



# **STUDENT POLICIES & PROCEDURES**

One Saxon Drive | Alfred, New York 14802

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## Table of Contents

WELCOME TO ALFRED UNIVERSITY	7
Alfred University's Vision Statement	8
Alfred University's Mission Statement	8
Alfred University's Code of Conduct	8
DEFINITIONS	8
STUDENT CONDUCT SYSTEM	9
Introduction	9
Office of Student Conduct Authority	10
Jurisdiction	10
Core Values of Student Conduct	10
Behavioral Expectations & Policies	11
Student Conduct Process and Procedures	13
Types of Hearings	14
Hearing Procedures	15
Sanctions	16
Minimum Sanctioning Guidelines	19
Appeals	19
DISCRIMINATION, HARASSEMENT AND SEXUAL MISCONDUCT POLICY	20
Title IX Introduction	20
Purpose of Policy and to Whom It Applies	21
What is Prohibited by this Policy?	22
New York definition of sexual harassment	23
Prohibited behaviors Defined	23
Delegation of Duties under this Policy	24
Title IX Coordinator Role	25
Conflicts of interest or Bias	25
Crime an Incident Disclosure Obligations	25
Consensual Relationship and Conflicts of Interest	25

Reporting Sex Discrimination, including sex-based harassment	26
Public Awareness Events	27
How to make a report to Alfred University	27
Who to contact	27
Amnesty	27
Privacy and Confidentiality	28
Reporting to the Police	29
Responding to a Report	30
Request for confidentiality or No Further Action	30
Emergency Removal	31
Administrative Leave	31
Dismissal of a Complaint	31
Referrals for other Misconducts	32
Consolidation of Cases	32
Student Withdrawal or Employee Resignation while Matters are Pending	32
Options for Resolution	33
Support or Agreement Based Resolution	33
Agreement Based Resolution	34
Facilitating and Agreement	35
Finalizing the Resolution Agreement	36
Investigation and Decision-making Resolution	36
Assignment of the Decision-maker	36
Timeline, Burden, and Standard of Review and Evidence Gathering	37
Written Notice of Meeting	37
Evidence Gathering	38
Impermissible Evidence	38
Investigation And Decision-making procedures in cases of Sex-Based Harassment not involving Student Respondent	39
Notice of Investigations	40

Individual Interviews	40
Investigator(s) Determination of Relevance	41
Evidence Review	41
Determination and Investigation Report	41-42
Investigation & Decision-Making Procedures in Cases of Sex-based Harassment with a Student Respondent	42
Contents of the Notice	43
Individual Interviews	43
Investigator's Determination of Relevance	44
Evidence Review	44
Investigation Report	45
Conclusion of Investigation, Notice of Hearing	45
Hearing Procedures	46
Prior to Hearing	46
Advisor	47
Hearing Participation Guidelines	47
Statements, Questioning and Presentation of Evidence	48
Hearing Officer's Report	48
Appeals	49
Failure to Complete Sanctions/Comply with Responsive Actions	50
Record Retention	50
Additional Enforcement Information	50
Policy Review and Revision	51
Key Definitions of Terms and Processes	51-57
Resources	58
New State Students' Bill of Rights	58-59
Residential Communities POLICIES	55
Residency Requirement	55
Residents' Rights & Responsibilities	55

Residence Hall General Information, Policies and Procedures	56
ACADEMIC POLICIES	65
ITS GUIDELINES AND POLICIES	65
GENERAL UNIVERSITY POLICIES	66
Alcohol & Drug-Free Policy	66
Consumer Complaint Procedure	71
Control of Animals Policy	72
Credit cards/Marketing of Credit Cards to Students	72
Demonstration Policy	73
Community Responsibilities	74
Foster Lake Usage Policy	77
Hazing Policy	77
HIV Policy	78
Intercollegiate Varsity Sports Request Policy	79
Involuntary Separation Policy	79
Leave of Absence – General, Medical and Readmission Policy	81
Family Notification Policy	82
FERPA – Family Educational Right and Privacy Act	83
Service Animal and Assistance Animal Policy	85
Social Environment Policy	89
Social Media Policy	90
Solicitation Policy	91
Weapons Policy	92
Withdrawal Policy	93
OFFICE OF PUBLIC SAFETY	93
Public Safety and Emergency Policies and Procedures	94
ANNUAL CAMPUS SAFETY & FIRE REPORT	96
CAMPUS PHONE NUMBERS	96
ACADEMIC CALENDER	97

# WELCOME TO ALFRED UNIVERSITY



Greetings students! On behalf of the University, I want to welcome you to Alfred where your journey outside of the ordinary exists. As a member of Alfred University's (AU) community, you have so many opportunities that await you both academically and co-curricular. AU is about being welcoming, inclusive, supportive, and creating a safe Alfred community that supports and challenges all students to grow individually, become socially responsible, and encourages commitment to becoming a global citizen. To meet these goals, Alfred University understands that the policies and procedures contained within this manual can be a strong and powerful educational tool for encouraging the community in which students live and learn successfully. As your Vice President for Student Experience, I encourage you to read this manual, explore all the opportunities that await you, and become integrated into all the AU community has to offer. It is a bit cliché, but one day you will realize your time at AU was notably the best years of your life. Fiat Lux!

*Amy M. DeKay*  
*Vice President for Student Experience*



Welcome to the Alfred University community! At Alfred University, we pride ourselves on fostering an inclusive environment and a supportive community for all members. Each one of us bears responsibility to uphold our standards of justice and to show respect for the dignity of every individual. It is our expectation that we all abide by the high standards set forth in the student policy and procedure manual.

We kindly ask all members of the AU community to take the time to familiarize themselves with the student handbook, understanding its content thoroughly. By doing so, we can ensure that every member commits to being a valued and responsible part of the AU community.

Together, we will create an atmosphere of support and encouragement, helping each other on our unique journeys. As the Dean for Student Experience, I am available if you need assistance or have any questions. Please feel free to reach out. We are here to support you throughout your time at Alfred University.

*Tom Orrange*  
*Dean for Student Experience*

## Alfred University's Vision Statement

Alfred University will be an innovative leader in the delivery of academic excellence and enduring educational value, preparing all students for success in their studies and throughout life.

## Alfred University's Mission Statement

The mission of Alfred University is to provide excellent quality and enduring value through academic and co-curricular programming that is both intellectually challenging and relevant. We are culturally diverse and student-centered and aim to serve an ever-changing student population. We seek students with the aspiration and dedication to do well for themselves and for their greater communities. Thus, we prepare our students with the knowledge, skills, and life-habits that will enable them to succeed, and to live lives of continuous personal growth and service to others. These outcomes are achieved through a commitment, by the entire Alfred University community, to teaching and research, the pursuit of scientific and technical expertise, artistic creativity, and humanistic learning.

## Alfred University's Code of Conduct

We, the students at Alfred University, will maintain an academic and social environment that is distinguished by Honesty, Integrity, Understanding and Respect. Every student is expected to uphold these ideals and confront any student who does not. Keeping these ideals in mind, we, the students, aspire to live, interact with, and learn from one another in ways that ensure both personal freedom and community standards.

Student Experience Office  
Powell Campus Center  
One Saxon Drive  
Alfred, NY 14802  
Phone: 607-871-2133

## DEFINITIONS

Accused student: Any student accused of violating the student code of conduct or other University policies.

Complainant: Any person who submits a charge alleging that a student violated the student code of conduct or other University policies.

Dependent student: A student who is considered a dependent of one or both student's parents or guardians, as defined by federal income tax regulations, with respect to the most recent federal income tax return filed by either or both parent(s).

Faculty member: Any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.

FERPA: Collectively, the federal Family Educational Rights and Privacy Act, as amended, and any regulations promulgated pursuant thereto.

Hearing officer: A University official authorized on a case-by-case basis by the Dean for Student Experience to determine whether an accused student has committed a violation of the outlined proscribed conduct and, if so, to impose sanctions upon the student.

May: Used in the permissive sense.

Member of the University community: Any person who is a student, faculty member, University official or any other person employed by the University. The Dean for Student Experience shall determine a person's status in a particular situation.

Organization: Any number of persons who have complied with the formal requirements for university



recognition.

Policy: Any policy, procedure, rule, and/or regulations published in written or electronic form.

Proscribed conduct: A violation of university policies; conduct which adversely affects the University community and/or the pursuit of its objectives; or conduct which violates any federal, state, or local law.

Self-defense: The justifiable infliction of harm upon another person to preserve oneself from imminent physical harm. Most importantly, self-defense must be preventative and proportional. The harm inflicted upon the aggressor may only be as much force or harm as is needed to repel the attack and no more.

Shall: Used in the imperative sense.

Special periods: The first two weeks of the academic year, and the last two weeks of each academic semester, other times when the student conduct procedures set forth in this document cannot reasonably be utilized, and/or times not encompassed by the academic calendar including, but not limited to, the period between the end of the spring semester and the beginning of the fall semester.

Student: Includes all persons registered for classes at any location of the University (including courses taught in a foreign country or another off-site location), either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly engaging in proscribed conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the University, or who have enrolled but not yet attended classes, are considered “students.” Individuals who are both students and employees will be treated as students for the purpose of this policy/ procedure only if their primary relationship to the institution is that of student. Allegations against individuals who are regular employees (regardless of student status) will be handled under the appropriate personnel policies.

University: Alfred University.

University official: Any person employed by the University, performing assigned administrative or professional responsibilities.

University premises: All land, buildings, facilities, and other property owned, used, or controlled by the University (including adjacent streets and sidewalks).

Weapons: All items capable of inflicting serious injury. This includes items that are legally possessed, but used in a manner that harms, threatens, or causes fear or could easily be mistaken as a weapon. Examples include but are not necessarily limited to the following: firearms, tasers, knives, air guns, spear guns, paint guns, bow and arrow, explosives, gunpowder, firecrackers, ammunition, etc.

## STUDENT CONDUCT AND ACCOUNTABILITY SYSTEM



### Introduction

Alfred University's mission statement aims to provide challenging programs in a student-centered environment to prepare well-educated, independent thinkers ready for lives of continuous intellectual and personal growth. To that end, it is necessary to articulate behavioral expectations and community standards in the form of the Student Code of Conduct and General University Policies. These policies exist to serve as a guide for each student and to promote the proper atmosphere necessary for the academic and social life of each student.

Alfred University's Student Conduct System is designed to confront and hold individuals accountable

for their actions in a constructive and educational manner that will foster an understanding of the effect their behavior has had on individuals and the community. The Student Conduct system is also designed to hold students accountable for their behavior, to protect the University community and property, to protect the rights of the members of that community to function in an environment conducive to academic pursuits, and to challenge students' principled and ethical decision-making.

## Office of Student Conduct Authority

The Dean for Student Experience or designee is designated by the University President and Vice President for Student Experience as the responsible administrator for the student code of conduct and general student policies. When a student accepts enrollment into the University, the student agrees to be governed by all applicable University policies. The University, through the office of the Dean for Student Experience or designee, maintains the exclusive authority to impose student conduct sanctions for violations of proscribed conduct.

Each student will have an electronic copy of the student code of conduct and general University policies emailed to them. These policies can also be accessed on the University webpage at <https://my.alfred.edu/student-policies>.

- The Dean for Student Experience or designee shall determine the composition of the conduct bodies and determine which student conduct body shall be authorized to hear each case.
- The Dean for Student Experience shall develop policies for the administration of the student conduct program and procedural rules for the conduct of hearings.
- Decisions made because of the student conduct process shall be final, pending the conclusion of any applicable appeal process.

## Jurisdiction

University jurisdiction, and application of the student conduct procedure, extends to proscribed conduct on campus, as well as proscribed conduct occurring off campus that is determined by the Dean for Student Experience or designee to affect the interest of the University or the campus community.

Where University policies are violated, a student may also be in violation of civil or criminal law. The University may, but shall not be obligated to, delay its processes when criminal charges of the same proscribed conduct are being investigated. University action will not be altered or precluded because civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

To the extent that any officer of a student organization was in a position to control or substantially influence or intervene in the conduct of the organization or any of its members so as to prevent or deter proscribed conduct occurring in the course of organizational activities and failed to do so, the officer may be charged with, and held individually responsible for, the proscribed conduct committed by the student organization or one or more of its members. Any sanctions imposed on individual student officers are in addition to any sanctions imposed on the student organization or its other members.

**Note:** Reports of discrimination, harassment, and/or sexual misconduct subject to the University's Discrimination, Harassment and Sexual Misconduct Policy will be addressed pursuant to that policy. This policy is contained here within.

## Core Values of Student Conduct

**Integrity:** Alfred University students exemplify honesty, honor, and a respect for the truth in all their dealings.

**Community:** Alfred University students build, enhance, and support their community.

**Social Justice:** Alfred University students are just and equitable in their treatment of all members of the community and act to discourage and/or intervene to prevent unjust and inequitable behaviors.

**Respect:** Alfred University students show positive regard for each other, for property and for the community.

**Responsibility:** Alfred University students are given and accept a high degree of responsibility to self, to others and to the community.

Alfred University students are responsible for knowing the information, policies and procedures outlined in this document and in all other applicable University policies. Alfred University reserves the right to make changes to this code and other University policies, and once those changes are posted online, they are in effect unless the online posting specifies a different effective date. Students are encouraged to check online <https://my.alfred.edu/student-policies> for the updated versions of all policies.

## Civility Statement

As a university, we foster a climate of civility; as members of our community, we engage with one another, maintaining the highest standard of ethical, inclusive, and empathetic behaviors. We assume responsibility for our words, choices, and actions and their impact on others as we expect other members of the community will do the same. Our community is a place where people can have a free and open exchange of diverse ideas and disagree respectfully.

## Behavioral Expectations & Policies

Alfred University considers the behavior described in the following sub-sections as proscribed conduct that is inappropriate for the University community and in opposition to the core values set forth in this document. These expectations and rules apply to all students. Alfred University encourages members of the University community to report to university officials all incidents that involve the following actions, and any other proscribed conduct. Any student found to have committed or to have attempted to commit proscribed conduct is subject to the sanctions outlined in the student conduct system.

**Integrity:** Alfred University students exemplify honesty, honor, and a respect for the truth in all their dealings. Behavior that violates this value includes, but is not limited to:

- **Falsification:** Knowingly furnishing or possessing false, falsified, or forged materials, documents, accounts, records, identification, or financial instruments.
- **Taking of Property:** The theft or other intentional and unauthorized taking of Alfred University property or the personal property of another, including goods, services, and other valuables.
- **Unauthorized Entry:** Misuse of access privileges to Alfred University premises. The unauthorized entry to or use of buildings (including but not limited to entry through unauthorized use of keys, cards, or other access control devices), including trespassing, propping of doors of any type, or unauthorized use of alarmed doors for entry into or exit from an Alfred University building. Access to residence halls is restricted to those students assigned to that hall or their authorized and invited guests.

**Community:** Alfred University students build, enhance, and support their community. Behavior that violates this value includes, but is not limited to:

- **Animals:** Any animal that is not registered is not allowed in campus buildings (not including fish in a 10-gallon tank). All registered animals must follow the expectations laid out in the University Service Animal and Assistant (Emotional Support Animal) policy. Additionally, students are not allowed to feed wild animals. Animals may be permitted elsewhere on campus grounds so long as they are leashed, always attended by the owner, and not interfering with normal use of University facilities (owners must properly dispose of their animals' waste). The University prohibits the feeding of any stray animals in and around the residence halls or anywhere on campus. Stray animals found on campus will be removed.
- **Disruptive Behavior:** Substantial disruption of Alfred University operations including obstruction of teaching, research, administration, quiet hours in the residence halls, other Alfred University activities, off-campus behaviors and/or authorized non-Alfred University activities which occur on campus; including classroom behavior that seriously interferes with the instructor's ability to conduct the class or the ability of other students to learn.
- **Fire Safety:** Violation of local, state, or federal fire laws, codes, ordinances, regulations or policies or University fire policies, including, but not limited to:
  - a) Intentionally or recklessly causing a fire which results in injury or damage to Alfred University property or property of others.
  - b) Failure to evacuate an Alfred University controlled building during a fire alarm.
  - c) Tampering with or the misuse of fire alarms or fire safety equipment, including smoke detectors and fire extinguishers
  - d) Possession of unshielded heating elements including but not limited to hot plates, toasters, toaster ovens, heating coils, halogen lights.
  - e) Prohibited items, open flames, or fire hazards.

