Sexual Health Tabling**

Topics: Affirmative consent, sexual health

Description: Peer health educators held a series of 1 ½ to two-hour tabling events in the Atrium of the Dining Hall and Case Center in February. The purpose of these events was to encourage students to practice consent, remind them of the importance of consent and provide safer sex supplies.

Presenters: PHE Sexual Health Committee members

Audience: All students, voluntary; peer health educators, mandatory

## **Spring semester, ongoing**

Topics: Tabling series focused on affirmative consent and sexual health

Presenters: Peer health educators

Audience: All students, voluntary

### **Spring semester, ongoing**

Topics: Active and passive programming (tabling, posters, social media posts) regarding alcohol safety, prevention strategies, navigating emergencies and resources

Presenters: Peer Health Educators

Audience: All students, voluntary

### **Spring semester, ongoing**

Topics: Active and passive programming (tabling, posters, social media posts) regarding alcohol safety, prevention strategies, navigating emergencies and resources

Presenters: Peer Health Educators

Audience: All students, voluntary

### **March 8, 2022: Crisis Management Training**

Topics: Handling difficult situations, including crises; referrals, resources and support

Presenter: Jennifer McDonald, Director of Health Promotion, victim advocate, Counseling Center Staff

Audience: New peer health educators, mandatory

### **March 2022: Alcohol Education Training**

Topics: Information about alcohol safety, on-campus resources related to alcohol and substance use

Presenter: Kim Golemboski (Associate Director of Health Promotion)

Audience: All Resident Assistants- Mandatory

### **April 2022: PHE Bystander Intervention Training**

Topic: Bystander intervention

Description: The group training to become peer health educators received a two-hour training workshop on bystander intervention. The workshop included a history and overview of bystander intervention as well as concrete skill-building activities to help students develop their skills.

Presenter: Jennifer McDonald, Director of Health Promotion/victim advocate and Counseling Center

Audience: Peer health educators, mandatory

### **April 2022: SGBM Climate Survey Results Listening Sessions**

Topic: SGBM Climate Survey results and student feedback

Presenter(s): Peer health Educators and Student Volunteers as organized by Gabriela Melillo, Title IX Deputy Coordinator

Audience: Open to all students

### **April 22, 2022: Peer Health Educators**

Topics: How to support Students in Crisis

Presenter: Julia Routbort

Audience: New peer health educators, mandatory

### **June 28, 2022: New Summer Residential Advisors**

Topics: Affirmative consent, policy, resources, and reporting responsibilities

Presenter(s): Joel Aure, Title IX Coordinator and Gabriela Melillo, Title IX Deputy Coordinator

Audience: New Summer Residential Life Staff, mandatory

### **June 29, 2022: Summer Res Life Staff**

Topic: How to Support Students in Crisis

Presenter(s): Counseling Center Staff

Audience: Summer Resident Assistants

**June 29, 2021: Opportunity Program Summer Academic institute**

Topic: How to Support Students in Crisis

Presenter(s): Counseling Center Staff

Audience: Opportunity Program Resident Assistants

**July 15, 2022: London FYE Faculty Training**

Topics: Affirmative consent, policy, resources, and reporting responsibilities

Presenter(s): Joel Aure, Title IX Coordinator

Audience: Skidmore London FYE Faculty

**August 2022: 3<sup>rd</sup> Millennium**

Topics: Affirmative consent, resources, bystander intervention, healthy sexual communications/relationships, Alcohol and Other Drugs

Presenter(s): <https://web.3rdmil.com/>

Audience: Mandatory for all first-year students

**August 2, 2022: London FYE SGBM Training**

Topics: Affirmative consent, New York State Bill of Rights, confidential and anonymous resources available to London First-Year students

Topic: Affirmative Consent, Skidmore College policy, reporting and on- and off-campus confidential and non-confidential resources

Presenters: Joel Aure, Title IX Coordinator, and Jennifer McDonald, Director of Health Promotion and victim advocate

Audience: London first-year students, mandatory

**August 26, 2022: Residential Life Staff**

Topics: Affirmative consent, policy, resources, and reporting responsibilities

Presenter(s): Joel Aure, Title IX Coordinator and Gabriela Melillo, Title IX Deputy Coordinator

Audience: New Residential Life Staff, mandatory

**August 29, 2022: Peer Mentor Training**

Topic: How to Support Students in Crisis

Presenter(s): Counseling Center Staff

Audience: New Peer Mentors

**August 30, 2022: New Res Life Staff members**

Topic: How to Support Students in Crisis

Presenter(s): Counseling Center Staff

Audience: New Resident Assistants

**August 29-31, 2022: Peer Advisor Training**

Topics: Review SGBM Policy, Processes, Affirmative Consent, Resources, and Reporting Responsibilities

Presenter(s): Joel Aure, Title IX Coordinator and Gabriela Melillo, Title IX Deputy Coordinator

Audience: Peer Advisors, mandatory

**August 2022: Alcohol, Marijuana and Title IX training**

Topics: Prior to starting the academic year, students are required to take three online modules that educate them about alcohol use, marijuana use and consent. They are introduced to Title IX as a part of this training.

Audience: All incoming first year students, mandatory

**August 2022: Alcohol Education Training**

Topics: Information about alcohol safety, on-campus resources related to alcohol and substance use

Presenter: Kim Golemboski (Associate Director of Health Promotion)

Audience: All Resident Assistants- Mandatory

**September 2022: Behind Closed Doors I & II**

Topics: Resident Assistants encounter staged scenarios to practice responding. Scenarios include a disclosure of an SGBM incident, an incident involving alcohol and/or other drugs, a bias related incident, a mental health scenario, and others. This activity gives RAs an opportunity to practice responding in the moment, review campus resources related to each scenario, and review what they are required to report and to whom following each scenario.

Presenters: Residential Life Professional Staff (when possible, Counseling Center, Campus Safety, and Title IX staff participate)

Audience: All Resident Assistants - Mandatory (Our more experienced RAs participate as "actors," but all are present for scenarios and activity debrief)

**September 2, 2022: New Faculty Training**

Topics: Mandatory Reporting, Affirmative Consent, resources and policy

Presenter: Joel Aure, Title IX Coordinator

Audience: New Faculty Members

**September 5, 2022: Passport to Success**

Topics: SGBM policy, processes, affirmative consent, resources and reporting responsibilities

Presenter: Joel Aure, Title IX Coordinator and Gabriela Melillo, Title IX Deputy Coordinator

Audience: Student staff, peer health educators, peer mentors, mandatory

**September 5, 2022: "Sex Discussed Here" First Year Orientation Program**

Topics: Affirmative consent, resources, bystander intervention, healthy sexual communication/relationships

Presenter(s): <http://www.sexualityeducation.com>

Audience: Mandatory for all first-year students

**September 10, 2022: SGBM Training for Student Government**

Topics: Affirmative Consent, NYS Bill of Rights, confidential/anonymous resources, investigation/adjudication process and policy

Presenters: Joel Aure, Title IX Coordinator and Gabriela Melillo, Title IX Deputy Coordinator

Audience: SGA

**September 2022: Training for SGBM panelists, advisors and investigators**

Topics: Affirmative consent, trauma, complaint options, right, resources, investigations, interviewing, adjudication, report writing and overall policy review

Presenters: Joel Aure, Title IX Coordinator and Grand River Solutions

Audience: SGBM panelists, advisors, internal investigators and Advisory Council members

**Fall 2022 (online): Faculty/Staff Training**

Topics: Workplace Discrimination, Title IX Reporting Obligations and Procedures

Audience: Multiple Academic Faculty and Staff, required

**Fall 2022 (August - December): SGBM Training for Student Groups Required by Enough is Enough**

Topics: Affirmative Consent, NYS Bill of Rights, confidential/anonymous resources, investigation/adjudication process, and policy.

Presenters: Joel Aure, Title IX Coordinator and Gabriela Melillo, Title IX Deputy Coordinator

Audience: SGA, student athletes, Peer Mentors, Peer Advisors, and student club/organization heads

**Fall semester, ongoing**

Topics: Active and passive programming (tabling, posters, social media posts) regarding alcohol safety, prevention strategies, navigating emergencies and resources

Presenters: Peer Health Educators

Audience: All students, voluntary

**Fall semester, ongoing**

Topics: Active and passive programming (tabling, posters, social media posts) regarding affirmative consent and sexual health

Presenters: Peer health educators

Audience: All students, voluntary

**Fall 2022: SGBM Training for Coaches and Athletics Personnel Required by Enough is Enough**

Topics: Affirmative Consent, NYS Bill of Rights, confidential/anonymous resources, investigation/adjudication process, reporting responsibilities and policy.

