2021 Annual Security & Fire Safety Report

Contains policy information for the 2021-2022 Academic Year and includes crime and fire statistics for 2018, 2019, and 2020, for the Main Hartwick Campus and the Pine Lake Environmental Campus

Prepared by the Office of Student Experience Technology and Clery Compliance and the Office of Campus Safety
IMPORTANT NOTICE

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

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

This report is prepared by the Office of Student Experience Technology and Clery Compliance in conjunction with the Office of Campus Safety, the Title IX Office, and the Office of Environmental Health, Safety, and Chemical Hygiene.

Statistics for crimes required to be reported on by the Clery Act listed in this report are compiled through reports made to Campus Safety, the Student Conduct Office, Residential Life and Housing, the Title IX Office, or Campus Security Authorities (CSAs). Requests are distributed to local and state law enforcement for criminal statistics that are required by the Clery Act that may not have been reported to Campus Safety, the Title IX Office, or CSAs.

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

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

Hartwick College employs a security and dispatcher force of 16 full-time and part-time employees. All members of Campus Safety receive extensive training, and many have had prior police training and experience. A Campus Safety Officer is available 24 hours a day, 365 days a year who can be accessed by calling the Campus Safety Dispatch Desk. The Campus Safety Dispatch Desk is available 24 hours a day, 365 days a year and is staffed by a trained Campus Safety Dispatcher. The Director and the Assistant Director of Campus Safety share the responsibility of being on-call 24 hours a day, 365 days a year. In the case of a serious crime or emergency, the on-call director is notified immediately and then supervises the investigation.

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

Campus Safety Authority and Jurisdiction

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

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

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

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

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

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

Written Memorandums of Understanding with Local and State Law Enforcement Agencies

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

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

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

Emergency Contact Information and Resources

In an emergency, please call 911.

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

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

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

<table>
<thead>
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<th>Name of Resource</th>
<th>Hartwick College Resources Campus and Location</th>
<th>Telephone Number</th>
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<tr>
<td>Campus Safety</td>
<td>Main Campus, Dewar Union 3rd Floor</td>
<td>(607) 431-4111</td>
</tr>
<tr>
<td>Office of Residential Life</td>
<td>Main Campus, Exter 1st Floor</td>
<td>(607) 431-4501</td>
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Dewar Union 4th Floor

Counseling Center  
Main Campus, Perrella Wellness Center  
(607) 431-4420

Perrella Health Center  
Main Campus, Perrella Wellness Center  
(607) 431-4120

Pine Lake Main Office  
Pine Lake Campus, Robertson Lodge  
(607) 431-4520  
(607) 278-5429

Title IX Coordinator  
Main Campus, Shineman Chapel House  
(607) 431-4293 (personal line)

<table>
<thead>
<tr>
<th>Name of Resource</th>
<th>Off Campus/Local Resources</th>
<th>Location</th>
<th>Telephone Number</th>
</tr>
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| Opportunities for Otsego – Violence Intervention Program | 3 West Broadway  
Oneonta, NY 13820 | (607) 432-4855 (24-hr line)  
(607) 433-8038 (office line) |
| Otsego County Mental Health | 242 Main Street  
Oneonta, NY 13820 | (607) 433-2343 |
| Oneonta Police Department | 81 Main St #2  
Oneonta, NY 13820 | (607) 431-1113 (non-emergency) |
| Oneonta Fire Department | 81 Main St,  
Oneonta, NY 13820 | (607) 433-3480 (non-emergency) |
| A.O. Fox Hospital | 1 Norton Avenue  
Oneonta, NY 13820 | (607) 432-2000 (main line)  
(607) 431-5000 (emergency line) |
| Bassett Medical Center | 1 Atwell Rd  
Cooperstown, NY 13326 | (607) 547-3456 (main line)  
(607) 547-3355 (emergency line) |

**Campus Geography Overview**

**Understanding Clery Geography**

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

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

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

**Main Hartwick Campus**

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

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

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

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

A Pine Lake Environmental Campus map is included in Appendix B.

Reporting Procedures

General Reporting

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

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

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

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

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

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

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

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

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

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

A Professional Counselor is defined by the Clery Act as [a] person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of the counselor’s license or certification. [34 C.F.R. §668.46 (a)]

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to the Director of Counseling Services or the Perrella Health Center Director. The Director of Counseling Services or the Perrella Health Center Director, in their capacity as a CSA, can make confidential crime reports to Campus Safety to ensure inclusion in the annual disclosure of crime statistics without disclosing personal identifying information.

Hartwick College 50-50 Peer Counselors are confidential resources but are not able to make confidential reports. 50-50 Peer Counselors report all incidents of a crime to the Director of Counseling Services who reports anonymized statistics for inclusion in the annual disclosure of crime statistics to Campus Safety.

Silent Witness Program
The College allows Hartwick community members the opportunity anonymous reporting of actual crimes/incidents or serious policy violations which may affect the health, safety or welfare of the Hartwick College community. It is not designed to replace the need to contact Campus Safety or 911 directly with information about an emergency, crime in progress or potential harmful situation. During those situations, contact Campus Safety immediately at extension 4111 (607-431-4111) or 911.
To access the Silent Witness Program and submit a report, you can go to https://info.hartwick.edu/forms/silentwitnesiform.html.

On submission of a form, an email is generated and sent to Campus Safety for review by a Campus Safety Dispatcher or Officer and is subsequently acted on as appropriate.

It is the College’s policy not to trace the origin on an email sent via this form. But if there is a threat to personal or public safety, or if we suspect that the report is a false report under New York State law, a trace via campus network logs will be conducted. In such a case, the trace will be approved by the Senior Vice President for Enrollment and Student Success or the President.

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

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

**Campus Security Authorities (CSAs)**

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

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

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

- Director of Campus Safety
- Director of Residential Life and Housing
- Director of Student Experience Technology and Clery Compliance
- Title IX Coordinator and College Compliance Officer
- Assistant Vice President for Student Experience
- Interim VP for Academic Affairs/Dean of the Faculty
- Chief Human Resource Officer
- Senior Vice President for Enrollment and Student Success

**Timely Warning Procedures**

A timely warning is issued to give students, faculty, and staff timely notice of crimes that, in the judgement of the Director of Campus Safety, may represent a serious or ongoing threat to the campus community and to heighten safety awareness.
Timely warnings will be distributed as soon as pertinent information is available, in a manner that is timely, that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar crimes or occurrences.

Timely warnings are typically distributed by email to all students and employees on campus as soon as pertinent information is available. Timely warnings can also be distributed via the RAVE Emergency Notification System. If needed, additional distribution methods can be posting on the College’s website or social media channels, or distribution through local media.

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

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

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

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

Typically, timely warnings are not issued for any incidents reported that are older than ten (10) days from the date of occurrence, as such a delay in reporting has not afforded the College to react or respond in a timely manner.
Campus officials who are not subject to the timely reporting requirement are those serving as professional licensed counselors in the Perrella Counseling Center who were providing confidential assistance to a crime victim at that time.

**Emergency Response and Communication**

**Emergency Preparedness**
Hartwick College has adopted a Comprehensive Emergency Management Plan (CEMP) that establishes policies, procedures, and an organizational hierarchy for response to emergencies on campus. The CEMP outlines incident priorities, campus organization, and the role and operation of Hartwick College personnel during an emergency. The CEMP is compiled and managed by the Office of Campus Safety in conjunction with the Office of Student Experience Technology and Clery Compliance.

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

A copy of the CEMP is maintained by the Office of Campus Safety and the Office of Student Experience Technology and Clery Compliance.

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

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

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

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

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

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

Hartwick Community members learn the locations of emergency exits in the academic or administrative buildings and are provided guidance by Campus Safety or Hartwick staff about the direction they should travel when exiting buildings for a short-term building evacuation. Floor plans are posted in each office or classroom with primary and secondary evacuation routes identified.

**Emergency Shelter-in-Place Procedures**

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

**Basic “Shelter-in-Place” Guidance**

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

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

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

**How to “Shelter-in-Place”**

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

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

**Off-Campus Emergencies**
Campus Safety may receive emergency information from the Oneonta Police Department or New York State Police regarding incidents in Oneonta or near the Pine Lake Environmental Campus that could imminently impact the safety of the Hartwick College community. When appropriate, Campus Safety notifies the campus community of off-campus threats that could also represent a threat to the health or safety of members of the Hartwick College community.

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

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

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

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

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

- Mass emails;
- The RAVE Emergency Notification System (which contains email, cell phone text, and voice message alert);
- Social media channels;
- Local media; and
- Website banners or notices.
If any of these systems fail or the College deems it appropriate, in person communication may be used to communicate an emergency.

Notification to the larger community of Oneonta for the Main Hartwick Campus or Davenport for the Pine Lake Environmental Campus is managed through College Advancement by the Integrated Marketing Writer/Media Relations Manager. Typically, communication to the larger community will take place through local media. The Director of Campus Safety maintains communication with the Chief of Police in Oneonta on a weekly and as needed basis and the Captain of the New York State Police on a monthly and as needed basis.

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

Emergency notifications that should be shared with the larger Oneonta community will be coordinated through the Media Relations Manager in College Advancement or their designee.

**Verification of an Emergency**

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

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

**Development of Content for an Emergency Notification**

If an emergency notification is warranted, the Director or Assistant Director identifies the appropriate segment or segments of the campus community who will receive the emergency notification and identifies the content of the emergency notification from the CEMP. If content for the emergency notification does not exist in the CEMP, the Director or Assistant Director collaborates with additional members of the CEMT to develop the content of the emergency notification.

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

An emergency notification can be sent to a specific segment or segments of the campus community. These segments are identified based on the type, location, and severity of the emergency as well as those who are or may become involved in the emergency.

**Issuance of an Emergency Notifications and updates**

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

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

- Director of Campus Safety or designee
- Senior Vice President of Enrollment and Student Success or designee
- Assistant Vice President for Student Experience or designee
- Media Relations Manager or designee
- Assistant Vice President for College Advancement or designee

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

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

**Emergency Notification Distribution Matrix**

<table>
<thead>
<tr>
<th>Primary Methods</th>
<th>Primary Message Creator</th>
<th>Backup Message Creator</th>
<th>Authority to Approve/Send</th>
<th>Primary Message Sender</th>
<th>Backup Message Sender</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mass emails</td>
<td>Director of Campus Safety, or their designee</td>
<td>Media Relations Manager, or their designee</td>
<td>If time allows, consult with the CEMT; or, If time does not permit, the primary or backup creator/sender can proceed with predetermined/formatted messages.</td>
<td>Digital Communications Director, or their designee</td>
<td>Director of Campus Safety, or their designee</td>
</tr>
<tr>
<td>RAVE Emergency Notification System (Email, Text message, and Voice message)</td>
<td>Director of Campus Safety, or their designee</td>
<td>Media Relations Manager, or their designee</td>
<td>If time allows, consult with the CEMT; or, If time does not permit, the primary or backup creator/sender can proceed with predetermined/formatted messages.</td>
<td>Media Relations Manager, or their designee</td>
<td>Campus Safety Senior Dispatcher, or their designee</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Secondary Methods</th>
<th>Primary Message Creator</th>
<th>Backup Message Creator</th>
<th>Authority to Approve/Send</th>
<th>Primary Message Sender</th>
<th>Backup Message Sender</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social media channels</td>
<td>Director of Campus Safety, or their designee</td>
<td>Social Media Manager, or their designee</td>
<td>If time allows, consult with the CEMT; or, If time does not permit, the primary or backup creator/sender can</td>
<td>Social Media Manager, or their designee</td>
<td>Digital Communications Director, or their designee</td>
</tr>
</tbody>
</table>
### Local media

| Media Relations Manager, or their designee | Director of Campus Safety, or their designee | If time allows, consult with the CEMT; or, If time does not permit, the primary or backup creator/sender can proceed with predetermined/formatted messages. | Media Relations Manager, or their designee | Social Media Manager, or their designee |

### Website banners, pages, or notices

| Media Relations Manager, or their designee | Director of Campus Safety, or their designee | If time allows, consult with the CEMT; or, If time does not permit, the primary or backup creator/sender can proceed with predetermined/formatted messages. | Associate Director of Communications for Web Services, or their designee | Digital Communications Director, or their designee |

### RAVE Emergency Notification System Testing and Registration

The RAVE Emergency Notification System is tested at least once per academic term to ensure that all systems are working properly and that emergency managers maintain a working knowledge of the system. These tests are also educational moments for the campus community to remind them that the system does exist and that it is a working and functioning system that they can rely on. In conjunction with at least one of the annual RAVE Emergency Notification System test notifications, information is shared with the campus community related to the campus’ emergency response and evacuation procedures.

Students are registered automatically for the RAVE Emergency Notification System through Information Technology.

Employees are registered automatically for the RAVE Emergency Notification System through the Office of Human Resources.

### Campus Security and Access of Campus Facilities

#### Main Hartwick Campus

*Administrative and Academic Buildings*

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

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

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

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

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

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

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

**Pine Lake Environmental Campus**

**Administrative and Academic Buildings**
Pine Lake is typically open to Hartwick community members and individuals with a public membership. Due to COVID-19, public memberships have temporarily stopped being issued. During business hours, administrative and academic buildings on the Pine Lake Environmental Campus are open to authorized employees, students, and visitors. Typically, the Vaudevillian is locked but bathrooms in the entrance foyer are available for use by those utilizing the campus. Outside of business hours or when the College is closed, buildings across the Pine Lake Environmental Campus are secured and closed. All buildings utilize hard key and lock systems.

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

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

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

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

**Daily Crime and Fire Logs**
Hartwick College combines its Daily Crime Log and Fire Log into one public document. Maintained by Campus Safety, the Daily Crime and Fire Logs for the most recent 60-day period are open to public inspection during normal business hours (typically Monday through Friday, from 7 am to 3 pm.) at the Campus Safety Dispatch Desk.

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

Unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim, newly reported crimes/incidents within the college’s Clery geography and updated information regarding previously reported crimes are entered onto the Daily Crime and Fire Log within two business days of when it is reported to Campus Safety. It is important to note that Campus Safety has no expanded patrol jurisdiction outside of its identified Clery geography.

**Crime Prevention, Fire Safety, and Safety Awareness Programming**
Hartwick College offers many programs designed to inform students and employees about campus safety and security procedures and practices and the prevention of crimes. During these programs, the following information is typically provided: crime prevention tips; statistics on crime at Hartwick; fire safety information; and information regarding campus security procedures and practices, including encouraging
Participants to be responsible for their own security/safety and for the security/safety for others on campus.

