

2020

Annual Security & Fire Safety Report

Published September 2021



MARIST

Contents

Introduction.....	4
Clery Act Geography at Marist College	5
Access to and Security of Campus Facilities	6
Security at Marist College	8
Reporting Crimes, Incidents, or Emergencies	10
Anonymous, Private, and Confidential Reporting	11
Clery Reporting.....	12
Response to Reported Incidents.....	12
Timely Warnings	13
Emergency Notification	13
Difference between an “Emergency Notification” and a “Timely Warning”	14
MaristAlerts	15
The Daily Crime Log.....	15
Security Awareness & Crime Prevention Programs.....	15
Alcohol & Drugs.....	17
Emergency Response and Evacuation Procedures	17
Missing Student Notification	20
Bias/Hate Crime Information.....	21
Policies Regarding Dating & Domestic Violence, Sexual Assault, and Stalking	21
New York State Sex Offender Registry.....	23
ADDENDUM 1: Disclosure of Campus Crime Statistics	24
Campus Safety Act Crime Definitions.....	24
New York State Laws & Penalties	26
Main Campus (Poughkeepsie) Statistics	33
Florence Campus (Italy) Statistics	35
ADDENDUM 2: Discrimination, Harassment, and Sexual Misconduct Policy for All Students and Employees.....	37
Introduction	37
Purpose	37
Scope	37
Contact Information.....	38
Nondiscrimination Statement.....	39
Accommodation of Disabilities.....	39
Important Definitions	40
Sex or Gender-Based Discrimination and Harassment and Other Civil Rights Offenses... 41	
Prohibited Conduct.....	41
Other Important Definitions and Terms Related to this Policy.....	46
Policy Expectations with Respect to Consensual Relationships.....	49
Reporting Prohibited Conduct under this Policy.....	49
Student Alcohol and Drug Use Amnesty Policy When Reporting Sexual Misconduct.....	51
Cases of Continual Threat and Timely Warning Obligations	52
Procedure for Resolving Civil Rights Offenses Unrelated to Sex or Gender	52
Informal Process (Conflict Resolution)	53

Formal Process (Investigation)	53
Procedure for Resolving Complaints of Sexual Harassment and Other Civil Rights Offenses involving Sex and/or Gender	54
Supportive Measures.....	55
Emergency Removal of Student Respondents	55
Interim Actions Regarding Employees	56
No Contact Orders	56
Orders of Protection Issued by Criminal or Civil Courts	56
Advisors	57
Formal Resolution: Grievance Process	57
Dismissal & Reclassification of Formal Complaints	59
Hearing for All Alleged Sex- and Gender-Based Misconduct.....	63
Revision.....	69
Student Sanctions	73
ADDENDUM 3: Alcohol and Drug Policies.....	77
Alcohol Policy:.....	77
Medical Amnesty Policy/ Good Samaritan Policy:.....	78
Application to Student Organizations:	80
Alcohol Paraphernalia:	80
Drug Paraphernalia:.....	80
Drug Policy:	80
ADDENDUM 4: Annual Fire Safety Report.....	82
Fire Drills	82
Fire Safety in Residence Halls	82
Procedures Students and Employees Should Follow in Case of a Fire.....	83
Fire Safety Education Programs.....	84
Future Improvements to Fire Safety Systems	84
Daily Fire Log	84
Fire Alarm Systems	84
Fire Statistics for On-Campus Student Housing Facilities.....	87

Introduction

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



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

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

Within this report, information for the Marist College Campus in Florence, Italy will be specifically called out wherever it differs from the Marist College Main Campus in Poughkeepsie, NY. If specific information in any section of this report is not presented separately for each campus, then it may be assumed that the information contained in that section of the report applies to both campuses.

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

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

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

<http://www.marist.edu/security/Annual-Security-and-Fire-Safety-Report>

Clery Act Geography at Marist College

The Campus Safety Act requires the disclosure of crimes that are reported within three distinct geographic areas: on-campus property, public property, and non-campus property. Collectively, these geographic areas are commonly known as our “Clery Act Geography”. In order to help you better understand the information contained in this report, following is a description of each of the three types of Clery Act Geography at the Marist College main campus and Florence, Italy campus:

Main Campus, Poughkeepsie, NY

On-Campus Property

On-campus property at the main campus of Marist College includes the following:

1. All buildings and grounds within the Marist College fence line on the West side of Route 9. This includes the riverfront area from the railroad underpass to just South of the Marist boathouse, where our property abuts Vassar College’s property.
2. All Marist College buildings and grounds East of Route 9 between Fulton Street and West Cedar Street, from the Beck Place Lot and Steel Plant building in the south to the Upper West Cedar and Upper Fulton Housing and parking lots to the North. This includes the pedestrian tunnel running under Route 9.
3. The buildings and grounds of 51 and 57 Fulton Street, including the Marist College parking lots surrounding those buildings.
4. The Liberty Partnership Offices located at 112 Delafield Street, Suite 201, Poughkeepsie, NY 12601.
5. The Marist College apartments located at 91-95 Talmadge Court, Poughkeepsie, NY 12601, including the grounds and parking lots inside the sidewalk.

Public Property

Public property at the main campus of Marist College includes the following:

1. Route 9 between the St. Ann and South gates, including the sidewalks on both sides of Route 9.
2. Fulton Street from Beck Place to 57 Fulton, including the sidewalks on both sides of Fulton Street.
3. West Cedar Street from the Lower West Cedar Parking Lot to the Upper West Cedar Parking Lot, including the sidewalks on both sides of West Cedar Street.
4. The Hudson River from the Railroad underpass to the Marist boathouse dock.
5. Talmadge Court immediately in front of 91-95 Talmadge Court, Poughkeepsie, NY 12601.

Non-Campus Property

Non-campus property at the main campus of Marist College includes the following:

1. The Marist College office and the student housing buildings at our location in Dublin are considered non-campus properties, under the main campus, for Clery purposes; including any common areas necessary to our use of those spaces (lobbies, elevators, hallways, dedicated parking lots, etc.). Additionally, the Marist College location on the 14th floor, at 420 5th Avenue in Manhattan, NY is considered a non-campus property.
2. Marist College does not have any non-campus locations of student organizations officially recognized by the institution.

Florence, Italy Campus

On-Campus Property

On-campus property at the Florence, Italy campus of Marist College includes the following:

1. Via del Giglio 6 – Marist Italy staff/faculty offices and lounge. Marist-dedicated classroom and conference room.
2. Via San Gallo 33 – Freshman residence and student common room. 18 apartments for 42 students, 4 RAs and 1 RD.
3. Via Santa Reparata 12D – 5 Apartments for 6 MAs and 6 Upperclassmen BA.
4. Via Santa Reparata 14 – 3 Apartments for 3 MA students and visiting faculty and family.

The on-campus property includes any common areas necessary to our use of the above facilities (lobbies, elevators, hallways, dedicated parking lots, etc.). The three housing locations are also included in the subcategory of “On-Campus housing”.

Public Property

Public property at the Florence, Italy campus of Marist College includes the following:

1. The street, and sidewalks on both sides of the street, immediately in front of and accessible from each building entrance at the above properties.

Non-Campus Property

Marist College does not have any non-campus properties in Florence, Italy.

Access to and Security of Campus Facilities

Main Campus

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

The college utilizes closed circuit video cameras and alarm systems at select locations. The presence of cameras can sometimes deter certain crimes from occurring; however, these cameras are not intended to prevent crime from happening. Although there will be times when a camera may be monitored in real-time, one should assume that the cameras are not being actively monitored the majority of the time, and are not a guarantee of safety. Members of our community should always take appropriate precautions to ensure their own safety, even when they see Video Surveillance Cameras are present.



The Office of Safety & Security also conducts regular campus safety inspections to identify and correct safety hazards in and around campus facilities. In addition to performing routine patrol assignments and responding to requests for service, Security Officers are also required to report security related problems such as broken windows, malfunctioning lights and locks, etc. to ensure the proper operation of campus facility systems, and to make sure the shrubbery and trees are trimmed on a regular basis. Members of the college community are encouraged to report these types of issues so they can be promptly addressed.

Florence, Italy Campus

LdM and Marist buildings in Florence are entry-code protected with some exceptions. Academic buildings are closed after business hours and weekends, unless prior arrangement has been made for students to work in supervised LdM studio space or the Marist Program Center at Via del Giglio 6, supervised by Marist staff or senior student assistants.

During normal business hours, students in the Marist residences at San Gallo 33, Santa Reparata 12D, and Santa Reparata 14 may bring guests into the residence without restriction. During the hours of 8.15 pm and 7am, a guard is stationed at the freshman residence at San Gallo 33 (where all Marist Florence Freshman Experience students reside). Full-degree students in the sophomore, junior, and senior years, as well as MAs and visiting Marist faculty and staff reside at Santa Reparata 12D and Santa Reparata 14. One full-time Resident Director and a number of student-Resident Assistants live in the Marist residences at San Gallo and Santa Reparata, and other full-time Marist staff reside in other apartments within a 20 minute walk of the Marist Program Center at Via del Giglio 6.

Guests must sign into and out of the freshman residence at San Gallo 33, with ID (leaving their ID with the guard), and be accompanied by a Marist student. Guests are required to vacate the building by 1.00 am. In contrast to freshman, full-degree students in Florence, and MA students living in the Marist residence, the Marist Abroad students (usually spending one semester in Florence only) are not supervised in residence by Marist staff, but rather by LdM staff and live in LdM-supervised apartments.

The apartments where Marist students reside are typically found within a 20-minute walk of LdM's main building at Via Faenza 43, and are in buildings with Italian families, some businesses, and some other international students. Access to the buildings is by code and/or key.

Marist Italy utilizes closed circuit video cameras the Marist residence at San Gallo 33, Santa Reparata 12D, and Santa Raparata 14.

Security at Marist College

Main Campus

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

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

Services include:

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

Florence, Italy Campus

The Marist College campus in Florence, Italy does not have a dedicated security or police department. As indicated above, a guard is stationed at the Marist freshman Residence at San Gallo 33, providing coverage in the evening and early morning hours. Their purpose is to monitor access to the building, and they do not provide other security services. Guard(s) are hired from a local security company, Corpo Vigili Giurati recommended by the landlords of the Marist residence.

Dublin, Ireland

Marist students at the Dublin site reside in purpose-built student housing at Binary Hub. Access to the residence is by fob, with additional entry into specific apartments by keypad. All rooms are singles, with student-controlled entry.

Law Enforcement at Marist College

Main Campus

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

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

Florence, Italy Campus

Law enforcement in Italy is carried out by the state, with a few organizations involved; the two principal agencies are the Polizia di Stato (the civil police) and the Carabinieri (military police). LdM and Marist staff are in regular contact with local law enforcement agencies, as appropriate, and help in conversation with students in need to ensure that they receive needed support. Marist staff also belong to the Florence Overseas Security Advisory Council (OSAC) that meets regularly at the US Consulate for safety briefings, support, and trainings.

Dublin, Ireland

The Garda Siochana (Irish Police Force) has primary jurisdiction for the students enrolled at the Marist Dublin site. Marist and affiliate staff have excellent working relationships with the Force, are in regular contact with them as appropriate, and help in conversation with students in need to ensure that they receive support.

Manhattan Location

The NYPD has primary law enforcement jurisdiction for the Marist College location on the 14th floor, at 420 5th Avenue, Manhattan, NY.

Reporting Crimes, Incidents, or Emergencies

Main Campus

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

Students, employees, and visitors should promptly and accurately report all

suspicious activity, criminal incidents or emergencies by calling the Office of Safety & Security at (845) 471-1822 or (845) 575-5555 from any campus phone, at any time of day. Reports may also be filed in person at the twenty-four (24) hour security office in Donnelly Hall, or to any Security Officer. Of course, all such reports may also be made to outside agencies by dialing 911 from any phone. Prompt reporting is important so that Marist College can evaluate if there might be an ongoing or immediate risk to our community and issue a timely warning or emergency notification so that others may take steps to protect themselves and/or mitigate that risk.



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

If an incident occurs abroad or during a Marist study abroad sponsored program, contact the individual leading the Marist program. The individual who is leading the Marist study abroad program is required to report the information learned to the Title IX Coordinator or designee.

Florence, Italy Campus

Marist students in Florence are encouraged to report all crimes to Marist or LdM staff, as well as local law enforcement. In most cases, students will first report to Marist or LdM staff, who will help the student connect with local law enforcement. Most cases are handled between student, Marist/LdM staff, and local law enforcement as appropriate to ensure strong communication and to avoid cultural or linguistic misunderstandings.

All students have access to Marist and/or LdM 24/7 emergency lines should the need arise. These phones are staffed year-round, whenever there are Marist students in residence.

As indicated above, Florence operations fall under Title IX reporting as on the Main Campus, and applicable cases are referred to the Title IX office in Poughkeepsie as appropriate.