Presenters: Joel Aure, Title IX Coordinator and Gabriela Melillo, Title IX Deputy Coordinator

Audience: Coaches and Athletics Personnel, mandatory

**October 2022: Domestic Violence Awareness Month Event (in person)**

Topic: Healthy/unhealthy relationships, resources

Presenter(s): Gabriela Melillo, Title IX Deputy Coordinator, Wellspring Victim Advocate

Audience: Open to all students

**October 2022: Consent Fest**

Topics: Affirmative consent, sexual health

Description: Peer health educators held their annual Consent Fest. The purpose of this events was to encourage students to practice consent, remind them of the importance of consent and provide safer sex supplies and introduce them to on-campus and off-campus resources.

Presenters: PHEs, Planned Parenthood, Wellspring, Saratoga County Department of Public Health, and various other student's clubs and offices on campus

Audience: All students, voluntary; peer health educators, mandatory

**October 2022 & December 2022**

Topic: Narcan training

Description: Healing Springs came to campus to train students, staff and faculty on the use of Narcan. Narcan kits were disseminated to all attendees.

Presenters: Healing Springs

Audience: Students, staff, faculty; voluntary

**October 2022: Sexual and Gender-Based Misconduct Training**

All students must attend a safety meeting at the beginning of the academic year that includes an overview of the sexual misconduct policy, effective consent, dating and domestic violence, stalking,

reporting options and resources.

All first-year students must successfully complete an online course, Alcohol Edu, which includes information about sexual assault and effective consent. All first-year students participate in a sex-education program as part of Orientation.

All Residential Life staff and other student leaders receive mandatory training on Skidmore's sexualmisconduct policy, on- and off-campus resources and reporting procedures.

Brochures highlighting Skidmore's Sexual Misconduct policy, on-campus and off-campus resources and information for victims are distributed throughout campus.

The Wellness Center and the Office of Health Promotion deliver residence hall and campus programs, both active and passive, which focus on sexual misconduct and effective consent throughout the academic year. All students are invited and encouraged to attend these programs.

As part of sexual misconduct hearing outcomes, students found in violation of the sexual misconduct policy have been sanctioned to complete a professional assessment and, if necessary, treatment program focused on violence and sexual-assault prevention.

**October 2022 (online): Faculty/Staff Training**

Topics: Workplace Discrimination, Title IX Reporting Obligations and Procedures

Audience: Multiple Academic Faculty and Staff, required

**November 3, 2022: Connect More Workshop**

Topic: How to Support Students in Crisis

Presenter(s): Counseling Center Staff

Audience: Faculty

**December 6, 2022: SCEMS Training**

Topic: How to Support Students in Crisis

Presenter(s): Counseling Center Staff

Audience: Student EMTS

## Campus Sex Crimes Prevention Act

The College complies with the requirements of the Violent Crime Control and Law Enforcement Act of 1994 and the federal Campus Sex Crimes Prevention Act, enacted on Oct. 28, 2000, which went into effect Oct. 28, 2002. Under these acts, sex offenders must register with the state in which an institution of higher education is located (even if they do not reside in that state) once they are enrolled or begin employment at that institution of higher education. Changes in enrollment or employment status must be made known to the state as well.

Individuals covered by the act include those enrolled at an institution of higher education in any state on a full-time or part-time basis or those with any full-time or part-time employment at an institution of higher education in any state, with or without compensation, for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year.

The law requires institutions of higher education to issue a statement advising their campus community where to obtain law enforcement agency information provided by their state concerning registered sex offenders. Under the New York State Sex Offender Registry Act (SORA), rules have been established regarding the dissemination of information on sex offenders. Complete information can be obtained at the Division of Criminal Justice Services (DCJS) website; [www.criminaljustice.ny.gov/nsor/index.htm](http://www.criminaljustice.ny.gov/nsor/index.htm). This site contains a link to the registry lookup available to the general public. **By law, only information about Level 2 and Level 3 offenders is available via this public directory.** In addition to the on-line registry, the following additional measures are in place to inform the community;

Local law enforcement agencies are notified whenever a sex offender moves into their jurisdiction. That agency may notify schools and other “entities with vulnerable populations” (including Skidmore College) about the presence of a level 2 or level 3 offender if the offender poses a threat to public safety. The Saratoga Springs Police Department (518-584-1800) collects and disseminates this information in the Saratoga Springs community.

DCJS has established a fee information line (518-457-5837 or 1-800-262-3257) that citizens can call to determine if a specific individual is listed in the registry. DCJS is barred by law from posting information on Level 1 (low level) sex offenders, or those with a pending risk level, on the public site. While DCJS cannot tell you if there are any Level 1 sex offenders or sex offenders with a pending risk level in your neighborhood or who they are, the agency can advise **if a particular individual** is on the registry.

DCJS also provides for the distribution of the subdirectory of high-risk (level 3) sex offenders to law enforcement agencies throughout the state. Citizens can review the subdirectory at local law enforcement agencies. The subdirectory includes photographs of all level 3 offenders.

# Policy on Alcohol and Other Drugs (AOD)

## POLICY

Skidmore College, in accordance with federal and New York state law, regulates the use and possession of alcohol and other drugs on campus. The College's main objective in this regulation of AOD is to provide a safe environment that promotes academic success as well as physical and psychological health on both the individual and community levels. The College understands that students make their own choices about AOD and, when appropriate, utilizes a harm reduction framework to encourage responsible choices and safety. However, the College also believes that students should be held accountable for their choices. AOD sanctions are designed to educate students about AOD use and encourage informed decision-making while deterring illegal and unsafe behavior. Specifically:

- **Education** encourages students to discuss, reflect on and receive support around issues that may contribute to AOD abuse and/or addiction.
- **Educational fees** cover the cost of evidence-based educational programming for individuals as well as for the entire Skidmore community. In the event that a student is required to complete an off-campus AOD assessment, additional fees, payable directly to the provider, will apply.
- **Parent notification** aims to establish a partnership with parents in reducing high-risk drinking and drug use. The College notifies parents because repeated violations of the AOD policy indicate risk both to the student personally and to the student's academic career at Skidmore. When the College contacts parents, tips are provided for beginning a non-judgmental, open, helpful dialogue between parents and students.
- **Points** are designed to discourage high risk AOD use. The number of points assigned correlates with the riskiness of the behavior in which the student was engaging. [Click here for the Point Policy page.](#)

New York State Law states that:

- No person under the age of 21 years may possess or consume alcohol
- No person shall sell, deliver or give away alcoholic beverages to a visibly intoxicated person
- Providing alcohol to a person under the age of 21 is also against the law
- Possession of a forged driver's license is a felony
- Possession of forged college ID is a misdemeanor

Students should also be aware of a Saratoga Springs ordinance prohibiting any person to "have in his possession any open bottle or container containing liquor, beer, wine or other alcoholic beverages while such a person is on any public highway, public street, public sidewalk, public parking area or in any vehicle or public place." The city enforces the policy downtown, and the College prohibits "open containers" in public spaces on campus. Students should also be aware of New York State law governing the operation of motor vehicles while under the influence of alcohol or other drugs. The College is especially concerned about the potential consequences of students driving with their ability impaired. The College will intervene with students ticketed—on or off campus—for driving under the influence of drugs and or alcohol.

### Beverage Control Policies

- The College permits alcohol in the Spa, Falstaff's, and at official all-College events only when a College-approved vendor provides the alcohol. Students may not bring alcohol to any event. The College will consider canceling for one year any event, even an alcohol-free event, disrupted by illegal or inappropriate drinking.



- Alcohol is available only to those 21 years or older. A valid state or federal identification card (driver's license, non-driver identification card, etc., as per the ABC Law of New York State) and campus event card shall be the only forms of accepted proof of age for Skidmore students. Guests must show two forms of ID, at least one of them being a valid state or federal identification card.
- When alcoholic beverages are available at an event, the sponsors may sell the alcohol on a cash-per-drink basis only and at a cost consistent with current alcohol beverage pricing. Sponsors who intend to sell alcohol at an all-College event must submit the all-College event notification form and obtain the approval of the Director or Assistant Director of Leadership Activities at least three weeks in advance of the proposed event.
- With the exception of Falstaff's, alcoholic beverages must be served and consumed within a designated area ("beer garden"). Only students who have shown proper proof of age may enter the beer garden.
- At all events serving alcohol, non-alcoholic beverages and food must be available in an adequate amount, throughout the event.
- The College does not tolerate drinking games (i.e. beer pong) in residential buildings, College events, or student parties. The College will discipline students who permit drinking games in their rooms, apartments, events, or at parties. Additionally, the College is concerned about the presence of "empties" (empty and/or discarded beer bottles/cans and liquor bottles) in residence halls and in underage students' apartments. In the spirit of the AOD policy, the College reserves the right to respond when there is a concern for health and wellness and/or violation of College policy.
- The College does not permit mass-consumption containers at informal (as opposed to formal College-sponsored) events in the dining halls, Case Center, academic buildings, or residential buildings.
- At private, invitation-only functions, alcoholic beverages may be available on an open-bar basis. Individual sponsors of and guests at private functions must comply with New York State ABC laws.
- With the approval of the Office of Residential Life, students over 21 residing in Sussman Apartments or Northwoods Village Apartments may serve alcohol at parties. [The Party Request Form](#) details expectations and requirements.