- f) Blocking of a Fire Exit and Propping Fire Doors
- g) Activating a Fire Alarm - maliciously
- h) Activating a Fire Alarm – unintentionally
- i) Careless cooking
- **Infringement of Certain Intellectual Property Rights:** Unauthorized use (including misuse) of the names, images, logos, trademarks or service marks, or other infringement of intellectual property rights, of the University or an organization recognized by the University.
- **Damage and Destruction:** Intentional, reckless, and/or unauthorized damage to or destruction of Alfred University property or the property of another.
- **IT and Acceptable Use:** Violating the Alfred University Acceptable Use and Computing Policy. The full policy can be found online: <https://my.alfred.edu/information-technology-services/index.cfm>.
- **Smoking:** In accordance with the State law, there is NO SMOKING in the University buildings, this includes E-cigarettes/vaping devices. Smoking is not permitted within 25 feet of any University building entrance.
- **Unauthorized Organizations:** Participation in organizations whose recognition has been denied, suspended, or revoked by the University.
- **Weapons:** Violating the Alfred University Weapons Policy. The full policy can be found online: <https://my.alfred.edu/student-policies/weapon-policy.cfm>
- **Wheeled Devices:** Riding skateboards, long boards, roller blades, roller skates, bicycles and similar wheeled devices is not permitted inside university buildings, (residence halls, academic and administrative). Additionally, skateboards and other wheeled items may not be ridden on railings, curbs, benches, or any such fixtures that may be damaged by these activities and the University reserves the right to charge individuals for the cost of repairing damage to Alfred University property caused by these activities.
- **Appliances:** Appliances drawing more than 800 watts are prohibited in residence halls.
- **Maximum Occupancy:** Exceeding the maximum permitted occupancy of any University premises. Without limiting the preceding sentence, unless otherwise posted by the University, maximum occupancy is six (6) people per student room, not to exceed twelve (12) people within a total suite or apartment.

**Social Justice:** Students recognize that respecting the dignity of every person is essential for creating and sustaining a flourishing university community. They understand and appreciate how their decisions and actions affect others and are just and equitable in their treatment of all members of the community. They act to discourage and challenge those whose actions may be harmful to and/or diminish the worth of others. Conduct that violates this value includes, but is not limited to:

- **Abuse of Conduct Process:** Abuse of, or interference of, or failure to comply with, Alfred University student conduct investigations, conduct hearings and other processes, including but not limited to:
  - a) Falsification, distortion, or misrepresentation of information.
  - b) Failure to provide, destroy or conceal evidence of proscribed conduct.
  - c) Attempting to discourage an individual's participation in, or use of, the campus conduct system.
  - d) Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or following a campus conduct proceeding; including but not limited to behavior that disrupts a conduct hearing.
  - e) Failure to comply with sanction(s) imposed by the campus conduct system.
  - f) Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.
- **Discrimination:** Any act or failure to act that is based upon an individual or group's actual or perceived status (race, color, age, creed, gender, gender expression, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion) that is sufficiently severe that it limits or denies the ability to participate in or benefit from Alfred University's educational program or activities.
- **Harassment:** Any unwelcome behavior, which is not covered under Title IX, whether verbal, electronic, social media, via telephone or through a third party, is prohibited. Any unwelcome conduct should be reported to campus officials, who will act to remedy and resolve reported incidents on behalf of the victim/reporting individual and community.
- **Hostile Environment:** The creation of a hostile environment when harassment is sufficiently severe, pervasive/ persistent, and objectively offensive that it unreasonably interferes with, limits, or denies the ability to participate in or benefit from Alfred University's educational or employment program or

activities.

- **Retaliatory Behavior:** Intimidation, harassment, discrimination, retaliation, or other adverse action against an individual because of that individual participating in, or cooperating with, University processes (including without limitation student conduct processes).

**Respect:** Alfred University students show positive regard for each other and for the community. Behavior that violates this value includes, but is not limited to:

- **Bullying and Cyberbullying:** Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate, intentionally harm, or control another person physically or emotionally.
- **Harm to Persons:** Intentionally or recklessly causing physical or emotional harm or endangering the physical or emotional health or safety of any person.
- **Hazing:** Violating the Alfred University Hazing Policy. The full policy can be found online: <https://my.alfred.edu/student-policies/auhazingpolicy.cfm>.
- **Threatening Behaviors:**
  - a) **Threat:** Written or verbal conduct that causes a reasonable fear of injury to the physical or emotional health or safety of any person or damage to any property.
  - b) **Intimidation:** Expressed or implied acts that cause a reasonable fear of injury to the physical or emotional health or safety of any person or damage to any property.

**Responsibility:** Alfred University students are given and accept a high degree of responsibility to self, to others and to the community. Behavior that violates this value includes, but is not limited to:

- **Alcohol:** Violating the Alfred University Substance Use and Abuse Policy <https://my.alfred.edu/student-policies/>. Including:
  - a) Possession, purchase, consumption, distribution or knowingly being in the presence of alcohol while under the age of twenty-one.
  - a) Providing alcohol to persons under the age of twenty-one.
  - b) Being in the presence of or in possession of empty alcoholic containers, paraphernalia, cans, or bottles while being under the age of twenty-one while on university property.
  - c) Participating in an activity that encourages mass consumption of alcohol (games of beer pong, quarters, flip cup, etc.).
- **Drugs:** Violating the Alfred University Substance Use and Abuse Policy. Including:
  - a) Possession, use, distribution, or knowingly being in the presence of illicit drugs/drug paraphernalia (bongs, pipes, hookahs, etc.) Note: Federal Law prohibits the use of marijuana on a university campus. Thus, marijuana in any form is not permitted on campus, in any University owned facilities, and/or events.
- **Prescription Medications:** Abuse, misuse, sale, and/or distribution of another person's prescription medications or of the student's own prescription medications.
- **Failure to Comply:** Failure to comply with an authorized request or directive of a university official or a third party acting on behalf of the University, including but not limited to failure to identify oneself when requested.
- **Health and Safety:** Creation of health and/or safety hazards for self and/or others (dangerous pranks; hanging out of or climbing from/on/in windows, balconies, or roofs; creating conditions that exceed reasonable cleanliness standards, etc.).
- **General University Policies and Laws:** Violation of any other University policy or federal, state, or local law, code, ordinance, or regulation occurring on or off campus.
- **Complicity:** Allowing a violation to occur, whether by enabling the violation or failing to report it. Students may be held responsible for complicity for being present during a violation of the Standards of Student Conduct. Students may also be held responsible for any Code of Student Conduct violation that is occurring. It is the responsibility of each student to make a prudent choice when they become aware of a violation. Those choices include: 1) leaving the situation immediately; 2) advising those in violation of the Standards of Student Conduct to cease behavior and then leaving the situation immediately thereafter; 3) reporting the violation of the Standards of Student Conduct and leaving the situation immediately; or 4) staying and possibly being charged with a violation of the Standards of Student Conduct.

## Student Conduct Process and Procedures

Negative conduct may be reported by any member of the Alfred University Community or any other individual submitting an account of an incident. An incident report should be submitted as soon as possible



after the event takes place, although all incident reports are accepted at any time.

Go to: [AU Report It](#)

1. The Dean for Student Experience or designee may investigate to determine what type of hearing best fits the documented behavior.
2. The accused student will receive written and/or electronic notification via Alfred University e-mail of the charges, including date and location of the reported incident(s) if known; the type of hearing that will take place; and a reference to the hearing procedures that will be followed. This notification must be made in a minimum of three days prior to the date of the scheduled hearing. The accused student may waive the right to this notice.
3. If a student fails to appear at a hearing, or declines to answer questions or make a statement, a decision will be rendered, and an appropriate sanction may be assessed based on the available information. A hearing may only be postponed upon written request to, and at the discretion of, the hearing officer or chair of the hearing board (as applicable).
4. Notification letter of the outcome will be emailed to the student's Alfred University email within seven business days of the conclusion of the hearing.

### **Interim Measures**

- The Dean for Student Experience, Vice President for Student Experience, President, or designee may impose interim measures, up to and including an interim suspension, pending completion of applicable conduct proceedings to protect the physical or emotional safety, security and/or welfare of any member of the University community, University property or University function. Without limiting the preceding sentence, interim suspension may be imposed when a student is arrested by an outside law enforcement agency on charges that indicate to the Dean for Student Experience, Vice President for Student Experience, President, or designee that the accused student's presence on campus might threaten safety, security and/or welfare of any member of the University community, University property or University function.
- The accused student or the respondent may request review of the need for and the terms of any interim measures or accommodations imposed or requested that affect the individual directly and may submit evidence in support of their request. A request to add to, modify or eliminate an interim measure or accommodation may be made to the Dean for Student Experience. Upon receipt of such a request, the Dean for Student Experience will inform the other party of the request and allow the other party to respond, including submitting evidence if desired. A decision will be made and shared with the complainant as promptly as possible and absent unusual circumstances, within five business days. The Dean for Student Experience may modify the interim measures or accommodation on a temporary basis while the parties are submitting their information and responses.
- During an interim suspension, a student may be denied access to the residence halls, other University premises, and/or University activities (including classes) or privileges for which the student might otherwise be eligible, as the official imposing the suspension may determine to be appropriate.
- A student shall receive, either hand-delivered or by certified mail, written notice of the interim measure(s) as well as notice of the charges, including date and location of the reported incident(s) if known; the type of hearing that will take place; the date, time, and location of the hearing; and the hearing procedures that will be followed. The hearing will take place within ten business days of the imposition of the interim measure(s) to review the conduct on which the interim measure(s) are based. In cases in which an interim suspension or other interim measure is contemplated or imposed, the accused student will be given the opportunity, prior to such measure being imposed or as soon thereafter as reasonably possible, to meet with the Dean for Student Experience to show cause why the measure should not be imposed or continued. The officer's decision as to whether to impose or continue the interim measure is final and not subject to appeal.
- The University may notify parent(s) or legal guardian(s) of dependent students about the imposition of interim measures and, when applicable, of an alternative housing arrangement.
- The Office of the Dean for Student Experience or designee notifies parents of dependent students to the extent that is allowed by the amendments to the Family Educational Rights and Privacy Act of 1974.

### **No-Contact Orders**

Both the reporting individual and respondent are eligible for no-contact orders.

The university can issue “No-Contact Orders” and “Mutual No-Contact Orders” to address concerns regarding harassment, stalking, bullying and other unwanted attention. “No-Contact Orders” can be issued even if the student is unsure about pursuing conduct action. In cases where a conduct complaint alleging sexual misconduct has been initiated, an on-campus No-Contact Order will be issued, prohibiting contact between the parties. Violations of a “No-Contact Orders” will result in conduct action.

- No-Contact Orders are issued when an investigation begins and/or when the Dean for Student Experience or designee believes there is a need for this interim measure.
- Students wishing to enact a No-Contact Order should contact the Dean for Student Experience or designee office.
- A “No-Contact Order” expires at the end of the semester in which it was issued unless otherwise specified. All students involved can submit a request for renewal.

It is important to note that specific details of this accommodation will be based on the individual's situation and safety concerns.

## Types of Hearings

**Administrative** Meeting provides the student with the opportunity to discuss, clarify and understand the alleged violations with staff.

- The hearing officer will review with the student the University's student conduct system and ask the student to acknowledge that they understand the process which will be conducted. The hearing officer will present the charges and supporting information. Following discussion, a decision as to responsibility and sanctions will be rendered by the hearing officer.

**The University Student Conduct Board** provides the accused student the opportunity to discuss, clarify and understand the allegations of violations with a panel of faculty, staff, and students. The University student conduct board can be used for any suspected violation. It is most often used when the sanctions might include suspension or expulsion if the student is found responsible.

- The University student conduct board is composed of one student and two faculty, staff and/or administrators either paid by or affiliated with the University, appointed by the Dean for Student Experience or designee. The board is chaired by the Dean for Student Experience or their designee, who serves as a non-voting member. Decisions are determined by majority vote. Notwithstanding the foregoing, during special periods (as defined above), the University student conduct board may consist of the chair of the student conduct board and three faculty, staff, and/or administrators.
- At the University Student Conduct Board hearing, the charges and supporting information will be presented by the Dean for Student Experience or designee. The information may consist of, but is not limited to, an incident report written by residence life or public safety staff, as well as statements from witnesses or other persons involved in the situation.
- Decisions as to responsibility and sanctions are rendered by majority vote.

## Hearing Procedures

Administrative Hearings, and University Student Conduct Board Hearings shall be conducted according to the following guidelines:

- All hearings shall be conducted in private.
- If a student is involved in multiple incidents in a short period, the multiple incidents may be combined into one hearing at the discretion of the Dean for Student Experience or designee.
- If one incident results in charges against more than one student, the Dean for Student Experience or designee may determine that the hearings be combined if consistent with applicable law (including without limitation FERPA). A student may request in writing a separate hearing, which will be granted at the discretion of the Dean for Student Experience or designee.
- Parents and/or legal guardians are not permitted to be present during hearings. The office of the Dean for Student Experience can assist students in locating an advisor.
- If a participant is disruptive, the hearing chair/officer may dismiss them and allow the hearing to

continue in their absence.

- A hearing board/officer does not hear character witnesses but will accept up to two letters supporting the character of the accused student.
- Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in hearings.
- After the portion of the hearing concludes in which all pertinent information has been received, the hearing officer/University conduct board members shall determine whether the accused student has committed the charged proscribed conduct made based on whether it is **more likely than not** that the accused student committed the charged proscribed conduct and, if so, shall determine appropriate sanctions.
- The complainant, if any, and their advisor shall have the right to attend those portions of the hearing pertaining to alleged proscribed conduct directly relating to the complainant (excluding deliberations).
- The accused student and their advisor shall be allowed to attend the entire portion of the hearing at which information is presented (excluding deliberations).
- The hearing officer/chairperson or Dean for Student Experience may arrange for witnesses (the complainant or the accused student may request) to present pertinent information during the hearing. Witnesses will provide information to and answer questions from the hearing board/officer. Questions may be suggested by the accused student and/or the complainant to be answered by the witness(es). Questions will be directed to the chairperson or hearing officer rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be presented shall be resolved by the chairperson of the hearing board or the hearing officer (as applicable).
- Pertinent records, exhibits, and written statements (including student impact statements and witness statements) may be accepted as information for consideration at the discretion of the hearing officer/hearing chairperson.
- After the portion of the hearing concludes in which all pertinent information has been received, the hearing board/officer shall determine whether the accused student has committed a violation of the proscribed conduct made based on whether it is **more likely than not** that the accused student committed the charged proscribed conduct and, if so, shall determine appropriate sanctions.
- The hearing officer/chairperson may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the accused student, complainant and/or other witnesses during a hearing by means including, but not limited to, providing separate facilities, using a visual screen, and/or permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Dean for Student Experience to be appropriate.

## Advisors in Hearings

- A student should select an advisor whose schedule allows attendance at the scheduled date and time for the hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor.
- The accused student and the complainant each have the right to be assisted by an advisor of their choice. The advisor must be a member of the University community; provided, however, that legal counsel representing the accused student may serve as advisor if the alleged proscribed conduct has resulted in or may be expected to result in criminal charges against the accused student. Advisors cannot make presentations or arguments, question witnesses, or otherwise represent a student during a hearing; it is expected that students will speak for themselves. The advisor may observe the hearing process and give the student personal counsel. The Dean for Student Experience, hearing officer or the chair of the hearing board (as applicable) reserves the right to terminate the hearing or excuse an advisor if the advisor does not comply with the limitations. In cases where legal counsel serves as advisor on behalf of a student, legal counsel representing the University may be present to advise the hearing board/officer on issues of process.

## Sanctions

The Student Conduct System is an educational process, designed to hold students accountable for their behavior, to protect Alfred University community and property, and to protect the rights of the members of the University community to function in an environment conducive to academic pursuits. Conduct proceedings and subsequent sanctions are meant to confront individuals with the



inappropriateness of their actions in a constructive and educational manner that will foster an understanding of the impact their behavior has had on individuals and the community.

If a student has been found to have violated a proscribed conduct, a notice of sanction letter will be emailed to the student, and a copy retained in the Dean for Student Experience's office. Other than University expulsion, conduct sanctions shall not be made part of the student's permanent academic record but shall become part of the student's conduct record.