Members of different offices in addition to Campus Safety conduct crime prevention and general security and safety awareness programs when requested by various community groups, including students and employees of the College. These programs include general crime prevention and security awareness programs, such as safety education forums, programs, and discussions about topics such as alcohol abuse, sexual assault awareness and prevention, relationship violence awareness and prevention, bystander intervention, fire safety, emergency response and evacuation procedures, crime and risk reduction strategies and theft prevention. Some identified offices who may be involved in holding these programs include: Residential Life and Housing; Wellness and Health Promotions; the Title IX Office; Human Resources; Student and Community Engagement; and others.

Residential Life and Housing staff specifically hold programs focusing on crime prevention, security awareness, and fire safety for residential students throughout the academic year. These are often reinforced during floor meetings, during personal visits, and through email communication.

Campus Safety presents annually at new student orientation to provide information to incoming students about a variety of topics listed above. They also may hold “Run, Hide, Fight” training at the request of an office, organization, or group.

Additional safety awareness and crime prevention training/programming occurs at the end of each fire/evacuation drill, during Student Leader training, during Residential Life and Housing training, and during other special campus events and safety forums throughout the year.

**Annual Notification of Drug and Alcohol Policies and Programs**

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

**Standards of Conduct**

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

Hartwick College does not permit or condone the illicit or unauthorized possession, use, consumption, sale, or distribution of illicit drugs and/or alcohol by students or employees on college property or as part of any College-sponsored activity. Faculty and staff who are found in violation of this policy will be subject to appropriate disciplinary action consistent with local, state, and federal laws. Such disciplinary action may include counseling, mandatory participation in an appropriate rehabilitation program, a verbal
or written warning, suspension from employment, or termination of employment. In addition, faculty and staff may be referred to appropriate law enforcement authorities for prosecution.

**Student Standards of Conduct**

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

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

**CODE OF STUDENT CONDUCT POLICY SUMMARIES**

**Alcohol**
- **Use of Alcohol.** Use of alcoholic beverages by any student under the age of 21, use that jeopardizes the health and/or safety of any individual, or use that disrupts the normal operations of the College is prohibited.
- **Possession of Alcohol.** Possession of alcoholic beverages by any student under the age of 21 is prohibited.
- **Distribution/Sale.** The distribution and/or sale of alcohol to others, of legal age or not, is strictly prohibited.
- **Paraphernalia.** Defined as full, partially full or empty alcoholic beverage containers, flask, mass-quantity drinking apparatuses (i.e., funnel, beer bong), items utilized as part of drinking games or other items that are known to be used primarily for consumption purposes.
- **Residence Halls.** Alcohol is permitted for use and possession by those individuals who are of legal drinking age according to New York State law in the Apartment Complex, Town Houses, Leitzell Suites, and Pine Lake cabins. All other residence halls are considered dry buildings.
- **In the Presence of.** Being in the presence of alcoholic beverages or items that are, or in a context that is, otherwise prohibited by college policy.
- **Bulk Alcohol.** Bulk alcohol is defined as two cases of beer or more, 8 bottles of wine or more, 3 bottles of liquor or more. Kegs, beer balls, etc. are not permitted on campus except where provided by catering services or a permitted licensed 3rd party vendor. Bulk alcohol is not permitted in residence halls under any circumstance.
- **Advertisement.** Advertising alcohol in any way is not permitted on campus property.
- **Social Activities.** Alcohol is permitted at on-campus events when provided through Catering Services or another third-party vendor where a liquor license. Refer to the Student Code of Conduct for specific alcohol policies concerning social activities.

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

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

**Prescription Medications**
• Abuse, misuse, unlawful sale, or unlawful distribution of prescription or over-the-counter medications.

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

**STUDENT SANCTIONS**
Hartwick College uses a conduct point system to help communicate sanctions to students. Under the conduct point system, a student found responsible for violating the Code is assigned points. Points are assigned based on the circumstances of a specific incident.

• **The following Alcohol and Drug Violations can result in up to 2 points**
  o Alcohol or drug violation where a student opts to utilize the Safe Harbor opportunity.
  o Under the age of 21 in the presence of alcohol
  o Open container of alcohol.
  o In the presence of empty alcohol containers or alcohol paraphernalia on campus where not permitted.
  o In the presence of alcohol where not permitted on campus, student is 21 or older.
  o Possession of alcohol under the age of 21.

• **The following Alcohol and Drug Violations can result in up to 4 points**
• Possession of drug paraphernalia.
• Public drunkenness on or off campus.
• Consumption of or in the presence of alcohol while under the age of 21.

• **The following Alcohol and Drug Violations can result in up to 6 points**
  • Serving alcohol to individuals under the age of 21.
  • Heavy intoxication (student loses consciousness or is transported for medical assistance).
  • Violation of bulk alcohol policy.
  • Marijuana use and/or possession.

• **The following Alcohol and Drug Violations can result in up to 10 points**
  • Illegal drug use and/or possession (not marijuana).
  • Distribution of any illegal(controlled) substances.
  • Drinking accompanied by violence regardless of age

• 6 - 9 points, all of the above, and the student will be placed on a status of disciplinary probation.
• Students with 6 or more points may be prohibited from studying abroad, may not be eligible to live off campus when applicable and are penalized in the housing lottery (100 additional points will be subtracted from their housing points for housing selection).
• 10 or more points, all of the above and the student may be separated from the College for a period of time to be determined by the AVPSE or designee, but no less than one term.

In addition to the consequences resulting from accumulation of points, one or more of following Educational Outcomes may be imposed upon any student for any single violation of the Code:

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

- **Restriction of Visitation Privileges.** May be imposed on a resident or non-resident student. The parameters of the restriction will be specified.

- **Eligibility Restriction.** The student is deemed “not in good standing” with Hartwick for a specified period of time. Specific limitations or exceptions may be granted by the AVPSE or designee and terms of this conduct Educational Outcome may include, but is not limited to, the following: a. Ineligibility to hold any office in any student organization recognized by Hartwick or hold an elected or appointed office at Hartwick; or b. Ineligibility to represent Hartwick to anyone outside Hartwick community in any way, including participating in the study abroad program, attending conferences, or representing Hartwick at an official function, event or intercollegiate competition as a player, manager or student coach, etc.

- **Hartwick Housing Reassignment.** Reassignment to another Hartwick housing facility. The Director of Residential Life and Housing will decide on the reassignment details in consultation with the AVPSE or designee.

- **Hartwick Housing Probation.** Official notice that, should further violations of Residence Life or Hartwick policies occur during a specified probationary period, the student may immediately be removed from Hartwick housing. Regular probationary meetings may also be imposed.

- **Hartwick Housing Suspension.** Removal from Hartwick housing for a specified period of time after which the student is eligible to return. Conditions for readmission to Hartwick housing may be specified. Under this Educational Outcome, a student is required to vacate Hartwick housing within 24 hours of notification of the action, though this deadline may be extended upon request to, and at the discretion of, the AVPSE or designee. This Educational Outcome may be enforced with a trespass action if deemed necessary. Prior to reapplication for Hartwick housing, the student must gain permission from the AVPSE. This Educational Outcome may include restrictions on visitation to specified buildings or all Hartwick housing during the suspension.

- **Hartwick Housing Expulsion.** The student’s privilege to live in, or visit, any Hartwick housing structure is revoked indefinitely. This Educational Outcome may be enforced with a trespass action if deemed necessary.

- **Hartwick Probation.** The student is put on official notice that, should further violations of Hartwick policies occur during a specified probationary period, the student may face suspension or expulsion. Regular probationary meetings may also be imposed.

- **Hartwick Suspension.** Separation from Hartwick for a specified minimum period of time, after which the student is eligible to return. Eligibility may be contingent upon satisfaction of specific conditions noted at the time of suspension. The student is required to vacate the campus within 24 hours of notification of the action, though this deadline may be extended upon application to, and at the discretion of, the AVPSE or designee. During the suspension period, the student is banned from Hartwick property, functions, events and activities without prior written approval from the AVPSE or designee. This Educational Outcome may be enforced with a trespass action as necessary. This Educational Outcome will be noted as a Conduct Suspension on the student’s official academic transcript.

- **Hartwick Expulsion.** Permanent separation from Hartwick. The student is banned from Hartwick property and the student’s presence at any Hartwick sponsored activity or event is prohibited. This action may be enforced with a trespass action as necessary. This Educational Outcome will be noted as a Conduct Expulsion on the student’s official academic transcript.

- **Other Educational Outcomes.** Additional or alternate Educational Outcomes may be created and designed as deemed appropriate to the offense with the approval of the AVPSE or designee.

*Employee Standards of Conduct*
EMPLOYEE POLICY SUMMARY

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

Serving of Alcoholic Beverages on Campus
Alcohol is not permitted at the following on-campus events:

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

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

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

An independent caterer must furnish its own liability insurance and provide the Director of Campus Safety with written proof of insurance coverage in advance of the event. Groups should contact the Director of Student Activities, Scheduling Office, Vice President for Student Life or Director of Campus Safety for more information.
Drug-Free Workplace Policy
As published in the Employee Handbook, Hartwick College is committed to a workplace environment in compliance with the Drug-Free Workplace Act of 1988. The unlawful manufacture, distribution, dispensing, possession and use of illicit drugs, controlled substances or alcohol by any employee on college property or as part of any activity sponsored by the College is prohibited. It is a condition of employment with the College to maintain compliance with the provisions of our Drug-Free Workplace policy. Pursuant to College policies, disciplinary action up to and including termination of employment, and/or referral for treatment may be required for any employee who is found to be in violation of this policy.

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

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

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

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

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

CITY OF ONEONTA, NY
- The Code / Part II, General Legislation, Chapter 62 Alcoholic Beverages
  - § 62-1 Purpose. It is the purpose of this article to regulate and restrict the consumption and distribution of alcohol to minors
  - § 62-2 Unlawful possession of alcoholic beverages with intent to consume by persons under age.
    - Possession by persons under 21 prohibited. Except as hereinafter provided, no person under the age of 21 years shall possess any alcoholic beverage, as defined in this article, with the intent to consume such beverage.
    - Exceptions. A person under the age of 21 years may possess any alcoholic beverage with intent to consume if the alcoholic beverage is given:
• To a person who is a student in a curriculum licensed or registered by the State Education Department and the student is required to taste or imbibe alcoholic beverages in courses which are a part of the required curriculum, provided that such alcoholic beverages are used only for instructional purposes during class conducted pursuant to such curriculum.

• To a person under 21 years of age by that person's parent or guardian.

■ Summons to court; penalties.

• Any person who possesses an alcoholic beverage with intent to consume may be summoned before and examined by a court having jurisdiction of that charge; provided, however, that no contained herein shall authorize, or be construed to authorize, a peace officer, as defined in Subdivision 33 of § 1.20 of the Criminal Procedure Law, or a police officer, as defined in Subdivision 34 of § 1.20 of such law, to arrest a person who unlawfully possesses an alcoholic beverage with intent to consume. If a determination is made sustaining such charge, the court may impose a fine not exceeding $50 and/or completion of an alcohol awareness program established pursuant to Paragraph six-a of Subdivision (a) of § 19.07 of the Mental Hygiene Law and/or an appropriate amount of community service not to exceed 30 hours.

• No such determination shall operate as a disqualification of any such person subsequently to hold public office or public employment or as a forfeiture of any right or privilege or to receive any license granted by public authority; and no such person shall be denominated a criminal by reason of such determination, nor shall such determination be deemed a conviction.

■ Seizure of beverage; destruction or disposal.

• Whenever a peace officer, as defined in Subdivision 33 of § 1.20 of the Criminal Procedure Law or a police officer, as defined in Subdivision 34 of § 1.20 of the Criminal Procedure Law shall observe a person under 21 years of age openly in possession of an alcoholic beverage as defined in this article, with the intent to consume such beverage in violation of this section, said officer may seize the beverage and shall deliver it to the custody of his or her department.

• Any alcoholic beverage seized in violation of this section is hereby declared a nuisance. The official to whom the beverage has been delivered shall, no earlier than three days following the return date for initial appearance on the summons, dispose of or destroy the alcoholic beverage seized or cause it to be disposed of or destroyed. Any person claiming ownership of an alcoholic beverage seized under this section may, on the initial return date of the summons or earlier on five days' notice to the official or department in possession of the beverage, apply to the court for an order preventing the destruction or disposal of the alcoholic beverage seized and ordering the return of that beverage. The court may order the beverage returned if it is determined that return of the beverage would be in the interest of justice or that the beverage was improperly seized.

• Article II Consumption by Minors on Private Property [Adopted 3-20-2018 by Ord. No. 1-2018]
§ 62-3 Legislative intent. It is the purpose of this article to protect the public interest, welfare, health and safety within the City of Oneonta by prohibiting the service to and consumption of alcoholic beverages and drugs by persons under the age of 21 at private residences located in the City of Oneonta. The Common Council finds that the occurrence of social gatherings at private residences where alcoholic beverages or drugs are served to or consumed by persons under the age of 21 is harmful to such persons themselves and a threat to public welfare, health and safety. The Common Council finds further that persons under the age of 21 often obtain alcoholic beverages or drugs at such gatherings and that such persons who are in control of such residences know or have reason to know of such service and/or consumption and will be more likely to ensure that alcoholic beverages and drugs are neither served to nor consumed by persons under the age of 21 at these gatherings.

§ 62-5 Prohibition. No person having control of any residence shall allow an open house party to take place at said residence if such person knows or has reason to know that any alcoholic beverage or drug is being unlawfully possessed, served to or consumed by a minor at said residence.

§ 62-8 Penalties for offenses. Failure to comply with the provisions of this article shall constitute a violation, punishable by a fine of $1,000 or imprisonment for 15 days.