Dublin, Ireland

Marist students in Florence are encouraged to report all crimes to Marist and/or affiliate staff as appropriate, as well as local law enforcement. In most cases, students will first report to staff, who will help them connect with local law enforcement. Most cases are handled between student, Marist/affiliate staff, and local law enforcement as appropriate.

All students have access to 24/7 program emergency lines should the need arise. These phones are staffed year-round, whenever there are Marist students in residence.

As indicated above, Dublin and Manhattan operations fall under Title IX reporting as on the Main Campus, and applicable cases are referred to the Title IX office in Poughkeepsie as appropriate.

Anonymous, Private, and Confidential Reporting

Main Campus

Confidential Reporting

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

The following offices on and off campus offer confidential reporting::

On-Campus Resources

- Counseling Services: 845-575-3314
- Health Services: 845-575-3270
- Ordained Clergy (located in Campus Ministry): 845-575-3000 (x2275)

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

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

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

Off-Campus Counseling and Advocacy Resources

- Dutchess County Helpline: (845)-485-9700
- Dutchess County Family Services: (845) 452-1110
- New York State Sexual Violence Hotline English: 1-800-942-6906

English TTY: 1-800-818-0656

Spanish: 1-800-942-6908

Spanish TTY: 1-800-780-7660

Law Enforcement Resources

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

Off-campus local rape crisis counselors, domestic violence resources, and local or state assistance agencies will maintain confidentiality, except in extreme cases of immediate threat, danger and/or abuse of a minor.



Florence, Italy Campus

Florence protocols are the same as at the Main Campus. Trained counselors are available at LdM, and Marist staff strive to support students in these discussions as appropriate.

Clergy Reporting

Clergy reporting refers to the data collected by the Office of Safety and Security on all crimes, including sexual assault/rape, domestic violence, dating violence, and stalking) occurring on or near College property and compiled in the College's Annual Security Report. Only aggregate data is reported and no personally identifiable information is collected. Marist employees identified as Campus Security Authorities (CSAs) have a duty to report crimes to Safety and Security. Marist College Campus CSAs include any Marist College Security Officer, Athletic Coach, Resident Assistant, Resident Director, student club Faculty Advisor, or Associate/Assistant Director of Student Activities and employees in the following college positions:

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

Response to Reported Incidents

Main Campus

In response to a reported incident, the Office of Safety & Security will dispatch a Security Officer to take an incident report. Persons reporting an incident will be interviewed and advised of their options. Depending on the specifics and severity of the incident, the Office of Safety & Security may conduct an investigation, including possible police involvement, according to the

circumstances. All incident reports involving student conduct are forwarded to the Director of Student Conduct for review and potential referral for judicial action, as appropriate. If an investigation is conducted, any additional relevant information obtained will also be forwarded to the Director of Student Conduct. Additionally, reports may be sent to the Student Affairs office for review and potential action.

Florence, Italy Campus

Responses to reported incidents are the same as the Main Campus, with Marist Italy, LdM, and main campus personnel involved as appropriate in lieu of the Main Campus Security Officers.

Timely Warnings

Main Campus

Marist College's policy is to issue timely warning reports to the college community for Campus Safety Act crimes that occur within our Clery Act Geography, which are reported to campus security authorities or local law enforcement, and are determined to present an ongoing safety or security threat to students or employees. The purpose of such timely warnings is to inform our community about potential ongoing threats and to aid in the prevention of similar crimes.

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

Florence, Italy Campus

Timely warning notices are made in Florence when there is particular potential for ongoing threat. All Marist students are also enrolled in the Marist Office of International Programs' Terra Dotta Alert Traveler system, which supplies Marist staff with safety and security alerts in real time, and allows Marist staff to see the city and country location of students with smartphones and who have downloaded the Alert Traveler app as per our strong recommendation.

Emergency Notification

Main Campus

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

The college will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification unless the notification will, in the professional judgment of responsible authorities, compromise the efforts to assist victims, or to

contain, respond to or otherwise mitigate the emergency. The content of the notification, and the manner in which the college community will be notified, will depend on the nature of the emergency. Most times, the urgent nature of such a notification will result in a more general immediate alert being issued, which will be followed up with more detailed information as it becomes available. The college will consider what information is critically necessary for recipients to know so that they may take steps to protect themselves. The college will review the details of the emergency, on a case-by-case basis, to determine what segment(s) of the campus community to include in the notification. The college may choose to notify only a segment of the college community if the emergency is localized and does not pose a threat to the entire campus. A good example of a segmented notification is the fire alarm system in each building. If that system is triggered, the evacuation alarms will only be activated in the affected building, so that occupants of that building can take immediate steps to get out of harms-way by evacuating the building. It is not necessary for people in other areas of the campus to receive this notification.



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

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

Florence, Italy Campus

Protocols in Florence are similar to those on the Main Campus. Depending on the nature of the emergency, notification will come from the Marist Italy Director, Marist Dean of International Programs, or LdM Dean of Students.

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

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

MaristAlerts

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

The Daily Crime Log

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

Security Awareness & Crime Prevention Programs

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

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

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

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



Florence, Italy Campus

All Marist students in Florence receive safety and security information as part of their pre-departure orientations, both in-person as well as electronically. Once in-country, these safety and security recommendations are underscored with in-person presentations by LdM, Marist, and local police services. All students also receive a briefing from the US Consulate in Florence, where safety and security is typically an area of emphasis. All US-citizen students are encouraged to register for the US Department of State’s Smart Traveler Enrollment Program (STEP), which connects students directly with DOS staff in Italy should an emergency arise. Marist and LdM staff send reminders during the semester as appropriate to remind students of risk minimization strategies.

All Marist students are also enrolled in the Marist Office of International Programs’ Terra Dotta Alert Traveler system, which supplies Marist staff with safety and security alerts in real time, and allows Marist staff to see the city and country location of students with smartphones and who have downloaded the Alert Traveler app as per our strong recommendation. Should an issue arise, Marist staff can request students to check-in as “safe” in the Alert Traveler app.

LdM and Marist staff are in regular contact with local law enforcement agencies, as appropriate, and help in conversation with students in need to ensure that they receive needed support. Marist staff also belong to belong to the Florence Overseas Security Advisory Council (OSAC) that meets regularly at the US Consulate for safety briefings, support, and trainings.

Dublin, Ireland

All Marist students at the Dublin site receive safety and security information as part of their pre-departure orientations, both in-person as well as electronically. Once in-country, these safety and security recommendations are underscored with in-person presentations by Marist staff, affiliate staff, and local law enforcement. All US-citizen students are encouraged to register for the US Department of State’s Smart Traveler Enrollment Program (STEP), which connects students directly with DOS staff in Ireland should an emergency arise. Marist staff sends reminders during the semester as appropriate to remind students of risk minimization strategies.

All Marist students are also enrolled in the Marist Office of International Programs’ Terra Dotta Alert Traveler system, which supplies Marist staff with safety and security alerts in real time, and allows Marist staff to see the city and country location of students with smartphones and who have downloaded the Alert Traveler app as per our strong recommendation. Should an issue arise, Marist staff can request students to check-in as “safe” in the Alert Traveler app.

Alcohol & Drugs

Main Campus

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

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

A complete copy of Marist College's "Drug and Alcohol Policy" may be found later in this report, and also online in the student handbook at the link indicated above.

Florence, Italy Campus

The legal alcohol drinking age is 18 in Italy. All students are made aware of the potential threats and dangers in connection with the use of alcohol. Students in the Marist residence are allowed one bottle (full or empty) of beer or wine in their residence, with no hard alcohol allowed. Inappropriate behavior in or outside of the residence can lead to sanction up to and including dismissal from the program. Illicit drug or prescription medication in the absence of a current written prescription from a student's doctor is disallowed, with punishment for use and possession in line with disciplinary action in Poughkeepsie and with sanctions ranging from educational programs to dismissal from the program.

Emergency Response and Evacuation Procedures

Main Campus

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

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



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

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

Florence, Italy Campus

Evacuation drills are not conducted on the Florence campus. Emergency response protocols are developed and refined by Marist and LdM staff, with tabletop scenario exercises to ensure preparedness.

What it means to “shelter in place”

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

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

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

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

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

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

For severe weather and civil unrest:

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

For external chemical, biological or radiological incidents:

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

General Evacuation Procedures

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

Remember to:

- Remain calm and answer the questions you are asked.
- Do not use elevators, use the stairs.

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



Muster and Head Count

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

Missing Student Notification

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

All students residing in on-campus student housing have the option of providing a confidential contact person to be notified in the event the student is reported missing. This information will be collected each year and may be updated via the college web portal as needed by logging-in to my.marist.edu and then navigating to the following web address:

<https://my.marist.edu/confidential-contact>. Only authorized college officials and law enforcement officers in the furtherance of a missing person investigation may have access to this information. The college will notify the confidential contact person within twenty-four (24) hours of the determination that the student is missing, and reserves the right to contact that person while investigating the initial report in order to obtain information on the possible whereabouts of the missing student.

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

Bias/Hate Crime Information

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

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

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

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

Sexual misconduct including sexual assault, dating/relationship violence, domestic violence, and stalking are violations of Marist's standards of conduct and the State of New York Penal Code. Members of the college community, guests, and visitors have the right to be free from sexual violence and any form of gender-based discrimination. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. When an individual accused (Responding Party) is found to have violated these standards or code of conduct, sanctions will be imposed based on the nature of the case.

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

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

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



The Marist College personnel who are involved in responding to and administering cases of dating/domestic violence, stalking, and sexual assault receive training each year on issues related to those types of crimes, including how to conduct an investigation and hearing process that provides for the safety of Reporting Parties and promotes accountability. For example, two of our investigators trained as a Level II Civil Rights Investigator through ATIXA. Additionally, Marist personnel work closely with the Center for Victim Safety & Support of Family Services, and receive ongoing training from them as well.

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

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

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

- In January 2020, Hearing Panel trained on Title IX and hearing process.
- In February 2020, we hosted SCREAM Theatre – peer education to combat sexual assault
- In September 2020, we hosted an Escalation workshop founded by the One Love Foundation.
- Orientation training for all new students – summer 2020 - delivered remotely.
- NECSD Training - June 2020
- Training in August 2020 for residence life and security staff on sexual assault, dating violence and stalking.
- Adjunct Faculty Training – August 2020
- September 2020 ROTC training for all ROTC students.
- September 2020 Upward Bound, Student Ambassador, and SGA training for all students involved in the programs.
- On-line training offered regarding sexual violence prevention through EverFi, which included Alcohol EDU. Available to all students, and required for all new students and student leaders, athletes, and groups in compliance with NYS Education law 129B
- On-line training course regarding sexual harassment, discrimination, and prevention is required for all employees, on a yearly basis.
- New Hire Orientation - Title IX delivers a segment for each new hire orientation.
- Marist offers a one-credit elective course called Mentors in Violence Prevention which primarily addresses prevention through bystander intervention.
- Marist produces passive programming including newsletters, pinwheels for prevention, and “standees” with statistics.
- Creation of the pamphlets/brochures with information regarding sexual violence resources, rights and reporting options, which are made available to our community.
- Annual awareness-raising events which involve students and staff, including the "Walk a Mile in Her Shoes" event and the "White Ribbon" campaign.
- Title IX staff also received ATIXA training in 2020.

New York State Sex Offender Registry

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

ADDENDUM 1: Disclosure of Campus Crime Statistics

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

- 1) Poughkeepsie (Main) Campus
- 2) Florence, Italy Campus

Campus Safety Act Crime Definitions

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

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

Murder and Non-negligent Manslaughter

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

Manslaughter by Negligence

The killing of another person through gross negligence.

Rape

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

Fondling

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

Incest

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

Statutory Rape

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

Robbery

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

Aggravated Assault

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

Burglary

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

Motor Vehicle Theft

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

Arson

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

Larceny- Theft (except motor vehicle theft)

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Simple Assault

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

Intimidation

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

Destruction/Damage/Vandalism of Property

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property

without the consent of the owner or the person having custody or control of it.

Weapons Law Violations

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



Liquor Law Violations

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

Drug Abuse Violations

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

New York State Laws & Penalties

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

Consent:

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

with development disabilities, or the office of alcoholism and substance abuse services, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.

Consent, abbreviated:

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

Dating Violence:

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

Domestic Violence:

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

Family or Household Member:

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

Parent:

Natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.

Sexual Assault:

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

Sex Offenses; Lack of Consent:

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

Sexual Misconduct:

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

Rape in the Third Degree:

When a person (1) engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) Being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or (3) engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

Rape in the Second Degree:

When a person (1) being 18 years old or more, engages in sexual intercourse with another person less than 15 years old; or (2) engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree the defendant was less than four years older than the victim at the time of the act.

Rape in the First Degree:

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



Criminal Sexual Act in the Third Degree:

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

Criminal Sexual Act in the Second Degree:

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

Criminal Sexual Act in the First Degree:

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

Forcible Touching:

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

Persistent Sexual Abuse:

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

Sexual Abuse in the Third Degree:

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

Sexual Abuse in the Second Degree:

When a person subjects another person to sexual contact and when such other person is (1) incapable of consent by reason of some factor other than being less than 17 years old; or (2) less than 14 years old.