- A student's conduct history and the nature and severity of an incident are considered in determining appropriate sanctions.
- Failure to fulfill sanctions by the assigned due date shall result in a hold on the student's account and/or being charged with a violation of the proscribed conduct for failure to comply with the lawful directions of a University official. When a hold is placed on an account, the student may not obtain transcripts or grades, register for classes, engage in on-campus housing sign-ups, be eligible to move off campus or be allowed to transfer between colleges/schools. Failure to complete assigned sanctions may also result in additional sanctions being imposed, including suspension or expulsion from the University. It is the student's responsibility to ensure that documentation of completion of sanctions is received and approved by the Dean for Student Experience or designee.

Upon a finding of proscribed conduct, sanctions including but not limited to those listed below may be imposed. Sanctions are associated with violations, and more than one of the sanctions listed below may be imposed for any single violation.

Alcohol Education Course – the student is required to complete and pass an online alcohol education course. There is a \$150 charge to cover the cost of the course materials and licensing fees. The student is responsible for ensuring that documentation for the completion of the sanctions is received and approved by the Dean for Student Experience or designee. Parent(s) and/or legal guardian(s) of students under the age of 21 may receive notification of sanctions incurred for substance abuse violations by their student resulting from a conduct hearing.

Choices for Alcohol - the student is required to complete an individualized alcohol education program. There is a \$150 charge to cover the cost of the course materials and licensing fees. The student is responsible for ensuring that documentation for the completion of the sanctions is received and approved by the Dean for Student Experience. Parent(s) and/or legal guardian(s) of students under the age of 21 may receive notification of sanctions incurred for substance abuse violations by their student resulting from a conduct hearing.

Drug Education Course - the student is required to complete and pass an online drug education course. There is a \$150 charge to cover the cost of the course materials and licensing fees. The student is responsible for ensuring that documentation for the completion of the sanctions is received and approved by the Dean for Student Experience. Parent(s) and/or legal guardian(s) of students under the age of 21 may receive notification of sanctions incurred for substance abuse violations by their student resulting from a conduct hearing.

Choices for Drugs - the student is required to complete an individualized drug education program. There is a \$150 charge to cover the cost of the course materials. The student is responsible for ensuring that documentation for the completion of the sanctions is received and approved by the Dean for Student Experience. Parent(s) and/or legal guardian(s) of students under the age of 21 may receive notification of sanctions incurred for substance abuse violations by their student resulting from a conduct hearing.

Service Hours – the student is required to fulfill the allotted number of service hours with a specific organization, this can be done on or off-campus.

Conduct Probation – a status imposed for a specific period in which a student must demonstrate conduct that conforms to the University's standards of conduct. It is a formal written notification to a student that the violation of the terms of the probation or further proscribed conduct during the period of probation may result in more severe sanctions, including without limitation the possibility of

extended probation, suspension, or expulsion.

Expulsion – is a permanent separation from the University including loss of student status. Reinstatement or readmission is not possible.

Fines - When appropriate, a fine and/or cost, repair, or replacement will be levied. Included, but not limited to.

Tampering or removing Life-safety devices

Damage/destruction of property.

Vandalism

Fire Safety Educational Course - the student must complete and pass a fire safety education course. There is a \$150 charge to cover the cost of the course materials. The student is responsible for ensuring that documentation for the completion of the sanctions is received and approved by the hearing officer.

Fire Safety Projects and Papers - as assigned by a conduct hearing officer focused on the behavior that led to the conduct charge.

No-Contact Order – a restriction that bans the student from presence at or contact (physical and/or by other means) with a location or person(s).

Letter of Apology – the student is required to compose a letter to a designated person(s). Approval of the letter by the hearing officer, Dean for Student Experience or designee is required prior to distribution.

Loss of Hosting Privileges – a student is ineligible to have guests or visitors stay overnight in their residence hall rooms.

Loss of Privileges – denial of specified privileges for a designated period.

Reflection Papers or additional learning assignments – As assigned by a hearing officer and must be completed by the assigned due date back to the hearing officer.

Removal from Residence Hall - the student will be removed from their residence hall assignment and their Housing & Dining License will be terminated without refund.

Restitution - monetary reimbursement to the University or an organization for repair or replacement of property damaged, stolen, or misappropriated.

Room Reassignment – mandatory reassignment of residence hall room.

Special Project – a requirement that a student participate or assist in the planning and/or implementation of a program or project that is relevant to the violation.

Suspension - separation from the University community for a defined period. Additional stipulations or conditions for reinstatement may be assigned. Reinstatement is contingent upon a positive administrative review by the Dean for Student Experience.

Suspension from an individual course or section of a course - because of a student being found to have engaged in disruptive behavior in a course, the student may be administratively withdrawn from the course and receive a grade of W.

Written Warning – a written notification given to a student found to have engaged in a violation of the proscribed conduct that the behavior was unacceptable and an understanding that further violations of the proscribed conduct may result in more severe conduct action.

## Minimum Sanctioning Guidelines

The circumstances of an incident may warrant sanctions different from the minimum noted. Standard minimum sanctions that address specific policy violations include, but are not limited to:

- Physical harm involving malicious intent may result in suspension from the University.
- Incidents involving the tampering with or misuse of fire alarms, fire safety equipment and/or smoke detectors or committing acts of arson may result in removal from Residence Hall housing and termination of the Housing & Dining Contract with no refund.
- Serious and/or repeated fire safety violations may result in suspension from the University.
- The consequence of being found in violation of causing harm to persons and/or threatening behaviors towards any staff member will be severe.

Proscribed conduct consisting of violation of the student code of conduct and/or the Alcohol Substance Use & Abuse Policy:

- The first offense may result in referral to an alcohol or drug education class, and/or parental/legal guardian notification of dependent students.
- A second offense may result in referral to an alcohol or education class, a ten-hour service contract and/or parental/legal guardian notification of dependent students.
- Third alcohol/drug offense or a combination of the two may result in suspension.
- Distributing or selling alcohol to minors or distributing or selling drugs may result in suspension or expulsion.

## Appeals

An accused student or complainant/reporting individual may appeal the final decision of an administrative hearing officer or University Student Conduct Board. All appeals must be submitted to the Office of the Dean for Student Experience in writing within five (5) business days of written notification of the hearing results. The imposition of sanctions will be placed on hold during the appeal proceedings. Please refer to the Appeal Form attached to all notice of sanction letters.

An appeal must be based on one or more of the following grounds:

- A procedural error occurred during the process that had a direct impact on the outcome.
- New evidence has become known that has a direct impact on the outcome which could not have been discovered by a properly diligent person before or during the original proceeding.
- The sanction is too severe (appeal from respondent); or the sanction is too lenient (appeal from complainant/reporting individual).

An appeal must set forth concisely the grounds for appeal and contain any relevant supporting material. A written decision will be rendered by the appellate officer and emailed to the student. The appellate officer may:

- Uphold original decision and sanctions.
- Uphold original decision and alter sanctions.
- Refer the case for rehearing or review.

Once an appeal of a case concludes, no further appeals are allowed.

## Availability of Records

Most incident reports, student files, and records pertaining to student conduct proceedings and outcomes constitute "education records" under FERPA and are subject to its release and confidentiality provisions.

If a student is held responsible for proscribed conduct consisting of a violation of alcohol and/or drug policies, the parent or legal guardian may receive a copy of the letter sent to the student documenting the outcome of a related student proceeding. Federal regulations permit this notification without the student's consent for those students who are under the age of twenty-one at the time of notification. This notification would be mailed to the address on record of the parent or guardian. In addition, the University reserves the right to release information regarding disciplinary proceedings in other circumstances when required or

permitted under applicable law, including but not limited to FERPA.

Conduct records are retained for **seven (7) years** after the student has separated from the University EXCEPT the conduct records of students expelled or who do not return from a suspension, which are retained indefinitely.

### **Additional Considerations, Interpretation and Revisions**

The University expressly reserves the right to modify or revoke, without prior notice, part or all the provisions contained in this document. The University shall give notice of any modification or revocation of all or any portion of any existing rule or procedure governing student conduct by reflecting the modified content on its website.

The University, through the Dean for Student Experience, Vice President for Student Experience, and/or President, collectively or in their individual positions, is/are authorized to prepare such University policies with respect to student conduct as they shall, at their discretion, deem necessary.

Any question of interpretation or application of the University's Student Conduct System shall be referred to the Dean for Student Experience or designee for final determination. The student conduct policies and procedures shall be reviewed each year under the direction of the Dean for Student Experience.



## **DISCRIMINATION, HARASSEMENT AND SEXUAL MISCONDUCT POLICY**

### **Introduction**

Alfred University's Discrimination, Harassment and Sexual Misconduct Policy has been adopted to ensure that all students, faculty, staff, and guests may work, study, and enjoy the society of the University community without being subjected to any form of discrimination, harassment, or any form of non-consensual sexual activity.

### **Title IX Policy Prohibiting Sex Discrimination**

Updated: 8/1/24

#### **A. INTRODUCTION**

##### **Statement Of Nondiscrimination**

Alfred University does not discriminate and prohibits discrimination against any individual based on any category protected under applicable federal, state, or local laws.

Accordingly, Alfred University does not discriminate, and strictly prohibits unlawful discrimination on the basis of race (including traits historically associated with race, such as hair texture and protective hairstyles), color, religion, creed, national origin, ancestry, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity or expression, age, sexual orientation, physical or mental disability, citizenship, genetic information or predisposing genetic characteristics, marital status, familial status, domestic violence victim status, caregiver status, military status, including past, current, or prospective service in the uniformed services, or any other category or characteristic protected by applicable law. When brought to the attention of Alfred University, sex discrimination will be appropriately addressed by Alfred University according to the procedures below, and discrimination

based on any other protected category will be addressed in accordance with the Discrimination, Harassment, and Sexual Misconduct policy and any applicable collective bargaining agreement.

### **Title IX of the Education Amendments of 1972**

Alfred University does not discriminate in its admissions practices except as permitted by law, in its employment practices, or in its educational programs or activities based on sex. As a recipient of federal financial assistance for education activities, Alfred University is required by Title IX of the Education Amendments of 1972 to ensure that all its education programs and activities do not discriminate on the basis of sex. Discrimination based on sex includes discrimination on the basis of sex stereotypes, gender identity, gender expression, sexual orientation, and pregnancy or related conditions.

Alfred University has obligations under Title IX to provide certain support and modifications to people experiencing pregnancy or related conditions to ensure their equal access to Alfred University's program or activity. For example, Alfred University must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions and must allow voluntary leaves of absence. Students, employees, or applicants should contact the Title IX Coordinator for more information. Employees or applicants may also contact the Office of Human Resources at 607-871-2909 for more information, because additional workplace laws and policies apply.

Pregnancy or related conditions include pregnancy, childbirth, termination of pregnancy, lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; and recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Alfred University also prohibits retaliation against any person opposing sex discrimination or participating in any sex discrimination investigation or complaint process, whether internal or external to the institution. Sex-based harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination, which are prohibited under Title IX and by Alfred University policy.

### **Purpose of this policy**

This policy identifies and defines conduct prohibited under this policy and the process that will be used to respond to allegations of Prohibited Conduct.

Alfred University will act on all notices of allegations of sex discrimination or retaliation. It will take necessary measures to end conduct that is in violation of this policy, prevent its recurrence, and remedy its effect on individuals and the community. Within any process related to this policy, Alfred University provides reasonable accommodations to persons with disabilities and reasonable religious accommodations, when that accommodation is consistent with state and federal law.

Situations involving other conduct that may be in violation of other Alfred University student or employee conduct policies should be reported to the Dean of Student Experience for matters involving students, or Human Resources for matters involving faculty or staff. Situations involving other conduct relating to nonaffiliates should be reported to Department of Public Safety.

### **To Whom This Policy Applies**

This policy sets forth behavioral expectations for all members of the Alfred University community: students, faculty, and staff. Alfred University will not tolerate sex discrimination in the workplace, classroom, University facilities, and in other Alfred University-related settings, such as study-abroad programs and Alfred University sponsored social functions and events. Non-community members (guests, alumni, vendors, family members, etc.) visiting our campus are also expected to abide by the behavioral expectations set forth here. Even conduct that takes place off-campus and not in connection with Alfred University programs may violate this policy if the conduct creates a threatening or hostile work or learning environment on campus or within an

Alfred University program, or if the incident causes concern for the safety or security of Alfred University's property. (It then lists protected classes)

Members of the Alfred University community are expected to provide truthful information in any report, meeting, or proceeding under this policy.

Any respondent who is not an Alfred University student, faculty member, or staff member is considered a third party. Alfred University's ability to take appropriate corrective action against a third party may be limited and will depend on the nature of the third party's relationship, if any, with Alfred University. When appropriate, the Title IX Coordinator will refer such allegations against third-party respondents to the appropriate office.

The status of a party may impact which resources and remedies are available to them, as described in this policy.

### **What is Prohibited by this Policy?**

This policy prohibits sex discrimination, including sex-based harassment, and retaliation as defined below. These acts shall also be referred to as Prohibited Conduct under this policy:

#### Discrimination on the Basis of Sex:

Discrimination is defined as treating members of a protected category less favorably because of their actual or perceived membership in that category or as having a policy or practice that adversely impacts the members of one protected category more than others.

Discrimination based on sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

#### Sex-Based Harassment:

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment based on sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Sex-Based Harassment includes the following:

- a. Quid pro quo harassment: An employee, agent, or other person authorized by Alfred University to provide an aid, benefit, or service under Alfred University's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
- b. Hostile environment harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from Alfred University's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
  - The degree to which the conduct affected the complainant's ability to access Alfred University's education program or activity.
  - The type, frequency, and duration of the conduct.
  - The parties' ages, roles within Alfred University's education program or activity, previous interactions, and other factors about a party that may be relevant to evaluating the effects of the conduct.
  - The location of the conduct and the context in which the conduct occurred; and
  - Other sex-based harassment in Alfred University's education program or activity.
- c. New York Human Rights Law defines sexual harassment as unwelcome conduct which is either of a sexual nature or which is directed at an individual because of that individual's sex when:



- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment; or
  - Such conduct is made either explicitly or implicitly a term or condition of employment; or
  - Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.
- d. Sexual assault: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Specifically, this includes:

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

Incest—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.

- e. Dating violence: violence committed by a person:
- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - Where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - o The length of the relationship.
    - o The type of relationship; and
    - o The frequency of interaction between the people involved in the relationship.

Emotional and psychological abuse do not constitute violence for the purposes of this definition.

- f. Domestic violence: felony or misdemeanor crimes of violence committed by a person who:
- o Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of Alfred University, or a person similarly situated to a spouse of the victim?
  - o Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner.
  - o Shares a child in common with the victim; or
  - o Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

Emotional and psychological abuse do not constitute violence for the purposes of this definition.

- g. Stalking: Engaging in a course of conduct, on the basis of sex, directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.
- h. Sexual coercion: The application of unreasonable pressure, including emotionally or physically manipulative actions or statements, or direct or implied threats, in order to compel the person to engage in sexual activity.
- i. Sexual exploitation is the abuse or exploitation of another person's sexuality without consent, for the perpetrator's own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited. Sexual Exploitation includes, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual

advantage over that person; causing the prostitution of another person; electronically recording, photographing, or transmitting intimate or sexual utterances, sounds or images of another person; allowing third parties to observe sexual acts; engaging in voyeurism; distributing intimate or sexual information about another person; and/or knowingly transmitting a sexually transmitted infection, including HIV, to another person.]

### Retaliation:

Retaliation is any materially adverse action taken against an individual because they were involved in the disclosure, reporting, investigation, or resolution of a report of Prohibited Conduct. Retaliation includes threats, intimidation, harassment, coercion, discrimination, violence, or any other conduct against any person by Alfred University, a student, or an employee or other person authorized by Alfred University to provide aid, benefit, or service under Alfred University's education program or activity, for the purpose of interfering with any right or privilege secured by this policy or by law, including Title IX or its regulations. Adverse action does not include perceived or petty slights, or trivial annoyances.

The prohibition against retaliation applies to any individuals who participate (or refuse to participate) in any manner in an investigation and to any student who refuses to participate in an investigation or proceeding.

Retaliation may occur even where there is a finding of "not responsible" under this policy. Good faith actions lawfully pursued in response to a report of Prohibited Conduct are not Retaliation.

### **Delegation of Duties Under This Policy**

Obligations in this policy assigned to a particular title, such as the Title IX Coordinator, may be designated as appropriate by Alfred University, including to external professionals.