New York State Laws

ALCOHOL

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

<table>
<thead>
<tr>
<th>Offense</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Serving Alcohol to Persons Under 21</td>
<td>Up to 1 year in jail, $1,000 fine</td>
</tr>
<tr>
<td>Fraudulent Attempt to Purchase Alcohol (using false ID or ID of another person)</td>
<td>Fine up to $100, community service up to 30 hours, and/or completion of an alcohol awareness program, 90 days license suspension if a New York State driver’s license is used as the false ID</td>
</tr>
<tr>
<td>Possession of Alcohol by Person Under 21:</td>
<td>Up to $50 fine and/or completion of an alcohol awareness program and/or up to 30 hours community service</td>
</tr>
<tr>
<td>Driving While Intoxicated (DWI) (&gt;0.08 blood alcohol content)</td>
<td>First offense: up to 1 year prison, $500 to $1,000 fine, minimum 6 months license revocation</td>
</tr>
<tr>
<td></td>
<td>Second offense in 10 years: up to 4 years prison, $1,000-$5,000 fine, minimum 1 year license revocation.</td>
</tr>
<tr>
<td>Driving While Ability Impaired (DWAI) (.05-.07 blood alcohol content)</td>
<td>First offense: up to 15 days jail, $300-$500 fine, 90 day license suspension.</td>
</tr>
<tr>
<td></td>
<td>Second offense in 5 years: up to 30 days jail, $500 to $750 fine, minimum 6 months license revocation.</td>
</tr>
</tbody>
</table>
Operating a Motor Vehicle after Consuming Alcohol While Under 21

Possession of Open Container in Public Place

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

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

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

Legal Sanctions for Marijuana and Controlled Substances

<table>
<thead>
<tr>
<th>Offense</th>
<th>Penalty</th>
</tr>
</thead>
</table>
| Unlawful Possession (less than 25g) | First offense: fine less than $100  
Second offense: fine less than $200  
Third offense: fine less than $250 |
| >25 g: Misdemeanor: 3-month imprisonment and/or $500 fine  
2-8 oz: Misdemeanor: 1-year imprisonment and/or $1,000 fine  
8 oz-1 lb: Felony: 4 years imprisonment and/or $5,000 fine  
1-10 lbs: Felony: 7 years imprisonment and/or $5,000 fine  
>10 lbs: Felony: 15 years imprisonment and/or $15,000 fine |
| >2 g or less without profit (1 marijuana cigarette):  
Misdemeanor: 3 months imprisonment and/or $500 fine  
25 g or less: Misdemeanor: 1 year imprisonment and/or $1,000 fine  
>25 g-4 oz: Felony: 4 years imprisonment and/or $5,000 fine  
>4 oz-1 lb: Felony: 7 years imprisonment and/or $5,000 fine  
>1 lb: Felony: 15 years imprisonment and/or $15,000 fine |
| **Using a child to assist:** | **Felony:** 4 years imprisonment and/or $5,000 fine  |  
| **To a minor:** | **Felony:** 7 years imprisonment and/or $5,000 fine  |
| **Drug Trafficking** | Any amount: **Felony:** 15-25 years imprisonment (mandatory minimum sentence of 15 years) and/or $100,000 fine  |
| **Cultivation (also considered possession under current case law)** | Any amount: **Misdemeanor:** 1 year imprisonment and/or $1,000 fine  |
| **Hash and Concentrates** | Possession < .25 oz: **Misdemeanor:** 1 year imprisonment and/or $1,000 fine  |  
| | Possession .25 oz to < 1 oz: **Felony:** 7 years imprisonment and/or $5,000 fine  |  
| | Possession 1 oz or more: **Felony:** 15 years imprisonment and/or $15,000 fine  |  
| | Sale: **Felony:** 15 years imprisonment and/or $15,000 fine  |
| **Possession and Distribution of Other Controlled Substances** | **Possession and Sale (Degree depends upon substance, amount of substance, age of purchaser, and prior record)** |  
| | Seventh degree: **Class A Misdemeanor:** 1 year imprisonment or less  |  
| | Fifth degree: **Class D Felony:** 7 years imprisonment or less  |  
| | Fourth degree: **Class C Felony:** 15 years imprisonment or less  |  
| | Third degree: **Class B Felony:** 6-25 years imprisonment  |  
| | Second degree: **Class A-II Felony:** 3-8 years to life imprisonment  |  
| | First degree: **Class A-I Felony:** 15-25 years to life imprisonment  |

**Federal Laws**

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

**Federal Sanction for Possession of a Controlled Substance**
- First conviction: Up to one-year imprisonment and/or fine of at least $1,000 but not more than $100,000, or both
- After one prior drug conviction: At least 15 days in prison, not to exceed 2 years and/or fine of at least $2,500 but not more than $250,000, or both
- After two or more prior drug convictions: At least 90 days prison, not to exceed 3 years and fine of at least $5,000 but not more than $250,000, or both.
SPECIAL SENTENCING PROVISIONS FOR POSSESSION OF CRACK COCAINE
Mandatory at least 5 years in prison, not to exceed 20 years, and fine of up to $250,000, or both if:

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

FEDERAL SANCTIONS FOR SALE OF CONTROLLED SUBSTANCES

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

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

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

Alcohol
Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses also increase the incidence of aggressive acts. Moderate to high doses impair higher mental functions, severely altering the ability to learn and remember information. Very high doses of alcohol can be fatal. Repeated use of alcohol can lead to dependence. Alcohol withdrawal can result in severe anxiety, tremors, hallucinations, and convulsions, which may be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can lead to permanent damage to vital organs such as the brain, heart, pancreas, and liver, as well as the immune system. Drinking too much, on a single occasion or over time, has been linked to cardiomyopathy, stroke, high blood pressure, fibrosis, cirrhosis, pancreatitis, and cancer. Alcohol consumption during pregnancy may result in fetal alcohol syndrome, which causes
irreversible physical and/or mental abnormalities at birth. Researchers from the National Institute on Alcohol Abuse and Alcoholism provided the following information that is representative of reported experiences from the 18 – 24-year-old college population (yearly):

- **Academic Problems:** 1:4 students reported academic consequences from drinking, including missing class, falling behind, poor grades of exams/papers, and lower grades overall.

- **Assault:** 696,000 students are assaulted by another student who has been drinking.

- **Sexual Assault:** ~97,000 students experience alcohol-related sexual assault

- **Alcohol Use Disorder (AUD):** 20 percent of college students meet the criteria for AUD

- **Death:** 1,825 college students die from alcohol-related Death unintentional injuries, including motor-vehicle crashes

**Common Drugs and Symptoms of Abuse**

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

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

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

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

**INHALANTS**
- Substances abused by inhalation
- Examples: Gasoline, Airplane Glue, Paint Thinner, Dry-Cleaning Fluid, Nitrous Oxide, Amyl Nitrate, Butyl Nitrate
- Symptoms of Use: Impaired judgement, poor motor coordination, impaired vision, memory, and thought
- Hazards of Use: Addiction, organ failure, muscular damage
Alcohol and Other Drug Prevention Programs and Resources
A campus alcohol and other drug working group meets monthly to discuss current substance abuse related issues and trends. As mandated by the Drug-Free Schools and Campuses Act, this policy is distributed to all students, staff and faculty on an annual basis, and during every even year, a biennial review of the comprehensive alcohol and other drug program is conducted.

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

Alcohol and Other Drug Prevention Programs for Employees
- Employee Assistance Program: The Employee Assistance Programs provides eligible Hartwick employees with access to substance abuse counseling and community resources.

Available Resources for Alcohol and Other Drug Assistance

<table>
<thead>
<tr>
<th>On-Campus Resources</th>
<th>Serves</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perrella Health Center</td>
<td>607-431-4120</td>
</tr>
<tr>
<td>Perrella Counseling Center</td>
<td>607-431-4420</td>
</tr>
<tr>
<td>Campus Safety</td>
<td>607-431-4111</td>
</tr>
<tr>
<td>Wellness and Health Promotions</td>
<td>607-431-4500</td>
</tr>
<tr>
<td>Office of Student Experience</td>
<td>607-431-4501</td>
</tr>
<tr>
<td>Residential Life and Housing</td>
<td>607-431-4501</td>
</tr>
<tr>
<td>Human Resources</td>
<td>607-431-4315</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Off Campus Resources</th>
<th>Serves</th>
</tr>
</thead>
<tbody>
<tr>
<td>Otsego County Addiction Recovery Services</td>
<td>607-431-1030</td>
</tr>
<tr>
<td>Vertaya Health</td>
<td>844-485-0385</td>
</tr>
<tr>
<td>Hartwick Employee Assistance Program</td>
<td>800-854-1446</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Hotline Numbers</th>
<th>Serves</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Clearinghouse for Drug and Alcohol Information</td>
<td>800-729-6686</td>
</tr>
<tr>
<td>New York State’s OASAS Drug Abuse Information Line</td>
<td>800-522-5353</td>
</tr>
</tbody>
</table>

Crime Definitions and Statistics

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

The below statistics for the 2018 and 2019 calendar years have changed due to a full and comprehensive audit by the Title IX Coordinator, the Director of Campus Safety, and the Director of Student Experience Technology and Clery Compliance resulting from the reclassification of the Pine Lake Environmental Campus as a separate campus. Footnotes have been utilized to note changes in the location columns (On Campus [including Residential], Non-Campus, Public Property, and On Campus [Residential Only]). The Total column has been changed appropriately but those changes have not been noted in the footnotes in this section.

Main Hartwick Campus Crime Statistics Charts

<table>
<thead>
<tr>
<th>Criminal Offenses or Primary Crimes (Crimes Reported by Hierarchy)</th>
<th>Calendar Year</th>
<th>On Campus (including Residential)</th>
<th>Non-Campus</th>
<th>Public Property</th>
<th>Total</th>
<th>On Campus (Residential Only)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder/Non-negligent Manslaughter</td>
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<td>0</td>
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<td></td>
<td>2019</td>
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</tr>
<tr>
<td></td>
<td>2018</td>
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<td>0</td>
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<tr>
<td>Manslaughter by Negligence</td>
<td>2020</td>
<td>0</td>
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<tr>
<td></td>
<td>2019</td>
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<td>0</td>
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</tr>
<tr>
<td></td>
<td>2018</td>
<td>0</td>
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<tr>
<td>Rape</td>
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</tr>
<tr>
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<td>2018</td>
<td>3&lt;sup&gt;3&lt;/sup&gt;</td>
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<td>0</td>
<td>3</td>
<td>3&lt;sup&gt;4&lt;/sup&gt;</td>
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<td>Fondling</td>
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<td>Incest</td>
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<tr>
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<sup>1</sup> For 2019, Rape – On-Campus was changed from zero (0) to one (1), because of a full audit due to reclassification of the Pine Lake Environmental Campus.
<sup>2</sup> See note 1.
<sup>3</sup> For 2018, Rape – On-Campus was changed from six (6) to three (3), because of a full audit due to reclassification of the Pine Lake Environmental Campus.
<sup>4</sup> See note 3.
<sup>5</sup> For 2018, Fondling – On-Campus was changed from six (6) to one (1), because of a full audit due to reclassification of the Pine Lake Environmental Campus.
<sup>6</sup> See note 5.
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### VAWA Offenses; and Arrests and Referrals for Disciplinary Action for Weapons, Drug Abuse, and Liquor Law Violations (Crimes Not Reported by Hierarchy)

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\(^7\) For 2019, Domestic Violence – On-Campus was changed from one (1) to zero (0), because of a full audit due to reclassification of the Pine Lake Environmental Campus.

\(^8\) See note 7.

\(^9\) For 2018, Stalking – On-Campus was changed from four (4) to three (3), because of a full audit due to reclassification of the Pine Lake Environmental Campus.

\(^10\) For 2018, Stalking – On-Campus for Residential Only was changed from four (4) to two (2), because of a full audit due to reclassification of the Pine Lake Environmental Campus.

\(^11\) For 2019, Drug Law Violations Referred for Disciplinary Action – On-Campus was changed from forty-one (41) to forty (40), because of a full audit due to reclassification of the Pine Lake Environmental Campus.

\(^12\) For 2019, Drug Law Violations Referred for Disciplinary Action – On-Campus for Residential Only was changed from thirty-four (34) to thirty-three (33), because of a full audit due to reclassification of the Pine Lake Environmental Campus.
Main Hartwick Campus Hate Crimes
In the identification of hate crimes, the College addresses those Criminal Offenses or Primary Crimes listed in the Clery Act as well as four additional specific crimes and their occurrence on the College’s Clery geography. They include the following:

<table>
<thead>
<tr>
<th>Criminal Offenses or Primary Crimes considered for Hate Crimes</th>
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<tbody>
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<td>Murder and nonnegligent manslaughter</td>
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<td>Simple Assault</td>
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<td>Burglary</td>
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<td>Intimidation</td>
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</table>

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

<table>
<thead>
<tr>
<th>Hate Crime Statistics</th>
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<tbody>
<tr>
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<td><strong>2019</strong></td>
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<tr>
<td><strong>2018</strong></td>
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Main Hartwick Campus Unfounded Crimes
An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting it as an Unfounded Crime.

<table>
<thead>
<tr>
<th>Unfounded Crime Statistics</th>
</tr>
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13 For 2018, Drug Law Violations Referred for Disciplinary Action – On-Campus was changed from sixty (60) to fifty-nine (59), because of a full audit due to reclassification for the Pine Lake Environmental Campus.
14 For 2018, Drug Law Violations Referred for Disciplinary Action – On-Campus for Residential Only was changed from fifty (50) to forty-nine (49), because of a full audit due to reclassification of the Pine Lake Environmental Campus.
Zero (0) unfounded crimes were reported at the Main Hartwick Campus of Hartwick College in 2020.

Zero (0) unfounded crimes were reported at the Main Hartwick Campus of Hartwick College in 2019.

Zero (0) unfounded crimes were reported at the Main Hartwick Campus of Hartwick College in 2018.

### Pine Lake Environmental Campus Crime Statistics Charts

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<th>Criminal Offenses or Primary Crimes (Crimes Reported by Hierarchy)</th>
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<th>2020</th>
<th>2019</th>
<th>2018</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

### Weapons Law Violations Referred for Disciplinary Action

<table>
<thead>
<tr>
<th>Year</th>
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<th>2019</th>
<th>2018</th>
</tr>
</thead>
<tbody>
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### Drug Law Violations Referred for Disciplinary Action

<table>
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<th>Year</th>
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<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
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### Liquor Law Violations Referred for Disciplinary Action

<table>
<thead>
<tr>
<th>Year</th>
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<th>2019</th>
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<tbody>
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<td></td>
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</tbody>
</table>

### Pine Lake Environmental Campus Hate Crimes

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

<table>
<thead>
<tr>
<th>Criminal Offenses or Primary Crimes considered for Hate Crimes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder and nonnegligent manslaughter</td>
</tr>
<tr>
<td>Simple Assault</td>
</tr>
<tr>
<td>Burglary</td>
</tr>
</tbody>
</table>

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

### Hate Crime Statistics

- **2020**: Zero (0) hate crimes, as defined by applicable federal law, were reported at the Pine Lake Environmental Campus of Hartwick College in 2020.
- **2019**: Zero (0) hate crimes, as defined by applicable federal law, were reported at the Pine Lake Environmental Campus of Hartwick College in 2019.
Pine Lake Environmental Campus Unfounded Crimes

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

<table>
<thead>
<tr>
<th>Year</th>
<th>Unfounded Crime Statistics</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>Zero (0) unfounded crimes were reported at the Pine Lake Environmental Campus of Hartwick College in 2020.</td>
</tr>
<tr>
<td>2019</td>
<td>Zero (0) unfounded crimes were reported at the Pine Lake Environmental Campus of Hartwick College in 2019.</td>
</tr>
<tr>
<td>2018</td>
<td>Zero (0) unfounded crimes were reported at the Pine Lake Environmental Campus of Hartwick College in 2018.</td>
</tr>
</tbody>
</table>

Sex Offender Registry

The Adam Walsh Child Protection and Safety Act of 2006 provides for the registration and tracking of sex offenders. Institutions of higher education are required to issue a statement advising the campus community of where to obtain law enforcement agency information provided by a State concerning registered sex offenders. The law also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student.