Sexual Abuse in the First Degree:

When a person subjects another person to sexual contact (1) by forcible compulsion; (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old; or (4) when the other person is less than 13 years old.

Aggravated Sexual Abuse:

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

Aggravated Sexual Abuse in the Fourth Degree:

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



Aggravated Sexual Abuse in the Third Degree:

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

Aggravated Sexual Abuse in the Second Degree:

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

Aggravated Sexual Abuse in the First Degree:

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

Course of Sexual Conduct against a Child in the Second Degree:

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

Course of Sexual Conduct against a Child in the First Degree:

When a person over a period of time, not less than three months in duration, a person: (1) Engages in two or more acts of sexual conduct, or aggravated sexual contact with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual

conduct which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact with a child less than 13 years old.

Facilitating a Sex Offense with a Controlled Substance:

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

Incest in the Third Degree:

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

Incest in the Second Degree:

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

Incest in the First Degree:

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

Stalking in the Fourth Degree:

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

Stalking in the Third Degree:

When a person (1) Commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted; or (2) commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family



member of the victim, of the present offense; or (3) with an intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or (4) commits the crime or stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

Stalking in the Second Degree:

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

Stalking in the First Degree:

When a person commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she intentionally or recklessly causes physical injury to the victim of such crime.

Main Campus (Poughkeepsie) Statistics

Criminal Offenses for 2018-2020

Offense	Year	Geographic Location			
		On-Campus Property	On-Campus Student Housing	Non-Campus Property	Public Property
Murder and Non-Negligent Manslaughter	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Negligent Manslaughter	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Rape	2018	8	8	0	0
	2019	11	10	0	0
	2020	1	1	0	0
Fondling	2018	2	2	0	0
	2019	10	8	0	0
	2020	1	1	0	0
Incest	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Robbery	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Aggravated Assault	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Burglary	2018	13	10	0	0
	2019	8	8	0	0
	2020	2	2	0	0
Motor Vehicle Theft	2018	0	0	0	0
	2019	0	0	0	0
	2020	1	0	0	0
Arson	2018	1	1	0	0
	2019	0	0	0	0
	2020	0	0	0	0

No hate crimes were reported on any Clery Geography in 2019 or 2020. One hate crime of intimidation was reported on-campus in 2018, based on sexual orientation. There were no other hate crimes reported in 2018 for any Clery Geography.

No hate crimes were reported in student housing in 2018-2020.

There were no unfounded crimes for 2018 or 2020. There was 1 unfounded crime in 2019.

Main Campus (Poughkeepsie) Statistics

VAWA Offenses for 2018-2020

Offense	Year	Geographic Location			
		On-Campus Property	On-Campus Student Housing	Non-Campus Property	Public Property
Domestic Violence	2018	1	1	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Dating Violence	2018	0	0	0	0
	2019	6	5	0	1
	2020	3	3	0	0
Stalking	2018	1	0	0	1
	2019	1	0	0	0
	2020	0	0	0	0

Arrests for 2018-2020

Offense	Year	Geographic Location			
		On-Campus Property	On-Campus Student Housing	Non-Campus Property	Public Property
Weapons	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Drug Abuse Violations	2018	1	1	0	0
	2019	1	1	0	0
	2020	0	0	0	0
Liquor Law Violations	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

Disciplinary Referrals for 2018-2020

Offense	Year	Geographic Location			
		On-Campus Property	On-Campus Student Housing	Non-Campus Property	Public Property
Weapons	2018	0	0	0	0
	2019	1	1	0	0
	2020	1	0	0	1
Drug Abuse Violations	2018	78	78	0	0
	2019	57	57	0	0
	2020	45	45	0	0
Liquor Law Violations	2018	363	362	0	1
	2019	407	405	0	2
	2020	232	227	0	0

Florence Campus (Italy) Statistics

Criminal Offenses for 2018-2020

Offense	Year	Geographic Location		
		On-Campus Property	On-Campus Student Housing	Public Property
Murder and Non-Negligent Manslaughter	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Negligent Manslaughter	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Rape	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Fondling	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Incest	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Statutory Rape	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Robbery	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Aggravated Assault	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Burglary	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Motor Vehicle Theft	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Arson	2018	0	0	0
	2019	0	0	0
	2020	0	0	0

No hate crimes were reported in 2018-2020 for any Clery Act Geography in Florence.

There were no unfounded crimes for 2018-2020 in Florence.

Florence Campus (Italy) Statistics

VAWA Offenses for 2018-2020

Offense	Year	Geographic Location		
		On-Campus Property	On-Campus Student Housing	Public Property
Domestic Violence	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Dating Violence	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Stalking	2018	0	0	0
	2019	0	0	0
	2020	0	0	0

Arrests for 2018-2020

Offense	Year	Geographic Location		
		On-Campus Property	On-Campus Student Housing	Public Property
Weapons	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Drug Abuse Violations	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Liquor Law Violations	2018	0	0	0
	2019	0	0	0
	2020	0	0	0

Disciplinary Referrals for 2018-2020

Offense	Year	Geographic Location		
		On-Campus Property	On-Campus Student Housing	Public Property
Weapons	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
Drug Abuse Violations	2018	1	1	0
	2019	1	1	0
	2020	0	0	0
Liquor Law Violations	2018	0	0	0
	2019	0	0	0
	2020	0	0	0

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

Introduction

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

Purpose

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

- The College will take steps to prevent the behavior, to prevent any recurrence, and take appropriate action to remedy the effects of the behavior;
- The College will provide for the prompt and equitable resolution of allegations and complaints brought by the Complainant (the individual who believes they were harmed) and the Respondent (the individual accused of a policy violation).

Scope

The following policy and process applies to all students, faculty, administrators and/or staff, applicants for employment, interns whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with Marist College.

This policy applies to behaviors that take place on the campus and at College-sponsored/controlled events. Behaviors cited in this policy that occur off-campus, on/at private property, online, including calls, texts, emails, and social media, or business travel, even if they occur on personal devices or during non-work hours, may still be addressed when the Title IX Coordinator or other designated official determines that the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:

- Any action that constitutes criminal offense as defined by Federal or New York State law. This includes, but is not limited to, single or repeat violations of any local, state or federal law committed in the vicinity where the College is located;
- Any situation where it appears that the accused individual may present a danger or threat to the health or safety of self or others;
- Any situation that significantly infringes upon the rights, property or achievements of self or others or creates significant disruption, and/or
- Any situation that is detrimental to the educational interests of the College.

In a case where either the Complainant or Respondent falls under the purview of another institution, the Title IX Coordinator or designee may liaison with the Title IX Coordinator from the other institution to address remedies/discipline.

Contact Information

For internal inquiries regarding the enclosed policies and procedures or to report sexual harassment, please contact:

Kelly Yough

Director of Equity and Title IX Coordinator
Student Center 352
(845) 575-3799
titleix@marist.edu

Deputy Title IX Coordinator
Student Center 352
845-575-3799
titleix@marist.edu

External inquiries may be made to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW

Washington, DC 20202-1100
Telephone: (800) 421-3481
Fax: (202) 453-6012
TDD: (800) 877-8339
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Local OCR office contact information:

New York Office
Office for Civil Rights
U.S. Department of Education
32 Old Slip, 26th Floor
New York, NY 10005-2500
Phone (646) 428-3900
Fax: (646) 428-3843
TDD: (800) 877-8339
Email: OCR.NewYork@ed.gov

Equal Employment Opportunity Commission (EEOC)

Contact: <http://www.eeoc.gov/contact/>



Nondiscrimination Statement

Marist College adheres to all federal, state, and, where applicable, local civil rights laws banning discrimination in private institutions of higher education. The College will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, religion, color, sex, pregnancy, religion, creed, ethnicity, national origin (including ancestry), citizenship status, physical or mental disability, age, sexual orientation, gender, gender identity, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status or any other protected category under applicable local, state or federal law, including protections for those opposing discrimination or participating in any grievance process on campus or within the Equal Employment Opportunity Commission or other human rights agencies.

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

Accommodation of Disabilities

The College is committed to full compliance with the Americans With Disabilities Act Amendments Act of 2008 (ADAA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADAA, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity. The ADAA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

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

Students with Disabilities

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

All accommodations are made on a case-by-case basis. The College encourages individuals with disabilities to make a request for an accommodation to contact the Office of Accommodation and

Accessibility. After reviewing the documentation provided by the student and, in consultation with the student, a determination as to which accommodations are appropriate to the student's particular needs and academic programs will be made, provided that such accommodation does not constitute an undue hardship.

Employees with Disabilities

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

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

Academic Freedom

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

Important Definitions

Institution

Institution will mean "Marist College" or "College" in this Policy.

Privacy

A College employee, with the exception of confidential resources, cannot guarantee complete confidentiality, but the individual can guarantee privacy. Privacy means information is disclosed only to select officials who have an essential need to know in order to carry out their responsibilities. As is the case with any educational institution, the College must balance the needs of the individual student with its obligation to protect the safety and well-being of the community at large. Therefore, depending on the seriousness of the alleged incident, further action may be necessary, including a campus security alert. The alert, however, would never contain any information identifying the student who brought the complaint.

Complainant

The term "Complainant" will encompass the terms victim, survivor, complainant, claimant, or witness with victim status.

Respondent

The term, "Respondent" will mean a person accused of a violation who has entered the College's judicial or conduct process.

Title IX Coordinator

Title IX Coordinator will mean the individual who promotes the creation of policies, procedures and notifications designed to ensure compliance with Title IX, who oversees the implementation of compliance (grievance) procedures, including investigation and disposition of complaints, who answers questions and provides guidance about Title IX compliance and the College's related policies and procedures, who is a liaison to the state and federal agencies that enforce Title IX, who helps ensure the campus community and College employees are adequately trained and educated on Title IX compliance responsibilities, and who monitors all other aspects of the College's Title IX compliance.



Sex or Gender-Based Discrimination and Harassment and Other Civil Rights Offenses

Prohibited Conduct

Gender-Based Misconduct

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

Sexual Harassment

The U.S. Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of New York regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice. Marist College has adopted the following definition of sexual harassment, which conforms to federal regulations under Title IX, in order to address the unique environment of an academic community.

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

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex or that is sexual that satisfies one or more of the following:

- Quid Pro Quo:
 - an employee of Marist College,
 - conditions, implicitly or explicitly, the provision of an aid, benefit, or service of the recipient,
 - on an individual's participation in unwelcome sexual conduct.

- Sexual Harassment:
 - unwelcome conduct,
 - determined by a reasonable person,
 - to be so severe, and
 - pervasive, and,
 - objectively offensive,
 - that it effectively denies a person equal access to Marist College's education program or activity.¹

- Sexual assault, defined as:
 - Sex Offenses, Forcible:
 - Any sexual act² directed against another person,
 - without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.
 - Sex Offenses, Non-forcible:
 - Incest:
 - Non-forcible sexual intercourse,
 - between persons who are related to each other,
 - within the degrees wherein marriage is prohibited by New York law.
 - Statutory Rape:
 - Non-forcible sexual intercourse,
 - with a person who is under the statutory age of consent of 17.

¹ Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

² A "sexual act" is specifically defined to include one or more of the following:

Forcible 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 Complainant.

Forcible Sodomy:

- Oral or anal sexual intercourse with another person,
- forcibly,
- and/or against that person's will (non-consensually), or
- not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age[#] or because of temporary or permanent mental or physical incapacity.

Sexual Assault with an Object:

- The use of an object or instrument to penetrate,

- however slightly,
- the genital or anal opening of the body of another person,
- forcibly,
- and/or against that person's will (non-consensually),
- or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Forcible Fondling:

- The touching of the private body parts of another person (buttocks, groin, breasts),
- for the purpose of sexual gratification,
- forcibly,
- and/or against that person's will (non-consensually),
- or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

- Dating Violence, defined as:
 - violence,
 - on the basis of sex,
 - committed by a person,
 - who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - 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, defined as:
 - violence,
 - on the basis of sex,
 - committed by a current or former spouse or intimate partner of the Complainant,
 - by a person with whom the Complainant shares a child in common, or
 - by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
 - by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of New York, or
 - by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of New York.
 - To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

- Stalking, defined as:
 - Engaging in a course of conduct,
 - on the basis of sex,
 - 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 Respondent 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.

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

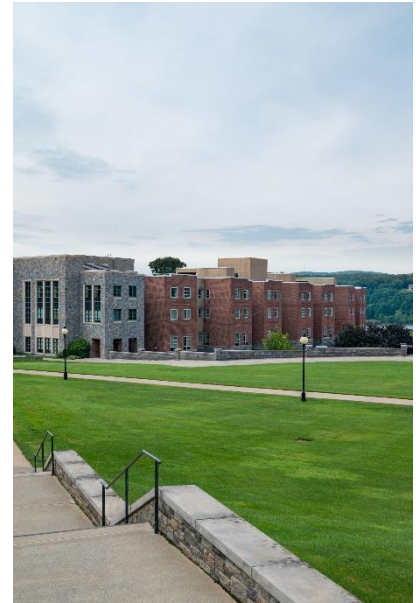
The College considers sexual assault to be one of the most serious violations, and therefore imposes the most severe sanctions, typically suspension or expulsion for students and termination for employees.