### **Academic Freedom**

Alfred University is dedicated to an uncompromising standard of academic excellence and an unwavering commitment to academic freedom, freedom of inquiry, and freedom of expression in the search for truth. This policy and procedures are not intended to inhibit or restrict free expression or exchange of ideas, abridge academic freedom, or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom.

Members of the Alfred University community are free to express their views on any academic subject — regardless of whether those viewpoints are provocative or controversial. Before proceeding with or continuing an investigation of any report of harassment or retaliation that involves an individual's speech or other communication, Alfred University will take care to distinguish between protected speech and hostile environment harassment. The Title IX Coordinator will act as needed to restore or preserve a person's access to Alfred University's education program or activity.

### **Title IX Coordinator**

Alfred University is committed to promoting a diverse, equitable, and inclusive working and learning environment free from sex discrimination. The Title IX Coordinator is charged with monitoring compliance with Title IX; providing education and training; and coordinating Alfred University's investigation, response, and resolution of all reports of Prohibited Conduct under this policy. The Title IX Coordinator acts with independence and authority and oversees all resolutions under this policy free from bias and conflicts of interest. The Title IX Coordinator is available to meet with any Student, Employee, or other individual to discuss this policy or the accompanying procedures and can be contacted at:

**Tom Johnson**

**johnsont@alfred.edu**



### **Conflicts of Interest or Bias**

Any individual carrying out any part of this policy shall be free from any actual conflict of interest or demonstrated bias that would impact the handling of a matter. Should the Title IX Coordinator have a conflict of interest, the Title IX Coordinator is to immediately notify the President ([zupan@alfred.edu](mailto:zupan@alfred.edu)) who will either take, or reassign, the role of Title IX Coordinator for purposes of carrying out the handling and finalization of the matter at issue. Should any investigator(s), Decision-maker, or Appeals Officer have a conflict of interest, the investigator(s), Decision-maker, or Appeals Officer is to notify the Title IX Coordinator upon discovery of the conflict so that the Title IX Coordinator may reassign the role as appropriate. This policy will note where parties can challenge the participation of any individual implementing this policy based on actual conflict of interest or demonstrated bias.

### **Crime and Incident Disclosure Obligations**

The Clery Act is a federal crime and incident disclosure law. It requires, among other things, that Alfred University reports the number of incidents of certain crimes, including some of the Prohibited Conduct in this policy, which occur campus-related locations. The Clery Act also requires Alfred University to issue a warning to the community in certain circumstances.

In the statistical disclosures and warnings to the community, Alfred University will ensure that a complainant's name and other identifying information is not disclosed. The Coordinator will refer information to the Clery Officer, the Director of Public Safety, when appropriate for a determination about Clery-related actions, such as disclosing crime statistics or sending campus notifications.

### **Consensual Relationship and Conflicts of Interest**

Sexual behavior that is welcome or consensual does not constitute sexual harassment under the law. However, romantic relationships in situations where one individual has greater power or authority over another frequently result in claims of harassment when the relationship ends and often gives the perception of favoritism while the relationship continues. Such relationships are inappropriate. A "consensual" relationship between a professor and their student, a supervisor and a subordinate, or a coach and team player are examples of inappropriate relationships. If a consensual relationship occurs, any situation of authority must be discontinued, and appropriate action may be taken. It is the responsibility of the person in the relationship with the greater authority to disclose the relationship promptly to the Title IX Coordinator. Certain Departments and Divisions of Alfred University may have policies or expectations that hold their members to more stringent standards than this policy, and these higher standards will be the controlling document in such cases.

## **B. REPORTING SEX DISCRIMINATION, INCLUDING SEX-BASED HARASSMENT**

### **Employee Reporting Obligations**

Alfred University believes it is important to be proactive in taking reasonable steps to identify and prevent incidents of sex discrimination. All employees, with limited exceptions as identified by Alfred University, are required to promptly provide to the Title IX Coordinator all complaints or reports of sex discrimination, including sex-based harassment, to the Title IX Coordinator and share all information reported or made available to the employee. If an employee in a supervisory capacity has direct knowledge of an incident of harassment or discrimination on the part of, or directed toward, any employee of the Alfred University community, that supervisor is required to bring the matter to the attention of the Title IX Coordinator.

Researchers conducting an IRB-approved human subjects research study designed to gather information about sex discrimination are not required to report to the Title IX Coordinator disclosures made during that study to the Title IX Coordinator.

Alfred University also encourages employees who themselves experience sex discrimination to bring their concerns to the Title IX Coordinator, though they are not required to do so.

When providing this information to the Title IX Coordinator, the employee must include their own name and contact information, and all known details about an incident, which may include, if known, the dates, times, locations, names of involved individuals and the nature of the incident.

Aside from this reporting obligation, employees will, to the fullest extent possible, maintain the privacy of an individual's information, consistent with FERPA. More information about FERPA can be found [here](#).

In addition, certain employees of Alfred University are considered by law to be mandatory reporters of child abuse, elder abuse, or abuse of persons with disabilities. These Alfred University employees are required by law to report incidents of abuse to the New York Statewide Central Register of Child Abuse and Maltreatment (SCR), 1-800-635-1522. A full description of the mandatory child abuse reporting obligation and those covered by that obligation can be found at: *NYS Senate Consolidated Laws of New York under Chapter 55, Article 6, Title 6 of the New York Social Services Law* (<https://www.nysenate.gov/legislation/laws/SOS>)

### Public Awareness Events

Employees are not required to report to the Title IX Coordinator information about sex discrimination they learn about at public awareness events such as Take Back the Night. The Title IX Coordinator is not obligated to respond directly to any identified complainant in a report of sex-based harassment disclosed at a public awareness event that takes place on-campus or in a school-sponsored online platform unless there is an imminent and serious threat to someone's health or safety. The Title IX Coordinator must respond to reports of conduct that could constitute sex discrimination other than sex-based harassment if disclosed at public awareness events, wherever they occur. In all cases Alfred University will use the information to inform its efforts to prevent sex-based harassment, including by providing tailored training to address alleged sex-based harassment in a particular part of its education program or activity or at a specific location when information indicates there may be multiple incidents of sex-based harassment.

### How to Make a Report to Alfred University

All complaints of violations of this policy will be taken seriously and in good faith. The Title IX Coordinator will provide information and guidance regarding how to file a complaint with Alfred University and/or local law enforcement, as well as information and assistance about what course of action may best support the individual(s) involved and how best to address the complaint.

Every reasonable effort will be made to maintain the privacy of those making a report to the extent possible. In all cases, Alfred University will consider the party bringing forward a report with respect to how the matter is pursued. Alfred University may, when necessary to protect the community, initiate an investigation or take other responsive actions to a report, even when the person identifying a concern chooses not to participate in a resolution process and/or requests that Alfred University not initiate an investigation.

Employees, students, guests, or visitors who believe that this policy has been violated should promptly contact the coordinator or another member of the Title IX Office as follows:

Title IX Coordinator

Tom Johnson

Email: [johnsont@alfred.edu](mailto:johnsont@alfred.edu)

Online Reports can be made [here](#).

There is no timeline for making a report of sex discrimination, however, Alfred University encourages the prompt reporting of a complaint as the ability of Alfred University to pursue the complaint to conclusion may be hindered by the passage of time.

### **Amnesty**

The health and safety of every student at Alfred University is of utmost importance. Alfred University realizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that sexual harassment or 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. Alfred University strongly encourages students to report sexual harassment, domestic violence, dating violence, stalking or sexual assault to university officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of sexual harassment, domestic violence, dating violence, stalking or sexual assault to Alfred University officials or law enforcement will not be subject to the University's conduct of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the sexual harassment, domestic violence, dating violence, stalking or sexual assault.

### **Privacy and Confidentiality**

Alfred University values the privacy of its students, employees, and other community members. Community members should be able to seek the assistance they need and access this policy without fear that the information they provide will be shared more broadly.

References made to privacy mean Alfred University offices and employees who cannot guarantee confidentiality, but will maintain privacy to the greatest extent possible, relaying information as necessary to investigate or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. Alfred University will limit the disclosure as much as practicable.

All activities under these procedures shall be conducted with the privacy interests of those involved. While Alfred University will take all reasonable steps to protect the privacy of individuals involved in a complaint, it may be necessary to disclose some information to individuals or offices on campus to address a complaint or provide for the physical safety of an individual or the campus. Thus, Alfred University cannot, and does not, guarantee that all information related to complaints will be kept confidential.

In order to maintain the privacy of evidence gathered as part of any resolution process, access to materials under the procedures in this policy will be provided only by a secure method and parties and advisors are not permitted to make copies of any documents shared or make use of the documents outside of the processes described in this policy. Parties may request to review a hard copy of materials, and Alfred University will make that available in a supervised or monitored setting. Inappropriately sharing materials provided during this process may constitute retaliation under this policy.

Individuals may speak confidentially with a Confidential Resource. Confidential Resources (e.g., licensed mental health care providers, physicians, clergy) may not report to Title IX Coordinator any identifying information about conduct that may violate Alfred University's policies against sex discrimination without the written consent of the individual who supplied the information, unless required by law. Such disclosures will not be reported to the Title IX Coordinator or initiate any process under this policy.

Alfred University employs two types of employees who are not required to report information about sex discrimination to the Title IX Coordinator:

- Privileged and confidential employees whose communications are privileged or confidential under Federal or State law. The employee must be hired for and function within the scope of their duties to which the privilege or confidentiality applies. For example, physicians, clergy, and mental health counselors are all confidential employees. Disclosures made to these employees means that information cannot be disclosed to anyone internal or external to the university without the expressed permission from the individual disclosing the information.

State law requires professional counselors to report to their county's Director of Community Services or appropriate law enforcement authorities when a patient is likely to engage in conduct that would result in serious harm to the patient or others. If there is reasonable cause to suspect that a minor has been sexually abused, reports must be made to *New York Statewide Central Register of Child Abuse and Maltreatment (SCR)*, 1-800- 635-1522. A fuller description of the mandatory child abuse reporting obligation and those covered by that obligation can be found at: *NYS Senate Consolidated Laws of New York under Chapter 55, Article 6, Title 6 of the New York Social Services Law* (<https://www.nysenate.gov/legislation/laws/SOS>).

- Employees designated by the institution as exempt from reporting known sex discrimination to the Title IX Coordinator and designated as such for the purpose of providing services to the campus community related to sex discrimination. Such employees must be acting in the scope of that role when they learn of the information about sex discrimination for this exemption to apply. For example, the ombudsperson and sexual violence response counselors may be designated as exempt from internal reporting. Disclosures made to these employees means that information will not be shared with the Title IX Coordinator or anyone within Alfred University but may be released under legal action or court order without the permission of the individual disclosing the information.

A list of resources may be found at the end of this policy.

### Reporting to the Police

Some Prohibited Conduct may constitute a violation of both the law and Alfred University policy. Alfred University encourages students to report alleged crimes promptly to local law enforcement agencies. All persons have the right to file with law enforcement, as well as the right to decline to file with law enforcement. The decision not to file shall not be considered as evidence that there was not a violation of Alfred University policy.

Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. The standards for finding a violation of criminal law are different from the standards for finding a violation of this policy. Conduct may constitute Prohibited Conduct under this policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute.

Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. However, when a complaint is made to Alfred University as well as to law enforcement, Alfred University may delay its process if a law enforcement agency requests that Alfred University delay its process for a reasonable amount of time to allow law enforcement to gather evidence of criminal misconduct. Criminal or legal proceedings are separate from the processes in this policy and do not determine whether this policy has been violated.

All investigations and determinations under this policy will be thorough, reliable and impartial, and will seek to collect evidence and names of witnesses to gather information that is directly or substantially relevant to whether the alleged policy violation occurred, and will not be based on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

In the case of an emergency, where the physical well-being of a member of Alfred University community or the safety of Alfred University as an institution is threatened, any individual with such knowledge should promptly inform the Director of Public Safety. Alfred University may take any immediate steps as may be necessary and appropriate under the circumstances to ensure the well-being of Alfred University community

and Alfred University as an institution.

### **C. RESPONDING TO A REPORT**

The following process will be used following the receipt of a report of sex discrimination.

#### **Initial Contact**

Following receipt of a report alleging a potential violation of this policy, the Title IX Coordinator will contact the complainant to meet with the Title IX Coordinator for an initial intake and assessment meeting, and will provide the following:

- An invitation to meet to help and explain their rights, resources, and options under this policy.
- Access to this policy.
- Information regarding available campus and community resources for counseling, health care, mental health, or victim advocacy. Upon request, information regarding legal assistance, visa and immigration assistance, student financial aid and other available services may be provided.
- The availability of Supportive Measures regardless of whether a complaint is filed and/or any resolution is initiated.
- The options for resolution (no action, prevention, agreement, investigation) and how to initiate such resolution processes.
- The right to notify law enforcement as well as the right not to notify law enforcement.
- The importance of preserving evidence and, in the case of potential criminal misconduct, how to get assistance from Public Safety or local law enforcement in preserving evidence.
- The right to an advisor of choice, if applicable, during Alfred University proceedings under this policy including the initial meeting with the Title IX Coordinator
- A statement that retaliation for filing a complaint, or participating in the complaint process, is prohibited.
- Information on how to initiate the Investigation or Resolution-Based Agreement process.

#### **Initial Intake & Assessment**

The Initial Assessment process seeks to gather information about the nature and circumstances of the report to determine whether this policy applies to the report and, if so, which resolution process may be appropriate, as well as which section of the resolution procedures apply based on the conduct and the status of the parties. The Title IX Coordinator may also determine that the provision of supportive measures only is the appropriate response under the policy. The initial assessment is not a finding of fact or responsibility. If the individual bringing forward the complaint is not the actual complainant, the Title IX Coordinator will limit communication to general information on policies and processes.

Should the complainant wish to initiate a resolution process, the Title IX Coordinator will determine whether this policy applies and, if so, the appropriate process under this policy. The Title IX Coordinator will communicate to the complainant this determination.

If the information provided does not suggest a potential violation of this policy, the Title IX Coordinator will provide the complainant written notice that the matter is being referred for handling under a different policy, and/or to another appropriate office for handling.

#### **Requests for Confidentiality or No Further Action**

When a complainant requests that Alfred University not use their name as part of any resolution process, or that Alfred University not take any further action, Alfred University will try to honor those requests. However, there are certain instances in which Alfred University has a broader obligation to the

community and may need to act against the wishes of the complainant. In such circumstances, the Title IX Coordinator will notify the complainant in writing of the need to act. The factors the Title IX Coordinator will consider when determining whether to act against the wishes of a complainant include:

1. The complainant's request not to proceed with initiation of a complaint.
2. The complainant's reasonable safety concerns regarding initiation of a complaint.
3. The risk that additional acts of Prohibited Conduct would occur if a complaint were not initiated.
4. The severity of the alleged Prohibited Conduct, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence.
5. The age and relationship of the parties, including whether the respondent is an employee of Alfred University.
6. The scope of the alleged discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals.
7. The availability of evidence to assist a Decision-maker in determining whether sex discrimination occurred; and
8. Whether Alfred University could end the alleged sex discrimination and prevent its recurrence without initiating its resolution procedures under this policy.
9. Whether the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other persons, or that the conduct as alleged prevents Alfred University from ensuring equal access on the basis of sex to its education program or activity.

## **Emergency Removal**

For sex discrimination and sex-based harassment, Alfred University retains the authority to remove a respondent from Alfred University's program or activity on an emergency basis, where Alfred University (1) undertakes an individualized safety and risk analysis, (2) determines that an immediate and serious threat to the health or safety of a complainant or any student, employee, or other individual arising from the allegations of sex discrimination justifies a removal, and (3) Alfred University provides the respondent with notice of and an opportunity to challenge the decision immediately following the removal.

The respondent may challenge the decision immediately following the removal, by notifying the Title IX Coordinator in writing. Alfred University will designate an impartial individual, not otherwise involved in the case, to consider the challenge to the removal and determine if the emergency removal was reasonable.

For all other Prohibited Conduct, Alfred University may defer to its interim suspension policies for students and administrative leave for employees.

## **Administrative Leave**

Alfred University retains the authority to place an employee respondent on administrative leave during a pending complaint process under this policy, with or without pay as appropriate. Administrative leave may be a supportive measure, emergency removal, or consistent with guidelines outlined in the relevant employee handbook. Administrative leave implemented as a supportive measure or as emergency removal is subject to the procedural provisions above, including the right to challenge the decision to implement that measure.