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

Missing Student Notification Policy

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

Making a report of a missing student

If a student has been missing for 24 hours, Hartwick community members are required to report this information to any of the following offices or individuals:
• The Campus Safety Dispatch Desk by calling 607-431-4111 or reporting in person on the third floor of Dewar Student Union;
• The Director of Campus Safety by calling 607-431-4112 or reporting in person on the third floor of Dewar Student Union;
• The Title IX Coordinator by calling 607-431-4293 or reporting in person in Shineman 104;
• The Director of Residential Life and Housing by calling 607-431-4501 or reporting in person on the fourth floor of Dewar Student Union;
• The Assistant Vice President for Student Experience by calling 607-431-4501 or reporting in person on the fourth floor of Dewar Student Union; or
• The Senior Vice President for Enrollment and Student Success by calling 607-431-4150 or reporting in person on the first floor of Bresee Hall.

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

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

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

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

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

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

Regardless of whether the student has identified a Missing Persons Contact, is above the age of 18, or is under the age of 18 and is or is not emancipated, the College will notify the local law enforcement agency that has jurisdiction in the area within 24 hours that the student is missing unless the local law enforcement agency is the entity that determined the student is missing. On the Main Hartwick Campus, the local law enforcement agency that has jurisdiction is the Oneonta Police Department. On the Pine Lake Environmental Campus, the local law enforcement agency that has jurisdiction is the New York State Police.
**How Campus Safety determines if a student is missing**
Campus Safety will initiate an investigation into any report of a missing person as soon as the report is received. Typically, this investigation starts with interviewing roommates, friends, classmates, residential life staff, and others who may have information concerning the student’s whereabouts, lifestyle, and habits. Based on the information received, Campus Safety will attempt to track the student using various methods including, but not limited to, use of Wickit card across campus, viewing of CCTV records, and the tracking of wi-fi network access. Campus Safety will also attempt to make contact directly with the student.

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

**Violence Against Women Act (VAWA)**

**Definitions**

**Dating Violence**

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

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

ii. For the purposes of this definition—
   a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
   b. Dating violence does not include acts covered under the definition of domestic violence.

iii. For the purposes of complying with the requirements of this section and [34 C.F.R. §668.41](#), any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

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

**Domestic Violence**

**VAWA Definition**

i. A felony or misdemeanor crime of violence committed—
   a. By a current or former spouse or intimate partner of the victim;
   b. By a person with whom the victim shares a child in common;
   c. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
d. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or

e. By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

ii. For the purposes of complying with the requirements of this section and 34 C.F.R. §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

LOCAL JURISDICTION DEFINITION

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

Domestic violence is an act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction or breaching or blood circulation, or strangulation; and such acts have created a substantial risk of physical or emotional harm to a person or a person’s child. Such acts are alleged to have been committed by a family member. The victim can be anyone over the age of 16, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person’s child is a victim of the act.

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

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

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

Sexual Assault

VAWA DEFINITION

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”
• Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
• Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
• Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
• Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

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

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 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 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

VAWA Definition
i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
   a. Fear for the person’s safety or the safety of others; or
   b. Suffer substantial emotional distress.

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

iii. For the purposes of complying with the requirements of this section and 34 C.F.R. §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

LOCAL JURISDICTION DEFINITION
Stalking in the fourth degree [NY Penal Law § 120.45]
A person is guilty of stalking in the fourth degree when he or she intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct:

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

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

Stalking in the fourth degree is a class B misdemeanor.

Stalking in the third degree [NY Penal Law § 120.50]
A person is guilty of stalking in the third degree when he or she:
1. Commits the crime of stalking in the fourth degree in violation of section 120.45 of this article against three or more persons, in three or more separate transactions, for which the actor has not been previously convicted; or
2. Commits the crime of stalking in the fourth degree in violation of section 120.45 of this article against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime, as defined in subdivision five of section 120.40 of this article, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or
3. With intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or
4. Commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

Stalking in the third degree is a class A misdemeanor.

Stalking in the second degree [NY Penal Law §120.55]
A person is guilty of stalking in the second degree when he or she:

1. Commits the crime of stalking in the third degree as defined in subdivision three of section 120.50 of this article and in the course of and in furtherance of the commission of such offense: (i) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, shotgun, machine gun, electronic dart gun, electronic stun gun, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, slingshot, slungshot, shirken, "Kung Fu Star", dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapon; or (ii) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or
2. Commits the crime of stalking in the third degree in violation of subdivision three of section 120.50 of this article against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime as defined in subdivision five of section 120.40 of this article, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or
3. Commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree as defined in subdivision four of section 120.50 of this article against any person; or
4. Being twenty-one years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or
5. Commits the crime of stalking in the third degree, as defined in subdivision three of section 120.50 of this article, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

Stalking in the second degree is a class E felony.
Stalking in the first degree [NY Penal Law §120.60]
A person is guilty of stalking in the first degree when he or she commits the crime of stalking in the third degree as defined in subdivision three of section 120.50 or stalking in the second degree as defined in section 120.55 of this article and, in the course and furtherance thereof, he or she:

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

Stalking in the first degree is a class D felony.

Consent

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

Sex offenses; lack of consent [NY Penal Law §130.05]

1. Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.
2. Lack of consent results from:
   a. Forcible compulsion; or
   b. Incapacity to consent; or
   c. Where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or
   d. Where the offense charged is rape in the third degree as defined in subdivision three of section 130.25, or criminal sexual act in the third degree as defined in subdivision three of section 130.40, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances.
3. A person is deemed incapable of consent when he or she is:
   a. less than seventeen years old; or
   b. mentally disabled; or
   c. mentally incapacitated; or
   d. physically helpless; or
   e. committed to the care and custody or supervision of the state department of corrections and community supervision or a hospital, as such term is defined in subdivision two of section four hundred of the correction law, and the actor is an employee who knows or reasonably should know that such person is committed to the care and custody or supervision of such department or hospital. For purposes of this paragraph, "employee" means (i) an employee of the state department of corrections and community supervision who, as part of his or her employment, performs duties: (A) in a state correctional facility in which the victim is confined at the time of the offense consisting of providing custody, medical or mental health services, counseling services, educational programs, vocational training, institutional parole services or direct supervision to incarcerated individuals; or (B) of supervising persons released on community supervision and supervises the victim
committed to or placed with the office of children and family services and in residential care, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to or placed in a residential facility operated by the office of children and family services; or

h. a client or patient and the actor is a health care provider or mental health care provider charged with rape in the third degree as defined in section 130.25, criminal sexual act in the third degree as defined in section 130.40, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, or sexual abuse in the third degree as defined in section 130.55, and the act of sexual conduct occurs during a treatment session, consultation, interview, or examination; or

i. a resident or inpatient of a residential facility operated, licensed or certified by (i) the office of mental health; (ii) the office for people with developmental disabilities; or (iii) the office of alcoholism and substance abuse services, and the actor is an employee of the facility not married to such resident or inpatient. For purposes of this paragraph, "employee" means either: an employee of the agency operating the residential facility, who knows or reasonably should know that such person is a resident or inpatient of such facility and who provides direct care services, case management services, medical or other clinical services, habilitative services or direct supervision of the residents in the
facility in which the resident resides; or an officer or other employee, consultant, contractor or volunteer of the residential facility, who knows or reasonably should know that the person is a resident of such facility and who is in direct contact with residents or inpatients; provided, however, that the provisions of this paragraph shall only apply to a consultant, contractor or volunteer providing services pursuant to a contractual arrangement with the agency operating the residential facility or, in the case of a volunteer, a written agreement with such facility, provided that the person received written notice concerning the provisions of this paragraph; provided further, however, "employee" shall not include a person with a developmental disability who is or was receiving services and is also an employee of a service provider and who has sexual contact with another service recipient who is a consenting adult who has consented to such contact; or

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

**Affirmative consent to sexual activity** [New York Education Law § 6441]

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

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

**HARTWICK COLLEGE DEFINITION**

Affirmative Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.
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• Consent cannot be when it is the result of any coercion, intimidation, force, or threat of harm.
• When consent is withdrawn or can no longer be given, sexual activity must stop.

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

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

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

• Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
• Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

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

Subject Codes for Tables

<table>
<thead>
<tr>
<th>Code</th>
<th>Topic</th>
<th>Code</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>RRSA</td>
<td>Risk Reduction and Safety Awareness</td>
<td>DA V</td>
<td>Dating Violence</td>
</tr>
<tr>
<td>DV</td>
<td>Domestic Violence</td>
<td>BI</td>
<td>Bystander Intervention</td>
</tr>
<tr>
<td>SA</td>
<td>Sexual Assault</td>
<td>ST</td>
<td>Stalking</td>
</tr>
<tr>
<td>CON</td>
<td>Affirmative Consent</td>
<td></td>
<td></td>
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Primary Prevention and Awareness Programs for First-year Students

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date of Program</th>
<th>Location</th>
<th>Subject Code Covered</th>
</tr>
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### Primary Prevention and Awareness Programs for New Employees

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date of Program</th>
<th>Location</th>
<th>Subject Code Covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>United Educators: Prevent Discrimination and Harassment Together</td>
<td>Within 30 days of hire</td>
<td>Online</td>
<td>RRSA; DA V; DV; SA; ST</td>
</tr>
<tr>
<td>United Educators: Prevent Sexual Violence Together</td>
<td>Within 30 days of hire</td>
<td>Online</td>
<td>RRSA; DA V; DV; SA; ST</td>
</tr>
<tr>
<td>New Employee Orientation</td>
<td>Monthly or as needed</td>
<td>In-Person</td>
<td>RRSA; DA V; DV; BI; SA; ST; CON</td>
</tr>
<tr>
<td>New Faculty Seminar – Title IX</td>
<td>April 9, 2021</td>
<td>In-Person</td>
<td>DA V; DV; SA; ST</td>
</tr>
</tbody>
</table>

### Ongoing Awareness and Prevention Programs for Students

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date of Program</th>
<th>Location</th>
<th>Subject Code Covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>EverFi Sexual Assault Prevention – Healthy Relationships</td>
<td>Fall 2020</td>
<td>Online</td>
<td>RRSA; DA V; DV; BI; SA; ST; CON</td>
</tr>
<tr>
<td>First Responder Training – Student Leaders</td>
<td>August 20, 2020</td>
<td>Online</td>
<td>RRSA; DA V; DV; BI; SA; ST; CON</td>
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<tr>
<td>First Responder Training – Student Leaders</td>
<td>March 2021</td>
<td>In-Person / Zoom</td>
<td>RRSA; DA V; DV; BI; SA; ST; CON</td>
</tr>
<tr>
<td>New Fraternity / Sorority Member Education</td>
<td>March 13, 2021</td>
<td>In-Person</td>
<td>RRSA; DA V; DV; BI; SA; ST; CON</td>
</tr>
<tr>
<td>Sexual Assault Awareness Month Program Series</td>
<td>April 2021</td>
<td>In-Person</td>
<td>RRSA; DA V; DV; BI; SA; ST; CON</td>
</tr>
<tr>
<td>Denim Day</td>
<td>April 23, 2021</td>
<td>In-Person</td>
<td>RRSA; DA V; DV; BI; SA; ST; CON</td>
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<tr>
<td>Escalation Workshop</td>
<td>April 29, 2021</td>
<td>In-Person</td>
<td>RRSA; DA V; DV; BI; SA; ST; CON</td>
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<tr>
<td>Take Back the Night</td>
<td>April 29, 2021</td>
<td>In-Person</td>
<td>RRSA; DA V; DV; BI; SA; ST; CON</td>
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### Ongoing Awareness and Prevention Programs for Employees

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<thead>
<tr>
<th>Name of Program</th>
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<th>Location</th>
<th>Subject Code Covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>United Educators: Prevent Discrimination and Harassment Together</td>
<td>October 2020</td>
<td>Online</td>
<td>RRSA; DA V; DV; SA; ST</td>
</tr>
<tr>
<td>United Educators: Prevent Sexual Violence Together</td>
<td>October 2020</td>
<td>Online</td>
<td>RRSA; DA V; DV; SA; ST</td>
</tr>
<tr>
<td>Take Back the Night</td>
<td>April 29, 2021</td>
<td>In-Person / Zoom</td>
<td>RRSA; DA V; DV; BI; SA; ST; CON</td>
</tr>
</tbody>
</table>

### Bystander Intervention and Risk Reduction

#### Bystander Intervention

Bystanders play a critical role in the prevention of sexual and relationship violence. According to Stanford University’s SHARE Title IX Office, “The key to bystander intervention is the recognition and acceptance that you might be the only one that will act and you should take measures to intervene in the interests of helping someone else, while assessing and taking precautions to protect your own safety and
well-being.” Stanford University suggests that there are many different ways to safely respond, including the 3Ds of intervention:

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

**Risk Reduction**

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

**INCREASING ON-CAMPUS SAFETY**

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

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

**SAFETY IN SOCIAL SETTINGS**

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

- **Make a plan.** If you’re going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don’t leave someone stranded in an unfamiliar or unsafe situation.
- **Protect your drink.** Don’t leave your drink unattended, and watch out for your friends’ drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink
from unopened containers or drinks you watched being made and poured. It’s not always possible
to know if something has been added to someone’s drink. In drug-facilitated sexual assault, a
perpetrator could use a substance that has no color, taste, or odor.

- **Know your limits.** Keep track of how many drinks you’ve had, and be aware of your friends’
  behavior. If one of you feels extremely tired or more drunk than you should, you may have been
derugged. Leave the party or situation and find help immediately.