Other Civil Rights Offenses

In addition to the forms of sexual harassment described above, which are covered by Title IX, Marist College additionally prohibits the following offenses as forms of misconduct and discrimination outside of Title IX when the act is based upon the Complainant’s actual or perceived membership in a protected class.

- Sexual Exploitation, defined as: taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:
 - Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
 - Invasion of sexual privacy.

- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography.
 - Prostituting another person
 - Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection
 - Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
 - Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
 - Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
 - Knowingly soliciting a minor for sexual activity
 - Engaging in sex trafficking
 - Creation, possession, or dissemination of child pornography
- Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;
 - Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;
 - Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
 - Hazing, defined as:
 - Acts likely to cause physical or psychological harm or social ostracism to any person within the College community,
 - when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the prohibition of hazing found in the Student Code of Conduct),
 - on the basis of actual or perceived membership in a protected class;
 - Hazing is also illegal under New York law and prohibited by College policy.



- Bullying, defined as:
 - Repeated and/or severe,
 - aggressive behavior, and
 - likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally
 - Bullying and cyber bullying is defined further in the prohibition of bullying found in the Student Code of Conduct
- Any other College rules, when a violation is motivated by the actual or perceived membership of the victim in a protected class may be pursued using this policy and process.

The College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination of employment, for harassment, discrimination, or an act of in violation of this policy, including gender-based offenses of intimate partner or relationship (dating and/or domestic) violence, sexual assault, and stalking based on the facts and circumstances of the particular grievance.

Retaliation

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Adverse action need not be job-related or occur on the campus or in the workplace (i.e. threats of violence outside of work hours) to constitute unlawful retaliation. Retaliation against an individual for alleging harassment, supporting a party or for assisting in providing information relevant to a claim of harassment is a serious violation of College policy. Acts of alleged retaliation involving employees may be reported to the Title IX Coordinator. Allegations of retaliation involving students may be reported to the Director of Student Conduct. The College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation. In instances where the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices violated College policy and/or were unlawful. In turn, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Other Important Definitions and Terms Related to this Policy

Affirmative Consent

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

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

individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.

The Respondent's intoxication does not relieve them of failing to realize a Complainant's incapacitation. The definition for incapacitation is set forth later in this policy.

Consent to some sexual contact or prior sexual activity (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred, and any similar previous patterns that may be evidenced. A person can withdraw consent at any time during sexual activity by expressing in words or actions that they no longer want the act to continue, and, if that happens, the other person must stop immediately.

Minors

In New York State, a minor (meaning a person under the age of 17 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 17 years old is a crime, as well as a violation of this policy, even if the minor wanted to engage in the act. The College adopts this prohibition of sexual activity by adults with minors on all College property and at any and all College-sponsored activities or functions outside of New York regardless of out-of-state laws.

Bystander

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

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Confidentiality

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

Clergy Reporting

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

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”). Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance.



Although resistance is not required or necessary, it is a clear demonstration of non-consent.

Incapacitation

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

- Incapacitation may be associated with an individual lacking consciousness; being asleep; being involuntarily restrained; having a disability that impedes consent; or if an individual otherwise cannot consent due to other forms of helplessness. Specifically, under New York State law, a person under the age of 17 lacks the capacity to give consent.
- Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
 - How drugs and alcohol affect consent:
 - The impact of alcohol and other drugs varies from person to person. Warning signs that a person may be incapacitated or approaching incapacitation as a result of alcohol or drug use may include, but are not limited to: slurred or incomprehensible speech, vomiting, unsteadiness, combativeness, or emotional volatility.
 - Individuals should be aware of, and carefully consider, the potential consequences of the use of alcohol or drugs. Alcohol and drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and affirmatively given.
- Whether sexual activity with an incapacitated person constitutes gender-based misconduct may depend on whether the Respondent knew or should have known of the Complainant’s incapacitation based on objectively and reasonably apparent indications when viewed from the perspective of a sober, reasonable person in the Respondent’s position.
- Being intoxicated, impaired, or incapacitated by alcohol or other drugs is never an excuse for committing a policy violation and does not diminish anyone’s responsibility to obtain informed and freely-given consent.
- The use of alcohol or other drugs never makes someone at fault for experiencing gender-based misconduct.

Witness

In the context of this policy, “witness” is defined as a person who may have knowledge relating⁴⁸

to allegations of a violation of this policy.

Policy Expectations with Respect to Consensual Relationships

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty-student and supervisor-employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of this policy. The College does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the College. For the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student) are prohibited.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor, and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or shift a party out of being supervised or evaluated by someone with whom they have established a consensual relationship. This includes RAs and students over whom they have direct responsibility. Failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

Reporting Prohibited Conduct under this Policy

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

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

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

Kelly Yough

Director of Equity and Title IX
Coordinator

Student Center 352
(845) 575-3799
titleix@marist.edu

Deputy Title IX Coordinator
Office of Human Resources
Student Center 352
845-575-3799
titleix@marist.edu



Reports can be made:

Via phone at 845-575-3799

Via e-mail at titleix@marist.edu

Via online at https://cm.maxient.com/reportingform.php?MaristCollege&layout_id=40

Via mail at 3399 North Road, Title IX, Student Center 352, Poughkeepsie, NY12601

Via hand delivery/campus mail to Office of Title IX; Student Center 352.

If an incident occurs abroad or during a Marist study abroad sponsored program, contact the individual leading the Marist program. The individual who is leading the Marist study abroad program is required to report the information learned to the Title IX Coordinator or designee. If an incident occurs outside of regular business hours, the Office of Safety and Security can receive reports at any time, as it is a 24hr/7 days per week operation. Emergency access to the Title IX Coordinator or designee and other appropriately, trained officials is provided at all times by informing the Office of Safety and Security. When an individual makes a report to a College employee who is required to report the incident, the Title IX Coordinator and/or Deputy or designee is notified, and the Title IX Office will respond to reported incidents.

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

Confidential Reporting

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

On-Campus Resources

- Counseling Services: 845-575-3314
- Health Services: 845-575-3270
- Ordained Clergy (located in Campus Ministry): 845-575-3000 (x2275)

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

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

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

Off-Campus Counseling and Advocacy Resources

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

Law Enforcement Resources

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

Off-campus local rape crisis counselors, domestic violence resources, and local or state assistance agencies will maintain confidentiality, except in extreme cases of immediate threat, danger and/or abuse of a minor.

Non-Confidential Reporting

Marist College employees who are not listed in the Confidential Reporting section of this Policy are required to report disclosures of alleged Policy violations to the Title IX Coordinator. This should be done as promptly as possible.

Student Alcohol and Drug Use Amnesty Policy When Reporting Sexual Misconduct

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

Cases of Continual Threat and Timely Warning Obligations

The College takes all reports and formal complaints seriously and takes action to resolve all reported incidents through these procedures. In cases where the reporting individual requests confidentiality and the circumstances allow the College to honor that request, the College will offer interim supports and remedies to the individual and the community, but will not otherwise pursue formal action. In cases indicating pattern, predation, threat and/or violence, the College will be unable to honor a request for confidentiality. Reporters and Complainants should be aware that College administrators may be required to issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The College will make every effort to ensure that the harmed individual's name and other identifying information are not disclosed, while still providing enough information for community members to make decisions regarding their safety. Any information about the resolution will not be released by the College until the conclusion of the resolution process, as permitted or required by law.

When an investigation occurs, the process will still afford privacy to the parties, and only a small group of officials who need to know will be informed. Information will be shared as necessary with the parties, investigators, advisors, and witnesses. The circle of people with this knowledge will be kept as tight as possible to preserve parties' rights and privacy.

Any disclosure made in the course of institutional research, classroom discussions or writing assignments or events, such as Take Back the Night or speakouts, is not considered notice to the College unless the individual alleging harm wishes a report to be made by contacting an individual required to report disclosures as outline on page 18. Such information will be used to inform campus climate and educational efforts, generally.

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

Procedure for Resolving Civil Rights Offenses Unrelated to Sex or Gender

The procedure set forth below applies to the resolution of alleged "other civil rights offenses" as defined in this policy when the alleged offense is unrelated to sex or gender.

Complaints of other civil rights offenses unrelated to sex or gender involving student Respondents will be referred to the Director of Student Conduct for resolution in accordance with procedures set forth in the Student Code of Conduct. Complaints of other civil rights offenses unrelated to sex or gender involving faculty, staff, or administrator Respondents will be resolved pursuant to the procedures set forth in this subsection.

All complaints of other civil rights offenses unrelated to sex or gender made against faculty-Respondents will be forwarded to the Associate Dean for Academic Affairs; complaints against employee-Respondents will be forwarded to the Vice President for Human Resources and/or the Director of Employee Relations (the "Designated Human Resources Official"). The Designated Human Resources Official or designee will review the complaint and determine whether the

conduct as alleged amounts to a violation of this policy and will contact the Complainant to inform the Complainant of this determination no more than three (3) business days after receiving the complaint.

Where the alleged conduct does not amount to a policy violation, the Designated Human Resources Official or designee will close the complaint but may provide advice to department and/or individual employees involved. In cases where the alleged facts

amount to a policy violation, the Designated Human Resources Official will explain the available resolution options to the Complainant. The college cannot compel a Complainant's participation in any resolution process. Whether or not the Complainant wishes to participate in any process, the college reserves the right to address and end all conduct that presents an ongoing risk of harm.

Complainants who wish to participate in the resolution process, may have their complaints resolved through an informal or formal process. Informal resolution will never be used to remedy any acts of violence.



Informal Process (Conflict Resolution)

The informal procedure, while not as structured as the formal process, can be an effective and appropriate means to address the Complainant's allegations. Under the informal process, the Designated Human Resources Official does not reach a finding on the conduct alleged and does not impose sanctions. Instead, the Complainant may agree to the Designated Human Resources Official's recommendations to resolve the allegations or request mediation with the Respondent to reach an agreed upon resolution. Mediation is only available when both parties agree to the process.

In cases where the Respondent does not wish to participate in mediation or the parties cannot reach an agreement, the Designated Human Resources Official will initiate an investigation.

Formal Process (Investigation)

In cases involving employee-Respondents, where mediation is unsuccessful or the formal process is otherwise deemed necessary by the college, the Designated Human Resources Official will investigate the alleged conduct. Both the Complainant and Respondent will receive written notice of the investigation, which will inform them of the following:

- Notify them of a formal investigation into the conduct alleged;
- Provide information as to the behavior that is alleged;
- Inform them of which provisions of the Policy the behavior under investigation may violate;
- Inform them of possible sanctions;

- Notify them that they will be provided the time and place for all meetings in relation to the process

The Designated Human Resources Official will conduct the investigation in a manner appropriate to the circumstances of the case, and typically will include interviews with the Complainant and Respondent, witnesses, and other evidence. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence with appropriate sensitivity and respect. The investigation will be conducted in a manner that is respectful of privacy concerns and with the aim of determining whether the facts support a finding that it is more likely than not the alleged misconduct occurred or did not occur. This is known as the preponderance of evidence standard.

The Designated Human Resources Official may determine administrative leave necessary prior to the completion of the investigation. In instances where a preponderance of evidence demonstrates the conduct occurred, the Designated Human Resources Official will work with the employee Respondent's supervisor and/or the Vice President of the affected area to determine appropriate sanctions.

The designated college official's determination is final.

Procedure for Resolving Complaints of Sexual Harassment and Other Civil Rights Offenses involving Sex and/or Gender

The College will take measures deemed necessary to appropriately respond to all reports of sexual harassment and other civil rights offenses involving sex and/or gender. Not all forms of the prohibited conduct described will be deemed equally serious offenses, and the College reserves the right to impose different, yet appropriate measures, depending on the severity of the offense. The Complainant may choose to pursue an informal or formal resolution. Informal resolution will never be used to remedy any acts of violence.

When the College receives notice of alleged, prohibited conduct occurring either on or off College property, the College will provide the reporting individual with written materials outlining their rights and options for support and resources available both on and off campus. An individual may report an incident to either the College or law enforcement, or both simultaneously. The College's process will run concurrently with the criminal justice process. However, the filing of a formal complaint of sexual misconduct under this policy is independent of any criminal investigation or proceeding. The College will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation or to take any necessary interim measures to protect the Complainant and the rest of the College community. The College, however, may temporarily delay its investigation to enable law enforcement to gather evidence and to engage in a preliminary investigation of sexual misconduct matters that may also violate the state criminal code. A delay in the College process will not exceed more than ten (10) business days unless there is a justified specific request by law enforcement to do so. Both parties will be notified in the event that the College needs to delay its process.