## Student Bartenders

Skidmore College utilizes TIPS-certified student bartenders and individuals who check identification for legal age verification at all Student Government Association-sponsored events. The College expects these individuals to abide by and enforce the Skidmore College alcohol and drug policy.

## Guidelines for Marketing Alcoholic Beverages

Advertising of alcoholic beverages at College events is for informational purposes only. Alcohol may not be the primary focus of a banner, poster, flyer, or other event promotion. Alcohol advertising contained on posters, banners, flyers, etc., shall be limited solely to stating what alcoholic beverages will be sold, that a driver's license or passport and the Skidmore College campus event ID is required for purchase and consumption, and that alternative beverages will be available.

Alcoholic beverage marketing programs specifically targeting students or held on campus shall conform to Code of Social Conduct of Skidmore College and avoid sexually demeaning or discriminatory portrayal of individuals.

- Advertising must encourage informed and responsible decisions about the use of alcohol.
- Alcohol marketing programs directed at students, held on or off campus, may include sampling or other promotional activities only when time and quantity are limited. As with all events, sponsors must observe all other relevant regulations including the availability of alternative beverages, food, and planned programs.
- Campus events or programs cannot include corporate promotional materials without approval of the Leadership Activities Office.
- Students promoting local off-campus activities that involve the sale of alcohol must obtain approval from Leadership Activities before posting the marketing materials.

## **Laws and Policy Related to Drugs**

Skidmore College prohibits the use, possession, and sale of illegal drugs or unauthorized prescription medications. All members of the Skidmore community are required to abide by federal, state, and local laws regarding these substances.

Skidmore College does not provide students protection from the law. Students found possessing or selling illegal drugs are subject to disciplinary action and criminal liability. The College may submit the names of students it believes to have supplied or sold drugs to local law enforcement authorities.

Under the New York State Penal Law:

- Unlawful possession of any controlled substance is a crime
- Giving another person an illegal drug or prescription controlled substance is the same as selling it
- The sale (or giving) of any controlled substance is a felony (this statute also includes legally possessed prescription drugs that are controlled substances)
- Possession of marijuana is against the law; the charges and sanctions vary according to the amount possessed
- The sale of marijuana is a more serious crime than simple possession
- Possession of gelatin caps, glassine envelopes, other packaging materials, or scales under circumstances evincing intent to use is a crime

## **Medical Marijuana Policy**

The use, possession, or cultivation of marijuana for medical purposes is not allowed in any Skidmore housing or at any other Skidmore property; nor is it allowed at any College sponsored event or activity off campus.

Students' use of marijuana (or any other drug) on College premises is strictly forbidden and subject to action under the Student Code of Conduct. Students may also face criminal sanctions for the unlawful possession, use or sale of marijuana under the NYS Penal Law.

Effective in 2016, New York State law will permit the use of medical marijuana. Students who have valid medical marijuana prescriptions may petition the College for a waiver of their requirements to live on campus. Federal laws (including the Controlled Substances Act and the Drug Free Schools and Communities Act) prohibit marijuana use, possession and/or cultivation at educational institutions and on the premises of other recipients of federal funds. Therefore, even students with medical marijuana prescriptions will not be able to possess or use marijuana on the Skidmore campus.

## Drug-Free Campus

The manufacture, distribution, dispensation, possession or illegal use of controlled substances, except by prescription, is prohibited by Skidmore College. College policy also prohibits the possession or consumption of alcoholic beverages by any person under the age of 21. For any employee over the age of 21, College policy prohibits the possession or consumption of alcoholic beverages unless they are attending a College sponsored event where alcohol is provided.

Violation of this policy on Skidmore College owned or controlled property, including the use of College-owned or -controlled motor vehicles, will result in College sanctions appropriate to the situation and will not protect employees or students from arrest or prosecution by civil authorities for illegal involvement with drugs or alcohol.

## Drug and Alcohol Counseling and Education

BASICS stands for Brief Alcohol (and other drug) Screening and Intervention for College Students. It:

- Is a one-on-one alcohol and/or other drug assessment and education program
- Is designed to help you, the student, examine your drinking and/or drug use behaviors in a judgement-free environment.
- Is not an abstinence-only program, but rather a harm-reduction approach to these topics
- Allows you to select your own goals around reducing risky behaviors and avoiding harmful consequences related to alcohol and other drug use.

### THE BASICS STRUCTURE

BASICS involves two one-on-one sessions with the BASICS provider that occur approximately 7 to 10 days apart. Each session will take about one hour. Students will also have a few assignments to complete between the two sessions.

### BASICS REFERRALS

If a student has been referred to the BASICS program, they will receive an email from the BASICS web portal. From there they can access the BASICS system, create their login credentials and use the calendar to set up appointments.

*Please note:* There is a \$50 fee for the program. However, if students complete **both** sessions within **four weeks** of their referral, the fee will be waived. Failure to complete the course in the allotted time may result in a \$50 fee and a hold on one's Skidmore account.

Students do not need to be worried that they have an alcohol or other drug problem to do BASICS. If they are interested in their consumption patterns, are looking to learn more about protective strategies, are worried about a friend or just want more information about alcohol and other drugs, BASICS is for them!

All students have to do is contact the provider below to arrange appointments.

Fifteen students were referred to the BASICS program during the 2022 calendar year.

[Download the BASICS Information Sheet Here](#)

## **BASICS PROVIDER CONTACT INFORMATION**

For information about the BASICS program, please contact:

### [Kimberly Golemboski, MS](#)

Assistant Director of Health Promotion

kgolembo@skidmore.edu

518-580-5484

### [Wendy Walker](#)

Prevention Coordinator

hwalker@skidmore.edu

518-580-8256

## **Employee Assistance Program**

An Employee Assistance Program (EAP) is an employer sponsored benefit providing short term counseling services to individuals and their families when personal concerns interfere with work performance, personal happiness, or good family relations. They are there to help you with any personal issues you may wish to discuss, including:

1. Stress Management
2. Alcohol or Drug Abuse
3. Emotional Distress
4. Marital or Family Conflict
5. Financial Difficulties
6. Workplace Conflict
7. Self-Improvement

Your voluntary use of EAP's services is confidential to the fullest extent allowable by law. There is no charge for their services, because Skidmore pays a preset fee each year for all ongoing employees. If you need specialized resources or longer term assistance, EAP will help you find additional resources best suited to your needs.

### **HOW CAN I GET HELP?**

Just pick up the phone. You and members of your immediate family can call EAP directly at 518-793-9768, or 1-800-734-6072 if calling from outside the 518 area. Their office appointments are available Monday through Friday, 9 a.m. to 5 p.m., and some evening hours can be arranged. EAP crisis counselors are available 24 hours a day, seven days a week.

Remember, contacts are confidential, and there is no charge to you for using EAP. Counselors are dedicated, caring professionals committed to treating each individual with respect. Each counselor has at least a master's degree in a human services field and a solid history of direct counseling experience.

Their main office is located in Glens Falls, NY; however they also have affiliate offices near you for your convenience. They will accommodate your needs in where to meet with you.

# Bias Response Protocol

"Skidmore defines a **bias incident** as an act of bigotry, harassment, or intimidation involving a member of the Skidmore community that a reasonable person would conclude is directed at a member or group within the Skidmore community based on race, color, ethnicity, nationality, economic background, age, physical and mental health or ability, sexual orientation, sex, gender identity or expression, marital status, veteran status, or religious practice. A bias incident can occur whether the act is intentional or unintentional. Speech or expression that is consistent with the principles of academic freedom does not constitute a bias incident."

## STATEMENT OF VALUES

[Engaged Liberal Learning: The Plan for Skidmore College 2005–2015](#) sets forth the College's strategic direction and goals for the coming decade within the context of our broad educational mission, which encompasses the college's academic, co-curricular and residential life. [Goal II of the Plan](#) states that we "will challenge every Skidmore student to develop the intercultural understanding and global awareness necessary to thrive in the complex and increasingly interconnected world of the 21st Century." If we are to achieve this objective, we must, in the words of Gandhi, "be the change we wish to see in the world." That is, we must first develop within and across our community the knowledge and skills that we seek to impart to our students. As one necessary means to achieving this end, we must recreate Skidmore itself as a more diverse, globally conscious academic community—one that is ever more capable of supporting this crucial educational goal. Indeed, the college we envision is one that truly lives up to the commitment in our "mission statement" to educate "a diverse population of talented students who are eager to engage actively in the learning process."

Liberal education itself requires the interplay of the broadest possible spectrum of ideas, viewpoints and perspectives. We enhance the intellectual and cultural vitality of our community when persons of many different backgrounds and viewpoints draw upon distinct personal histories and engage in honest dialog. Diversity, likewise, links directly with creativity: Interactions between disparate perspectives frequently strike the intellectual sparks that herald the emergence of a new idea. Attention to difference in background, cultural perspective, life experience and worldview is thus an essential element within the larger framework of Skidmore's most fundamental and longstanding institutional commitments.