- **It’s okay to lie.** If you want to exit a situation immediately and are concerned about frightening or
  upsetting someone, it’s okay to lie. You are never obligated to remain in a situation that makes
  you feel uncomfortable, pressured, or threatened. You can also lie to help a friend leave a
  situation that you think may be dangerous. Some excuses you could use are needing to take care
  of another friend or family member, an urgent phone call, not feeling well, and having to be
  somewhere else by a certain time.

- **Be a good friend.** Trust your instincts. If you notice something that doesn’t feel right, it probably
  isn’t. Learn more about how to keep your friends safe in social settings.

**FEELING SAFE AFTER AN ASSAULT**

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

- **Make use of on-campus resources.** Colleges often provide a host of services to students for free,
  including security escorts, health centers, psychological services, and sexual assault services.

- **Request a schedule or housing change.** If you have classes with the perpetrator or live in the same
  building, you can request a change from your college administration. Federal laws, such as
  the Campus SaVE Act, require colleges to honor these requests.

- **Access off-campus support services.** If you are concerned about anonymity, you can seek out
  resources located off campus in the community, like a local sexual assault service provider or
  domestic violence shelter.

- **Seek a civil protection order (CPO).** A CPO, sometimes also referred to as a temporary
  restraining order (TPO), is a legal document that bars an individual from certain types of contact
  with the person who is awarded the order. An individual who violates the terms of the restraining
  order can face criminal charges. Each state has its own rules and regulations for Sexual Assault
  CPOs that you can learn more about through the American Bar Association.

- **Create a safety plan.** If you are concerned for your ongoing safety, it can be worthwhile to create
  a safety plan. Safety planning is about finding ways to be safe in the present while planning for
  your future safety as well.

**WARNING SIGNS THAT SOMEONE MAY HAVE BEEN SEXUALLY ASSAULTED**

- Signs of depression, such as persistent sadness, lack of energy, changes in sleep or appetite,
  withdrawing from normal activities, or feeling “down”

- Self-harming behaviors, thoughts of suicide, or suicidal behaviors

- Low self-esteem

- Sexually transmitted infections (STIs)

- Anxiety or worry about situations that did not seem to cause anxiety in the past

- Avoiding specific situations or places

- Falling grades or withdrawing from classes

- Increase in drug or alcohol use

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

**INTIMATE PARTNER SEXUAL VIOLENCE**

**Warning Signs of abuse include a partner who:**

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

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

Hartwick College’s Title IX and Sexual Misconduct Policy governs all reports and formal complaints of sexual misconduct, including dating violence, domestic violence, sexual assault, stalking, sex discrimination, sex/gender-based harassment, sexual harassment, and retaliation. An individual who has a question about which Policy applies in a specific instance should contact Hartwick’s Title IX Coordinator.

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

When an alleged violation of the Title IX and Sexual Misconduct Policy is reported, the allegations are subject to resolution under one of two formal grievance processes, Process A or Process B, as determined by the Title IX Coordinator. Process A applies only to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking) as defined by Title IX. Process B applies to all sexual misconduct and retaliation (including sexual assault, dating violence, domestic violence, and stalking) that does not fall under Process A, as determined by the Title IX Coordinator.
Both Process A and Process B contain an informal resolution process. These procedures and processes can be found online at [www.hartwick.edu/titleix](http://www.hartwick.edu/titleix).

These procedures may be applied to any single incident, to patterns of behavior, and/or to the general climate of an education program or activity, all of which may be addressed and investigated in accordance with the Title IX and Sexual Misconduct Policy. While sexual misconduct can constitute a criminal offense under New York State law or federal law, a person’s conduct may violate the Title IX and Sexual Misconduct Policy even if it does not violate State or federal law. Each member of the College community is expected to assist in maintaining a working and learning environment that is free of sex discrimination, sexual harassment, domestic violence, dating violence, sexual assault, stalking, and other sexual misconduct.

Reporting parties have a right to emergency access to the Title IX Coordinator or other designated individuals trained in interviewing victims of sexual assault upon the first instance of disclosure. These individuals are specially designated by the College and trained to receive reports of sexual misconduct violations (including sexual assault, dating violence, domestic violence, and stalking) and will provide information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and detailing that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney. This individual will also explain whether he or she is authorized to offer the reporting individual confidentiality or privacy, and will inform the reporting individual of other reporting options.

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

**Reporting Violations of domestic violence, dating violence, sexual assault, or stalking**

The College encourages individuals who become aware of an incident of sexual misconduct (sexual assault, dating violence, domestic violence, and stalking) to report the incident to the College by contacting the Title IX Coordinator. A victim has the option to report or decline to report incidents of sexual misconduct to local law enforcement. The College will assist victims in contacting law enforcement.

There are various resources and reporting options, both internal and external to the College, available to individuals as needed or desired. The College also provides individuals with the opportunity to discuss the alleged incident with a trained professional on campus and understands that victims of sexual misconduct (sexual assault, dating violence, domestic violence, and stalking) may wish to discuss the incident with the assurance that the discussion will be confidential. All of these options are provided and explained below.

Any person may report sex discrimination, including sexual harassment, domestic violence, dating violence, sexual assault, and stalking (whether or not the person reporting is the person alleged to be the
victim of such conduct), at any time (including during non-business hours) in person, by mail, by telephone, by electronic mail, or online, using the contact information listed for the Title IX Coordinator.

Michael Arno  
Title IX Coordinator  
College Compliance Officer  
Shineman, Room 102  
P.O. Box 4020  
Oneonta, NY 13820  
(607) 431-4293  
ArnoM@Hartwick.edu

Cary Dresher  
Deputy Title IX Coordinator  
Assistant VP of Student Experience  
Office of Student Experience  
Dewar, 4th floor  
(607) 431-4532  
DresherC@Hartwick.edu

John Czarnecki  
Deputy Title IX Coordinator  
Athletic Director  
Department of Athletics  
Binder, Room 104  
(607) 431-4702  
CzarneckiJ@Hartwick.edu

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

Inquiries may be made externally at the U.S. and New York State Departments of Education

U.S. Department of Education  
Office for Civil Rights  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Telephone: 1-800-421-3481  
Fax: 202-453-6012  
Email: OCR@ed.gov

Office for Civil Rights, New York Office  
32 Old Slip, 26th Floor  
New York, NY 10005-2500  
Telephone: 646-428-3800  
Facsimile: 646-428-3843  
Email: OCR.NewYork@ed.gov

New York State Education Department  
Office of Higher Education  
89 Washington Avenue  
Albany, NY 12234  
(518) 486-3633  
www.nysed.gov

Reporting to Law Enforcement

The College strongly encourages victims of sexual misconduct (including sexual assault, dating violence, domestic violence, and stalking) to promptly report the incident to the police. Timing is a critical factor in collecting and preserving evidence that may assist in proving that the alleged misconduct occurred or may be helpful in obtaining a protection or restraining order; preservation of such evidence is important.

The College’s Campus Safety staff, located on the third floor of Dewar, is available 24/7 to assist you in notifying law enforcement of an incident and in contacting law enforcement or legal service organizations to learn about these remedies. You may also decline to notify law enforcement. The criminal process and the College’s processes are not mutually exclusive or dependent on each other, meaning that a person may pursue just a criminal complaint, just a college complaint, or both. The contact information for law enforcement resources is:

- Hartwick Campus Safety, Dewar 3rd floor, 607-431-4111
- NYS Police Sexual Assault Hotline, 1-844-845-7269
- Oneonta Police Department, 607-432-1113

Orders of protection may be available to individuals who have experienced or are threatened with violence. The College will abide by a lawfully issued order of protection. Campus Safety or other College officials will, upon request, provide reasonable assistance to students and employees in obtaining an order of protection or, if outside of New York State, an equivalent protective or restraining order. If an order of protection is granted, the Complainant and the Respondent have the right to receive a copy of the order of protection when the order is received by the College. Both parties will also have the opportunity to have an appropriate College employee explain the order, the consequences for violating the order, and answer
any questions about the order. Additionally, if the Respondent violates the order of protection, the Complainant may receive assistance from the College in calling local law enforcement to inform them of the violation.

Any internal College process will be conducted concurrently with any criminal investigation and proceeding that may be pending. Temporary delays in the College’s internal processes may be requested by law enforcement authorities for the purpose of gathering evidence; these temporary delays shall not last more than 10 days, except when law enforcement authorities specifically request and justify a longer delay. Not all sexual misconduct under the Title IX and Sexual Misconduct Policy is a crime and the standard applied in criminal cases (beyond a reasonable doubt) is different than the College’s standard (preponderance of the evidence) under the Title IX and Sexual Misconduct Policy. Questions about whether incidents violate criminal laws and how the criminal process works should be directed to law enforcement officials or the Otsego County District Attorney.

A Complainant has the right to receive assistance from appropriate College representatives in initiating legal proceedings in family court or civil court. Please contact the Title IX Coordinator for more information.

**Officials with Authority and Responsible Employees**

Officials with Authority (OWAs) means an employee of the College who has the authority to implement corrective measures on behalf of the College. OWAs include: the Title IX Coordinator, Deputy Title IX Coordinators, the Chief Human Resources Officer, the Senior Vice President for Enrollment and Student Success, and the Interim Vice President for Academic Affairs/Dean of the Faculty.

Responsible Employee means an employee of the College who is obligated by this Policy to share knowledge of alleged sexual misconduct and/or retaliation with the Title IX Coordinator. The College does not have notice or actual knowledge of information known only by a Responsible Employee who is not also an Official with Authority. All employees of Hartwick College, with the exception of those who are designated as confidential resources, are Responsible Employees.

**Amnesty**

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

**For employees**

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

Confidentiality
Reporting parties have the right to disclose confidentially an incident of sexual misconduct (including sexual assault, dating violence, domestic violence, and stalking) to Hartwick College representatives who may offer confidentiality pursuant to applicable laws and can assist in obtaining services for reporting individuals. Reporting individuals also have the right to disclose confidentially and obtain services from the state or local government. Professional, licensed counselors and pastoral counselors (e.g., clergy/chaplain) who provide mental health counseling to members of the College community (including those who act in that role under the supervision of a licensed counselor) may not report any information about an incident of sexual misconduct (including sexual assault, dating violence, domestic violence, and stalking) disclosed while acting within the scope of that counselor’s license or certification to the Title IX Coordinator without a Complainant’s permission.

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

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

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

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

- Opportunities for Otsego, Inc.’s VIP, 607-432-4855 24-hour hotline
- NYS Domestic Violence Hotline, 1-800-942-6906
- New York State Office of Victim Services, 1-800-247-8035
- A.O Fox Hospital, 1 Norton Drive, Oneonta, NY 13820, 607-432-2000
- Bassett Medical Center, 1 Atwell Drive, Cooperstown, NY 13326, 607-547-3456

These confidential resources can help and provide information regarding medical assistance and treatment (including information about sexually transmitted infections, and sexual assault forensic examinations), and resources available through the New York State Office of Victim Services, and law enforcement options. The on-campus health and counseling services noted as confidential reporting resources are available to students free of charge. Employees are not eligible for on campus services, but eligible employees may utilize their Employee Assistance Program (“EAP”) benefits. More information regarding EAP benefits is available to employees online in D2L (online intranet). The above-listed hotlines are also available free of charge. All of the confidential reporting resources maintain confidentiality except in extreme cases of immediacy of threat, or danger, or abuse of a minor.

Records generated in connection with reports, investigations, grievance processes, and appeals are maintained in confidential files for at least seven years by an appropriate office, which may be the Title IX Coordinator, the Assistant Vice President for Student Experience, Chief Human Resource Officer, and/or the Registrar (for records concerning disciplinary outcomes). Only those with a right and need to know are permitted access. The Parties will have access to a full and fair record of the hearing in which they were involved and have the right to have all information obtained during the course of the grievance process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.
The College will maintain the confidentiality of the supportive measures, except as necessary to provide such supportive measures.

The College must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report of sexual misconduct, including domestic violence, dating violence, sexual assault, and stalking, or formal complaint. In each instance, the College must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the College’s education program or activity. If the College does not provide a Complainant with supportive measures, then the College must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The College will make reports of certain crimes occurring in specific geographic locations that shall be included in the College’s Annual Security Report pursuant to the Clery Act, 20 U.S.C. § 1092(f), in an anonymized manner that identifies neither the specifics of the crime nor the identity of the reporting individual, including a Complainant. The College is obligated to and will issue timely warnings of crimes enumerated in the Clery Act occurring within relevant geography that are reported to campus security or local police agencies and that represent a serious or continuing threat to students and employees, except in those circumstances where issuing such a warning may compromise current law enforcement efforts, jeopardize the safety of an individual, cause a suspect to flee or evade detections, result in the destruction of evidence, or when the warning itself could potentially identify the reporting individual or Complainant. A reporting individual or Complainant will not be identified in a timely warning.

Written Notification

Supportive Measures
The College will inform, in writing, and provide supportive measures to the Complainant and the Respondent, as appropriate and reasonably available, without fee or charge to the parties. Complainants do not need to report the incident to campus safety or law enforcement or proceed with a formal grievance process in order to receive supportive measures. Supportive measures are non-disciplinary, non-punitive individualized services that can range from referral to supportive services such as counseling or medical services to class and housing modifications, withdrawals, or leaves of absence. Examples of supportive measures include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services;
- Referral to the Employee Assistance Program (EAP);
- Referral to community-based service providers;
- Student financial aid counseling;
- Education to the institutional community or community subgroup(s);
- Altering campus housing assignment(s);
- Altering work arrangements for employees or student-employees;
- Providing campus safety escorts;
- Providing transportation accommodations;
- Implementing contact limitations (no-contact orders) between the parties;
- Academic support, extensions of deadlines, or other course/program-related adjustments;
- Timely warnings;
- Class schedule modifications, withdrawals, or leaves of absence;
- Increased security and monitoring of certain areas of the campus; or
- Any other actions deemed appropriate by the Title IX Coordinator.
At the time that supportive measures are offered, the College will inform the Complainant, in writing, that they may initiate a formal grievance process with the College either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

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

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

**Rights, Options and Resources**

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

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

**Disciplinary Procedures for Domestic violence, dating violence, sexual assault, and stalking**

Hartwick College’s disciplinary procedures for sexual assault, domestic violence, dating violence and stalking are detailed in the Title IX and Sexual Misconduct Policy. The disciplinary procedures are comprised of 2 processes, Process A and Process B. These disciplinary proceedings are used to address any combination of Hartwick community members:

- Student to Student
- Student to Faculty/Staff
- Faculty/Staff to Faculty/Staff

“Process A” applies to allegations of domestic violence, dating violence, sexual assault, or stalking that meet Title IX’s definition of domestic violence, dating violence, sexual assault, or stalking. To fall under Title IX, the incident of domestic violence, dating violence, sexual assault, or stalking must have been in an education program or activity of the College against a person in the United States. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the College.
“Process B” applies to all allegations of domestic violence, dating violence, sexual assault, or stalking that do not constitute Title IX.