## **Dismissal of a Complaint**

Before dismissing a complaint, Alfred University will make reasonable efforts to clarify the allegations with the complainant.

Alfred University may dismiss a complaint if:

- Alfred University is unable to identify the respondent after taking reasonable steps to do so.
- The respondent is not participating in Alfred University's education program or activity and is not employed by Alfred University.

- The complainant voluntarily withdraws their complaint in writing and the Title IX Coordinator declines to initiate a complaint.
- The complainant voluntarily withdraws some but not all allegations in a complaint in writing, and the Alfred University determines that the conduct that remains alleged in the complaint would not constitute Prohibited Conduct under this policy; or
- Alfred University determines the conduct alleged in the complaint, even if proven, would not constitute Prohibited Conduct under this policy.

Upon dismissal, Alfred University will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then Alfred University will notify the parties simultaneously in writing. If a dismissal of one or more allegations changes the appropriate decision-making process under these procedures, the Title IX Coordinator will include that information in the notification.

Alfred University will notify the complainant that a dismissal may be appealed on the basis outlined in the Appeals section. If dismissal occurs after the respondent has been notified of the allegations, then Alfred University will also notify the respondent that the dismissal may be appealed on the same basis. If a dismissal is appealed, Alfred University will follow the procedures outlined in the Appeals section of these procedures.

When a complaint is dismissed, Alfred University will, at a minimum:

- Offer supportive measures to the complainant as appropriate.
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and,
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within Alfred University's education program or activity.

A complainant who decides to withdraw a complaint or any portion of it may later request to reinstate it or refile it.

### **Referrals for Other Misconduct**

Alfred University has the discretion to refer complaints of misconduct not covered by this policy for handling under any other applicable Alfred University policy or code. As part of any such referral for further handling, Alfred University may use evidence already gathered through any process covered by this policy.

Should there be a conflict between the provision of this policy and other Alfred University policies, procedures, rules, regulations, or terms or conditions of employment, the provisions of this policy will govern unless specifically stated otherwise.

This policy and these procedures are separate from Alfred University's student disciplinary processes, by which Alfred University may bring a discipline charge against a student for violating Alfred University policy according to the provisions found in Alfred University code of conduct ([link](#)).

### **Consolidation of Cases**

Alfred University may consolidate complaints under this policy as appropriate: for example, if there are multiple complaints where the allegations of Prohibited Conduct arise out of the same facts or circumstances, or there are multiple complaints with overlapping parties.

Alfred University also reserves the right to use this policy to adjudicate other allegations and conduct charges as defined by policies outside of the scope of this policy in instances when the conduct is associated with an alleged issue of Prohibited Conduct under this policy. The Title IX Coordinator will address these consolidated complaints in collaboration and coordination with other appropriate offices, such as Student Services and Human Resources. Allegations of a violation of a separate policy are not required to be handled using the procedural requirements set forth in this policy.



## **Student Withdrawal or Employee Resignation while Matters are Pending.**

If a student or employee respondent permanently withdraws or resigns from Alfred University with unresolved allegations pending, Alfred University will consider whether and how to proceed with the resolution process. Alfred University will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s) and any ongoing effects of the alleged Prohibited Conduct.

A student respondent who withdraws or leaves while the process is pending may not return to Alfred University without first resolving any pending matters. Such exclusion applies to all Alfred University campuses and programs. Admissions will be notified that the student cannot be readmitted. They may also be barred from Alfred University property or events. If a student respondent withdraws or takes a leave for a specified period (e.g., one semester or term), the resolution process may continue remotely, and that student is not permitted to return to Alfred University unless and until the matter is fully resolved. A registration hold will be placed on a student's record who withdraws or leaves the institution while the process is pending.

An employee respondent who resigns with unresolved allegations pending is not eligible for rehire with Alfred University and the records retained by the Title IX Coordinator will reflect that status. All Alfred University responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

## **D. OPTIONS FOR RESOLUTION**

There are multiple ways to resolve a complaint or report of sex discrimination. Whenever possible, Alfred University will utilize the resolution method chosen by the complainant. During the resolution of a complaint, the Title IX Coordinator will determine whether to implement reasonable supportive measures designed to assist all parties (complainants and respondents) and community members in maintaining access to and participation in Alfred University programs, services, and activities during the resolution of the complaint.

This section includes information on support-based Resolution, agreement-based resolution, and investigation and decision-making procedures.

### **Support- Based Resolution**

A support-based resolution is an option for a complainant who does not wish Alfred University to take any further steps to address their concern, and when the Title IX Coordinator determines that another form of resolution, or further action, is not required. Some types of support that may be appropriate include adjustments or changes to class schedules; moving from one residence hall room to another; adjusted deadlines for projects or assignments; adjustments to work schedule or arrangements; escorts to and around campus; or counseling.

A support-based resolution does not preclude later use of another form of resolution, for example if new information becomes available to Alfred University and the Title IX Coordinator determines there is need for additional steps to be taken, or the complainant later decides to pursue a Resolution Agreement or investigation and decision making.

### **Agreement-Based Resolution**

Agreement-Based Resolution is an alternative to the investigation and decision-making procedures where the Parties each voluntarily agree to resolve the complaint in a way that does not include an investigation and does not include any finding of responsibility. Agreement-Based Resolution is a voluntary, structured interaction between or among affected parties that balances support and accountability. If Alfred University offers Agreement-Based Resolution to the parties, and they voluntarily consent to engage in that process, the Title IX Coordinator must still take other prompt and effective steps as needed to ensure that sex discrimination does not continue or recur within the education program or activity.



Any party may design the proposed agreement between the parties. The Title IX Coordinator must approve of the use of the Agreement-Based Resolution process and approve the final agreement between the parties. Agreement-Based Resolution may be initiated at any time prior to the release of the final determination. Because Agreement-Based Resolution does not involve an investigation, there is not any determination made as to whether a respondent violated this policy.

The Title IX Coordinator has the discretion to determine that Agreement-Based Resolution is not an appropriate way to address the reported conduct, and that the matter must instead be resolved through an investigation and decision-making process.

#### Initiating the Agreement-Based Resolution Process

Prior to the initiation of Agreement-Based Resolution, the Title IX Coordinator will provide the Parties written notice that includes:

- The specific allegation and the specific conduct that is alleged to have occurred.
- The requirements of the Agreement-Based Resolution process.
- Any consequences resulting from participating in the Agreement-Based Resolution process, including the records that will be maintained or could be shared, and whether Alfred University could disclose such information for use in a future Alfred University resolution process, including an investigation and resolution process arising from the same or different allegations, as may be appropriate.
- Notice that an agreement resulting from the Agreement-Based Resolution process is binding only on the parties and is not subject to appeal.
- Notice that once the Agreement is finalized and signed by the Parties, they cannot initiate or continue an investigation procedure arising from the same allegations.
- A statement indicating that the decision to participate in the Agreement-Based Resolution process does not presume that the conduct at issue has occurred.
- A statement that the respondent is presumed not responsible for violating this policy unless respondent admits to violations of this policy.
- An explanation that all parties may be accompanied by an [advisor](#) of their choice, who may be a parent, colleague, friend, or attorney.
- A statement that any party has the right to withdraw from the Agreement-Based Resolution process and initiate or resume resolution procedures at any time before agreeing to a resolution.
- The date and time of the initial meeting with staff or the Title IX Coordinator, with a minimum of 3 days' notice.
- Information regarding Supportive Measures, which are available equally to the parties; and
- The potential terms that may be requested or offered in an Agreement-Based Resolution agreement.

#### Facilitating an Agreement

If all Parties are willing to explore Agreement-Based Resolution, the Title IX Coordinator or designee will then meet separately with each party to discuss the Agreement-Based Resolution process and facilitate an agreement. If an agreement cannot be reached, either because the Parties do not agree, determine they no longer wish to participate in the Agreement-Based Resolution process, or the Title IX Coordinator or designee does not believe that the terms of the agreement or continuing the Agreement-Based Resolution process is appropriate, the Title IX Coordinator may decide that the reported conduct will instead be addressed through the investigation and decision making process. The Title IX Coordinator will inform the parties of such decision, in writing.

Agreement-Based Resolution processes are managed by facilitators who do not have a conflict of interest or bias in favor of or against complainants or respondents generally or regarding the specific parties in the

matter. The Title IX Coordinator may serve as the facilitator, subject to these restrictions. The investigator(s) or Decision-maker for the matter may not facilitate an Agreement-Based Resolution in that same matter.

Any party may craft or create the terms of their agreement and will be asked for their suggestions or ideas. Examples of agreements may include but are not limited to:

- an agreement that the respondent will change classes or housing assignments.
- an agreement that the Parties will not communicate or otherwise engage with one another.
- an agreement that the Parties will not contact one another.
- completion of a training or educational project by the respondent.
- completion of a community service project by the respondent.
- an agreement to engage in a restorative justice process or facilitated dialogue; and/or
- discipline agreed upon by all parties.

To facilitate Agreement-Based Resolution, information shared by any party will not be used in any related resolution process of the same complaint under this policy. No evidence concerning the allegations obtained within the Agreement-Based Resolution process may be disseminated to any outside person, provided that any party to the Agreement-Based Resolution process may discuss the allegations under investigation with a parent, advisor, or other source of emotional support, or with an advocacy organization. An admission of responsibility made during an Agreement-Based Resolution process, however, may not be incorporated into the investigation and adjudication proceeding.

#### Finalizing the Resolution Agreement

Once the final terms of the Resolution Agreement have been agreed upon by all parties, in writing, and approved by the Title IX Coordinator, the matter will be considered closed, and no further action will be taken. Once signed, no appeal is permitted. The Agreement-Based Resolution process is expected to be completed within thirty (30) days and may be extended by the Title IX Coordinator as appropriate. All parties will be notified, in writing, of any extension and the reason for the extension.

Records of an Agreement-Based Resolution process can be shared with other offices as appropriate.

Any violations of the terms of the Resolution Agreement may result in disciplinary action.

#### **Investigation & Decision-making Resolution**

This policy includes two types of investigation and decision-making procedures.

- Investigation & Decision-making Procedures in Cases of Sex-Based Harassment Not Involving a Student Respondent
- Investigation & Decision-making Procedures in Cases of Sex-Based Harassment Involving a Student Respondent

The following information applies to both types of investigation and decision-making procedures.

#### Acceptance of Responsibility

If a respondent accepts responsibility for all or part of the Prohibited Conduct alleged, the coordinator or designated sanctioning officer will issue an appropriate sanction or responsive action as to those violation(s) and continue processing any remaining allegations of Prohibited Conduct, if any.

#### Assignment of the (s) and/or Decision-maker

Alfred University will assign a trained investigator(s) and/or Decision-maker to conduct an adequate, reliable, and impartial investigation and determination, as applicable, in a reasonably prompt timeframe. Alfred University reserves the right to utilize internal or external investigator(s) and Decision-makers.

All parties have the option to participate in the investigation, and each have the same rights during the resolution process including the right to an advisor, to submit relevant witness names and evidence, and to review the evidence gathered by the investigator(s) prior to the investigator(s) providing the final report to the Decision-maker.

The investigator(s) will establish deadlines for submission of names of relevant witnesses and submission of evidence and communicate those deadlines to the parties in writing.

#### Conflict of Interest or Bias

After a Notice of Investigation is issued to all parties, any party may object to the participation of the Title IX Coordinator or designated investigator(s) on the grounds of a demonstrated bias or actual conflict of interest. All parties will have three (3) days from the date of the Notice of Investigation to object to the selection of the investigator(s) or the Title IX Coordinator. Objections to the Title IX Coordinator are to be made, in writing, to the President. Objections to the appointment of the investigator are to be made in writing, to the Title IX Coordinator. All objections will be considered, and changes made as appropriate. If the objection is substantiated as to either the Title IX Coordinator or the Investigator(s), that individual shall be replaced. Any change will be communicated in writing.

#### Timeline

Alfred University strives to complete the investigation process within ninety (90) days from the date of the Notice of Investigation.

The timeline for any part of the resolution process may be extended for good cause by the Title IX Coordinator. All parties shall be notified, in writing, of any extension to the timeline that is granted, the reason for the extension, and the newly anticipated date of conclusion of the investigation and/or hearing. Good cause reasons for extension may include ensuring the availability of witnesses and other participants and ensuring participants have sufficient time to review materials.

Alfred University shall not unreasonably deny a student party's request for an extension of a deadline related to a complaint during periods of examinations or school closures.

The investigator(s) and/or Title IX Coordinator shall provide the Parties with periodic status updates, in writing.

#### Burden and Standard of Review

Alfred University has the burden of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. This burden does not rest with any party, and any party may decide to limit their participation in part or all the process, or to decline to participate. This does not shift the burden of proof away from Alfred University and does not indicate responsibility. The standard of proof used in any investigation and decision-making process is the preponderance of the evidence standard, which means more likely than not.

#### Written Notice of Meetings

Alfred University will provide to a party or witness whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare to participate.

#### Evidence Gathering

## *Interviews*

The investigator(s) will interview all parties and relevant witnesses and gather relevant documentary evidence provided by the parties and any identified witnesses. Interviews may be conducted in person, or via video conference. When a party meets with an investigator(s), the investigator(s) will ask questions related to the allegations in the complaint and a party is given the opportunity speak to the allegations and related events. Parties may identify fact witnesses and provide evidence that is relevant to the allegations and not otherwise impermissible. This will include inculpatory evidence (that tends to show it more likely that someone committed a violation) and exculpatory evidence (that tends to show it less likely that someone committed a violation). The investigator(s) ultimately determines whom to interview to determine the facts relevant to the complaint.

## *Impermissible Evidence*

The following types of evidence, and questions seeking that evidence, are impermissible. This means this information will not be accessed or considered, except by Alfred University to determine whether one of the exceptions listed below applies. This information will not be disclosed or otherwise used, regardless of relevance:

- Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
- Evidence provided to an employee designated by Alfred University as exempt from internal reporting under this policy unless the person who made the disclosure or otherwise provided evidence to that employee has voluntarily consented to re-disclosure.
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless Alfred University obtains that party's or witness's voluntary, written consent for use in its resolution procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to alleged sex-based harassment. The fact of prior consensual sexual conduct between the parties does not by itself demonstrate or imply the complainant's consent to other sexual activity or preclude a determination that Prohibited Conduct occurred.
- Under New York state law, in matters of sexual assault, domestic violence, dating violence, and stalking, all parties have the right to exclude their own prior sexual history with persons other than the other party in the investigation and decision-making process or their own mental health diagnosis and/or treatment from admittance in the institution disciplinary state that determines responsibility. The limit does not cover evidence of prior sexual history with the other party in the investigation that is relevant to an allegation or defense of an allegation.

## **Investigation & Decision-making Procedures in Cases of Sex-Based Harassment Not Involving a Student Respondent**

The following describes the next steps in investigation and decision-making for matters of sex-based harassment in which the respondent is not a student, regardless of the status of the other party. The investigator may serve as the Decision-Maker.

An investigation process consists of five stages: written notice of investigation; evidence gathering; evidence review; final written determination; option to appeal.

## Notice of Investigation

Prior to the start of an investigation, the Parties will be provided a written Notice of Investigation communicating the initiation of an investigation. Should additional allegations be brought forward, or information regarding the location or date of the incident(s), a revised written Notice of Investigation shall be provided to all parties.

The Notice shall include, at a minimum:

1. Alfred University's investigation procedures, including the applicable determination procedure that will be used in this investigation and resolution, and a link to the relevant policies.
2. Information about the agreement-based resolution, with a link to the full procedures.
3. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s).
4. A statement that retaliation is prohibited.
5. Whether the investigator(s), or another individual, shall serve as the Decision-maker.
7. Expected length of the major stages of the resolution process, as well as any applicable deadlines.
8. The Notice will inform the parties that the investigator(s) will establish and communicate, in writing, all investigation deadlines, including the final deadlines for submitting names of witnesses, evidence, and relevant questions to ask a party or witness. These deadlines may be extended by the Title IX Coordinator for good cause, and any changes will be provided, in writing, to the parties, along with the rationale for the revised deadline(s).
9. The process for raising a challenge to the appointed investigator(s), Decision-maker, or Title IX Coordinator, and the deadline for doing so.
10. A statement that the respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the resolution process. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decision-maker.
11. A statement that the parties may have an advisor of their choice who may be a friend, parent, therapist, colleague, or attorney.
12. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigation report that accurately summarizes this evidence.
13. Alfred University's Code of Conduct prohibits Abuse of Conduct Process, which includes knowingly making false statements or knowingly submitting false information during the resolution procedures.
14. The Decision-maker will be identified. If Alfred University assigns a different Decision-maker, an updated notice will be provided to the parties.
15. The date and time of the initial interview with the Investigator(s), with a minimum of five (5) days' notice.