The educational mission of the college can be fulfilled only with the full participation of all community members in the life of the institution. Achieving this ambitious vision requires that all members of our community treat one another with civility and mutual respect. The college, therefore, is determined to confront and discourage conduct and attitudes that exhibit bias or that harass or discriminate against any of our community members on the basis of race, color, ethnicity, nationality, economic background, age, physical and mental health or ability, sexual orientation, sex, gender identity or expression, marital status, veteran status or religious practice.

The commitment to creating a welcoming, safe and inclusive community does not mean that community members will never be offended. Skidmore College vigorously endorses the principle of academic freedom as outlined in the college's *Faculty Handbook*, and the college is committed to providing a learning environment that encourages a robust, stimulating and thought-provoking exchange of ideas. Among other things, we expect our students as well as other members of the community to become comfortable with the discomfort of being challenged by new experiences and ideas and, above all, of being challenged to achieve excellence. Nothing in this Bias Response Protocol is intended to stifle academic freedom, protected speech or lawful protest.

The college, then, strives to strike a balance between its commitment to academic freedom and free speech—which may result in critical dialog, difficult conversations, or even offensive comments—with its commitment to ensuring that all members of community experience the campus as a hospitable and welcoming place. Such an environment will support students, faculty members and staff members as they strive to achieve the level of excellence to which we all aspire. Bias incidents undermine the ability of individuals to participate fully in the life of the college and, in so doing, undermine the integrity of our educational mission. The college, therefore, adopts this Bias Response Protocol as a means to furthering the educational and professional aspirations of the entire Skidmore community.

## **PURPOSE OF THIS PROTOCOL**

The purpose of the Bias Response Protocol is to establish an understanding of how Skidmore College defines a “bias incident” and to constitute and describe the function of a Bias Response Group. As set forth more fully below, the Bias Response Group’s responsibilities will include considering and recommending responses to reports of bias incidents; more generally, the Bias Response Group will play an educational role in helping to cultivate the community values of inclusion, civility, and mutual respect described above.

Issues related to intercultural and global understanding are multidimensional and complex. They are issues that other colleges and universities—and, indeed, our society as a whole—are facing as well. Members of the Skidmore community, therefore, should expect that the definitions and procedures set forth in this document will continue to evolve. The college encourages active engagement by all community members in the ongoing conversations and efforts that will be required if we are to make real progress toward our goal of intercultural and global understanding.

## **DEFINITIONS OF ‘BIAS INCIDENT’ AND ‘HATE CRIME’**

Skidmore defines a bias incident as an act of bigotry, harassment or intimidation involving a member of the Skidmore community that a reasonable person would conclude is directed at a member or group within the Skidmore community based on race, color, ethnicity, nationality, economic background, age, physical and mental health or ability, sexual orientation, sex, gender identity or expression, marital status, veteran status or religious practice. A bias incident can occur whether the act is intentional or unintentional. Speech or expression that is consistent with the principles of academic freedom does not constitute a bias incident.

A hate crime is defined under [New York State law \(Title Y: Section 485.05 – Hate Crimes\)](#) as follows:

1. A person commits a hate crime when he or she commits a specified offense and either:
  - a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
  - b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

**Note: All hate crimes are bias incidents, but not all bias incidents are hate crimes.**

## REPORTING A BIAS INCIDENT OR HATE CRIME

Any individual member of the Skidmore College community—or any group of persons within the community—who observes or is the target of a bias incident or hate crime is strongly encouraged to report the incident as soon as possible to Campus Safety at 518-580-5566. Campus Safety will document what happened, including where and when the incident occurred, the names of the victims and names of witnesses, if any. Whenever possible, the individual(s) who observe the incident should not touch or disturb any physical evidence related to the incident.

Any person or group may also opt to contact any of the following individuals or offices:

- any staff member from Student Affairs, including Residential Life (student and professional staff), Campus Life, Counseling Services, or Chaplain's Office;
- the Dean of Student Affairs or the Associate Dean of Student Affairs;
- the Director of Student Diversity Programs;
- the Director of HEOP/AOP;
- the Assistant Director of Human Resources for EEO and Workforce Diversity;
- the Dean of the Faculty or the Associate Dean of the Faculty;
- the Dean of the Faculty for Academic Advising;
- an academic department chair; or
- a student's academic adviser.

Any of these individuals will work closely with the person or groups affected in determining where to direct the complaint and how the college might respond effectively to the incident.

## REFERRALS OF BIAS INCIDENTS

Behavior reflecting bias or discrimination may constitute a violation of Skidmore College policies, including but not limited to those set forth in the Student Handbook, the Faculty Handbook (Part Six), or the Employee Handbook. Such conduct also may violate local, state, or federal laws. The college's response to reports of bias incidents will depend on various factors including the nature of the complaint, whether the alleged violator can be identified, the complainant's wishes as to how the matter should be handled, the college's obligations to the campus community as a whole, and the college's obligations under the law.

**The following procedures will apply:**

1. All reported bias incidents will be referred to the Bias Response Group (see below for membership and function). Referral to the Bias Response Group is appropriate even when the person(s) believed to have committed the act or acts in question cannot be identified, or in situations where the person or persons subjected to an act constituting a bias incident do not wish to pursue campus disciplinary or criminal charges.
2. Reports of a hate crime should be referred to Skidmore Campus Safety. If appropriate, Campus Safety will involve external law enforcement agencies with jurisdiction over the incident. Reports of a hate crime on campus also will be referred to the Bias Response Group.
3. Reports of unlawful discrimination or harassment\* alleging that a student or student organization has violated college policy should be referred to the dean of student affairs (or designee) for consideration and resolution pursuant to the Skidmore Judicial System.

4. Reports of unlawful discrimination or harassment\* alleging that a faculty member or staff member has violated college policy should be referred to the assistant director for EEO and workforce diversity for consideration and resolution pursuant to appropriate employment procedures.

## **BIAS RESPONSE GROUP MEMBERSHIP**

The following individuals will serve on the College's Bias Response Group:

- two students, one of whom will be the SGA VP of Diversity Affairs;
- Assistant Director of Human Resources for EEO and Workforce Diversity;
- Director of Student Diversity Programs;
- Director of Intercultural Studies or other academic leadership;
- one faculty member appointed by the president with the concurrence of the Faculty Executive Committee;
- one additional Student Affairs representative (at the level of Associate Dean or higher)

Each year, the president will name one member of the Bias Response Group to serve as the group's coordinator. The group is free to call upon other members of the community (e.g., faculty members who are knowledgeable about a particular field, Residence Life staff, counselors, Campus Safety or others) for assistance at any time. The Bias Response Group will work closely with a designated representative from the Office of the President and with other offices as appropriate to consider what response, if any, is appropriate to any report of a bias incident.

## **THE FUNCTION OF THE BIAS RESPONSE GROUP**

The members of the Bias Response Group are charged with two distinct but related responsibilities. First, they constitute the college's first-response team in dealing with reported bias incidents. Second, working with other appropriate individuals, offices, and organizations, they will play an educational role in helping to foster a climate of openness and inclusion on the Skidmore campus, a climate that is intolerant of harassment or discrimination directed against any member of the Skidmore community. Given the college's broad educational mission, it is important that the Bias Response Group involve representatives from both academic and co-curricular programs, members of the faculty and staff, and students in its ongoing, proactive efforts to sustain of the desired campus climate.

### **Response Group for Bias Incidents**

All reports of bias incidents will be referred to the Bias Response Group coordinator. The coordinator will confer with and/or convene the Bias Response Group expeditiously after receiving an incident report. In such instances, the role of the Bias Response Group will be as follows:

1. To ensure that appropriate College officials and other individuals, groups, or organizations are notified and consulted to provide the context necessary to consider the report of a bias incident.
2. To determine whether the reported act meets the definition of a "bias incident" as set forth in this document.
3. If the reported act is determined to be a bias incident, to consider appropriate educational measures to address the incident. Such measures, which must not interfere with any disciplinary proceedings that might be under way or contemplated, could include the following:



- Notifying the community of the bias incident as appropriate. This notice might be distributed via email, website, posters, Skidmore News, and/or other means of communication. The notice might be made following a particular incident or as part of a periodic report to the campus community. In deciding what sort of notice is appropriate and from whom the notice should come, the Bias Response Group must consider the full context of the incident and may consult relevant constituencies. The nature of such communications will necessarily depend upon the nature and severity of a reported incident. In some cases, the nature of the incident will determine that the initial communication to the campus community comes from an administrator who is not a member of the group. Because of its close working relationship with all major administrative offices, the Bias Response Group will be able to nominate an appropriate spokesperson and expedite such communication, to ensure that the community is informed on a timely basis. The Bias Response Group also may determine that campus wide notification of an individual incident is not appropriate and that a higher educational value would result by communicating about the incident in a different context, or that notification in a particular case would not serve any educational purpose.
- Suggesting educational programming within the building(s) where the incident occurred or for the campus more broadly. In order to enhance the likelihood that such programming can be provided quickly in response to a bias incident, the Bias Response Group will develop a list of written resources as well as a list of individuals, including faculty members, staff members and students, who are willing to be consulted and involved when various types of incidents occur.