There may also be times when the Title IX Office and/or another designated office such as the Office of Safety and Security may contact the police regarding the nature of an alleged

incident. Regardless, it is always the Complainant's decision as to whether or not to cooperate with any police and/or College investigation.

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

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

Supportive Measures

Parties have a right to access available supportive measures both on and off campus. These supportive measures include but are not limited to no contact orders, providing counseling and/or medical services, transportation assistance, academic support, living arrangement adjustments, providing a campus escort, academic or work schedule and assignment modifications, safety planning, referral to campus and community support resources. These services are available whether or not a college investigation and resolution by hearing or informal process is deemed warranted and pursued; and will be non-punitive in nature and administered in a manner that does not unreasonably burden either party.

Emergency Removal of Student Respondents

When the Title IX Coordinator or designee conducts an individualized safety and risk analysis and determines the existence of an imminent threat to the physical health or safety of any person, *arising from* sexual misconduct allegations, the College will take prompt action to remove from the community, any student who has been alleged to have engaged in the alleged behavior. The College will not remove the student unless based solely on generalized, hypothetical, or speculative belief that the respondent may pose a risk to someone's physical health or safety.

During the Emergency Removal, the Respondent may be denied access to College housing and/or the College campus/facilities/events. As determined by the Title IX Coordinator/designee in collaboration with the appropriate administrative officer, this restriction can include classes and/or all other College activities or privileges for which the student or employee might otherwise be eligible. Alternative coursework options may be pursued to ensure as minimal an impact as possible on the Respondent student.

The Respondent and Complainant may request an immediate post-removal review of the need and terms of the removal, including potential modification, and will be allowed to submit information in support of their request. Request for post-review of emergency removal should

be submitted in writing to the Title IX Coordinator and include any evidence in support of thereconsideration. The Title IX Coordinator will review the request and may make any modification of the removal within a reasonable time.

Interim Actions Regarding Employees

Where the Respondent is an employee, existing provisions for interim action, including administrative leave, are applicable.



No Contact Orders

After a Complainant reports alleged sexual misconduct, the College may where necessary and/or requested and deemed necessary institute a no contact order between the Complainant and the Respondent. A no contact order is a directive prohibiting contact between or among designated individuals through any means, direct or indirect, including personal contact, email, telephone, text message, social media, or by the means of a third party. No contact orders are typically mutual.

Both parties will receive the directive in writing. If a Complainant and Respondent observe each other in the same place, it is the responsibility of the Respondent to leave the area immediately and without making contact with the Complainant unless leaving the location restricts the Respondent's ability to participate in an educational program or activity. An individual who believes that a violation of the no contact order has occurred needs to report the violation to the Title IX Coordinator, Deputy, or designee. Individuals who violate a no contact order are subject to the full range of further disciplinary action, such as a charge of retaliation and violation of the no contact order.

Both the Complainant and Respondent will, upon request and consistent with College policies and procedures, be afforded a prompt review reasonable under the circumstances, of the need and terms of a No Contact Order, including potential modifications. Both parties are able to submit evidence in support of their request. The Title IX Coordinator, Deputy, or designee will determine within a reasonable timeframe whether there will be any modification.

Orders of Protection Issued by Criminal or Civil Courts

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

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

Advisors

The Title IX Coordinator or designee will notify both the Complainant and Respondent of their right to use one advisor of their choice (including, but not limited to, an attorney, parent/guardian, or advocate assigned from Family Services) who can assist, support, and advise them during the grievance process. The choice whether or not to invite an advisor is solely that of the complainant and respondent during any meeting, including interviews. A party is required to have an advisor during a Title IX hearing. If a party does not have an advisor, they must inform the Title IX Coordinator or designee at least five (5) business days prior to a scheduled hearing. In the event a party does not have an advisor for a hearing, the Title IX Coordinator will assign one to the party.

An advisor may not participate in the conduct process in any other capacity in reference to the same incident, including, but not limited to, serving as a witness, co-complainant, or co-respondent. An advisor may not conduct an interview(s) or contact other parties or witnesses during the College's investigation process. If an advisor's conduct is not consistent with these guidelines, the advisor may be excluded from the process. These limitations on the advisor's role do not prohibit a party from gathering and/or offering evidence in their own behalf during this process. The availability of an advisor to attend an interview, conduct meeting, or hearing will not unreasonably interfere with or delay the proceedings. An advisor may not advocate on behalf of a party. All communication regarding the substance of an investigation, including but not limited to, scheduling meetings, must be communicated by the party. Advisors or parties may direct procedural questions to the Title IX Coordinator.

During a hearing, it is the responsibility of the advisors to cross-examine the other party(ies) and witnesses. Advisors are confined to the limitations outlined in the Hearing Procedures section of this Policy.

Formal Resolution: Grievance Process

Making a Formal Complaint

Any individual may report alleged sexual harassment to the Title IX Office. However, formal written complaints to initiate an informal resolution or a formal grievance process may only be submitted by the individual alleging they have been subjected to sexual harassment (the "Complainant").

Regardless of the source of the report received, the Title IX Coordinator or designee will contact any person allegedly subjected to sexual harassment to provide information regarding the supportive measures available to them under this policy (See page 22 for supportive measures) and determine whether they wish to submit a formal complaint.

The Title IX Office cannot compel individuals to submit a formal complaint for resolution under 57

this procedure. However, in some instances, the Title IX Coordinator may sign a formal complaint based on the information received if the individual allegedly harmed does not wish to make a formal complaint. Some circumstances may require a recipient (via the Title IX Coordinator) to initiate an investigation and adjudication of sexual harassment allegations in order to protect the recipient's educational community or otherwise avoid being deliberately indifferent to known sexual harassment.

Formal complaints are subject to review.

Initial Assessment

Following receipt of notice or a formal complaint of an alleged violation of this Policy, the Title IX Coordinator³ engages in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
 - If they do not wish to make a formal complaint, the Title IX Coordinator will determine whether to initiate a formal complaint because a risk assessment indicates a compelling threat to health and/or safety.
- The Title IX Coordinator will contact the Complainant to offer supportive measures.
- The Title IX Coordinator will work with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator will work with the Complainant to determine whether the Complainant prefers:
 - Supportive measures only
 - Informal resolution with or without supportive measures.
 - Formal resolution with or without supportive measures
 - If the Complainant prefers supportive measures, the Title IX Coordinator will work with the Complainant to identify their wishes and then seeks to facilitate implementation.
 - If the Complainant prefers an informal resolution option, the Title IX Coordinator will assess whether the complaint is suitable for informal resolution and whether the Respondent agrees to the process.

If a Formal Grievance Process is preferred, the Title IX Coordinator will determine if the conduct alleged falls within the scope of Title IX: If the conduct alleged does fall within the scope of Title IX, the Title IX Coordinator will initiate the formal investigation and grievance process

- If the conduct alleged does not fall within the scope of sexual harassment as defined under Title IX, the Title IX Coordinator will “dismiss” the complaint as an alleged violation of Title IX’s prohibition on sexual harassment and reclassify the complaint as falling within the category of sex and/or gender based “other civil rights offense” as defined under this policy.

³ If circumstances require, the Title IX Coordinator’s supervisor will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

Dismissal & Reclassification of Formal Complaints

Formal complaints alleging sex or gender-based misconduct will be reviewed and subject to possible dismissal and reclassification.

Mandatory Dismissal

Formal complaints of sexual harassment **must be** dismissed when:

- The alleged conduct does not occur in a program or activity over which the College exercises substantial control; or
- The alleged conduct occurs outside of the United States; or
- The conduct alleged does not meet the definition of sexual harassment as set forth above.

In cases where the conduct in the dismissed complaint meets this policy's definition of "other civil rights offenses" that are sex- or gender-based, the College reserves the right to reclassify the dismissed complaint as such and resolve the allegations pursuant to the procedures set forth in this section.

Discretionary Dismissal

The College may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- The Complainant withdraws the complaint;
- The Respondent is no longer employed by or enrolled at Marist; or
- Specific circumstances prevent Marist from gathering evidence sufficient to reach a determination as to the conduct alleged.

Parties will receive written notice of any dismissal, including instructions on how to appeal a dismissal decision or the next steps in the grievance process in cases where the dismissal is only for purposes of Title IX categorization. The criteria to submit an appeal can be found below.

Complaints classified as Title IX allegations that are not dismissed (including those that are reinstated following an appeal of a dismissal) will be resolved under the procedure set forth below.

Informal Resolution

Except in complaints involving allegations by a student-Complainant against employee-Respondents or in complaints involving allegations of violence, the College may offer an informal resolution process where the College deems such resolution appropriate. This may include processes such as, but not limited to, mediation. Such processes will be conducted by trained individuals.

Informal resolution does not involve a full investigation or hearing, and may occur at any time



prior to a determination of responsibility under the formal resolution process. Informal resolution will not be offered for cases where an employee is the Respondent and the Complainant is a student.

Informal resolution processes are voluntary and the College will obtain written consent from all parties. Informal resolution processes are not a condition of enrollment/continued enrollment or employment/continued employment. The College will provide to the parties a written notice disclosing the allegations, the requirements of the informal resolution process, and any consequences that could result from participating in the informal resolution process, including the records that will be maintained by the College and used in any subsequent formal resolution procedure. Sanctions are not possible as a result of the conflict resolution process, though the parties may agree appropriate remedies. Failure to abide by the accord can result in appropriate responsive actions. Informal resolution will not be a mechanism used to address reports of sexual violence or coerced/forced behavior of any kind or if there is evidence of pattern of misconduct or a perceived threat of further harm to the community.

At any time during an informal resolution process prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

Formal Resolution - Grievance Procedure

Investigation of a Formal Complaint

Title IX Coordinator or designee will facilitate the grievance process for all sex and gender-based complaints, including those sex and gender complaints that also allege misconduct on the basis of other protected classes

Notice of Investigation

When a signed, formal complaint is filed, the Title IX Coordinator or designee will appoint a trained investigator(s). Parties to allegations will receive notification of investigation in writing; such notice will occur as soon as practicable, but no more than ten (10) days after the institution receives a Formal Complaint, if there are no extenuating circumstances. The parties will be notified by their institutional email accounts if they are a student or employee. If a party is not affiliated with the College, written communication will be delivered in one of the formats provided to the College by the party. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The institution will provide sufficient time for the parties to review the Notice of Investigation and allegation before any initial interview.

The Notice of Investigation will include the following information:

- The identities of the parties involved, if known.
- The specific section of the policy allegedly violated with a hyperlink to the College's Discrimination, Harassment, and Sexual Misconduct Policy.
- The precise conduct allegedly constituting the potential violation.
- The date and location of the alleged incident(s), if known.
- Reiterate their right to bring an advisor of choice to their scheduled meetings.

- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the parties may inspect and review evidence gathered during the investigation.
- Reiterate that Marist College policy prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

The Notice of Investigation will also include the names of the assigned investigator(s). If either party should object to the assigned investigator(s) at the time, they must raise all concerns, in writing, to the Title IX Coordinator or designee immediately. Investigators will only be removed if the Title IX Coordinator concludes that the objections raised precludes an impartial gathering of evidence. Additionally, any investigator who believes that they cannot conduct an objective investigation must recuse themselves from the proceedings when notified of the identity of the parties.

Evidence Gathered During the Investigation Process:

The sole purpose of the investigation is to gather information to be used in the determination as to whether the alleged conduct violates College policy. It is the responsibility of the College’s investigators to gather sufficient relevant evidence for the decision-makers to reach a fair and impartial determination as to whether a policy violation occurred. The investigation will include asking both the Complainant and Respondent for information, including names of factual witnesses they would like to be contacted regarding the allegations made. Character witnesses will not be interviewed during an investigation. Investigators will make all reasonable efforts to contact all relevant and material witnesses and parties but cannot guarantee that witnesses or parties will respond to requests for interviews nor appear for any interview time scheduled. Knowingly making false statements or knowingly providing false information during the grievance process is a serious violation of this Policy. Individuals who knowingly provide false information will be subject to discipline as outlined in the relevant handbook/code. Allegations of false information will be referred to the appropriate school official.

In addition to interviews of parties and relevant witnesses, the investigation will include gathering of any relevant physical, documentary, or other evidence.

The investigators will conduct the investigation with sensitivity, respectful of privacy concerns of every individual, and in a manner appropriate to the circumstances of the case, and typically will include interviews with the Complainant(s) and Respondent(s) to present statements, witnesses, and other evidence. Prior to their interview, parties and witnesses may but are not required to submit a written statement to the assigned investigator(s).

Any evidence that is relevant and credible may be considered, including an individual’s prior misconduct history as well as evidence indicating a pattern of misconduct. The process should exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is improperly prejudicial.

Unless the Title IX Coordinator determines it is appropriate, the investigation does not consider: (1) incidents not directly related to the possible violation, unless they evidence a pattern; (2) the sexual history of the parties (though there may be a limited exception made with regard to the sexual history between the parties); or (3) the character of the parties.