College officials that conduct disciplinary proceedings (i.e. Title IX Coordinators, investigators, decision makers, and anyone who facilitates an informal resolution process) are trained in the definition of Title IX sexual harassment, the scope of the College’s education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision makers will receive training on technology to be used at a live hearing and on issues of relevance of questions and evidence. Investigators will also receive training on issues of relevance. Administrative contacts, persons assigned as investigators and individuals appointed to disciplinary hearing proceedings to hear alleged violations of this Policy (e.g., hearing officers and appellate officers) will receive annual training on relevant topics, including discrimination, harassment, sexual misconduct, sexual assault, stalking, domestic violence and dating violence, the effects of trauma, impartiality, the rights of the Respondent, including the presumption of “not responsible,” and how to conduct investigations of sexual violence and disciplinary proceedings pursuant to the College’s policies and procedures and that protect the safety and respectful treatment of all parties and promote accountability. Any training materials used to train any of these individuals is available on the College’s public website.

Below are the disciplinary procedures (i.e., grievance procedures) prescribed by Process A and Process B.

**Process A Formal Grievance Process for Allegations of Title IX Sexual Assault, Domestic Violence, Dating Violence and Stalking**

Process A applies only to qualifying allegations of sexual harassment, domestic violence, dating violence, sexual assault, or stalking. Qualifying allegations are allegations of Title IX sexual harassment, domestic violence, dating violence, sexual assault, or stalking of which the College has actual knowledge, and which occur during the College’s education programs or activities against a person in the United States.

If a dismissal occurs under Process A, please see Process B for a description of the processes applicable to the resolution of such offenses, if applicable. Process B may also apply to sexual harassment, domestic violence, dating violence, sexual assault, or stalking when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator.

**Process A Timeframe**

Unless there is good cause for temporary delay(s) or limited extension(s), the College will promptly conclude aspects of the formal grievance process within the following timeframes:

1. The formal grievance process, excluding time spent on informal processes or appeal, will be concluded within 90 business days of the filing of a formal complaint.
2. Appeals will be concluded within 30 business days of the filing of an appeal.
3. Informal Resolutions will be concluded within 20-30 business days of receiving both parties’ voluntary, written consent to the informal resolution process.

Good cause may include, but is not limited to, absence of a party, advisor, or witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. In the case of a temporary delay of the grievance process or a limited extension of time frames for good cause, the College will provide the Complainant and Respondent with written notice of such delay or extension and the reasons for the action.

**Process A Progression from Report to Formal Complaints**
Formal Complaints
If a Complainant chooses to file a formal complaint, the College will initiate Process A, including investigation into the Complainant’s allegations as further described in the Title IX and Sexual Misconduct Policy. The College must investigate the allegations in a formal complaint. A formal complaint means a document filed by the Complainant or signed by the Title IX Coordinator alleging Title IX sexual assault, domestic violence, dating violence, and/or stalking by a Respondent and requesting that the College investigate the allegation(s). A formal complaint may be filed with the Title IX Coordinator at any time (including during non-business hours) in person, by mail, by telephone, by electronic mail, or online.

A Complainant also has the right to withdraw a formal complaint or report from the College at any time. If the Complainant reports Title IX domestic violence, dating violence, sexual assault, or stalking and elects to take no formal action, the Complainant can change that decision and decide to pursue a formal process at a later date by filing a formal complaint.

When a Complainant Does Not Wish to Proceed
The College will seek consent from Complainants prior to conducting an investigation; the Title IX Coordinator will weigh any request for confidentiality against Hartwick’s obligation to provide a safe, non-discriminatory environment for all members of its community. If a Complainant wants a report to remain confidential, such that the Complainant’s identity will not be disclosed to the Respondent, and chooses not to file a formal complaint, the Complainant may receive supportive measures without an investigation being conducted, unless the Title IX Coordinator, after having considered the Complainant’s wishes, determines, in light of the known circumstances, that it would be clearly unreasonable for the College not to investigate the Complainant’s allegations (e.g., would not adequately mitigate a potential risk of harm to the reporting individual or other members of the community) or does not comply with state or federal law. Honoring such a request may limit the College’s ability to meaningfully investigate and pursue action against a Respondent. Factors used to determine whether to honor such a request include but are not limited to:

- Whether the Respondent has a history of violent behavior, a pattern of misconduct or is a repeat offender;
- Whether the incident represents escalation in unlawful conduct on behalf of the Respondent from previously noted behavior;
- The increased risk that the Respondent will commit additional acts of violence;
- Whether the Respondent used a weapon, violence or force;
- Whether the Complainant is a minor; and
- Whether the College possesses other means to obtain evidence such as security footage, and whether available information reveals a pattern of perpetration at a given location or by a particular group.

The Title IX Coordinator has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so. The Title IX and Sexual Misconduct Policy provides the Complainant with as much control over the process as possible, while respecting the College’s obligation to protect its community and follow the law. If the Title IX Coordinator determines that not filing a formal complaint would be clearly unreasonable, then the Title IX Coordinator will sign the formal complaint, inform the Complainant or reporting party that it has been signed, and take action as necessary to protect and assist them.
Anonymous Complaints

A Complainant may desire to have corrective measures taken, but may wish to have their identity as the Complainant kept confidential. However, disciplinary sanctions or other actions that are not supportive measures may not be imposed on the Respondent prior to completion of a Formal Grievance Process and a finding of responsibility, and a known Complainant cannot remain anonymous during the Process A Formal Grievance Process regardless of who, Complainant or the Title IX Coordinator, files the formal complaint. If a report is filed anonymously and the Complainant is not identified, the Title IX Coordinator may still proceed with filing a formal complaint, should circumstances warrant. However, the College’s ability to respond to the formal complaint may be limited.

If the report is made by someone other than the Complainant, the Title IX Coordinator will reach out to the Complainant and Respondent and offer supportive measures. However, a third-party’s report will not trigger an investigation.

PROCESS A NOTICE OF ALLEGATIONS

The Complainant and the Respondent shall receive notice referencing the provision(s) of the Title IX and Sexual Misconduct Policy alleged to have been violated and in what manner and the possible sanctions that may be imposed. Both parties will be provided with the date, time, location, and factual allegations concerning the alleged violation and a copy of the Title IX and Sexual Misconduct Policy. Additionally, once the College has received a formal complaint, written notice of the following will be sent by the Title IX Coordinator to parties who are known:

- Information about the applicable grievance processes, including any informal resolution process.
- The allegations of sexual harassment, domestic violence, dating violence, sexual assault, or stalking potentially constituting Title IX violations, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Title IX violations, and the date and location of the alleged incident, if known.
- 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.
- The parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
- A statement about the College’s prohibition on retaliation.
- Any provision in the College’s code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, during the investigation, the College decides to investigate allegations about the Complainant or Respondent that are not included in the original notice described above, the College will provide notice of the additional allegations to the parties whose identities are known.

DISMISSAL OF A FORMAL COMPLAINT UNDER PROCESS A

There are certain circumstances where a formal complaint must or may be dismissed from the Process A grievance process. This decision may be made at any stage of the process. Dismissal of a formal complaint from the Process A grievance process does not preclude action under Process B or other College policy.

The College must dismiss a formal complaint from the Process A grievance process when the conduct alleged in the formal complaint:
1. Would not constitute Title IX sexual harassment, domestic violence, dating violence, sexual assault, or stalking, even if proved;
2. Did not occur in the College’s education program or activity;
3. Did not occur against a person in the United States; or
4. The Complainant is not participating in or attempting to participate in the College’s education program or activity at the time of filing a formal complaint.

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

1. The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
2. The Respondent is no longer enrolled at or employed by the College; or
3. Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If a formal complaint and/or any allegations therein are dismissed, the Title IX Coordinator will promptly and simultaneously send written notice of the dismissal and the reasons therefore to the parties. The dismissal decision is appealable by any party under the procedures for an appeal below.

PROCESS A INFORMAL RESOLUTION

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

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

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

An informal resolution does not necessarily require the parties to meet together. An informal resolution may involve a college employee and/or a third-party facilitator, to be selected by the College. Anyone designated to facilitate an informal resolution process will not have a conflict of interest or bias. The results of Informal Resolution are not appealable. At any time during the process, the Complainant or the Respondent has the right to resume the formal processing of the complaint.
Informal resolution may involve mediation or restorative practices, by which the parties reach a mutually agreed upon resolution of an allegation. The Title IX Coordinator or designee may also, with the consent of the parties, negotiate and implement an agreement to resolve the allegations that satisfies all parties. If an informal resolution results in an agreement, then the informal resolution is considered successful. Both parties will sign a statement agreeing that the matter will be considered resolved. If attempts at informal resolution are unsuccessful, then the formal process will resume.

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

Process A Investigation of Formal Complaint
An investigation may occur because a Complainant wished to proceed with a formal complaint, or because the Title IX Coordinator signed a formal complaint. The College strives to ensure that formal complaints are responded to in a prompt, fair, timely, thorough, and impartial manner.

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

Formal complaints of Title IX domestic violence, dating violence, sexual assault, or stalking will be investigated normally within 45 to 60 business days of the filing of a formal complaint, though some investigations may take more time depending on the nature and specific circumstances of the case, involvement of law enforcement, and/or availability of witnesses. The College will make a good faith effort to complete investigations as promptly as possible and will communicate regularly with the parties to update them on progress, timing of the investigation and delay for good cause, if necessary.

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

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

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

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

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

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

**PROCESS A HEARING**

A live hearing is required as part of the formal grievance process. The Title IX Coordinator will appoint a Hearing Officer from a pool of specially trained College personnel. Where circumstances warrant, the Title IX Coordinator may determine that a Hearing Officer external to the College will be assigned. The Hearing Officer will not have a conflict of interest or bias. Neither the Title IX Coordinator nor the Investigator(s) may serve as the Hearing Officer. After the investigative report is shared with and reviewed by the parties, the Title IX Coordinator will assign the matter to be heard by the Hearing Officer. The Hearing Officer will review the final investigatory report and supporting evidence as well as any written response to the final report submitted by the parties. The parties are free to reference the investigative report and any evidence during the hearing.
The Title IX Coordinator or designee will provide the parties with a written notice of the hearing at least 5 business days in advance. The written notice will include:

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

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

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

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

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

If a party or witness does not attend the live hearing and submit to cross-examination at the live hearing, the Hearing Officer cannot rely on any statement of that party or witness in reaching a determination regarding responsibility. The Hearing Officer is not permitted to draw any inference regarding the determination of responsibility based solely on a party or witness’s absence from the live hearing or refusal to answer cross-examination or other questions. An audio or audiovisual recording/transcript of any live hearing will be created and made available to the parties for inspection and review.

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

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

If the Hearing Officer concludes that the Respondent is responsible for a violation of the Title IX and Sexual Misconduct Policy, then the Hearing Officer shall receive the Respondent’s disciplinary record (i.e., any previous disciplinary action or other violation of College Policy, including the Title IX and Sexual Misconduct Policy, for which the Respondent was found responsible), and the party’s impact statements to consider, as appropriate, in determining sanctions. The disciplinary sanction(s) for a violation of the Title IX and Sexual Misconduct Policy will be based on a consideration of all of the circumstances, including but not limited to: the nature and severity of the conduct, the Respondent’s disciplinary history, and any other information deemed relevant by the Hearing Officer.
Within 10 business days of the conclusion of the hearing process, the Hearing Officer will issue a written decision to the Title IX Coordinator outlining relevant factual findings and whether a violation of the Title IX and Sexual Misconduct Policy has occurred and, if relevant, the appropriate sanctions. The Hearing Officer must issue a written determination that must include:

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

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

**DISCIPLINARY SANCTIONS AND REMEDIES**

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

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

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

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

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

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

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

The Title IX Coordinator, or designee, will determine if the written appeal clearly identifies one or more of the grounds for appeal. The Title IX Coordinator will not assess the merit of the appeal, but will review the documentation to confirm that grounds for an appeal have been asserted in the appeal. If a request for appeal is accepted, both parties will be notified in writing that an appeal is filed. The non-appealing party will be provided the opportunity to review the appeal and will be permitted 5 business days from the date of review of the appeal to submit a written statement in support of, or challenging, the appeal.

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

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

A preponderance of the evidence standard will be applied on appeal. Unless there is good cause for temporary delay(s) or limited extension(s), the decision of the Appeals Panel will be communicated within 8 business days to both parties, simultaneously and in writing; the written decision will describe the result of the appeal and the rationale for the result. The Appeals Panel’s decision will be final and binding. Both parties have the right to choose whether to disclose or discuss the outcome of the formal grievance process.

**Process B Formal Grievance Process for Allegations of Title IX Sexual Assault, Domestic Violence, Dating Violence and Stalking**

Process B applies to all allegations of domestic violence, dating violence, sexual assault, stalking, sexual misconduct and retaliation that do not constitute Title IX sexual harassment, sexual assault, domestic violence, dating violence or stalking, and therefore do not qualify for Process A. If Process A is applicable to the alleged conduct, Process A must be applied instead of Process B. Process B applies to all allegations involving students, employees, or third parties and other related misconduct prohibited by the Title IX and Sexual Misconduct Policy.

**Process B Timeframe**

Unless there is good cause for temporary delay(s) or limited extension(s), the College will promptly conclude aspects of the formal Process B grievance process within the following timeframes:

1. The formal Process B grievance process, excluding time spent on informal processes or appeal, will be concluded within 90 business days of the decision to pursue formal actions.
2. Appeals will be concluded within 30 business days of the filing of an appeal.
3. Informal Resolutions will be concluded within 20-30 business days of receiving both parties’ voluntary, written consent to the informal resolution process.

Good cause may include, but is not limited to, absence of a party, advisor, or witness; concurrent law enforcement activity; or the need for language assistance of accommodation of disabilities. In the case of a temporary delay of the grievance process or a limited extension of time frames for good cause, the College will provide the Complainant and Respondent with written notice of such delay or extension and the reasons for the action.