### **Educational role in fostering a climate of inclusion, civility and mutual respect**

In addition to considering reports of bias incidents, the Bias Response Group will assume an educational role in fostering a climate of inclusion, civility, and mutual respect throughout the Skidmore community. In carrying out this responsibility, the role of the Bias Response Group will be as follows:

1. To make recommendations—to appropriate administrators, governance bodies, organizations, or other groups—as to how to best foster an inclusive campus climate characterized by civility and mutual respect.
2. To prepare an annual report describing the number and type of bias incidents reported and how the incidents were addressed.
3. To develop and distribute materials setting forth the definition of a bias incident and the Bias Response Protocol and to publicize these materials every year, most significantly with new students and employees.

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\*This provisional document reflects the work of the Bias Response Group and incorporates comments from the Intercultural and Global Understanding Task Force (IGUTF), the Institutional Policy and Planning Committee and the President’s Cabinet. In fall 2007, the president will request that it also be reviewed by the Committee on Academic Freedom and Rights (CAFR). The terms of this document will be implemented immediately, with the understanding that the president and appropriate governance bodies will review it on an ongoing basis and will modify it as appropriate.

\* A “reasonable person,” for purposes of this section, is someone who is fair-minded and appropriately informed of college policies and applicable law.

\*Note that definitions of "unlawful discrimination" and "harassment" may be found in the college publications referred to at the beginning of this section.

## **DIVERSITY AND INCLUSION AT SKIDMORE COLLEGE**

Skidmore College is committed to fostering a diverse and inclusive community in which members develop their abilities to live in a complex and interconnected world. Consistent with our educational mission, we recognize ourselves as a community that respects individual identities based on varying sociocultural characteristics, such as race, ethnicity, gender identity and expression, sexual orientation, national origin, first language, religious and spiritual tradition, age, ability, socioeconomic status and learning style. We strive to create a socially just world that honors the dignity and worth of each individual, and we seek to build a community centered on mutual respect and openness to ideas—one in which individuals value cultural and intellectual diversity and share the responsibility for creating a welcoming, safe and inclusive environment. We recognize that our community is most inclusive when all members participate to their full capacity in the spirited, and sometimes challenging, conversations that are at the center of the college's educational mission.

### **NY State Hate Crimes Act of 2000**

Applicable laws, ordinances and regulations on bias-related crime, including the provisions and coverage of the Hate Crimes Act of 2000, are codified in article 485 of the New York state penal law. The laws and penalties for the commission of bias-related crimes can be located at the [Laws of New York website](#).

A person commits a hate crime when he or she commits a specified offense and either:

- (a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
- (b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

### **Penalties for Commission of Bias-related Crimes**

When a person is convicted of a hate crime, the crime shall be deemed to be a higher category than the specified offense the defendant committed. Specific penalties and terms of imprisonment can be located at the [Laws of New York website](#).

### **Reporting a Bias Incident or Hate Crime**

Any individual member of the Skidmore College community, or any group of persons within the community, who observes or is the target of a bias incident or hate crime is strongly encouraged to report the incident as soon as possible to Campus Safety (580-5566). Campus Safety will document what happened, including where and when the incident occurred, the names of the victims, and names of witnesses, if any. Whenever possible, the individual(s) who observe the incident should not touch or disturb any physical evidence related to the incident.

Any person or group may also opt to contact any of the following individuals or offices:

- any staff member from Student Affairs, including Residential Life (student and professional staff), Campus Life, Counseling Services, or Chaplain's Office;
- the Dean of Student Affairs or the Associate Dean of Student Affairs;
- the Director of Student Diversity Programs;
- the Director of HEOP/AOP;
- the Assistant Director of Human Resources for EEO and Workforce Diversity;
- the Dean of the Faculty or the Associate Dean of the Faculty;
- the Dean of the Faculty for Academic Advising;
- an Academic Department Chair; or
- a student's academic advisor.

Any of these individuals will work closely with the person or groups affected in determining where to direct the complaint and how the College might respond effectively to the incident.

## **Referrals of Bias Incidents**

Behavior reflecting bias or discrimination may constitute a violation of Skidmore College policies, including but not limited to those set forth in the *Student Handbook*, the *Faculty Handbook* (Part Six), or the *Employee Handbook*. Such conduct also may violate local, state, or federal laws. The College's response to reports of bias incidents will depend on various factors including the nature of the complaint, whether the alleged violator can be identified, the complainant's wishes as to how the matter should be handled, the College's obligations to the campus community as a whole, and the College's obligations under the law.

### **The following procedures will apply:**

1. All reported bias incidents will be referred to the Bias Response Group (see below for membership and function). Referral to the Bias Response Group is appropriate even when the person(s) believed to have committed the act or acts in question cannot be identified, or in situations where the person or persons subjected to an act constituting a bias incident do not wish to pursue campus disciplinary or criminal charges.
2. Reports of a hate crime should be referred to Skidmore Campus Safety. If appropriate, Campus Safety will involve external law enforcement agencies with jurisdiction over the incident. Reports of a hate crime on campus also will be referred to the Bias Response Group.
3. Reports of unlawful discrimination or harassment\* alleging that a student or student organization has violated College policy should be referred to the Dean of Student Affairs (or designee) for consideration and resolution pursuant to the Skidmore Judicial System.
4. Reports of unlawful discrimination or harassment\* alleging that a faculty member or staff member has violated College policy should be referred to the Assistant Director for EEO and Workforce Diversity for consideration and resolution pursuant to appropriate employment procedures.

Complete information can be obtained at [www.skidmore.edu/campus\\_safety/bias.php](http://www.skidmore.edu/campus_safety/bias.php). There is a link at the top left of the page to make a bias incident.

## **Awareness Programs**

Skidmore College informs incoming students about bias-related crime and prevention measures through programs that include workshops, seminars, discussion groups, and orientation sessions. The purpose of

these programs is to disseminate information about bias-related crime, promote discussion, encourage reporting of incidents of such crime, and facilitate prevention.

- The Dean of Student Affairs sends correspondence and emails to the community throughout the semester discussing issues relating to bias incidents.
- The Residential Life Staff is trained to recognize bias in residence halls and student interactions.
- The Bias Response Group meets to review incidents of reported bias and issues statements and outcomes to the community.
- Reported incidents are followed up with emails, hall and floor meetings to review the issues.
- The Every Day Leadership Program includes training on responding to and reporting bias incidents.

# Procedures for Preparing the Campus Safety and Security Report

Campus Safety compiles the information and annual statistics for crimes that are included in this report. The information included is acquired from various sources, including Campus Safety, local police agencies, and all officials of the College who have significant responsibility for student and campus activities. These officials include Residential Life staff, Student Affairs staff, faculty advisors, and athletic team coaches. In addition, Skidmore accepts confidential reporting of crimes and encourages mental- health and pastoral counselors to report statistics regarding these violations of law. These statistics contain crimes for the calendar year in which they are reported.

The following statistics represent all official reports of these crimes on the Skidmore and London Campus or within other required Clery Act geographic areas and are reported in compliance with the “Clery Act.” They conform to the FBI Uniform Crime Reporting System and The Handbook for Campus Safety and Security Reporting (Crime and sex offense definitions are listed below.)

## Crime Definitions

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

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

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

**Criminal Homicide — Manslaughter by Negligence:** The killing of another person through gross negligence.

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

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

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

**Sex Assault (Sex Offenses):** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Attempted Sexual Assaults are included in this category.

- a) **Rape:** 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
- b) **Fondling:** Touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable

of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

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

**Hate Crimes:** Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias.

- a) **Larceny-Theft** is the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.
- b) **Simple Assault** is 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.
- c) **Intimidation** is unlawfully placing 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.
- d) **Destruction/Damage/Vandalism of Property** is 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.

**Domestic Violence:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; 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.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or to suffer substantial emotional distress.

**Weapon Law Violations:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

**Drug Abuse Violations:** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws,

specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).