## Individual Interviews

The investigator(s) will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility, and to request of the parties the names of relevant witnesses and relevant evidence. Only the investigator(s) and the party or witness may attend each individual interview. A party's advisor may attend these meetings, subject to the rules described above. Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with an approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of the resolution process and may be subject to further University discipline for failure to do so.

The investigator(s) will then attempt to gather all relevant evidence from parties, witnesses, and other sources.

At the initial interview with each party, the investigator(s) will invite the parties to provide, in writing and in advance of the individual interviews, questions to ask of the parties and witnesses that are relevant and not otherwise permissible, including questions exploring credibility. Upon receiving the question list, the investigator(s) will determine whether a proposed question is relevant and not otherwise impermissible and will explain, in writing in advance of the individual interview, any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The investigator(s) must give a party an opportunity to clarify or revise any question that the investigator has determined is unclear or harassing and, if the party sufficiently clarifies or revises a question, the question will be asked.

The investigator(s) will not permit questions that are unclear or harassing of any party or witness being questioned.

The University will share expectations of decorum to be observed at all times in any meeting or proceeding under this policy. These expectations are applied equally to all parties and advisors. The University has the discretion to remove, with or without prior warning, from any meeting or proceeding any involved party, witness, or advisor who does not comply with these expectations and any other applicable University rules.

The individual interviews may be conducted with all participants physically present in the same geographic location, or, at the University's discretion, with all participants joining virtually through a video conferencing option. All interviews will be recorded, and either an audio or audiovisual record, or transcript of these meetings will be provided to the parties during evidence review.

The investigator(s) will determine, in their sole discretion, whether parties and witnesses are likely to provide relevant information about the allegations and has the sole discretion to determine which parties and witnesses to call to an interview. The investigator(s) may conduct follow-up interviews as they deem appropriate.

#### Investigator(s) Determination of Relevance

The investigator(s) will determine whether parties and witnesses are likely to provide relevant information about the allegations and has the sole discretion to determine which parties and witnesses to call to individual follow-up meetings.

The investigator(s) will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Character evidence that is not relevant will not be considered. If the Decision-maker is not the investigator(s), the Decision-maker is not bound by the investigators' determinations about relevance.

#### Evidence Review

At the conclusion of all fact-gathering, the investigator(s) will provide each party and their advisor the opportunity to review all relevant and not otherwise impermissible evidence gathered. If an audio or audiovisual recording is shared, the recording will only be made available at an in-person and monitored meeting on campus, and will not otherwise be transmitted for review, so as to maintain the privacy of those participating in the process.

The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation, to submit any additional relevant evidence, and the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence or names of witnesses. Evidence not provided during the investigation process will not be considered by the Decision-maker. Given the sensitive nature of the information provided, Alfred University will facilitate this review in a secure manner. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The parties will have a minimum of 5 days to inspect and review the evidence and submit a written response in writing to the investigator. The Title IX Coordinator shall have the discretion to extend the evidence review period based on the volume and nature of the evidence.

When deemed appropriate by the investigator(s), the investigator(s) shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence was submitted as part of evidence review, or is gathered during this second fact-gathering period, the new relevant evidence will be made available for review by the parties and their advisors. The parties shall have 5 days to provide a response to the newly gathered evidence. No new evidence will be accepted as part of any response, except that the investigator(s) shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The investigator(s) will consider the parties' written responses before finalizing the investigation report.

#### Determination and Investigation Report

The investigator(s) may serve as the Decision-maker(s). The Decision-maker(s) shall evaluate the relevant and not impermissible evidence and make a factual determination regarding each allegation.

The Decision-maker(s) may choose to place less or no weight upon statements by a party or witness who refused to respond to questions deemed relevant and not otherwise impermissible, or who was not available, despite reasonable diligence, for a follow-up interview. The Decision-maker(s) will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to questions.

The Decision-maker(s) shall then determine, based upon the factual findings, whether a violation of university policy occurred. The Decision-maker(s) shall prepare a report which shall include:

- A description of the sex-based harassment.
- A reference to the policies and procedures used to evaluate the allegations.
- Description of all procedural steps taken to date.
- The Decision-maker's evaluation of the relevant evidence along with the finding of facts.
- Determinations for each allegation, with the rationale.
- Sanction determination (if applicable).
- Whether remedies will be provided.
- The procedures for an appeal.



This report shall be provided to the Title IX Coordinator. In the event that the Decision-maker has determined that a violation of university policy has occurred, the Title IX Coordinator shall then provide the report to the appropriate Sanctioning Officer to determine the sanction, if that individual did not serve as the Decision-maker, and the Title IX Coordinator shall then determine the appropriate remedy(ies) for the Complainant and any impacted parties.

- *Sanctioning Officer or Designee for Student Respondents:* Dean of Student Experience
- *Sanctioning Officer or Designee for Staff Respondents:* Chief Human Resources Officer
- *Sanctioning Officer or Designee for Faculty:* Provost and Chief Operating Officer

The Title IX Coordinator shall then provide the parties and their advisors, if any, with a written Notice of Outcome and a copy of the Decision-maker's report. The Notice of Outcome shall include any disciplinary sanctions for the respondent, whether remedies will be provided, and the procedures for appeal. In addition, the complainant shall be informed of any remedies that apply to the complainant.

The Title IX Coordinator will provide each party, and their advisor, with written communication regarding the decision, the sanction determination, and the procedures for appeal, along with a copy of the Investigation Report. The Title IX Coordinator will also provide written communication to the Complainant regarding any appropriate remedies.

### **Investigation & Decision-making Procedures in Cases of Sex-based Harassment with a Student Respondent**

The following describes the investigation and decision-making procedures for sex-based harassment in which a student is a respondent, regardless of the other party's status.

#### Notice of Investigation

Prior to the start of an investigation, the Parties will be provided a written Notice of Investigation communicating the initiation of an investigation. Should additional allegations be brought forward, or information regarding location or date of the incident(s), a revised written Notice of Investigation shall be provided to all parties.

The Notice shall include, at a minimum:

1. Alfred's investigation procedures, including the applicable determination procedure that will be used in this investigation and resolution, and a link to the relevant policies.
2. Information about the agreement-based, with a link to the full procedures.
3. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s).
4. A statement that retaliation is prohibited.
5. Whether the investigator(s) or another individual shall serve as the Decision-maker.
6. Expected length of the major stages of the resolution process, as well as any applicable deadlines.
7. The Notice will inform the parties that the investigator will establish and communicate, in writing, all investigation deadlines, including the final deadlines for submitting names of witnesses, evidence, and relevant questions to ask a party or witness. These deadlines may be extended by the Title IX Coordinator for good cause, and any changes will be provided, in writing, to the parties, along with the rationale for the revised deadline(s).
8. The process for raising a challenge to the appointed investigator(s), Decision-maker or Title IX Coordinator, and the deadline for doing so.



9. A statement that the respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the resolution process. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decision-maker.
10. A statement that the parties may have an advisor of their choice who may be a friend, parent, therapist, colleague, or attorney.
11. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigation report that accurately summarizes this evidence.
12. Alfred University's Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during resolution procedures, include the following:
  - a. Abuse of the Conduct Process: Abuse of, or interference or failure to comply with, Alfred University student conduct investigations, conduct hearings and other processes, including but not limited to:
    - i. Falsification, distortion, or misrepresentation of information
    - ii. Failure to provide, destroy or conceal evidence of proscribed conduct.
    - iii. Attempting to discourage an individual's proper participation in or use of the campus conduct system.
    - iv. Influencing, or attempting to influence, another person to commit an abuse of the campus conduct system.
13. The date and time of the initial interview with the Investigator(s), with a minimum of five (5) days' notice.

### Individual Interviews

The investigator(s) will hold individual interviews with parties and witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility, and to request of the parties the names of relevant witnesses and relevant evidence. Only the investigator(s) and the party or witness may attend each individual interview, and a party may be accompanied by their advisor. Additional attendees may be permitted at the discretion of the Title IX Coordinator in connection with approved disability-related accommodation. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of the resolution process and may be subject to further University discipline for failure to do so.

The investigator(s) will create a summary of an interview or party that will be shared for their review. Parties or witnesses will have three (3) days to review the interview summary and make any recommendations for the investigator(s) to revise the summary.

The investigator(s) will attempt to gather all relevant evidence from parties, witnesses, and other sources, all relevant evidence.

Alfred University will share expectations of decorum to be observed at all times in any meeting or proceeding under this policy. These expectations are applied equally to all parties and advisors. Alfred University has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved party, witness, or advisor who does not comply with these expectations and any other applicable University rules.

The individual interviews may be conducted with all participants physically present in the same geographic location or, at the university's discretion, with all participants joining virtually through a video conferencing option. The investigator(s) will determine, in their sole discretion, whether parties and witnesses are likely to provide relevant information about the allegations and has the sole discretion to determine which parties and witnesses to call to an interview. The investigator(s) may conduct follow-up interviews as they deem appropriate.

### Investigator Determination of Relevance

The investigator(s) will determine whether parties and witnesses are likely to provide relevant information about the allegations and has the sole discretion to determine which parties and witnesses to call to individual follow-up meetings.

The investigator(s) will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance. Character evidence that is not relevant will not be considered.

### Evidence Review

At the conclusion of all fact-gathering, the investigator(s) will provide each party and their advisor the opportunity to review all relevant and not otherwise impermissible evidence gathered. If an audio or audiovisual recording is shared, the recording will only be made available at an in-person and monitored meeting on campus, and will not otherwise be transmitted for review, so as to maintain the privacy of those participating in the process.

The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation and to submit any additional relevant evidence, questions for parties or witnesses, or the names of any additional witnesses with relevant information. This is the final opportunity to offer evidence or names of witnesses. Evidence not provided during the investigation process will not be considered by the Decision-maker(s). Given the sensitive nature of the information provided, Alfred University will facilitate this review in a secure manner. None of the parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The parties will have a minimum of 5 days to inspect and review the evidence and submit a written response in writing to the investigator. The Title IX Coordinator shall have the discretion to extend the evidence review period based on the volume and nature of the evidence.

When deemed appropriate by the investigator(s), the investigator(s) shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence was submitted as part of the evidence review or is gathered during this second fact-gathering period, the new relevant evidence will be made available for review by the parties and their advisors. The parties shall have 5 days to provide a response to the newly gathered evidence. No new evidence will be accepted as part of any response, except that the investigator(s) shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The investigator(s) will consider the parties' written responses before finalizing the investigation report.

### Investigation Report

The investigator will prepare a written report summarizing all the relevant evidence gathered and all steps taken during the investigation process. The investigator will also include as an attachment all relevant evidence gathered during the investigation, as well as all interview notes.

### Conclusion of Investigation, Notice of Hearing

Once the investigation report is final, the report, together with all attachments, shall be provided to each party and to their advisor, if any, in a secure manner (e.g., by providing digital copies of the materials through a protected, "read-only" web portal). Each party shall have ten (10) days to provide a response. The response, if any, shall be provided to the Hearing Officer.

Following the conclusion of the investigation, each party shall be provided with a Notice of Hearing, which shall include information regarding the date of the hearing, the identity of the Hearing Officer, the identity of any Hearing Panel Members, the process to be used at the hearing, deadlines for submission of evidence, names of witnesses, or questions to be reviewed by the Hearing Officer to ensure they are relevant to the allegations. The hearing shall be scheduled no less than ten (10) days from the date of the Notice of Hearing.

Within three (3) days of receipt of the Notice of Hearing, either party may object to the Hearing Officer and/or a Hearing Panel Member on the basis of a demonstrated bias or actual conflict of interest. Any objection is to be in writing and sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator shall remove the Hearing Officer and/or Hearing Panel Member and appoint another.

### Hearing Procedures

The purpose of a hearing is to determine whether the conduct occurred as alleged and, if so, whether that conduct violates this policy. Alfred University expects that all individuals who participate in the hearing process do so truthfully and that all who have a responsibility for carrying out one or more aspects of the hearing process do so fairly and without prejudice or bias. Hearings may be conducted in person or via videoconferencing. The Title IX Coordinator may determine that the hearing will continue in the absence of any party or any witness.

Alfred University will appoint 1 or 3 individuals to the Hearing Panel. In the case of a three-person panel, the University will designate one member to serve as the Hearing Officer for the matter. The Hearing Officer, who may be the same person as the Title IX Coordinator or Investigator, will determine whether a violation of university policy has occurred along with any appointed Hearing Panel Members. The Hearing Officer shall have the authority to determine the relevance of the evidence submitted and of questions asked, to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing. The Hearing Officer and Hearing Panel Members shall not draw an inference about the determination regarding responsibility based solely on a party's absence from the hearing or refusal to answer questions posed.

Each hearing shall be recorded by the University, and this recording will be considered the only official recording of the hearing. No other individual is permitted to record while the hearing is taking place. The recording is the property of the University but shall be available for listening until the conclusion of the appeals process to the complainant, respondent, their respective advisors, Hearing Officer, and Appeal Officers by contacting the Title IX Coordinator.

### Prior to the Hearing

The parties and the Hearing Officer have the right to call witnesses. Witnesses participating in the hearing must have information relevant to the allegations. Parties who wish to call witnesses must submit the witness's name to the Title IX Coordinator and Hearing Officer at least seven (7) days before the hearing.

Only witnesses who participated in the investigation will be permitted to participate in the hearing unless the witness was otherwise unknown or not known to have relevant information during the course of the investigation. If the witness did not participate in the investigation, the party must also provide the reason the witness was not interviewed by the investigator, and what information the witness has that is relevant to the allegations. The Hearing Officer will then determine whether the witness has relevant information and if there is sufficient justification for permitting the witness to participate. The Hearing Officer may instead send the case back to the investigator to interview the newly proffered witness prior to the hearing taking place.

A list of witnesses approved by the Hearing Officer will be provided to the parties at least five (5) days prior to the hearing.

Three (3) days prior to the hearing, each party shall submit to the Hearing Officer a preliminary list of questions they wish to pose to the other party, or to a witness. If the Hearing Officer determines that any questions are not relevant or seek otherwise impermissible evidence, the Hearing Officer shall exclude the question and explain the reason for the exclusion of the question at the hearing. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The Hearing Officer must give a party an opportunity to clarify or revise any question that the Hearing Officer has determined is unclear or harassing and, if the party sufficiently clarifies or revises a question, and the question is relevant, the question will be asked.

#### Advisor

Each party is entitled to be accompanied by one advisor at the hearing. The role of the advisor is to assist the party with understanding and navigating the proceedings. The advisor may not advocate for, respond for, or otherwise speak on behalf of, a party during the hearing. If a party does

not appear for the Hearing, the advisor for that party may not participate in the hearing or submit questions to be asked on behalf of the party.

#### Hearing Participation Guidelines

The Hearing Officer shall have the authority to maintain order and decorum at the hearing, including responding to disruptive or harassing conduct, and when necessary to adjourn the hearing or exclude the disruptive person. In the event the Hearing Officer removes an advisor, the Hearing Officer will have the discretion to appoint another advisor for the remainder of the hearing. The Hearing Officer also has the authority to determine whether any questions are not relevant, abusive, intimidating, or disrespectful, and will not permit such questions. The Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing.

#### Statements, Questioning, and Presentation of Evidence

During the hearing, each party will be permitted to provide an introductory statement. Following introductory statements, the Hearing Officer will call parties and witnesses for questioning. The Hearing Officer shall determine the order of questioning. The Hearing Officer will pose questions to the parties and witnesses, including the questions the Hearing Officer approved to be asked and that were submitted by each party prior to the hearing. Each party will then be provided an opportunity to submit follow-up written questions to the Hearing Officer for the Hearing Officer to pose to the other party or witnesses. If the Hearing Officer determines that any questions are not relevant to the allegations, or seek otherwise impermissible evidence, the Hearing Officer shall exclude the question and explain the reason for the exclusion of the question at the hearing and offer an opportunity to the party to reframe or resubmit the question. Questions that are unclear or harassing of the party or witness being questioned will not be permitted.