**Process B Reports of Sexual Misconduct and/or Retaliation**

Reports of non-Title IX domestic violence, dating violence, sexual assault, stalking and/or retaliation may be filed with the Title IX Coordinator at any time (including during non-business hours) in person, by mail, by telephone, by electronic mail, or online.

**When a Complainant Does Not Wish to Proceed**

If a Complainant does not wish for her/his/their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, she/he/they may make such a request to the Title IX Coordinator; the Title IX Coordinator will weigh that request for confidentiality against Hartwick’s obligation to provide a safe, non-discriminatory environment for all members of its
community. If a Complainant wants a report to remain confidential, such that the Complainant’s identity will not be disclosed to the Respondent, and chooses not to proceed with Process B, the Complainant may receive supportive measures without an investigation being conducted, unless the Title IX Coordinator, after having considered the Complainant’s wishes, determines, in light of the known circumstances, that a failure to investigate would not adequately mitigate a potential risk of harm to the reporting individual or other members of the community. Where the only parties to the situation are employees, the College will be less inclined to honor a request for confidentiality. Note that the College’s ability to remedy and respond to a reported incident may be limited if the Complainant does not want the College to proceed with an investigation and/or the Process B grievance process. The Title IX and Sexual Misconduct Policy provides the Complainant with as much control over the process as possible, while respecting the College’s obligation to protect its community.

Factors used to determine whether a Complainant’s request for confidentiality can and will be honored include, but are not limited to:

- Whether the Respondent has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation in unlawful conduct on behalf of the Respondent from previously noted behavior;
- The increased risk that the Respondent will commit additional acts of violence;
- Whether the Respondent used a weapon or force;
- Whether the reporting individual is a minor;
- Whether the College possess other means to obtain evidence such a security footage; and
- Whether available information reveals a pattern of perpetration at a given location or by a particular group.

The Title IX Coordinator has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so. If the Title IX Coordinator determines that not conducting an investigation would not adequately mitigate a potential risk of harm to the reporting individual or other members of the community, then the Title IX Coordinator will initiate an investigation. The Title IX Coordinator will then inform the reporting party and/or the Complainant and take action as necessary to protect and assist them. If the Complainant reports sexual misconduct, including sexual assault, domestic violence, dating violence and/or stalking, and elects to take no formal action, the Complainant can change that decision and decide to pursue a formal process at a later date by informing the Title IX Coordinator in writing that the Complainant wishes the College to do so and proceed with an investigation.

If a Complainant chooses to have the College take action, the Complainant must communicate this decision in writing to the Title IX Coordinator; this can be done during the initial meeting with the Title IX Coordinator or at a later time. The College will then initiate an investigation into the Complainant’s allegations as further described in the Title IX and Sexual Misconduct Policy. Disciplinary sanctions or other actions that are not supportive measures may not be imposed on the Respondent prior to completion of Process B and a finding of responsibility.

A known Complainant may not be able to remain anonymous throughout Process B depending on the circumstances. If a report is filed anonymously and the Complainant is not identified, the Title IX Coordinator may still proceed with Process B, should circumstances warrant. However, the College’s ability to respond to that report may be limited. If the report is made by someone other than the Complainant, the Title IX Coordinator will reach out to the Complainant and Respondent and offer supportive measures.

**PROCESS B NOTICE OF ALLEGATIONS**
If either the Complainant or the Title IX Coordinator elects to pursue formal action in response to a report, the Complainant and the Respondent shall receive notice referencing the provision(s) of the Title IX and Sexual Misconduct Policy alleged to have been violated and in what manner and the possible sanctions that may be imposed. Both parties will be provided with the date, time, location, and factual allegations concerning the alleged violation and a link to or copy of the Title IX and Sexual Misconduct Policy. Additionally, written notice of the following will be sent by the Title IX Coordinator or her designee to parties who are known:

- Information about the Process B grievance process, including any informal resolution process.
- The allegations of conduct potentially constituting domestic violence, dating violence, sexual assault, stalking or other sexual misconduct, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting the domestic violence, dating violence, sexual assault, stalking or other sexual misconduct, and the date and location of the alleged incident, if known.
- The Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Process B grievance process.
- The parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
- Any provision in the College’s code of conduct or handbook that prohibits knowingly making false statements or knowingly submitting false information during the Process B grievance process.
- Prohibition against retaliation.

If, during the investigation, the College decides to investigate allegations about the Complainant or Respondent that are not included in the original notice described above, the College will provide notice of the additional allegations to the parties whose identities are known.

**Dismissal of a Report Under Process B**

The College will investigate the allegations in a report if either the Complainant wishes to move forward with formal action under Process B or the Title IX Coordinator feels it is necessary in light of the circumstances. However, some incidents may be more appropriately handled under another College Policy or procedure. The Title IX Coordinator will decide if an incident will not be pursued or will be handled under a different policy for this reason. This decision may be made at any stage of the process. Dismissal from the Process B grievance process does not preclude action under another provision of college policy or code of conduct. If a report and/or any allegations therein are dismissed, the Title IX Coordinator will promptly and simultaneously send written notice of the dismissal and the reasons therefore to the parties. The dismissal decision is appealable by any party under the procedures for an appeal below.

**Process B Informal Resolution**

In some cases, an informal resolution may be appropriate. At any time prior to reaching a determination regarding responsibility, the College may facilitate an informal resolution process that does not involve a full investigation and adjudication. The College will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of reports of domestic violence, dating violence, sexual assault, stalking or other sexual misconduct. Similarly, the College will not require the parties to participate in an informal resolution process under this section.
An informal resolution process can also be utilized in a Complainant-initiated Process B if that is agreeable to the College and both parties’ consent. Prior to beginning the informal process, the College will:

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

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

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

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

A case will not be resolved via informal resolution if:

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

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

PROCESS B INVESTIGATION
The College strives to ensure that reports are responded to in a prompt, fair, timely, thorough, and impartial manner. The investigation will be performed by appropriate trained persons. Where
circumstances warrant, the Title IX Coordinator or designee may determine that they will utilize investigators who are external to the College. No investigator will have a conflict of interest or bias.

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

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

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

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

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

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

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

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

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

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

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

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

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

**Determination of Responsibility**

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

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

Within 10 business days of the conclusion of the hearing process, the Hearing Officer will issue a written decision to the Title IX Coordinator outlining relevant factual findings and whether a violation of the Title IX and Sexual Misconduct Policy has occurred and, if relevant, the appropriate sanctions. The Hearing Officer will issue a written determination that must include:

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

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

**PROCESS B DISCIPLINARY SANCTIONS AND REMEDIES**

Disciplinary sanctions range from a warning up to and including expulsion/termination from the College or revocation of a degree. The disciplinary sanction(s) for a violation of the Title IX and Sexual Misconduct Policy will be based on a consideration of all of the circumstances, including but not limited to: the nature and severity of the conduct, the Respondent’s disciplinary history, previous allegations involving similar conduct, and any other information deemed relevant by the Hearing Officer. The following is a non-exhaustive list of sanction(s) that may be imposed:
• Behavioral requirement
• Change of class/job assignment and/or housing/work location
• Required training and/or counseling
• Disciplinary probation
• Educational requirements and/or community services
• Expulsion/termination
• Housing probation or removal from housing
• Removal from office/position, demotion, and/or reduction in pay
• Removal of privileges/eligibility restriction
• Suspension/leave with or without pay
• Written warning/letter of reprimand or censure
• Withholding diploma
• Revocation of degree
• Other sanctions as deemed appropriate

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

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

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

• Procedural irregularity that affected the outcome of the matter;
• New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
• The Title IX Coordinator, investigator(s), or decision-maker(s) (i.e., the Hearing Officer) had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that affected the outcome of the matter.
The Title IX Coordinator, or designee, will determine if the written appeal clearly identifies one or more of the grounds for appeal. The Title IX Coordinator will not assess the merit of the appeal, but will review the documentation to confirm that grounds for an appeal have been asserted in the appeal. If a request for appeal is accepted, both parties will be notified in writing that an appeal is filed. The non-appealing party will be provided the opportunity to review the appeal and will be permitted 5 business days from the date of review of the appeal to submit a written statement in support of, or challenging, the appeal.

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

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

**Transcript Notations**

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

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

**Annual Fire Safety Report**

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

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

Academic or Administrative Buildings
Hartwick College has a variety of academic and administrative buildings across the Main Hartwick Campus and the Pine Lake Environmental Campus.

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

IF THE FIRE ALARM SOUNDS:

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

IF YOU DISCOVER A FIRE:

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

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

**Fire Drills**
Hartwick College is bound by NYS law to hold fire drills thought out the academic year (including summer classes). Academic and administrative buildings will have three drills throughout the academic year. One or two during the fall semester and one or two during the spring semester. One will be between September 1st and December 1st. If any summer sessions are conducted, there is one required drill per summer session. **NOTE: No fire drills were conducted during the 2020 calendar year due to COVID-19.**

**Main Hartwick Campus Student Housing**
Hartwick has ten residence halls or living areas on the Main Hartwick Campus. Seven of the residence halls are traditional corridor style buildings. One of the residence halls is a traditional suite style building with two to three rooms in each suite unless it is one of the studio rooms reserved for Residential Life student staff. One of the residence halls is an apartment style building with two or four bedrooms in each apartment. One of the living areas is a townhouse quad with four sets of townhouses (two sets with six connected townhouses and two sets with four connected townhouses).

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

**If the Fire Alarm Sounds:**

- If an alarm activates, occupants should immediately evacuate the building using the nearest available exit.
- Occupants should not attempt to fight the fire unless they have been trained to do so.
- Occupants should attempt to wake any sleeping roommates or suitemates.
- Occupants should prepare to evacuate by putting on shoes and a coat if necessary and if it is safe to do so.
- While evacuating, occupants should feel doorknobs and doors with the backs of their hands.
  - Doors that are hot, do not open.
  - Doors that are cool, open slowly
  - If heat or heavy smoke rushes in, occupants should close the door immediately and remain inside. Place a wet towel under the door if possible or tape.
- While evacuating, occupants should take keys in case it is necessary to return to the room should the conditions in the corridor deteriorate.
- Occupants should close doors tightly while leaving.
- Residential Life Staff members who are present on their floors should facilitate the evacuation of their floors if safe to do so.
- Occupants should announce the emergency.
  - Example: “Emergency in the building, please use nearest exit.”
- Occupants should knock on doors as they exit.
- In smoky conditions stay low and crawl.
- Occupants should know how many doors between their room and the exit / stairwell. Occupants should know more than one way out of the building.
• Do not use elevators. Elevator shafts fill with smoke and power may fail, trapping the occupants. Elevators will not come when button is pushed. Standing waiting for an elevator is a waste of time.

• Each student should report to their assigned assembly area.
  o Residential Life Staff will report to their assigned assembly areas and make sure that students have cleared the building.
  o Residential Life Staff will conduct a head count and relay any information to Campus Safety.

• DO NOT enter the building for any reason until you are instructed to do so by a Hartwick College official.

IF YOU DISCOVER A FIRE:

• Remain calm and pull the nearest red manual pull station. (Usually located on the wall near stairwells and or exits.) This will activate the building’s fire alarm system and the alarm will sound. A monitoring center will receive the alarm and contact both Otsego County 911 center and the Campus Safety Dispatch Desk.

• Proceed to evacuate the building and go to the meeting area.

• Report the fire (regardless of size) to Campus Safety at 607-431-4111 once you are safely outside of the building. Be ready to give the following information:
  o Name;
  o Location of fire (Building name, room number, if it is an apartment, and apartment number or area); and
  o Number of people injured, trapped, if any.

• Assist in the evacuation of the building if it is safe to do so.

• Campus Safety upon any reported fire will notify Facilities Liaison immediately. If the Facilities Liaison is not available Campus Safety will notify NYS Fire.

• Do not re-enter the building until the “all clear” has been announced. This occurs after OFD gives their all clear and Campus Safety has completed a survey.

• Remember R.A.C.E.
  o R - Remove Yourself
  o A - Alarm
  o C - Close Doors
  o E - Evacuate

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

• Director and/or Assistant Director of Campus Safety
• Facilities Liaison

FIRE DRILLS
Hartwick College is bond by NYS law to hold fire drills thought out the academic year (including summer classes). Residence halls are tested twice during the fall semester and twice during the spring semester. If occupied during the summer by students, they are tested at least once per summer. One drill will be between September 1st and December 1st and one will be during the hours after sunset or before sunrise. NOTE: No fire drills were conducted during the 2020 calendar year due to COVID-19.

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

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

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

**IF THE FIRE ALARM SOUNDS:**

- If an alarm activates, occupants should immediately evacuate the building using the nearest available exit.
- Occupants should not attempt to fight the fire unless they have been trained to do so.
- Occupants should attempt to wake any sleeping roommates or suitemates.
- Occupants should prepare to evacuate by putting on shoes and a coat if necessary and if it is safe to do so.
- While evacuating, occupants should feel doorknobs and doors with the backs of their hands.
  - Doors that are hot, do not open.
  - Doors that are cool, open slowly
  - If heat or heavy smoke rushes in, occupants should close the door immediately and remain inside. Place a wet towel under the door if possible or tape.
- While evacuating, occupants should take keys in case it is necessary to return to the room should the conditions in the corridor deteriorate.
- Occupants should close doors tightly while leaving.
- Occupants should announce the emergency.
  - Example: “Emergency in the building, please use nearest exit.”
- Occupants should knock on doors as they exit.
- In smoky conditions stay low and crawl.
- Occupants should know how many doors between their room and the exit / stairwell. Occupants should know more than one way out of the building.
- Each student should report to their assigned assembly area.
  - Residential Life Staff will report to their assigned assembly areas and make sure that students have cleared the building.
  - Residential Life Staff will conduct a head count and relay any information to Campus Safety.
- DO NOT enter the building for any reason until you are instructed to do so by a Hartwick College official.