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

## **Crime statistics are listed in the following tables:**

### **Hate crimes by campus:**

- 2020, Saratoga: No hate crimes reported
- 2020, London: No hate crimes reported
- 2021, Saratoga: No hate crimes reported
- 2021, London: No hate crimes reported
- 2022, Saratoga: 3 hate crimes reported, 2 based on race, 1 based on sexual orientation
- 2022, London: No hate crimes reported

### **Unfounded crimes:**

There were no unfounded crimes reported in 2020 at the Saratoga or London campus

There were no unfounded crimes reported in 2021 at the Saratoga or London campus

There were no unfounded crimes reported in 2022 at the Saratoga or London campus

## Skidmore College: Main Campus Arrests & Referrals (2020, 2021, 2022)

Offense	Year	GEOGRAPHIC LOCATION			
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES (1)	NONCAMPUS PROPERTY	PUBLIC PROPERTY
ARRESTS:	2020	0	0	0	0
WEAPONS: CARRYING, POSSESSING, ETC.	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
DISCIPLINARY REFERRALS:	2020	0	0	0	0
WEAPONS: CARRYING, POSSESSING, ETC.	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
ARRESTS:	2020	0	0	0	0
DRUG ABUSE VIOLATIONS	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
DISCIPLINARY REFERRALS:	2020	64	58	0	0
DRUG ABUSE VIOLATIONS	2021	15	15	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
ARRESTS:	2020	0	0	0	0
LIQUOR LAW VIOLATIONS	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
DISCIPLINARY REFERRALS:	2020	42	42	0	0
LIQUOR LAW VIOLATIONS	2021	77	68	0	0
	<b>2022</b>	<b>30</b>	<b>30</b>	<b>0</b>	<b>0</b>

(1) These are a subset of On-Campus Property



## Skidmore College: Main Campus VAWA Offenses (2020, 2021, 2022)

Offense	Year	GEOGRAPHIC LOCATION			
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES (1)	NONCAMPUS PROPERTY	PUBLIC PROPERTY
DOMESTIC VIOLENCE	2020	1	1	0	0
	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
DATING VIOLENCE	2020	1	1	0	0
	2021	1	1	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
STALKING	2020	2	1	0	0
	2021	4	4	0	0
	<b>2022</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>

(1) These are a subset of On-Campus Property

## Skidmore College: Main Campus Crime Statistics (2020, 2021, 2022)

Offense	Year	GEOGRAPHIC LOCATION			
		ON- CAMPUS PROPERTY	ON- CAMPUS STUDENT HOUSING FACILITIES (1)	NON CAMPUS PROPERTY	PUBLIC PROPERTY
MURDER / NON-NEGLIGENT MANSLAUGHTER	2020	0	0	0	0
	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
MANSLAUGHTER BY NEGLIGENCE	2020	0	0	0	0
	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
RAPE	2020	8	6	0	0
	2021	6	6	0	0
	<b>2022</b>	<b>5</b>	<b>4</b>	<b>0</b>	<b>0</b>
FONDLING	2020	4	2	0	0
	2021	6	5	0	0
	<b>2022</b>	<b>5</b>	<b>5</b>	<b>0</b>	<b>0</b>
INCEST	2020	0	0	0	0
	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
STATUTORY RAPE	2020	0	0	0	0
	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
ROBBERY	2020	0	0	0	0
	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
AGGRAVATED ASSAULT	2020	0	0	0	0
	2021	0	0	1	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
BURGLARY	2020	5	4	1	0
	2021	3	1	0	0
	<b>2022</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>
MOTOR VEHICLE THEFT	2020	0	0	0	0
	2021	1	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
ARSON	2020	2	1	0	0
	2021	1	1	0	0
	<b>2022</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>

(1) These are a subset of On-Campus Property

# Skidmore College: London Arrests & Referrals (2020, 2021, 2022)

Offense	Year	GEOGRAPHIC LOCATION			
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES (1)	NONCAMPUS PROPERTY	PUBLIC PROPERTY
<b>ARRESTS:</b>	2020	0	0	0	0
<b>WEAPONS: CARRYING, POSSESSING, ETC.</b>	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>DISCIPLINARY REFERRALS:</b>	2020	0	0	0	0
<b>WEAPONS: CARRYING, POSSESSING, ETC.</b>	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>ARRESTS:</b>	2020	0	0	0	0
<b>DRUG ABUSE VIOLATIONS</b>	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>DISCIPLINARY REFERRALS:</b>	2020	0	0	0	0
<b>DRUG ABUSE VIOLATIONS</b>	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>ARRESTS:</b>	2020	0	0	0	0
<b>LIQUOR LAW VIOLATIONS</b>	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>DISCIPLINARY REFERRALS:</b>	2020	0	0	0	0
<b>LIQUOR LAW VIOLATIONS</b>	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

(1) These are a subset of On-Campus Property

## Skidmore College: London VAWA Offenses (2020, 2021, 2022)

Offense	Year	GEOGRAPHIC LOCATION			
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES (1)	NONCAMPUS PROPERTY	PUBLIC PROPERTY
DOMESTIC VIOLENCE	2020	0	0	0	0
	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
DATING VIOLENCE	2020	0	0	0	0
	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
STALKING	2020	0	0	0	0
	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

(1) These are a subset of On-Campus Property

# Skidmore College: London

## Crime Statistics (2020, 2021, 2022)

Offense	Year	GEOGRAPHIC LOCATION			
		ON- CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES (1)	NON CAMPUS PROPERTY	PUBLIC PROPERTY
MURDER / NON-NEGLIGENT MANSLAUGHTER	2020	0	0	0	0
	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
MANSLAUGHTER BY NEGLIGENCE	2020	0	0	0	0
	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
RAPE	2020	0	0	0	0
	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
FONDLING	2020	0	0	0	0
	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
INCEST	2020	0	0	0	0
	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
STATUTORY RAPE	2020	0	0	0	0
	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
ROBBERY	2020	0	0	0	0
	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
AGGRAVATED ASSAULT	2020	0	0	0	0
	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
BURGLARY	2020	0	0	0	0
	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
MOTOR VEHICLE THEFT	2020	0	0	0	0
	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
ARSON	2020	0	0	0	0
	2021	0	0	0	0
	<b>2022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

(1) These are a subset of On-Campus Property

# Annual Fire Safety Report

## For Skidmore Saratoga Campus Only

(Contains statistics for 2020, 2021 and 2022)

### Overview

The Higher Education Opportunity Act (Public Law 110-315) became law in August 2008, requiring all United States academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and all fire-related on-campus statistics. Every institution that maintains on-campus student housing shall publish an annual fire safety report. The following public-disclosure report details all information required by this law as it relates to Skidmore College.

### Report Availability

By October 1 of each year the Skidmore Department of Campus Safety will make the *Campus Safety and Security Annual Report* and *Annual Fire Safety Report* available to all students, prospective students, and employees. The report will be distributed by posting the report on the Skidmore website at [www.skidmore.edu/campus\\_safety/clery/safety\\_report.pdf](http://www.skidmore.edu/campus_safety/clery/safety_report.pdf).

A notice of availability will be distributed to all current students and employees via email and will be posted on bulletin boards throughout the campus. The notice will contain a brief description of the report contents. Also, a paper copy of the report will be provided upon request to the Department of Campus Safety.

### Fire Safety Policy for On-Campus Residents

- 1) All residents are responsible for attending and/or participating in fire safety workshops and training during the academic year. Students are responsible for following all fire safety codes and must cooperate in removing any violations or evacuating the building in a timely manner.
- 2) Fire alarm systems and firefighting equipment are in the residence halls and apartments for the occupants' protection. Any tampering with or misuse of this equipment is prohibited and is in violation of the law.
- 3) Firecrackers, gasoline, candles, incense, or other highly combustible items are not permitted in residence halls or apartments.
- 4) Food preparation is permitted in residence hall kitchenettes. The cooking of food and the use of electrical appliances (i.e. toaster ovens, microwave ovens, heating coils, George Foreman grills, etc.) are prohibited in student rooms.
- 5) In instances where electrical outlets are required in addition to those fixed structural outlets within the space, the following definition of an extension cord is acceptable to the College: The extension cord must be a device recognized by a nationally recognized independent testing laboratory such as Underwriters Laboratories, Inc. and be generically referred to as a "temporary power tap." This tap should have no more than six outlets, no less than a 14-gauge supply cord, and contain an independent circuit breaker of no greater capacity than 15 amps.
- 6) The use of halogen lamps is strictly prohibited in residence halls and apartments.
- 7) Partitions, room dividers, lofts, and the painting of rooms are prohibited. Under no circumstances should furniture restrict free and easy movement within the room and/or apartment.

- 8) The College may require personal furniture or furnishings to be removed from any residence when the College determines the situation to be a fire, safety, health, or housekeeping hazard (Including but not limited to ceiling fans, window air conditioner units, and full-size refrigerators).
- 9) All residence halls and apartments are subject to periodic fire inspections. Student violators of fire safety codes may be responsible for any and all fines as a result of the violation (i.e. The State of New York's Department of State, Office of Fire Prevention and Control).
- 10) Building evacuation is required when a fire alarm sounds, unless previous notice was provided by a College official indicating that the alarm will be tested and evacuation is not necessary.
- 11) In compliance with New York State law, smoking is prohibited in all indoor areas of the College, including dining halls and the Spa. In addition, all residence halls and apartments are smoke-free buildings. Bongs and hookahs are not permitted on College property. Skidmore will become a smoke-free campus on January 1, 2019.

**Residential Housing Fire Safety Systems:** All on-campus residence halls and apartments have water sprinklers, heat sensors, smoke detectors, and fire extinguishers. In addition, all the Sussman apartments have CO detectors.