Only the Hearing Officer and Hearing Panel Members are permitted to ask questions of parties and witnesses. Neither party may directly question the other party or witness. Advisors are not permitted to directly or indirectly question the other party or witness.

Following the questioning of parties and witnesses, each party will be permitted to provide a closing statement. An advisor is not permitted to provide a closing statement on behalf of their party.

## Hearing Officer's Report

Following the hearing, the Hearing Officer shall prepare a determination report. All findings shall be made by a preponderance of the evidence, meaning more likely than not. To the extent credibility determinations need to be made, such determinations shall not be based on a person's status as complainant, respondent, or witness.

The determination report will include:

- A description of the sex-based harassment and other allegations if applicable.
- A reference to the policies and procedures used to evaluate the allegations.
- Description of all procedural steps taken to date.
- The Hearing Officer's evaluation of the relevant and not otherwise impermissible evidence along with the finding of facts.
- Determinations for each allegation, with the rationale.
- Sanction determination (if applicable)
- Whether remedies will be provided.
- The procedures for an appeal.

The Hearing Officer's report shall be provided to the Title IX Coordinator. If the Hearing Officer and Hearing Panel Members determine that there is no finding of responsibility, the Title IX Coordinator shall communicate the findings to each party, and their advisor should the party wish the advisor to receive it, a written Notice of Outcome along with a copy of the Hearing Officer's report, to the parties, together with procedures for appeal.

If there is a finding of responsibility, the Title IX Coordinator shall contact the appropriate sanctioning officer, if that individual did not serve as the Hearing Officer, who will determine the sanction and notify the Title IX Coordinator of the sanctioning determination. The Title IX Coordinator will then provide each party and their advisor, should the party wish the advisor to receive it, a written Notice of Outcome regarding the decision, including the Hearing Officer's report. The Title IX Coordinator will also provide written communication to the complainant regarding any appropriate remedies.

## **APPEALS**

Dismissals of complaints and determinations made in the investigation and decision-making processes may be appealed in writing by either party. Appeals will be sent to the Title IX Coordinator, who will then send the appeal to the Appeals Officer assigned to conduct a written review of the appeal(s) and to make a final determination. Appeals must be in writing and filed within ten (10) days following the issuance of the outcome letter.

When an appeal is filed, the other party shall be notified and provided with a copy of the filed appeal and have five (5) days to respond to the appeal in writing. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal.

Within three (3) days of an Appeal Officer being assigned, either party may provide a written objection to the Appeal Officer on the basis of an actual bias or conflict of interest. Any objection is to be sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator will appoint another Appeal Officer.

Appeals may be filed only on the following three grounds:

1. Procedural Error: A procedural error occurred and would change the outcome. A description of the error and its impact on the outcome of the case must be included in the written appeal; or,
2. New Evidence: New evidence or information has arisen that was not available or known to the party during the investigation or hearing, which would change the outcome. Information that was known to the party during the resolution process but which they chose not to present is not considered new information. The new evidence, an explanation as to why the evidence was not previously available or known, and an explanation of its potential impact on the investigation findings must be included in the written appeal; or
3. Actual Conflict of Interest or Demonstrated Bias: The Title IX Coordinator, investigator, or others with a role in the process with an actual conflict of interest or demonstrated bias for or against complainants or respondents generally, or the individual complainant or respondent, which would change the outcome. Any evidence supporting the alleged conflict of interest or demonstrated bias must be included in the written appeal.

The Appeal Officer will make a determination regarding the appeal and communicate that decision, along with a rationale for the decision to the Title IX Coordinator who will communicate the Appeal Officer's decision to the parties. The decision of the Appeals Officer is final.

#### **Failure to Complete Sanctions/Comply with Responsive Actions**

All responding parties are expected to comply with conduct sanctions/responsive actions/ corrective actions within the timeframe specified by Alfred University. Responding parties needing an extension to comply with their sanctions must submit a written request to the Title IX Coordinator stating the reasons for needing additional time.

Failure to follow through on conduct sanctions/responsive actions/corrective actions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions/responsive actions/corrective actions, such as suspension, expulsion, termination, or a transcript notation. Students who fail to comply will be referred to the Office of Student Conduct in accordance with Alfred University's Student Code of Conduct.

#### **E. RECORD RETENTION**

In implementing this policy, records of all reports and resolutions will be kept by the coordinator in accordance with the applicable Alfred University records retention schedule. All records will be afforded the confidentiality protections required by law, including but not limited to the Family Educational Rights and Privacy Act governing confidentiality of student information.

#### **F. ADDITIONAL ENFORCEMENT INFORMATION**

[The U.S. Equal Employment Opportunity Commission \(EEOC\) investigates reports of unlawful harassment and discrimination, including sex-based harassment, in employment.](#)

[The U.S. Department of Education, Office for Civil Rights \(OCR\) investigates complaints of unlawful discrimination and harassment of students and employees in education programs or activities.](#)

[For more information, contact the nearest office of the EEOC or OCR.](#)

U.S. Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson Department of Education Bldg.  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

Telephone: 800-421-3481  
FAX: 202-453-6012; TDD: 800-877-8339  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

U.S. Equal Employment Opportunity Commission (EEOC)  
<https://www.eeoc.gov/contact-eeoc>

New York Office  
Office for Civil Rights  
U.S. Department of Education  
26 Federal Plaza, Suite 31-100  
New York, NY 10278-991

Telephone: 646-428-3800  
FAX: 646-428-3843; TDD: 800-877-8339  
Email: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

## G. POLICY REVIEW & REVISION

These policies and procedures will be reviewed and updated regularly by the Title IX Coordinator. The Title IX Coordinator will submit modifications to this policy in a manner consistent with institutional policy upon determining those changes to law, regulation or best practices require policy, or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of its implementation will apply. The policy definitions in effect at the time of the conduct will apply even if the policy is changed subsequently, unless the parties consent to be bound by the current policy.

This policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon posting to Alfred University website.

## H. KEY DEFINITIONS

**Advisor:** Each party has the right to choose and consult with an advisor of their choice at their own expense. The advisor may be any person, including a friend, family member, therapist, union representative, or an attorney. Alfred University will not limit their choice of advisor. Parties in this process may be accompanied by an advisor of choice to any meeting or proceeding to which they are required or are eligible to attend. An employee who is subject to a resolution process that may result in disciplinary action for that employee shall have the right to a union representative at an interview or hearing, along with an advisor.



Except where explicitly stated by this policy, advisors shall not participate directly in the process. Alfred University will provide the parties with equal access to advisors; any restrictions on advisor participation will be applied equally.

The advisor may not represent, advocate, or speak on behalf of a complainant or respondent. An advisor may not disrupt or impede any resolution proceeding.

**Amnesty:** The health and safety of every student at Alfred University is of utmost importance. Alfred University realizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that sexual harassment or 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. Alfred University strongly encourages students to report sexual harassment, domestic violence, dating violence, stalking or sexual assault to University officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of sexual harassment, domestic violence, dating violence, stalking or sexual assault to Alfred University officials or law enforcement will not be subject to the University's conduct of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the sexual harassment, domestic violence, dating violence, stalking or sexual assault.

**Coercion/Force:** Consent cannot be procured using physical force, compulsion, threats, intimidating behavior, or coercion. Sexual activity accompanied by coercion or force is not consensual.

- Coercion refers to unreasonable pressure for sexual activity. When someone makes it clear that they do not want to engage in sexual activity or do not want to go beyond a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. The use of coercion can involve the use of pressure, manipulation, substances, or force. Ignoring objections of another person is a form of coercion.
- Force refers to the use of physical violence or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

**Complaint:** A complaint means an oral or written request to Title IX Coordinator that objectively can be understood as a request for Alfred University to investigate and decide about alleged sex discrimination under this policy. A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail (johnsont@alfred.edu), by using the contact information listed on the [Title IX website](#) or as described in this policy. Individuals who would like more information about filing a complaint are invited to contact the Title IX Coordinator for additional information.

**Complainant:** Any individual who has reported being or is alleged to be impacted by Prohibited Conduct as defined by this policy, and who was participating in an Alfred University program or activity at the time of the alleged misconduct.

**Confidential Resources:** any individual identified by the university who receives information about conduct prohibited under this policy in their confidential capacity and who are privileged under state law will not report prohibited conduct disclosed to them without written consent. Designation as a confidential resource under this policy only exempts such individuals from disclosure to the Title IX Coordinator. It does not affect other mandatory reporting obligations under state child abuse reporting

laws, the Clery Act as a campus security authority, or other laws that require reporting to campus or local law enforcement.

**Consent:** For the purposes of this Title IX Grievance Policy, “consent” or “affirmative consent” means 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 sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. Consent cannot be given 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.

**Days:** any reference to days refers to business days when Alfred University is in normal operation.

**Decision-maker:** Trained professional designated by Alfred University to decide responsibility, sanction, or appeals. A Decision-maker may be one person, or a panel of multiple people as determined by Alfred University. When there is no hearing, the investigator may be appointed as the Decision-maker.

**Disclosure or Report:** A disclosure or report may be made by anyone, whether they learned about conduct potentially constituting sex discrimination under this policy, or whether they personally experienced such conduct. A person making a disclosure or report may or may not be seeking to initiate an investigation.

**Education Program or Activity:** Alfred University’s “education program or activity” includes all campus operations, including off-campus settings that are operated or overseen by Alfred University, including, for example, field trips, online classes, and athletic programs; conduct subject to Alfred University’s disciplinary authority that occurs off-campus; conduct that takes place via Alfred University-sponsored electronic devices, computer and internet networks and digital platforms operated by, or used in the operations of, Alfred University. Conduct that occurs outside of the education program or activity may contribute to a hostile environment within the program or activity.

**Finding:** a written conclusion by a preponderance of the evidence, issued by an Investigator, that the conduct did or did not occur as alleged.

**Incapacitation** occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing and informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of a person’s state and is not synonymous with intoxication, impairment, or being under the influence of drugs or alcohol. This policy also covers a person whose incapacity results from temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs, who are sleeping, or under the age of seventeen.

Under this policy, Alfred University will consider whether a respondent knew or should have known the complainant to be incapacitated, based on an objective, reasonable person standard that assumes the reasonable person is both sober and exercising sound judgment. The fact that the respondent was unaware of the complainant's incapacity due to the respondent's own drug or alcohol use shall not be considered as an excuse.

**No-Contact Directive:** A No Contact Directive is a document issued by an Alfred University administrator that is designed to limit or prohibit contact or communications between the parties. A No-Contact Directive may be mutual or unilateral, with the exception that a No-Contact Directive issued as either a sanction or remedy shall be unilateral, directing that the respondent does not contact the complainant.

**Notice:** All notices under this policy are written and sent to the student or employee's assigned Alfred University email address or delivered via Certified Mail to the local or permanent address(es) of the parties as indicated in official Alfred University records, or personally delivered to the intended recipient.

**Party/parties:** Referring to complainant(s), respondent(s), or both/all complainant(s) and respondent(s).

**Remedies:** Remedies means measures provided, as appropriate, to a complainant or any other person Alfred University identifies as having had their equal access to Alfred University's education program or activity limited or denied by sex discrimination or other prohibited conduct covered by this policy. These measures are provided to restore or preserve that person's access to the education program or activity after an Alfred University determines that sex discrimination occurred. Only the complainant will be informed of any remedies pertaining to them. Some examples are academic support and/or opportunity to retake a class or resubmit work or time extensions on course or degree completion, or non-academic support such as counseling, or changes to work assignments or locations. The Title IX Coordinator is responsible for the implementation of remedies.

**Respondent:** an individual, or group of individuals such as a student organization, who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct under this policy; or retaliation for engaging in a protected activity.

**Sanctions:** One or more of the sanctions or disciplinary steps listed here may be imposed on a respondent who is found responsible for a violation of Alfred University's policies. Sanctions or disciplinary steps not listed here may be imposed in consultation with the Title IX Coordinator.

The form of sanction or discipline used will depend on the nature of the offense, as well as any prior disciplinary history. Such discipline or sanction will be imposed pursuant to and in accordance with any and all applicable Alfred University rules, policies, and procedures. Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation.
- An individual's disciplinary history.
- Previous resolutions or allegations involving similar conduct.
- The need for sanctions/responsive actions to bring an end to the sex discrimination or retaliation.
- The need for sanctions/responsive actions to prevent the future recurrence of sex discrimination or retaliation.
- The need to remedy the effects of the sex discrimination or retaliation on the victim and the campus community.

Student sanctions imposed are implemented when the decision is final (after an appeal, or, if there was no appeal, after the appeals period expires).

Faculty found responsible for violating this policy may be referred to the appropriate academic official for any other applicable processes.

Possible sanctions and disciplinary steps for student respondents include, but are not limited to the following:

- Day of service
- Conduct probation/1 semester.
- Conduct probation/for the duration of active status.
- Loss of privileges (housing)
- Mandated counseling assessment
- Mandatory counseling/twice a month for 1 semester
- Mandatory counseling/twice a month for 2 semesters
- Mandatory counseling/twice a month for 3 semesters
- Mandatory counseling/twice a month for 4 semesters
- No contact order (keep-away)/1 semester.
- No contact order (keep-away)/for the duration of active status.
- Residence hall probation/1 semester
- Residence hall probation/ for the duration of active status
- Restrictions from designated areas of campus
- Suspension/1 semester
- Suspension/2 semesters
- Suspension/3 semesters
- Suspension/4 semesters
- University probation/for the duration of active status
- Written Warning
- Educational Modules
- Expulsion
- Housing re-assignment
- Termination of contract/lawsuit for damages

Possible sanctions and disciplinary steps for staff and faculty respondents include, but are not limited to:

*Employees & Non-tenured Faculty:*

- Verbal warning-document filed.
- Written warning-document filed.

Final warning-suspension with pay/1 month  
Final warning-suspension with pay/ 2 months  
Final warning-suspension with pay/ 3 months  
Final warning-suspension without pay/1 month.  
Final warning-suspension without pay/2 months.  
Final warning-suspension without pay/3 months.  
Restrictions from designated areas of campus/6 months  
Restrictions from designated areas of campus/12 months  
Restrictions from designated areas of campus/24 months  
Termination

*Tenured/Tenure Track Faculty:*

Verbal warning-document filed.  
Written warning-document filed.  
Restrictions from designated areas of campus/12 months  
Restrictions from designated areas of campus/24 months  
Tenure revocation  
Termination

**Student:** Any person who has (or will have) attained student status by way of:

1. Admission, housing, or other services that require student status.
2. Registration for one or more credit hours.
3. Enrollment in any non-credit, certificate or other program offered by the university.

**Supportive Measures:** Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- Restore or preserve that party's access to Alfred University's education program or activity, including measures that are designed to protect the safety of the parties or Alfred University's educational environment; or
- Provide support during Alfred University's resolution procedures or during an alternative resolution process.

Supportive measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work,

housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; no-contact directives (which may be mutual or unilateral at the discretion of the Title IX Coordinator); and training and education programs related to sex-based harassment. Supportive measures are non-disciplinary and non-punitive. Supportive Measures will also be offered to respondents when they are notified of the allegations.

Any Supportive Measures put in place will be kept confidential, except when doing so impairs the ability of the institution to provide the Supportive Measures.

Alfred University will offer and coordinate supportive measures as appropriate for the parties as applicable to restore or preserve their access to Alfred University's program or activity or provide support during Alfred University's alternative resolution process or resolution procedures. Prohibited Conduct under this policy have the right to request supportive measures from Alfred University regardless of whether they desire to make a complaint or seek alternative resolution.

A party may challenge Alfred University's decision to provide, deny, modify, or terminate supportive measures when such measures are applicable to them. An impartial employee will be designated to consider modification or reversal of Alfred University's decision to provide, deny, modify, or terminate supportive measures. When the individual providing Supportive Measures is a Deputy Title IX Coordinator or other individual identified by the Title IX Coordinator to provide Supportive Measures, the Title IX Coordinator will be designated to consider the challenge regarding supportive measures. The impartial employee will typically respond to the challenge within five (5) days.

The Title IX Coordinator has the discretion to implement or modify supportive measures. Violation of the parameters of supportive measures may violate existing codes or handbooks.

## **I. RESOURCES**

### **Privileged & Confidential Resources for Students**

Counseling Services 607-871-2300

Health Services 607-871-2400

### **Employees Exempt from Reporting, for Students**

Professionals in Counseling Services

Healthcare professionals at the Wellness Center (Health and Counseling Services)

Ombudspersons

### **Privileged & Confidential Resources for Employees**

NexGenEAP is your confidential EAP resource.