Audio & Video Recordings Prohibited

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



Investigators gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report. Prior to the conclusion of the investigation, investigators provide to the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the College does not intend to rely in reaching a determination, for review for ten (10) business days so that each party may meaningfully comment and respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant’s Advisor, Respondent’s Advisor).

Investigators will review comments submitted and may incorporate them into the report. Investigators may respond to the comments submitted by parties in the report. Investigators will then submit the finalized report, including any revisions, to the appropriate College official who will coordinate the implementation of the hearing. The official coordinating the hearing, if appropriate, will communicate a hearing date to the parties.

Standard of Evidence

The College uses the “Preponderance of Evidence” standard in determining whether the facts support a finding that it is more likely than not that the alleged misconduct occurred or did not occur.

Investigation Timeline

The College will conduct a fair, impartial, and prompt investigation in a manner that will provide all parties with a resolution. Fixed timelines for completion cannot be guaranteed and depending on the nature of the allegations involved, an investigation can be completed in as few as sixty (60) business days or require as many as ninety (90), if not more. Factors impacting this time frame, include but are not limited to, the complexity and nature of the conduct alleged, the number of parties and witnesses involved, reasonable delays in procedures for securing party advisors and required, reasonable accommodations, campus closures in the event of weather, weather-related conditions, and/or public health crisis. In all cases, the Title IX Coordinator or designee will provide both the Complainant and the Respondent with notice of any delays necessary as a function of separate law enforcement procedures. In all investigations, investigators will provide parties with written notice of their initiation of each major stage of the investigative process and with estimated times for completion of the same.

Hearing for All Alleged Sex- and Gender-Based Misconduct

Hearings may be conducted with all parties physically present in the same geographic location, usually on campus, or, at the College's discretion or when required by law, any or all parties, witnesses, and other participants may choose to appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. The parties and Hearing Panel members will receive the investigators' final report and a notification of charges at least ten (10) business days prior to the scheduled hearing.

Composition of Hearing Panel

The Title IX Coordinator or designee will appoint a Chair to a Hearing Panel composed of a total of three members, including the Chair, who may be members of faculty or staff and who have not been previously involved with the investigation or any prior decision-making or appeals related to this specific case.

Notification of Charges and Hearing Date

The Notification of Charges will include the following information:

- A description of the alleged violation(s), a description of the applicable procedures and a statement of the potential sanctions/responsive actions that could result.
- The time, date and location of the hearing. If any party does not appear at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the Title IX Coordinator or designee may reschedule the hearing.
- The parties may have the assistance of an advisor at the hearing. Typically, advisors are members of the campus community, but the parties may select whomever they wish to serve as their advisor including attorneys. Note that the advisor may not make a presentation or represent the Complainant or Respondent during the hearing. For Title IX cases, each party's advisor will be permitted to directly pose questions to the other party and to witnesses. The Chair will determine if a question(s) is relevant and reserves the right to reword a question if needed. The advisor may consult with their advisee party quietly or in writing, or outside the hearing during breaks, but other than posing questions to the other party or witness, may not speak on behalf of the advisee to the panel.
- Names of witnesses the College intends to call
- Names of Hearing Panel members.

Hearings that occur near or after the end of an academic term will be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the College and remain within the 90-day goal for resolution.

Hearing Procedures

In addition to the Hearing Panel and the investigator(s) who conducted the investigation on the grievance, the Complainant(s) and Respondent(s), advisors to the parties, and any witnesses who are called to attend the hearing may participate. All institutional officials will be impartial and free of conflicts of interest throughout the resolution process. The Title IX Coordinator will exchange the investigation report, and all evidence directly related to the allegations, at least ten

(10) business days prior to the hearing.

Panel Member Recusal or Objections

Should either party object to any panelist, they must raise all concerns, in writing, to the Title IX Coordinator or designee immediately. Panel members will only be unseated if the Chair concludes that a bias precludes an impartial hearing of the grievance. Additionally, any panelist or Chair who feels they cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing.

Order of Hearing Presentations and Questioning

Once the procedures are explained and the participants are introduced, the investigator(s) will present the report of the investigation first, and be subject to questioning by the parties' advisors and the Hearing Panel. The investigator(s) will be excused during deliberations. Once the investigator(s) is/are questioned, the Hearing Panel will permit questioning of and by the parties, and of any present witness. All questions are subject to a relevance determination by the Chair.

Effect of Failure to Appear at the Hearing or Failure to Participate in Questioning Witnesses and Parties: A hearing may proceed whether or not a party or witness appears at the time scheduled for the hearing.

If a party or witness chooses not to submit to questioning at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, the Hearing Panel members may consider statements made by parties or witnesses that are otherwise permitted under the regulations, even if those parties or witnesses do not participate in cross-examination at a live hearing, in reaching a determination regarding responsibility in a grievance process.

Advisors: In the event a party's advisor fail to appear to a Title IX hearing, the Chair may institute a reasonable delay to provide the party with a College advisor for purposes of asking questions of the other party and any witnesses.

Hearing Decorum

The Chair may invite explanations or persuasive statements regarding relevance from the Advisors, if the Chair so chooses. The Chair will then state their decision regarding the relevance of a question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not continue to entertain argument from the Advisors on relevance once the Chair has ruled on a question.

No one will present information or raise questions of either the Complainant or Respondent concerning:

- Incidents not directly related to the allegation(s), unless they show a pattern,

- The prior sexual history of the Complainant with persons other than the other party in the process unless such information about the Complainant's prior sexual behavior is offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the information concerns specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and is offered to prove consent,
- The character or medical or mental health diagnosis and/or treatment of either party, and/or
- Past findings of domestic violence, dating violence, stalking, sexual assault, or other policy violations may be admissible only for purposes of determining an appropriate sanction, if applicable.



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

In hearings involving more than one Respondent or in which two Complainants have accused the same individual of substantially similar conduct, the College will typically consider the allegations in a joint hearing; however, the Title IX Coordinator or designee may permit separate hearings at their discretion. In all cases involving more than one Respondent, separate determinations of responsibility will be made for each Respondent.

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

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

Hearing Panel Decision

Upon completion of the hearing, the Hearing Panel will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the violation(s) in question. The panel will base its determination on a preponderance of the evidence (i.e., whether it is more likely than not that the Respondent committed each alleged violation). If Respondent is found responsible by a majority of the panel, the panel will impose appropriate sanctions. The Hearing⁶⁵

Panel will prepare a Notice of Determination to be signed by all Hearing Panel members and delivered to the Title IX Coordinator or designee immediately following the hearing's completion.

Notice of Determination

The Title IX Coordinator or designee will simultaneously inform the respondent and reporting party of the hearing panel's determination with ten (10) business days of the hearing. Notifications will be made in writing and may be delivered through institutional email accounts if the parties are students or employees, and by other reasonable means if they are not.

The Notice of Determination will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the College from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Determination will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the College is permitted to share such information under state or federal law; any sanctions issued which the College is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to the College's educational or employment program or activity, to the extent the College is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Determination will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

Sanctions

Sanctions or remedies will be determined by the Hearing Panel if there is a finding of responsibility. Factors considered when determining a sanction/remedy may include:

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

Student Sanctions

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

Employee Sanctions

Responsive actions for an employee who has engaged in behaviors that violate this Policy and/or retaliation include:

- Warning – Verbal or Written
- Performance Improvement/Management Process
- Required Counseling
- Required Training or Education
- Probation
- Loss of Annual Pay Increase
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Suspension with pay
- Suspension without pay
- Termination

In addition to or in place of the above sanctions, the Recipient may assign any other sanctions as deemed appropriate.

Transcript Notation

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

Respondent's Withdrawal or Resignation During Investigation or Hearing Process

Students: If a student withdraws from the College and does not participate in the investigation and/or hearing, the process may proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to College unless all sanctions have been satisfied.

Employees: If an employee resigns while charges are pending, the records of the Title IX Coordinator or designee will reflect that status, as will College responses to any future inquiries regarding employment references for that individual. The Title IX Coordinator or designee will act to promptly and effectively remedy the effects of the conduct upon the

Complainant and the community. If an employee is dismissed due to a Title IX violation the College will advise future employment references.



Appeals

Appeals of complaint dismissals or Hearing Panel determinations must be submitted in writing to the Title IX Coordinator or designee within five (5) business days of the delivery of the notice of dismissal or the written Notice of Determination.

The Title IX Coordinator or designee will appoint a Chair to an Appeal Panel composed of a total of three members, including the Chair, who may be members of faculty or staff and who have not been previously involved with the investigation or any prior decision-making or appeals related to this specific case.

Any party may appeal. A party must submit appeals on their own behalf in one of the following manners: in person; by mail; or by email from the party's College-issued email account. If a party is not affiliated with the College, written communication will be accepted from their personal email account. The College will not accept appeals submitted by anyone other than the party. Appeals are limited to the following:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- The Title IX Coordinator, investigator(s), or Hearing Panel member(s), including the chair, had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

The appeals panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a decision is final. When any party requests an appeal, the other party (parties) will be notified and joined in the appeal.

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

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

Appeals are not intended to be full re-hearings of the allegations. In most cases, appeals are confined to a review of the written documentation or record of the original dismissal or the

original hearing, and pertinent documentation regarding the grounds for appeal. Appeals granted based on new evidence should normally be remanded to the investigator(s) for reconsideration unless otherwise directed by the Title IX Coordinator or designee.

The appeal panel will generally, render a written decision on the appeal, describing its rationale, and communicate it simultaneously to all parties within five (5) business days from hearing of the appeal.

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

Once an appeal is decided, the outcome is final. Further appeals are not permitted.

The determination regarding responsibility (including the applicability of sanctions) becomes final either on the date that the College provides the parties with the written decision of the result of the appeal, or if an appeal is not requested, the date on which an appeal would no longer be considered timely.

Failure to Complete Sanctions/Comply with Remedies

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

Records

In implementing this policy, records of all grievances, investigations, hearings, and outcomes will be kept by the Title IX Coordinator or designee for seven (7) years. All expulsions and terminations will be retained indefinitely in paper and/or in a database

Legal Challenges

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

Revision

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. Marist College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This policy and procedure are effective on August 25, 2021.

Appendix A

About The Center for Victim Safety and Support

Family Services provides 24/7 support to victims of violence and other crimes with a person-centered approach that supports survivors' rights, dignity, healing, and self-determination. You are not alone, your safety is a priority, and you have options.

Help is available for:

- Domestic and Dating Violence
- Rape and Sexual Assault
- Emotional, Psychological, and/or Financial Abuse
- Isolation
- Stalking
- Assault and Physical Violence
- Threatening and Controlling Behavior
- Incest
- Sexual Abuse and Molestation
- Harassment
- Other crimes including but not limited to homicide, robbery, elder abuse, and human trafficking

All services are

Free • Accessible • Confidential

24-Hour Hotlines

Rape Crisis & Crime Victims
(845) 452-7272

Domestic Violence
(845) 485-5550

Contact Us

29 North Hamilton Street
Poughkeepsie, NY 12601

(845) 452-1110 ext. 3400
TTY: (845) 790-5919
Fax: (845) 452-7298

www.familyservicesny.org



Founded in 1879, Family Services brings people together to find the support they need, improving their lives and communities, and building a stronger, safer Hudson Valley. Our program areas include Behavioral Health Centers, Victim Services, Family Programs, Youth Services, Community Safety, and Prevention, as well as the management of the Family Partnership Center.



Funded in part by
Dutchess County, United Way of the Dutchess-Orange Region, NYS Office of Victim Services, NYS Dept. of Criminal Justice Services, and NYS Dept. of Health

Center for Victim Safety and Support

Victim Services

24-Hour Hotlines

Rape Crisis & Crime Victims
(845) 452-7272

Domestic Violence
(845) 485-5550

We are for *hope*
for *justice*
for *empowerment*
against *violence*



What We Do

24-Hour Support Hotline
Crisis Intervention
Emotional Support
Advocacy

Individual and Group Counseling
Information and Referrals

Advocacy

24-hour support to victims of violence, including safety planning, accompaniment to medical (including sexual assault) exams, court, housing, legal, and social services, as well as assistance with filing compensation claims with the NYS Office of Victim Services.

Counseling

Educational and therapeutic counseling to victims and secondary victims of violence and crimes. Provided in individual sessions and/or support groups.

Children Services

Individual therapy, therapeutic play, and direct services for children and adolescents who are victims or secondary victims/witnesses of violence or crime.

Community Outreach / Volunteer and Internship Opportunities

Educational presentations are available for community groups on various topics related to victimization, safety, providing support, and violence prevention. Volunteer and student field placement available for individuals who become certified through NYS Department of Health (training provided by Family Services).

I do not know what would have happened in my situation without the support and advocacy of (CVSS). The therapy was a life changer and settled most of my fears, flashbacks, and nightmares after the assault. Life has drastically improved thanks to the services I received.
—Survivor of Sexual Assault

The support and understanding I received was so beneficial that words can't describe. The people I worked with were great! Having support at court really reduces the anxiety and helps one think clearly.
—Survivor of Domestic Violence

As a Victim You Have the Right to Be:

- Informed by law enforcement about local services.
- Supported by an advocate throughout the criminal justice process.
- Protected from the suspect or suspect's family.
- Notified by the District Attorney about certain steps in your case.