### Residential Housing Fire Safety Systems

Building Name	Yr. Built	Roof	Frame	Fireproof Frame	Sprinklered Yes or No	Sq. Ft. Protected	Wet/Dry	Fire Alarm Yes or No	Sq. Ft. Protected	Annual Supervised Fire Drills
HOWE HALL	1969	RBR	REINF CONC	YES	YES	ALL	WET	YES	ALL	6
JONSSON TOWER	1969	RBR	REINF CONC	YES	YES	ALL	WET	YES	ALL	4
KIMBALL HALL	1966	RBR	REINF CONC	YES	YES	ALL	WET	YES	ALL	4
McCLELLAN HALL	1966	RBR	REINF CONC	YES	YES	ALL	WET	YES	ALL	4
NORTHWOODS APARTMENT: 1 Moore Way	2006	Wd truss	Wood	YES	YES	ALL	WET	YES	ALL	4
NORTHWOODS APARTMENT: 2 Moore Way	2006	Wd truss	Wood	YES	YES	ALL	WET	YES	ALL	4
NORTHWOODS APARTMENT: 3 Dayton Drive	2006	Wd truss	Wood	YES	YES	ALL	WET	YES	ALL	4
NORTHWOODS APARTMENT: 5 Dayton Drive	2006	Wd truss	Wood	YES	YES	ALL	WET	YES	ALL	4
NORTHWOODS APARTMENT: 7 Dayton Drive	2006	Wd truss	Wood	YES	YES	ALL	WET	YES	ALL	4
NORTHWOODS APARTMENT: 11 Cane Crossing	2006	Wd truss	Wood	YES	YES	ALL	WET	YES	ALL	4
NORTHWOODS APARTMENT: 4 Cane Crossing	2006	Wd truss	Wood	YES	YES	ALL	WET	YES	ALL	4
NORTHWOODS APARTMENT: 6 Cane Crossing	2006	Wd truss	Wood	YES	YES	ALL	WET	YES	ALL	4
NORTHWOODS APARTMENT: 8 Cane Crossing	2006	Wd truss	Wood	YES	YES	ALL	WET	YES	ALL	4
NORTHWOODS APARTMENT: 9 Dayton Drive	2006	Wd truss	Wood	YES	YES	ALL	WET	YES	ALL	4
NORTHWOODS APARTMENT: 10 Whitman Way	2012	Wd truss	Wood	YES	YES	ALL	WET	YES	ALL	4

## Residence Housing Fire Safety Systems (cont.)

Building Name	Yr. Built	Roof	Frame	Fireproof Frame	Sprinklered Yes or No	Sq. Ft. Protected	Wet/Dry	Fire Alarm Yes or No	Sq. Ft. Protected	Annual Supervised Fire Drills
NORTHWOODS APARMTENT: 12 Whitman Way	2012	Wd truss	Wood	YES	YES	ALL	WET	YES	ALL	4
NORTHWOODS APARMTENT: 14 Whitman Way	2012	Wd truss	Wood	YES	YES	ALL	WET	YES	ALL	4
PENFIELD HALL	1966	RBR	REINF CONC	YES	YES	ALL	WET	YES	ALL	4
ROUNDS HALL	1969	RBR	REINF CONC	YES	YES	ALL	WET	YES	ALL	4
SUSSMAN APARTMENTS: Sussman F Apartments	2013	STL	WOOD, STEEL	YES	YES	ALL	WET	YES	ALL	4
SUSSMAN APARTMENTS: Sussman G Apartments	2013	STL	WOOD, STEEL	YES	YES	ALL	WET	YES	ALL	4
SUSSMAN APARTMENTS: Sussman H Apartments	2013	STL	WOOD, STEEL	YES	YES	ALL	WET	YES	ALL	4
SUSSMAN APARTMENTS: Sussman I Apartments	2013	STL	WOOD, STEEL	YES	YES	ALL	WET	YES	ALL	4
SUSSMAN APARTMENTS: Sussman J Apartments	2013	STL	WOOD, STEEL	YES	YES	ALL	WET	YES	ALL	4
SUSSMAN APARTMENTS: Sussman K Apartments	2013	STL	WOOD, STEEL	YES	YES	ALL	WET	YES	ALL	4
SUSSMAN APARTMENTS: Sussman L Apartments	2013	STL	WOOD, STEEL	YES	YES	ALL	WET	YES	ALL	4
SUSSMAN APARTMENTS: Sussman F Apartments	2013	STL	WOOD, STEEL	YES	YES	ALL	WET	YES	ALL	4
SUSSMAN APARTMENTS: Sussman A Apartments	2012	STEEL	WOOD, STEEL	NO	YES	ALL	WET	YES	ALL	4
SUSSMAN APARTMENTS: Sussman B Apartments	2012	STL	WOOD, STEEL	NO	YES	ALL	WET	YES	ALL	4
WAIT HALL	1969	RBR	REINF CONC	YES	YES	ALL	WET	YES	ALL	5
WIECKING HALL	1990	RBR	STEEL	YES	YES	ALL	WET	YES	ALL	5
WILMARTH HALL	1966	RBR	REINF CONC	YES	YES	ALL	WET	YES	ALL	6



## **On-Campus Fire Drills**

Each semester, the Department of Campus Safety and the Office of Residential Life, in conjunction with the Saratoga Springs Fire Department, conduct fire drills in every residential facility (a minimum of four each year per residential facility). In addition, fire drills are conducted for various programs that reside on campus during the summer.

## **Fire Safety Education for students and staff**

Each summer, Residential Life staff members receive training in fire prevention and response education from the Department of Campus Safety. In addition, there is a mandatory fire and safety orientation for all residential students every fall semester. This training is conducted through Campus Safety and the Office of Residential Life. Employees receive education regarding fire safety as part of the hiring process.

## **Fire Safety Policy**

All residents are responsible for adhering to the Skidmore College Fire Safety Policy and New York state law. Students are expected to follow the policy, not be in possession of prohibited items, and be aware of the possible sanctions for violations. In addition to sanctions imposed by the College, violators may also be responsible for fines assigned by the New York State Office of Fire Prevention and Control or the city of Saratoga Springs. Residents are responsible for participating in an online course regarding Safety Orientation for Students (SOS) during the academic year as well as all fire drills for which they are present. All residence halls and apartments are subject to periodic fire and safety inspections, and students are expected to cooperate in removing any found violations when requested by the administration. The College may require personal furniture or furnishings to be removed from any residence when it determines the situation to be a fire, safety, or health hazard. Under no circumstance should furniture restrict free and easy movement within the room, suite, hallway, or apartment areas, or block egress in any way.

## **Policy Items**

1. Building evacuation is required when a fire alarm sounds, unless previous notice was provided by a College administrator indicating that the alarm is going to be tested and evacuation is not necessary.
2. Damage, misuse or theft of fire alarm systems and firefighting equipment is a violation of the law and is prohibited.
3. Students are prohibited from covering or attaching anything to fire safety equipment in their residence, including sprinklers, smoke detectors, heat detectors, etc.
4. Smoking inside of all buildings and residences on campus is prohibited.
5. Food preparation is permitted in residence hall kitchenettes and apartment kitchens only. The cooking of food and the use of electrical appliances are prohibited in student rooms. (Kuerig and similar styled coffeemakers are permitted for use in student rooms.)
6. Wall décor in all residence hall or apartment spaces must not cover an excessive amount of each individual wall. Tapestries are prohibited. Only two strings of lighting can be connected together as one. Décor cannot attach to ceilings or connect one wall to another.

## **Prohibited Items**

1. Firecrackers, gasoline, propane tanks (includes camping equipment), or other highly combustible items
2. Halogen lamps
3. Candles and incense (used and unused)
4. Space heaters

5. Toaster ovens, microwave ovens, heating coils, George Foreman grills, rice cookers, and other cooking/heating devices with exposed heating surface/element
6. Bed risers, cinderblocks, and lofted furniture of any kind
7. Room partitions or dividers of any kind
8. Extension cords
  - Surge protectors are acceptable but must meet the following regulations:
    1. Must be corded with a maximum cord length of 6 feet
    2. Provide 600 or more joules of protection
    3. Be UL 1449 compliant
    4. Have a maximum of six outlets
    5. Have an independent on/off circuit breaker

**Fire inspections:** Facilities Services and the State Office of Fire Prevention and Control inspect every building, including residence halls, annually. In addition, Residential Life staff members inspect campus housing several times throughout the academic year, including opening (September), Thanksgiving break (November), winter break (December), spring break (March), and closing (May). All spaces are inspected at opening and closing, and many are also inspected at the specified breaks. Students are provided instructions on the College's expectations for the condition of their room during each break, and Residential Life staff follows up to confirm completion.

**Reporting a fire:** Anyone reporting an active fire should contact Campus Safety at 518-580-5566 or by calling 911 immediately. In addition, the fire alarm in the building should be pulled and everyone should evacuate the building to a predetermined assembly location that is posted in all campus buildings.

Everyone is required to exit a building when the fire alarm is activated, and people who refuse to comply will be subject to disciplinary or legal action.