**IF YOU DISCOVER A FIRE:**
• Remain calm, exit the building, and call 911. A monitoring center will receive the alarm and contact both Delaware County 911 center and the Campus Safety Dispatch Desk.
  o The Robertson Lodge has manual pull boxes that may be utilized, but a call to 911 will still need to be made.
• Proceed to evacuate the building and go to the meeting area.
• Report the fire (regardless of size) to Campus Safety at 607-431-4111 once you are safely outside of the building. Be ready to give the following information:
  o Name;
  o Location of fire (Building name, room number, if it is an apartment, and apartment number or area); and
  o Number of people injured, trapped, if any.
• Assist in the evacuation of the building if it is safe to do so.
• Campus Safety upon any reported fire will notify Facilities Liaison immediately. If the Facilities Liaison is not available Campus Safety will notify NYS Fire.
• Do not re-enter the building until the “all clear” has been announced. This occurs after the fire department that responds gives their all clear and Campus Safety has completed a survey.
• Remember R.A.C.E.
  o R - Remove Yourself
  o A - Alarm
  o C - Close Doors
  o E - Evacuate

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

• Director and/or Assistant Director of Campus Safety
• Facilities Liaison

FIRE DRILLS
Fire drills can only be conducted in the Robertson Lodge. All fire safety devices in cabins are inspected monthly by Pine Lake professional staff. Floor plans identifying exit routes exist in all residential spaces at the Pine Lake Environmental Campus. NOTE: No fire drills were conducted during the 2020 calendar year due to COVID-19.

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

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

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

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

**Reporting a Fire**

*Report an active fire:*

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

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

*Report a fire that occurred:*

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

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

**Future Improvement Plans**

Hartwick College is committed to improving the state of fire safety and education across campus. At this time, the College is working to secure funding via grants to create a central monitoring station on campus at the Campus Safety Dispatch Desk. This will help with the notification process when there are emergencies occurring on campus. In addition, the College is working to increase fire training opportunities to all students, staff and faculty.
Description of Residence Hall Fire Alarm Systems
All residence halls are equipped with a standalone fire alarm systems that are then connected through a dedicated fiber optic network system. If a residence hall loses power, the fire alarm system has a battery backup and will still function for a period of time, to let residents know there is an emergency. This will be a “local” alarm only and Residential Life Staff will notify Campus Safety or 911. The fire alarms are tested by outside vendor at least twice a year and by NYS Fire Codes. The college performs fire drills though out the year.

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

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

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

Main Hartwick Campus Fire Statistics Charts for Residence Halls

Calendar Year 2018

<table>
<thead>
<tr>
<th>Facility</th>
<th>Total Fires in Each Building (Fire Number)</th>
<th>Cause of Fire</th>
<th>Number of Injuries that required Treatment at a Medical Facility</th>
<th>Number of Deaths Related to a Fire</th>
<th>Value of Property Damaged Caused by Fire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartment Complex (51 Mohawk Tr)</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Hilltop House (18 Oyaron Dr)</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Holmes Hall (7 Hartwick Dr)</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Leitzell Hall (21 Mohican Ln)</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Oyaron House (10 Oyaron Dr)</td>
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<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Saxton Hall (3 Hartwick Dr)</td>
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<td>$0</td>
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<tr>
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<tr>
<td>Townhouse A Block (3 Richie Quad)</td>
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<td>$0</td>
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</table>
### Calendar Year 2019

<table>
<thead>
<tr>
<th>Facility</th>
<th>Total Fires in Each Building (Fire Number)</th>
<th>Cause of Fire</th>
<th>Number of Injuries that required Treatment at a Medical Facility</th>
<th>Number of Deaths Related to a Fire</th>
<th>Value of Property Damaged Caused by Fire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartment Complex</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Hilltop House</td>
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<tr>
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</tr>
<tr>
<td>Oyaron House</td>
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<td>Not applicable</td>
<td>0</td>
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<td>$0</td>
</tr>
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<td>Saxton Hall</td>
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</tr>
<tr>
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<tr>
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</tr>
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</tr>
<tr>
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<tr>
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<td>$0</td>
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### Calendar Year 2020

<table>
<thead>
<tr>
<th>Facility</th>
<th>Total Fires in Each Building</th>
<th>Cause of Fire</th>
<th>Number of Injuries that required Treatment at a Medical Facility</th>
<th>Number of Deaths Related to a Fire</th>
<th>Value of Property Damaged Caused by Fire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartment Complex</td>
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<td>Hilltop House</td>
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<tr>
<td>Holmes Hall</td>
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<tr>
<td>Leitzell Hall</td>
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<tr>
<td>Oyaron House</td>
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<td>Saxton Hall</td>
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<td>Smith Hall</td>
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<td>Townhouse A Block</td>
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<td>Townhouse B Block</td>
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<td>Townhouse C Block</td>
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<td>Townhouse D Block</td>
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<td>van Ess Hall</td>
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<tr>
<td>Wilder Hall</td>
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</table>
### Main Hartwick Campus Fire Safety Systems in Residence Halls

<table>
<thead>
<tr>
<th>Facility</th>
<th>Clery Classification</th>
<th>Full Sprinkler System</th>
<th>Smoke Detection</th>
<th>Fire Extinguisher Devices</th>
<th>Evacuation Plan/Placards</th>
<th>Fire Alarm Monitoring Done off-site</th>
<th>Number of Evacuation (fire) Drills for Calendar Year 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartment Complex (51 Mohawk Tr)</td>
<td>On campus</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>0</td>
</tr>
<tr>
<td>Hilltop House (18 Oyaron Dr)</td>
<td>On campus</td>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Holmes Hall (7 Hartwick Dr)</td>
<td>On campus</td>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Leitzell Hall (21 Mohican Ln)</td>
<td>On campus</td>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>0</td>
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<tr>
<td>Oyaron House (10 Oyaron Dr)</td>
<td>On campus</td>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>0</td>
</tr>
<tr>
<td>Saxton Hall (3 Hartwick Dr)</td>
<td>On campus</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>0</td>
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</tbody>
</table>

### Treatment at a Medical Facility

<table>
<thead>
<tr>
<th>Facility</th>
<th>Related to a Fire</th>
<th>Damaged Caused by Fire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartment Complex (51 Mohawk Tr)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Hilltop House (18 Oyaron Dr)</td>
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</tr>
<tr>
<td>Saxton Hall (3 Hartwick Dr)</td>
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</tr>
</tbody>
</table>

### Main Hartwick Campus

<table>
<thead>
<tr>
<th>Facility</th>
<th>(Fire Number)</th>
<th>Treatment at a Medical Facility</th>
<th>Related to a Fire</th>
<th>Damaged Caused by Fire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartment Complex (51 Mohawk Tr)</td>
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<td>0</td>
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</tr>
<tr>
<td>Hilltop House (18 Oyaron Dr)</td>
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<td>0</td>
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<tr>
<td>Holmes Hall (7 Hartwick Dr)</td>
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<td>0</td>
<td>0</td>
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<tr>
<td>Leitzell Hall (21 Mohican Ln)</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Oyaron House (10 Oyaron Dr)</td>
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<tr>
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90
<table>
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<tr>
<th>Facility</th>
<th>On campus</th>
<th>Total Fires in Each Building (Fire Number)</th>
<th>Cause of Fire</th>
<th>Number of Injuries that required Treatment at a Medical Facility</th>
<th>Number of Deaths Related to a Fire</th>
<th>Value of Property Damaged Caused by Fire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Smith Hall (13 Iroquois Dr)</td>
<td>On campus</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Townhouse A Block (3 Richie Quad)</td>
<td>On campus</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Townhouse B Block (4 Richie Quad)</td>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Townhouse C Block (5 Richie Quad)</td>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td>Yes</td>
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<tr>
<td>Townhouse D Block (8 Richie Quad)</td>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>van Ess Hall (9 Mohican Ln)</td>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td>Wilder Hall (28 Oneida Ln)</td>
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<td>Yes</td>
<td>Yes</td>
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### Pine Lake Environmental Campus Fire Statistics Chart for Residence Halls

**Calendar Year 2018**

<table>
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<tr>
<th>Facility</th>
<th>Total Fires in Each Building (Fire Number)</th>
<th>Cause of Fire</th>
<th>Number of Injuries that required Treatment at a Medical Facility</th>
<th>Number of Deaths Related to a Fire</th>
<th>Value of Property Damaged Caused by Fire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outback 1 (21 Pine Lake Campus Rd)</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Outback 2 (23 Pine Lake Campus Rd)</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Outback 3 (25 Pine Lake Campus Rd)</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Robertson Lodge (1894 Charlotte Creek Rd)</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Redwood 1 (53 Pine Lake Campus Rd)</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Redwood 2 (339 Pine Lake Campus Rd)</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Cabin Bailey (51 Pine Lake Campus Rd)</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Hill &amp; Dale (295 Pine Lake Campus Rd)</td>
<td>0 (0)</td>
<td>Not applicable</td>
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<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Crossroads Cabin (283 Pine Lake Campus Rd)</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Strawbale (121 Pine Lake Campus Rd)</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Cobb House (77 Pine Lake Campus Rd)</td>
<td>0 (0)</td>
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**Calendar Year 2019**
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<th>Cause of Fire</th>
<th>Number of Injuries that required Treatment at a Medical Facility</th>
<th>Number of Deaths Related to a Fire</th>
<th>Value of Property Damaged Caused by Fire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pine Lake Environmental Campus</td>
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</tr>
<tr>
<td>Outback 1 (21 Pine Lake Campus Rd)</td>
<td>0 (0)</td>
<td>Not applicable</td>
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<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Outback 2 (23 Pine Lake Campus Rd)</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Outback 3 (25 Pine Lake Campus Rd)</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Robertson Lodge (1894 Charlotte Creek Rd)</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Redwood 1 (53 Pine Lake Campus Rd)</td>
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<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Redwood 2 (339 Pine Lake Campus Rd)</td>
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<td>Not applicable</td>
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<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Cabin Bailey (51 Pine Lake Campus Rd)</td>
<td>0 (0)</td>
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<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Hill &amp; Dale (295 Pine Lake Campus Rd)</td>
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<td>$0</td>
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<tr>
<td>Crossroads Cabin (283 Pine Lake Campus Rd)</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Strawbale (121 Pine Lake Campus Rd)</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Cobb House (77 Pine Lake Campus Rd)</td>
<td>0 (0)</td>
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<td>0</td>
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<td>$0</td>
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**Calendar Year 2020**

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<thead>
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<th>Total Fires in Each Building (Fire Number)</th>
<th>Cause of Fire</th>
<th>Number of Injuries that required Treatment at a Medical Facility</th>
<th>Number of Deaths Related to a Fire</th>
<th>Value of Property Damaged Caused by Fire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pine Lake Environmental Campus</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Outback 1 (21 Pine Lake Campus Rd)</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Outback 2 (23 Pine Lake Campus Rd)</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Outback 3 (25 Pine Lake Campus Rd)</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Robertson Lodge (1894 Charlotte Creek Rd)</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Redwood 1 (53 Pine Lake Campus Rd)</td>
<td>0 (0)</td>
<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
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<td>Not applicable</td>
<td>0</td>
<td>0</td>
<td>$0</td>
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<tr>
<td>Facility</td>
<td>Clery Classification</td>
<td>Full Sprinkler System</td>
<td>Smoke Detection</td>
<td>Fire Extinguisher Devices</td>
<td>Evacuation Plan/Placards</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>----------------------</td>
<td>-----------------------</td>
<td>-----------------</td>
<td>---------------------------</td>
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<tr>
<td>Pine Lake Environmental Campus</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Outback 1 (21 Pine Lake Campus Rd)</td>
<td>On campus</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Outback 2 (23 Pine Lake Campus Rd)</td>
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<td>Yes</td>
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<tr>
<td>Robertson Lodge (1894 Charlotte Creek Rd)</td>
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<td>No, fire suppression system in the kitchen</td>
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<td>Yes</td>
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<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Cabin Bailey (51 Pine Lake Campus Rd)</td>
<td>On campus</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Hill &amp; Dale (295 Pine Lake Campus Rd)</td>
<td>On campus</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Crossroads Cabin (283 Pine Lake Campus Rd)</td>
<td>On campus</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Strawbale (121 Pine Lake Campus Rd)</td>
<td>On campus</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Cobb House (77 Pine Lake Campus Rd)</td>
<td>On campus</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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</table>
Administrative Notifications

Last Updated

This version of the Annual Security Report was last updated on the following date: Wednesday, September 29, 2021

Last Published Online

This version of the Annual Security Report was last published on the Hartwick College website on the following date: Wednesday, September 29, 2021

Summary of Changes

The table below reflects changes to the document, if any.

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<thead>
<tr>
<th>Change Made</th>
<th>Reason</th>
<th>Date and Time</th>
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<tbody>
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</tbody>
</table>
Appendices

Appendix A – Definitions

Clery Geography
CAMPUS
The term “campus” means— (I) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and (II) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor). [20 U.S.C. § 1092 (f) (6)]

NON-CAMPUS BUILDING OR PROPERTY
The term “noncampus building or property” means— (I) any building or property owned or controlled by a student organization recognized by the institution; and (II) any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution’s educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution. [20 U.S.C. § 1092 (f) (6)]

PUBLIC PROPERTY
The term “public property” means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution’s educational purposes. [20 U.S.C. § 1092 (f) (6)]

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

AGGRAVATED ASSAULT
An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness. This also includes assault with disease (as in cases when the offender is aware that [they are] infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.).

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

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

DRUG ABUSE VIOLATION
The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
FONDLING
The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

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

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

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

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

MOTOR VEHICLE THEFT
The theft of a motor vehicle. Theft from a motor vehicle is not included in this category.

MURDER AND NONNEGLIGENCE MANSLAUGHTER
The willful (non-negligent) killing of one human being by another.

NEGLIGENCE MANSLAUGHTER
The killing of another person through negligence.

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

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

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

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

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

**WEAPONS VIOLATION**
The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.
Appendix B – Maps

Main Campus Clery Boundary Map
Appendix C – Preferred Receivers of Reports Contact Information Chart

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

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

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

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

**Suzanne Janitz**
*Chief Human Resources Officer*
Shineman Chapel House, 1st floor
(607) 431-4319
janitzs@hartwick.edu

**Jeff Barker**
*Director of Student Experience Technology and Clery Compliance*
Dewar Union, 3rd floor
(607) 431-4152
barkerj@hartwick.edu

**Dr. Colleen Bunn**
*Director of Residential Life and Housing*
Dewar Union, 4th floor
(607) 431-4501
bunnc@hartwick.edu

**Dr. Cary Dresher**
*Deputy Title IX Coordinator*
*Assistant Vice President of Student Experience*
Dewar Union, 4th floor
(607) 431-4532
dresherc@hartwick.edu

**Karen McGrath**
*Senior Vice President for Enrollment and Student Success*
Bresee Hall, 1st floor
(607) 431-4179
mcgrathk@hartwick.edu

**Dr. Barbara Feldman**
*Interim Vice President for Academic Affairs/Dean of the Faculty*
Bresee Hall, 2nd floor
(607) 431-4401
feldmanb@hartwick.edu