For more information about your rights you can also contact:

NYS Office of Victim Services
800-247-8035
ovs.ny.gov

All Services Are

Free • Accessible • Confidential



The Center for Victim Safety and Support serves people of all racial/cultural backgrounds, religions, sexual orientations (lesbian, gay, bisexual, heterosexual), gender identities (men, women, transgender people), abilities, citizenship status, and ages.

Services are available in Spanish.

Appendix B

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

All students have the right to:

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

Appendix C

Student Sanctions

One or more of following sanctions may be imposed upon any student Respondent for any single violation of this Policy:

- *Written Warning.* Written notice to the student that their actions are inappropriate and the individual must act more responsibly in the future. A Written Warning also indicates that should the individual again be referred for disciplinary action more serious sanctions will be assigned.
- *Probation.* A notice to the student that their actions are of a serious nature within the College community. Probation will be for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any College policies during the probationary period. For resident students, any violation committed during the probationary period will result in a review of the student's housing assignment. This sanction results in the loss of two (2) priority points.
- *Disciplinary Probation.* A notice to the student that their actions are unacceptable within the College community. This sanction will be primarily used in cases of serious or consistent policy violations. Disciplinary Probation will be for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any College policies during the probationary period. Any violation committed during the probationary period will result in a review of the student's status at Marist. This sanction results in the loss of three (3) priority points.
- *Deferred Suspension from the Residence Hall.* A definite period of observation and review. If a student is again found responsible for any further College policy violations including failure to complete previously imposed sanctions or adhere to previously imposed conditions, restriction from College-operated housing and housing grounds will be immediately imposed for a definite period of time. This sanction results in the loss of four (4) priority points. Any student on Deferred Residence Hall Suspension may not be allowed to participate in the housing room selection process and therefore not be eligible for college housing.
- *Residence Hall Expulsion.* Permanent removal of the student from the residence facility. This sanction most likely will result in a student being permanently banned from all residence facilities. (Please note that students dismissed from the residence facility for disciplinary reasons will not be entitled to any refund of residence fees).
- *Deferred Suspension from the College.* A definite period of observation and review.

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

- *Suspension.* Separation from the College for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the Director of Student Conduct or hearing body. During the suspension period, the student is banned from college property and the student's presence at any College-sponsored activity or event is prohibited. This sanction may be enforced with a trespass action as necessary. Students are suspended for disciplinary reasons are not entitled to any refund of tuition or residence fees.
- *Expulsion.* A permanent separation of the student from the College. The student is banned from college property and the student's presence at any College-sponsored activity or event is prohibited. This sanction may be enforced with a trespass action as necessary. Students that are expelled for disciplinary reasons are not entitled to any refund of tuition or residence fees.
- *Loss of Privileges.* Denial of specified privileges for a designated period of time. These include, but are not limited to:
 - A restriction from hosting visitors and/or guests.
 - A restriction from being a visitor in or entering a specified Residence Facility.
 - Restriction from College-sponsored extracurricular activities both on and off campus (including Senior Week and Commencement).
 - Other restrictions, as approved by the Student Conduct Officer.
- *Substance Education Program.* An educational workshop, in person or online, addressing substance use issues. Referral to an off-campus education diversion program may also be recommended.
- *Restitution.* Compensation for loss, damage or injury. This may take the form of appropriate community service and/or monetary or material replacement.
- *Monetary Fines.* The College generally does not impose fines for violations of the Code of Student Conduct. However; fines will be imposed for violations that impact the health and/or safety of members of the Marist Community. Please refer to the Alcohol Policy, Windows/Doors, Walls Policy, and the Fire and Safety Regulations

for specific information.

- *Behavioral Requirement.* This includes required activities including, but not limited to, seeking academic counseling or substance use screening, writing a letter of apology, etc.
- *Mandated Room Reassignment.* A notice that the behavior merits the immediate relocation of the student to another campus residence. This decision will be made in conjunction with the Office of Housing and Residential Life.
- *Mandated Counseling Assessment and Compliance.* The student must attend an assessment and/or session in the Counseling Center or an off-campus licensed facility by a specific date. Unless otherwise stated by the student conduct body, the student is required to follow all recommendations made by the Counseling Center or off-campus licensed facility as a result of the assessment.
- *Discretionary Sanctions.* Work assignments, community service, and other related sanctions that meet with the approval of the Director of Student Conduct. Other sanctions include but are not limited to:
 - Letters of apology/thank you
 - Essay or research paper on assigned topics
 - Disqualification from future housing selection process
 - Program presentations
- *Withholding Diploma.* The College may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has a grievance pending, or as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree.* The College reserves the right to revoke a degree awarded from the College for fraud, misrepresentation or other violation of College policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- The following sanctions may be imposed upon groups or Student Organization(s) found to have violated the Student Code of Conduct:
 - Those sanctions listed in above.
 - Suspension or Expulsion of Student Organization includes temporary or permanent loss of recognized status with the College.
 - Additional sanctions specific to Student Organizations which may be found in the organization's constitution, the Office Greek Affairs, or the Office of Student Activities policies and a national affiliate, if applicable.

- Priority Point Loss: Any student on deferred residence hall suspension or those that lost six (6) priority points or more will not be allowed to participate in the housing room selection process and may not be eligible for college housing. Incidents that occur during the spring semester could impact a student's eligibility to participate in the room selection process for the fall semester.
- More than one of the sanctions listed above may be imposed for any single violation.
- Other than Suspension and Expulsion, disciplinary sanctions will not be made part of the student's permanent file but will become part of the student's confidential disciplinary record maintained in the Office of Student Conduct as per FERPA requirements.

ADDENDUM 3: Alcohol and Drug Policies

Alcohol Policy:

All members of the Marist College community are considered adults and are thus expected to comply with the laws (local, state and federal) regarding alcoholic beverages, and to take personal responsibility for their conduct. Students who have a guest on campus or in College buildings are responsible for the conduct of the guest, and for advising them of the applicable laws and Marist College's policies pertaining to alcoholic beverages. Therefore, the following policies have been adopted:

For a student and/or guest under 21:

- A student and/or guest under the age of 21 may not distribute, possess, or consume alcohol.
- Students and/or an invited guest under 21 years of age may not be in the presence of alcoholic beverages. The only exception is when an underage student resides in the same private living unit/room with a student who is 21 years of age or older. The underage assigned student may knowingly be in the presence of alcohol (consumed or possessed) by the student of age who resides in the unit/ room. Provided the underage student complies with the Alcohol Policy and no one else (students or guests), aside from the assigned underage roommate(s), are present at the time alcohol is consumed by the student of age.

For a student 21 years old or older, alcoholic beverages may be consumed by assigned residents and their guests who are 21 years old or older under the following guidelines:

- A student and/or guest 21 years of age and older may responsibly consume alcohol within their living unit/room.
- For live in staff (Resident Assistants, Assistant Resident Directors, etc.) use of alcohol is restricted to the privacy of the individual's room.
- If all members of the residence are over 21 years of age, the group may sponsor an event where alcohol is consumed. Specific guidelines for sponsoring such an event are available from the student's Resident Director or from the Office of Housing & Residential Life.

For all students regardless of age:

- Items such as kegs and party balls are not permitted.
- Alcoholic beverages are not to be consumed in public areas of the residence halls, including but not limited to, lounges, lobbies, community bathrooms, laundry rooms, hallways and stairwells. Consumption includes the possession of an open container.



- Possessing items commonly used to facilitate drinking games or to consume large quantities of alcohol (e.g., funnels, altered board games, beer pong tables and beer bongs). Such items may be confiscated.
- Any violation in which consumption of alcohol was a contributing factor is also a violation of the alcohol policy regardless of the age.
- All students are responsible for the actions of their guests regarding alcohol possession, use, and excessive noise that may be disruptive to other residents. Students assigned to the unit/room hosting an event where a violation occurs may be held accountable.
- Public intoxication is strictly prohibited.
- Distribution, consumption, and possession of alcoholic beverages and/or possession of an open container is not permitted on the public grounds of campus without prior approval of the Vice President for Student Affairs or designee (e.g. parking lots, campus green or waterfront areas).
- Off-Campus formal events hosted by registered student organizations planning to hold an event where alcohol will be present are required to submit the appropriate forms to the Office of Student Activities to be reviewed (e.g., contractual and host liability). The event sponsors are required to verify that the venue used is currently licensed to serve alcohol, if required by law.
- In addition, Greek organization sponsoring events are required to submit the appropriate forms to Greek Affairs to be reviewed.

Driving Under the Influence/Driving While Intoxicated:

The College is concerned about students who violate state and local laws regarding consumption of alcohol and the operation of motor vehicles. In accordance with state law, the college abides by the legal definition of *intoxicated* as “not having the normal use of mental or physical faculties by reason of introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body” or 0.08 Breath or Blood Alcohol Concentration. In addition, students under the legal minimum drinking age of 21 years who are found to have any detectable amount of alcohol in their systems will be considered driving under the influence of alcohol.

Marist College, as part of its educational mission, seeks to assist students in developing appropriate attitudes and behavior regarding the use of alcohol. To this end, the College offers educational programs regarding the negative health and social effects of alcohol consumption. For those individuals who have developed or begin to develop identifiable problems as a result of their alcohol/or drug use, a variety of services are available through the College’s Health & Wellness Center located on the third floor of the Murray Student Center (ext. 3314).

Medical Amnesty Policy/ Good Samaritan Policy: The purpose of this policy is to increase the likelihood that medical attention is provided to students who need it due to alcohol intoxication or use of drugs by removing impediments to seeking such assistance. This policy is intended for use in isolated situations; therefore, it does not excuse or protect those who flagrantly or repeatedly violate College policy.

Medical Amnesty Policy: When a student is intoxicated or under the influence of alcohol or drugs and seeks medical assistance, s/he may be granted amnesty from formal disciplinary action by the College for violating the alcohol or drug policies. Upon receiving a report that a student needs medical assistance, College staff will respond through the Office of Safety & Security to obtain EMS services, and responding officials will use standard procedures for documenting information and



collecting identification of all persons involved. Abuse of amnesty requests can result in a decision by the Director of Student Conduct not to extend amnesty to the same person repeatedly. If a student brings their own use, addiction, or dependency to the attention of College officials outside of conduct sanctions and seeks assistance a conduct allegation will not be pursued. Amnesty will not extend to other conduct violations associated with the incident, including but not limited to distribution of drugs, hazing, vandalism, or sexual assault. Amnesty an only extend to College conduct processes and does not protect students from criminal or civil penalties.

Actively assisting requires that an individual: Call the Office of Safety & Security (5555) or 911 or seek another individual qualified to assess the student's condition such as a Resident Director (RD), administrator, or other Residence Life professionals.

The following are not covered by the Medical Amnesty Policy: Medical Amnesty will not be granted to students who do not seek medical assistance. Those who are confronted by college staff or (i.e. Residence Life staff, Security) other authorities will be referred to the Office of Student Conduct for alleged policy violation. The College is concerned with the use and abuse of alcohol/drugs and other substances. If a violation occurs in conjunction with other College policies more severe disciplinary sanction may result. Any student found intoxicated may be transported to Mid-Hudson Regional Medical Center or other local medical facilities for medical evaluation.

Amnesty in cases of sexual assault or other sexual misconduct:

The College will not pursue conduct violations for violations of the College's Alcohol and Substance Abuse Policies against a student who reports or seeks assistance after experiencing an incident of sexual assault or other sexual misconduct. See the colleges Title IX policy.

Good Samaritan Policy: Student health and safety are of primary concern at Marist College. In cases of intoxication by alcohol and/or other substances, the College encourages individuals to seek medical assistance for themselves or others. We all have an ethical responsibility to help people in need. Marist College expects that students will take an active role in protecting the safety and well-being of their peers and the College community.

In order to promote this, when a student assists an individual who is intoxicated or under the influence of alcohol/drugs in procuring medical assistance, that student may be granted amnesty from formal disciplinary action by the College for violating the alcohol or drug policies. Those involved may be required to meet with the Director of Student Conduct/designee to discuss the incident. In lieu, a student may be required to complete educational requirements, including but not limited to, alcohol awareness/ education, and/or referral to the Health and Wellness Center. Failure to follow the action plan will nullify the Medical Amnesty protection and campus conduct processes will be initiated. Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the College are offered amnesty for their minor violations and educational options may be explored.

Application to Student Organizations: In circumstances where an organization is found to be hosting an event where medical assistance is sought for an intoxicated guest, the organization (depending upon the circumstances) may be held responsible for violations of the Alcohol Policy or Drug Policy. However, the organization's willingness to seek medical assistance for a member or guest will be viewed as a mitigating factor in determining a sanction for any violations of the Alcohol Policy or Drug Policy.