**Evacuation procedures:** Emergency procedures are posted in all buildings on campus, including residence halls. A minimum of three drills are held annually in all buildings. These drills include evacuation procedures, evacuation routes, and assembly points.

**Plans for future improvements in fire safety as determined by Skidmore:** There is a continuous process to assess improvements in fire safety at the College. The Skidmore Emergency Management Team and Facilities Services oversee this review process and seek input and advice from fire safety professionals to this end.

**Fire Log:** The Department of Campus Safety maintains a Fire Log that includes the nature, date, time, and general location of every fire that occurs in an on-campus student housing facility. Entries or additions to the log must be made within two business days of receipt of the information. The log is available for the most recent 60-day period for inspection during business hours on weekdays. Older portions of the log will be made available within two business days of a request for public inspection.

## Definitions

**Fire:** Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Fire drill:** A supervised practice of a mandatory evacuation of a building for a fire.

**Fire-related injury:** Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or

escaping from the dangers of the fire. The term “person” may include students, faculty, staff, visitors, firefighters, or any other individuals. For purposes of this report the injuries sustained must have resulted in treatment at a medical facility, including Skidmore Health Services.

**Fire-related death:** Any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire, or deaths that occur within one year of injuries sustained as a result of the fire.

**Fire safety system:** Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire, including sprinkler or other fire extinguishing systems, fire detection devices, standalone smoke alarms; devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms, and fire doors and walls that reduce the spread of a fire.

**Value of property damage:** The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity, including contents damaged by fire, related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

**Cause Categories of Fires**

<p><b>Unintentional Fire</b></p> <ul style="list-style-type: none"> <li>• Cooking</li> <li>• Smoking Materials</li> <li>• Open Flames</li> <li>• Electrical</li> <li>• Heating Equipment</li> </ul> <ul style="list-style-type: none"> <li>• Hazardous Product</li> <li>• Machinery/Industrial</li> <li>• Natural</li> <li>• Other</li> </ul>	<p><b>Intentional Fire</b></p> <ul style="list-style-type: none"> <li>• Arson</li> </ul>	<p><b>Undetermined Fire</b></p> <ul style="list-style-type: none"> <li>• Unable to determine if intentional or unintentional</li> </ul>
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# 2020 Annual Fire Log

Residence Hall	Total # of Fires in Each Building	Fire Number	Date/Time Reported	Date/Time Occurred	General Location	Cause/Nature	Total Injuries Requiring Medical Facility Treatment	Deaths	Property Damage Value (over \$50)	Report #
Howe Hall										
Jonsson Tower	2	1	2/10/2020 @ 8:32am	2/10/2020 @ 8:31am	7th floor kitchen	Cooking	0	0	\$104	200211
		2	2/27/2020 @ 8:45am	Unknown Date/Time	North Elevator	Intentional	0	0	\$1	200336
Kimball Hall										
McClellan Hall										
Penfield Hall										
Rounds Hall										
Wait Hall										
Weicking Hall										
Wilmarth Hall										
1 Moore Way										
2 Moore Way										
3 Dayton Drive										
4 Cane Crossing										
5 Dayton Drive										
6 Cane Crossing	1	1	10/18/2020 @ 9:25pm	10/18/2020 @ 9:24pm	Apartment A Kitchen Stove	Cooking	0	0	\$575	201312
7 Dayton Drive										
8 Cane Crossing										
9 Dayton Drive	1	1	9/7/2020 @ 6:15pm	9/7/2020 @ 6:14pm	Apartment G Kitchen Stove	Cooking	0	0	\$0	201014
10 Whitman Way	2	1	2/2/2020 @ 11:22am	2/2/2020 @ 11:21am	Apartment B Kitchen Stove	Cooking	0	0	\$0	200142
		2	11/08/2020 @ 5:47pm	11/08/2020 @ 5:46pm	Apartment C Kitchen Stove	Cooking	0	0	\$0	201462
11 Cane Crossing										
12 Whitman Way										
14 Whitman Way	1	1	10/15/2020 @ 2:02am	10/15/2020 @ 2:01am	Apartment A Kitchen Stove	Cooking	0	0	\$575	201286
Sussman A										
Sussman B										
Sussman F										
Sussman G										
Sussman H										
Sussman I										
Sussman J										
Sussman K										
Sussman L										

# 2021 Annual Fire Log

Residence Hall	Total # of Fires in Each Building	Fire Number	Date/Time Reported	Date/Time Occurred	General Location	Cause/Nature	Total Injuries Requiring Medical Facility Treatment	Deaths	Property Damage Value (over \$50)	Report #
Howe Hall										
Jonsson Tower										
Kimball Hall										
McClellan Hall	1	1	9/24/2021 @ 10:01pm	9/24/2021 @ 10:00pm	2nd floor Janitor's Closet	Intentional	0	0	> \$50	211755
Penfield Hall										
Rounds Hall										
Wait Hall										
Weicking Hall										
Wilmarth Hall										
1 Moore Way										
2 Moore Way										
3 Dayton Drive										
4 Cane Crossing										
5 Dayton Drive										
6 Cane Crossing										
7 Dayton Drive										
8 Cane Crossing										
9 Dayton Drive										
10 Whitman Way	1	1	10/5/2021 @ 5:57pm	10/5/2021 @ 5:56pm	Kitchen Stove Top at Apartment B	Cooking	0	0	\$884.98	211906
11 Cane Crossing										
12 Whitman Way										
14 Whitman Way										
Sussman A	1	1	11/16/2021 @ 9:02pm	11/16/2021 @ 9:01pm	Kitchen Stove Top at Apartment 11	Cooking	0	0	> \$50	212432
Sussman B										
Sussman F										
Sussman G										
Sussman H										
Sussman I										
Sussman J										
Sussman K										
Sussman L	1	1	12/7/21 @ 12:13pm	12/7/2021 @ 12:12pm	Kitchen Oven at Apartment 1	Cooking	0	0	\$884.98	212644

# 2022 Annual Fire Log

Residence Hall	Total # of Fires in Each Building	Fire Number	Date/Time Reported	Date/Time Occurred	General Location	Cause/Nature	Total Injuries Requiring Medical Facility Treatment	Deaths	Property Damage Value (over \$50)	Report #
Howe Hall										
Jonsson Tower										
Kimball Hall										
McClellan Hall										
Penfield Hall										
Rounds Hall										
Wait Hall										
Weicking Hall										
Wilmarth Hall										
1 Moore Way										
2 Moore Way										
3 Dayton Drive										
4 Cane Crossing										
5 Dayton Drive										
6 Cane Crossing										
7 Dayton Drive										
8 Cane Crossing	1	1	12/17/2022 @ 4:02pm	12/17/2022 @ 4:01pm	Kitchen Area	Electrical - Wiring	0	0	\$164	222994
9 Dayton Drive	1	1	6/17/2022 @ 7:55pm	6/17/2022 @ 7:54pm	Kitchen Area	Cooking - Grease Fire	1	0	\$1,146	221429
10 Whitman Way										
11 Cane Crossing	1	1	3/1/2022 @ 12:18am	3/1/2022 @ 12:17am	Kitchen area	Electrical - Wiring	0	0	\$153	220536
12 Whitman Way										
14 Whitman Way										
Sussman A										
Sussman B										
Sussman F										
Sussman G										
Sussman H	1	1	12/07/2022 @ 10:11pm	12/07/2022 @ 10:10pm	Kitchen Area	Cooking - Grease Fire	0	0	\$2,227	222920
Sussman I										
Sussman J										
Sussman K										
Sussman L										



As required by the Clery Act, the areas in the above map represent the geographic areas from which incidents and/or crimes are reported for the purposes of this report. These statistics are listed in this report.

## Skidmore Department of Campus Safety

**Location:** Jonsson Tower, ground level

**Phone numbers:**

Emergency: ext. 5566, or 911

Non-emergency: ext. 5567; From off campus: 518-580-5566

Confidential tips line: 518-580-TIPS (8477)

**Website:** [www.skidmore.edu/campus\\_safety/](http://www.skidmore.edu/campus_safety/)

**Hours:** 24 hours a day

**Director:**

Timothy J. Munro

[tmunro@skidmore.edu](mailto:tmunro@skidmore.edu)

**Associate Director:**

Richard J. Roberts

[rroberts@skidmore.edu](mailto:rroberts@skidmore.edu)

**Assistant Director:**

Glen E. Vidnansky

[gvidnans@skidmore.edu](mailto:gvidnans@skidmore.edu)

**Other Important Phone Numbers Skidmore Campus:**

Health Services	518-580-5550
Dean of Student Affairs	518-580-5760
Office of Residential Life	518-580-5765
Counseling Center	518-580-5555
President's Office	518-580-5700

**Saratoga Springs Police Department**

Emergency 911 (campus phones)

Non-emergency 518-584-1800



**New York State Police**

Emergency                      911 (cellphones)  
Non-Emergency                518-583-7000

**Saratoga County Sheriff's Department**

Emergency                      911 (cellphones)  
Non-Emergency                518-885-6761