Alcohol Paraphernalia:

This includes, but is not limited to:

- a. Empty containers related to alcohol (i.e. liquor bottles, shot glass, beer cans or bottles) are prohibited in first and second year residence areas where students are not allowed to consume alcohol because they are under 21 years of age;
- b. Empty or full kegs, beer balls or any other large containers of alcoholic beverages designed for consumption by a group of people are prohibited on campus-operated property. Violation of this policy may result in a \$150 fine.

The possession of any implement that can be used to irresponsibly ingest alcoholic beverages is prohibited (e.g. funnels, drinking game devices, beer pong tables, etc.) and any such implements may be confiscated by the College and not returned.

Drug Paraphernalia:

Includes but is not limited to, any items that can be utilized for or are designed for the use of illegal drugs (e.g. bowls, vaporizers, bongs, hookahs, scales, related heating devices, etc.) are not allowed in the residence areas. Any items that are fashioned for the purpose of drug use will also be considered a violation of this policy.

Drug Policy:

In compliance with the Drug-Free Schools and Communities Act of 1989, it is the policy of Marist College to provide an educational environment that is free of alcohol and drug abuse. The College recognizes the legal prohibition of the use and/or possession of drugs by students. The College does not condone student sale or use of drugs and will cooperate with civil officials as the law requires. The maintenance of the individual welfare, development, education and rehabilitation of its members is consistent with the mission of Marist College. It should be further understood that the College may therefore take preventive or prohibitory action, whether or not civil authorities act. The following are prohibited in and on Marist College owned, controlled property or at College-sponsored events:

- The unlawful manufacture, possession, distribution and/or use of controlled substances (including misuse or sale of prescription medication), drugs, intoxicants or stimulants other than those prescribed by a physician for the student's own use and/or expressly permitted by law;
- Manufacturing, possession, distribution and/or use of marijuana, synthetic marijuana, bath salts, incense or other materials marketed or generally recognized to simulate the intoxicating effects of unlawful substances, regardless of their current legal status; including knowledge of and/or failure to act upon such knowledge in a timely manner;
- Possession of drug paraphernalia; and
- Participation at a party or presence in a room where illegal drugs are being used.

Any student who is struggling with an addiction to any narcotic or controlled substance may seek help at the College's Health & Wellness Center located on the third floor of the Murray Student Center (Ext. 3314). **Possession with the intent to sell or distribute narcotics or other illegal drugs may likely result in expulsion from the College.**

ADDENDUM 4: Annual Fire Safety Report

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



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

Fire Drills

Main Campus

Marist College conducted four (4) supervised fire drills of each on-campus residence hall during 2020 (two per semester), in accordance with New York State Fire Code.

Florence, Italy Campus

Evacuation drills are not conducted in Italy, as they are in the US.

Fire Safety in Residence Halls

Main Campus

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

- A. Student rooms, corridors, stairwells, common areas and lobbies are:
 1. To be clear of any obstructions (examples: trunks, suitcases, ironing boards, athletic equipment, drying wet clothes, furniture, etc.); and
 2. To be free of any flammable material (examples: decorations, posters, notices, curtains, streamers, etc.).
- B. Both the possession and use of halogen lamps, hot pots, hot plates, broiler ovens, fry pans, popcorn makers, space/portable heaters, coffee urns, immersion heaters, toasters (except in townhouse and apartment kitchens), air conditioners and similar portable equipment are prohibited in all residence areas. Electrical appliance equipment is restricted to prevent fires and to avoid overload within any facility that may cause the

loss of power to the entire facility or some portion thereof. Violations of this policy will result in disciplinary action and confiscation of the appliance. However, a single serve brewer is permitted in the residence halls.

1. Students are permitted one refrigerator (no larger than 3.6 cubic feet and UL rated with reset fuse) in each room.
 2. Students in residence halls are permitted one microwave (no larger than 700 watts and UL rated) per room.
 3. Appliance use in apartments and townhouses are restricted to the kitchen areas only with the exception of approved refrigerators and microwaves.
- C. All electrical equipment, when being used, may only plug directly into a wall outlet or a UL rated surge protector with a reset button which is plugged into a wall outlet. Possession of extension cords is not allowed.
- D. The use of combustible fabrics such as closet enclosures, wall and ceiling tapestries, curtains, etc., is restricted in student rooms. Room dividers are prohibited.
- E. An open flame (candles, blowtorches, lanterns, etc.) is not permitted anywhere in the residence areas. Use of incense is also prohibited. Candles are not permitted even for decoration purposes and will be confiscated by College staff.
- F. Fire doors in the corridors must remain closed at all times. No one may prop the doors open. Students are not to tamper with smoke and heat detector devices in residence areas, illuminated exit signs, fire department stand pipe connections, fire alarms, pull station covers and fire extinguishers. Failure to adhere to these policies may result in Residence Hall Dismissal.
- G. If a fire extinguisher needs to be recharged, the student should contact his/her Resident Director or the Office of Safety & Security.
- H. Students are permitted to use portable barbecue grills on college grounds only if proper safety precautions are observed. No barbecue grill is allowed to be used or stored within 20 feet of any structure, overhang or inside a building. This includes propane cylinders.
- I. Violation of the Fire Safety Policy as it applies to appliances, extension cords etc. may result in student conduct sanctions. Subsequent violations may result in more serious disciplinary action.
- J. Smoking is not allowed in any Marist College building, including the residence halls.

Procedures Students and Employees Should Follow in Case of a Fire

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

- All persons inside a student residence hall must evacuate the building using the nearest unaffected exit
- Close the door to the affected area, if able to do so safely
- DO NOT attempt to fight a fire unless you have been trained to do so
- If the building's fire alarm is not sounding, activate it by use of the nearest fire alarm pull station...if you are able to do so safely. If you are not able to do that, attempt to verbally sound the alarm and knock on doors as you evacuate the building
- DO NOT use elevators
- Move far away from the building to place yourself out of danger and to allow fire and emergency responders to arrive and conduct operations, if necessary
- Dial 911 immediately and then notify the Office of Safety & Security by dialing x5555 from any campus phone, or if using a cell phone call (845) 471-1822, and inform

authorities of the situation and your location

- DO NOT re-enter the building for any reason until given clearance to do so from the Office of Safety & Security or another emergency responder on the scene
- In the event of a long-term displacement from a residence hall, residents will be advised of a location to relocate to.



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

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

Fire Safety Education Programs

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

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

Future Improvements to Fire Safety Systems

Marist College is currently renovating the McCann Center Building, which includes an upgrade/update of the fire safety systems in that buildings.

Daily Fire Log

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

Fire Alarm Systems

Main Campus

All buildings are equipped with fire alarm systems. All systems are tested and inspected annually by a New York State certified fire alarm installer. All fire alarm systems are monitored 24/7 off campus by a central monitoring station as well as by the Safety and Security Office on campus.

Fire alarm pull stations are located near the exits. The college is equipped with fire sprinklers in most buildings and all systems are inspected quarterly in accordance with the Fire Code of New York State. As buildings are renovated or remodeled sprinkler systems are added per NYS Fire Code. All buildings are in compliance with NYS Building and Fire Codes.

Florence, Italy Campus

The buildings in Florence, Italy do not have the same automated fire alarm systems that are common in the United States. The buildings in Florence are subject to, and meet, Italian safety codes. Inspections, while not required by Italian Law, have been conducted of the 3 residence buildings. The inspections found that the residences meet Italian safety codes. Recommendations from inspector for further safety enhancements were received by Marist for consideration.

Main Campus

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

All campus sprinkler systems are inspected quarterly by a private contractor as required by NYS Fire code. Fire alarm and sprinkler inspection reports are reviewed by the NYS Inspector during the annual state fire inspection.



Following is a description of the fire safety system for each on-campus housing facility:

Main Campus

Residence Building	Sprinkler System	Fire Alarm Monitoring done On & Off-Campus	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards
Champagnat Hall	Yes	Yes	Yes	Yes	Yes
Foy Townhouses A-C	Yes	Yes	Yes	Yes	Yes
Lavelle Hall	Yes	Yes	Yes	Yes	Yes
Leo Hall	Yes	Yes	Yes	Yes	Yes
Lower Fulton Townhouses 9-15	Yes	Yes	Yes	Yes	Yes
Lower Townhouses J-M	Yes	Yes	Yes	Yes	Yes
Lower West Cedar N-S	No	Yes	Yes	Yes	Yes
Marian Hall	No	Yes	Yes	Yes	Yes
McCormick Hall	Yes	Yes	Yes	Yes	Yes
Midrise	Yes	Yes	Yes	Yes	Yes
O'Shea Hall	Yes	Yes	Yes	Yes	Yes
Sheahan Hall	Yes	Yes	Yes	Yes	Yes
Talmadge Court 1-3	No	Yes	Yes	Yes	Yes
Upper Fulton Townhouses 1-8	Yes	Yes	Yes	Yes	Yes
Upper New Townhouses H & I	Yes	Yes	Yes	Yes	Yes
Upper West Cedar T-Y	No	Yes	Yes	Yes	Yes
Ward Hall	Yes	Yes	Yes	Yes	Yes

Florence, Italy Campus

Residence Building	Sprinkler System	Fire Alarm Monitoring done On & Off-Campus	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards
Via San Gallo 33	No	No	No	Yes	No
Via Santa Reparata 12D	No	No	No	Yes	No
Via Santa Reparata 14	No	No	No	Yes	No

Fire Statistics for On-Campus Student Housing Facilities

Main Campus On-Campus Student Housing Facilities Fire Statistics for 2018-2020

Residence Building	Year	Number- Category*	Injuries	Death	Damages (\$)
Champagnat Hall	2018	1-2	0	0	\$0-\$99
	2019	0	0	0	N/A
	2020	0	0	0	N/A
Foy Townhouses A-C	2018	1-1A	0	0	\$0-\$99
	2019	2-1A,1C	0	0	\$0-\$99, \$100-\$999
	2020	1-1A	0	0	\$0-\$99
Leo Hall	2018	1-3	0	0	\$0-\$99
	2019	0	0	0	N/A
	2020	0	0	0	N/A
Lower Fulton Townhouses 9-15	2018	2-1A, 1A	0	0	\$0-\$99, \$0-\$99
	2019	1-1A	0	0	\$0-\$99
	2020	0	0	0	N/A
Lower New Townhouses J-M	2018	0	0	0	N/A
	2019	2-1A, 1A	0	0	\$0-\$99, \$0-\$99
	2020	0	0	0	N/A
Lower West Cedar N-S	2018	0	0	0	N/A
	2019	2-1A, 1A	0	0	\$0-\$99, \$0-\$99
	2020	2-1A, 1A	0	0	\$0-\$99, \$0-\$99
Marian Hall	2018	0	0	0	N/A
	2019	0	0	0	N/A
	2020	0	0	0	N/A
Midrise	2018	0	0	0	N/A
	2019	0	0	0	N/A
	2020	0	0	0	N/A
North Campus- Ward Hall	2018	0	0	0	N/A
	2019	0	0	0	N/A
	2020	0	0	0	N/A

***Categories:**

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

Main Campus On-Campus Student Housing Facilities Fire Statistics for 2018-2020

Residence Building	Year	Number & Category*	Injuries	Death	Damages (\$)
North Campus- Lavelle Hall	2018	0	0	0	N/A
	2019	0	0	0	N/A
	2020	0	0	0	N/A
North Campus- O'Shea Hall	2018	0	0	0	N/A
	2019	0	0	0	N/A
	2020	0	0	0	N/A
North Campus- McCormick Hall	2018	0	0	0	N/A
	2019	1-II	0	0	\$0-\$99
	2020	0	0	0	N/A
Sheahan Hall	2018	0	0	0	N/A
	2019	0	0	0	N/A
	2020	0	0	0	N/A
Talmadge Court 1-3	2018	0	0	0	N/A
	2019	0	0	0	N/A
	2020	0	0	0	N/A
Upper Fulton Townhouses 1-8	2018	0	0	0	N/A
	2019	0	0	0	N/A
	2020	0	0	0	N/A
Upper New Townhouses H & I	2018	0	0	0	N/A
	2019	0	0	0	N/A
	2020	0	0	0	N/A
Upper West Cedar T-Y	2018	0	0	0	N/A
	2019	0	0	0	N/A
	2020	0	0	0	N/A

***Categories:**

1. Unintentional Fire

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

2. Intentional Fire

3. Undetermined Fire

Florence, Italy Campus On-Campus Student Housing Facilities Fire Statistics for 2018-2020

Residence Building	Year	Number & Category*	Injuries	Death	Damages (\$)
San Gallo	2018	0	0	0	N/A
	2019	0	0	0	N/A
	2020	0	0	0	N/A
Via Santa Reparata 12D	2018	0	0	0	N/A
	2019	0	0	0	N/A
	2020	0	0	0	N/A
Via Santa Reparata 14	2018	0	0	0	N/A
	2019	0	0	0	N/A
	2020	0	0	0	N/A

***Categories:**

4. Unintentional Fire

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

5. Intentional Fire

6. Undetermined Fire