**Call 1.800.EAP.CALL**

**Log on at: [www.nexgeneap.com](http://www.nexgeneap.com)**

Enter your ID.

**Company ID: 9334**

## **New York State Students' Bill of Rights**

New York State law requires that all institutions of higher education in New York publish the following Bill of Rights for all students attending higher education institutions in the State.

All students reporting dating violence, domestic violence, sexual assault, and/or stalking have the right to:

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



# RESIDENTIAL COMMUNITIES' POLICIES



All Residential Community information, forms and contact information can be located at the following link.

<https://www.alfred.edu/student-life/living/residence-life.cfm>

## Residency Requirement

Alfred University is a residential University. We believe that residence hall living is a key component of a student-centered educational experience in which academic learning is integrated with student development.

Each student is personally accountable for maintaining a safe, secure, and clean environment in their residence that promotes a healthy standard of community living.

For these reasons, provisions are made to house students on campus throughout their undergraduate years. Students are required to live on campus for six semesters, have a cumulative GPA of a 3.0 or higher and attend a seminar on being a positive community member to be considered for an exemption. Students may be eligible for an off-campus release if they meet one or more of the following criteria:

- Married, in a legal partnership.
- Providing direct care for a legal dependent
- 23 years of age or older
- Honorably discharged veteran of the US Armed Forces: DD-214 must be provided as documentation.
- Already possessing a baccalaureate degree from an accredited institution (reviewed for verification)
- Completing an academic approved co-op, internship, or study abroad not within the respective mile travel distance from campus
- Transfer students upon admission that show through documentation that they have resided on campus at another institution for 3 years and upon transfer have a minimum 3.0 cumulative grade point average at their prior institution.
- Residing with a parent or court-appointed legal guardian at the person's permanent address who is commuting one-way fewer than:
  - 60 miles (enrolled prior to Spring 2023)
  - 30 miles (enrolled after Fall 2022)

If a student meets one of the above criteria and wishes to be considered for an exemption and would like to live off campus, please complete the required waiver found in the AU Housing Self-Service Portal

## Residents' Rights & Responsibilities

At Alfred University, the residential facilities are provided to ensure that students may have the benefit of living within the academic community. The opportunity for every student to achieve educational, social, cultural, and intellectual growth must not be impeded by the actions of any other member of the residential community. Those who live within university housing have certain rights and responsibilities that govern conduct in their assigned room, floor and in the residence halls in general. Each resident must know and understand these rights and responsibilities. Everyone is expected to conduct themselves in a manner that does not violate the rights of any member of the University community.

In addition, certain rights and responsibilities are unique in the residential community:

1. All residents have the responsibility to read and understand the Housing & Dining License, Student Code of Conduct, and General University Policies contained within this document.
2. All residents have the right to live in an area that is clean, properly maintained, and free from damage.
3. Each resident shares equally the responsibility for maintaining the condition of these areas, including taking personal trash to appropriate locations or recycling stations.
4. All residents can enjoy increased independent living opportunities as they progress through the residential environment. Those living in Special Interest Housing, Ford Street Apartments and Pine Hill suites are expected to maintain and regularly clean their personal bathrooms, kitchens, and living rooms/communal areas.
5. All residents have the right to maintain their living arrangements without interruption by excessive noise from other areas of the community.
6. All residents have the responsibility to adhere to the laws of New York State and Federal laws concerning alcoholic beverages.
7. All residents have the responsibility to adhere to the laws of New York State and Federal Laws regarding drugs, in addition to the University's Substance Use & Abuse Policy.
  - a. As marijuana is considered a schedule 1 drug at the federal level, it is therefore illegal, and not allowed on university property.
8. Roommates, suitemates, apartment-mates, housemates, have equal voice in determining the private activities of the space, and one's individual's rights must not infringe upon the others. This includes anyone who lives in space, including roommates.
9. All residents may have guests and visitors in accordance with the Guest Policy if no rights of another resident are infringed upon. Each resident is responsible for the actions of their guest or visitor.
10. All University students and their guests are obligated to follow the rules and regulations of the University and the residence halls.
11. Students should report any violation of university policy to a staff member or through AU Report It.

#### Guest Policy

Anyone not assigned to a particular room is considered a guest. All guests entering the residence hall after are required to register with a Residence Life staff member. Guests can be registered by having their hosts bring them to the RA office to obtain a guest pass between the hours of 9:00 p.m.-12:00 a.m. Sunday through Thursday and 9:00 p.m.-2:00 a.m. Friday and Saturday. Failure to register a guest could result in conduct action taken against the host.

Overnight guests may stay no more than five nights per month; and no more than two nights consecutively unless permission is given by the Office of Residential Communities with explicit permission given by the host's roommate. Guests under the age of eighteen must have the permission of their parent or legal guardian in addition to being approved by the Director of Residential Communities.

University staff members have the authority to deny any guest, revoke guest privileges, and deny any residential student the privilege of hosting guests.

## **Residence Hall General Information, Policies and Procedures**

### **Access**

Access to residence halls and residence rooms by University Personnel - Residence Life, Public Safety, and Physical Plant staff make every reasonable effort to respect your privacy. There are times, however, when authorized personnel may enter your room, suite, or apartment. This occurs under the following circumstances:

- when either you or your roommate provide permission or submit a work order
- when there is an immediate threat, or reason to believe that there is a threat, to the health and/or safety of residents or property.
- when it is necessary to preserve campus order, security, or safety of the AU community.
- during fire drills and alarms
- for purposes of routine maintenance repairs or inspections

- to shut off unattended loud stereos, radios, persistently ringing alarm clocks or telephones, or other noise-producing devices, after attempting to contact you or your roommate
- to conduct semester health and safety inspections after receiving at least 24-hour notice
- by search warrant issued by an agency of the law
- at hall closings i.e., Thanksgiving, Winter, and Spring Breaks

Please be advised that Residential Communities staff members will lock any unsecured doors found during the room/suite/apartment entry process. Residents are expected to always lock their doors.

The Office of Residential Communities may conduct periodic unannounced safety inspections of your room/suite or apartment to ensure that fire-safety equipment is operational and that smoke detectors have not been covered or disengaged. If you have reason to believe that your room has been entered, inspected, or searched under conditions not consistent with the above statements, contact Residential Communities.

### **Appliances**

No electrical appliances drawing more than 800 watts or incorporating unshielded heating elements (including but not limited to hotplates, heating coils, toaster ovens, air fryers, grills, toasters, electric teapots, electric heaters, and air conditioners) may be used in student rooms. Cooking appliances are not permitted in residence hall rooms except for a microwave or coffee maker with an automatic shut-off.

### **Activating a Fire Alarm (Malicious)**

Intentionally activating a fire alarm when there is no safety emergency necessitating the alarm is a criminal offense and any student found to have done so is subject to criminal charges along with a violation Alfred University's conduct system.

### **Activating a Fire Alarm (Unintentional)**

Some violations of policy result in the unintentional activation of the fire alarm, bringing the Alfred Fire Department. In these cases, the violation places our own community in danger as well as those community members around us who may be in serious need of emergency assistance. Therefore, in cases where a policy violation leads to the activation of a fire alarm, further sanctions will be assessed. For example, students who set off a fire alarm by smoking in their rooms will be subject not only to the smoking policy sanctions, but also to additional sanctions listed in this document.

### **Animals**

The only animals approved to be in the halls are approved animals through the Center for Academic Success (these include Service Animals, or Emotional Support Animals) or fish in a 10-gallon tank.

- Animals must be under your direct control with a harness, leash, or other tether when outside of your residence hall room.
- Your animal's behavior must not be disruptive to its surroundings or other members of the University community. Disruptive behavior includes, but is not limited to, jumping on people, barking, growling, and excessive odor.
- Your animal is only permitted within your residence hall room and apartment/suite communal areas (if applicable). Your animal is **not** permitted to be in any other University buildings (service animals are exempt from the statement).
- The supervision of your animal is solely your responsibility. The animal may not be left for extended periods of time either unattended or to be cared for by someone other than you.
- All members of the University community are responsible for any extra cleaning required or damage to university property which is caused by them. You will also be responsible for any extra cleaning required or damage to university property which is caused by your animal.

### **Blocking of a Fire Exit and Propping Fire Doors**

In the case of a fire in a campus building, timely evacuation of the building is imperative. Therefore, all members of the community must take care not to block the fire exits that make evacuation possible (i.e., hallways, entrances, and any area that leads to an outside door) or prop up the fire doors that help contain a fire.

### **Careless Cooking**

All the communal area kitchens in residence halls are equipped with smoke detectors. Items such as burnt toast, unmonitored pans of oil or butter, pizza boxes in ovens, cooking in dirty ovens, or other burning food will set off the fire alarm and dispatch the Alfred Fire Department to campus. It is the responsibility of the person(s) using the kitchen to ensure that the food does not burn or set off an alarm. In communal living environments, if no one takes responsibility for the alarm, each member of the house/apartment could be held responsible through the student conduct process if damage occurs. The same rules apply to students using microwaves in their residence hall rooms.

### **Confiscation**

When items are found in student living areas that are not the students' personal possessions, or are not permitted to be in the location in which they are found, the Residence Life staff will act in accordance with the following procedures:

- **Removal of University Property** - Furniture that is identified as University property may be removed from student rooms by residence life staff. The student(s) do not need to be present when University property is removed, although the University will notify the student(s). Information regarding the property will be left for the student at the time it is confiscated and returned to its proper location.
- **Removal of Prohibited Items** - Items that are identified as prohibited may be removed from student rooms by professional residence life staff and/or public safety staff. Prohibited items may include but are not limited to candles, incense and/or incense holders, drugs, illegal drug paraphernalia, [e.g., bong, hookah, etc.] weapons, alcohol containers (empty or not), kegs, taps, extension cords, unshielded heating elements (toasters, toaster ovens), etc. Firearms/other weapons and drugs may not be confiscated by residence hall staff; police assistance will be requested. Residents need not be present when the item is removed. Information regarding the property will be left with/for the student at the time it is taken.

### **Checking out**

There are three ways that students may depart from their residence hall room.

**Taking a leave/withdrawing mid semester** - When a student indicates that they will be leaving mid-semester, they are expected to check out with a staff member. Staff can be contacted via email to arrange a time to complete the checkout process. Students are expected to depart within 24-48 hours after taking their leave unless alternate arrangements are made with the Office of Residential Communities.

**At the conclusion of the Spring Semester** - Students are expected to check out with a Residence Life staff member. Staff will be available for check-out by signing up for a check-out time posted within the building beginning the Monday before finals. Students must be checked out either 24 hours after their last final or by 10:00 a.m. on the day the halls close, whichever comes first.

\*Please note failure to check out of any kind without communication with the Office of Residential Communities will result in a \$50 fee.

Regardless of how you check out, you will be expected to:

- ❑ **Return Your Keys**: Missing keys will result in you and/or your roommate being charged for a lock change and replacement keys (\$80 charge for hall rooms; \$100 for suites/ apartments). If you are not returning to the University in the fall, you MUST return your mailbox key to the Powell Mailroom. Residence Life staff are NOT responsible for returning your mail key. A \$10 fee may be applied if not properly returned.
- ❑ **Clean Your Room/Suite/Apartment**: This means defrosting refrigerators, cleaning stoves and ovens (if you live in the suites or apartments), sweeping and vacuuming the floors, and removing ALL garbage and recyclables and disposing of it in the appropriate receptacles. If your room, suite, or apartment is not cleaned at the time of check-out, you will be billed for the cleaning (\$30/person). All personal belongings need to be removed from the room. Any personal property left behind will be disposed of.

- Surge Protectors and Recycling Bins - REMAIN IN ROOM - PLEASE PUT IN CLOSET. Should these items be missing upon your departure, replacement costs are as follows: Surge Protector - \$50; Recycling Bin - \$35.
- Have Your Room Inspected for Damage: This means that beds are separated into two single beds, dressers, and desks are placed in proper rooms (i.e., Removed from closets), screens are back on windows, and any personally owned furniture which is not removed from your living area will result in your being charged \$50 for removal. Failure to do any of the above will result in a labor charge of \$30/hour.

### **Damage Billing & Cost of Items**

In any community living environment, materials in a building break or must be replaced periodically due to normal wear and tear. However, additional damage may be caused by accident, misuse or even with malicious intent of facilities. If an individual causes accidental damage, he/she should report it to Physical Plant within 24 hours after the damage occurred. In such cases, the individual is held accountable for the cost of the needed repair(s). Multiple or repeated incidents of damage may result in student conduct actions.

Students are responsible for any damage or vandalism which occurs in their community and results in extraordinary cleaning and repair to the residential facilities. The charges will be apportioned among all members of the community as deemed appropriate. Below please find some of the charges and the associated costs. These charges are approximate and not an inclusive list.

<b>Item</b>	<b>Charge</b>
Broken Bed / Replacement Bed	\$400 to replace / \$252 for repairs
Broken Blinds	\$ 100.00
Broken Closet Door	\$ 100.00
Broken Dresser	\$450 to replace/\$100 for repairs
Broken Light	\$ 65.00
Broken Mirror	\$ 90.00
Broken Room Door	\$ 225.00
Broken Window / Replacement Window	\$200-\$350
Ceiling light	\$ 140.00
Clean up after discharged fire extinguishers	\$ 100.00
Closet door repair	\$ 70.00
Damaged Smoke Alarm	\$ 200.00
Desk chair	\$ 175.00
Desk Repair	\$365 to replace/\$105 for repairs
Dining Room Table replacement	\$ 300 -500
Replace Door	\$ 300.00
Graffiti	\$ 50.00 minimum
Holes in Walls	\$150 minimum (Size dependent)
Mattress replacement	\$ 250.00
Missing Towel Rack	\$ 35.00
Replace exit sign	\$50.00 -\$200.00
Replace fire extinguishers	\$ 120.00
Replace missing table lamps	\$ 40.00
Replace soap dispenser	\$ 50.00



Replace window screen	\$50 - \$150
Smoke detector	\$40.00 - \$225.00
WIFI Access point	\$ 425.00
General room cleaning fee	\$50 + \$100 for every bag of trashed removed (no less than \$150.00)
Pet cleaning fee (for rooms where a pet/Service Animal/Emotional Support Animal/any animal has lived and not been thoroughly cleaned after)	\$100-\$300
Soft Seating (found in lounges, Pine Hill Suites, or Ford Street Apartments)	Chair - \$500-\$2000. Sofa - \$1000 - \$3000 Love Seat - \$900 Sectional - \$4000
End/Side Tables (found in Ford Street Apartments)	\$250
Coffee Table (found in lounges, Pine Hill Suites, or Ford Street Apartments)	\$300
Mobile Pedestal & Nightstands	\$300
Entertainment Center (found in Ford Street Apartments)	\$300

Wardrobe replacement	\$700
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### **Equipment Sign-Out**

Available equipment varies from hall to hall. Equipment may include vacuum cleaners, games, athletic equipment, etc. To sign out equipment, a student must give their ID card to a Residential Communities staff member. The card is returned to the student when the equipment is returned.

### **Fire Alarm & Fire Drill Procedures**

At least four fire drills a year are conducted in each residence hall by the staff to make sure that the equipment is in working order and that students are familiar with evacuation procedures. When an alarm sounds, **YOU MUST LEAVE THE BUILDING IMMEDIATELY**. The New York State Fire Code requires that a building must be completely evacuated during a fire alarm because you cannot be sure there is not a fire in progress. You will be permitted to return to your room after the fire department has checked the entire building, reset the alarm system, and given permission to re-enter. Please go to your designated meeting spot anytime the fire alarm is activated.

### **Health and Safety Inspections**

Inspections of residence hall facilities are conducted on a regular basis by Residence Hall Staff to ensure compliance with all University policies and procedures and local health codes. Authorized representatives of the University will enter residence hall rooms at any time to inspect facilities or to plan or carry out repairs and maintenance. Scheduled, regular inspections throughout each semester will be announced. As indicated in the Housing & Dining License, the University may authorize entrance to a room without prior announcement if convinced that a clear and present danger or violation of university regulations exists.

### **Keys and Electronic Access Credentials (FOBs & Student IDs)**

Each student assigned to live in on-campus housing (residence halls, suites, apartments, and houses) will receive a room key. Students living in a suite or traditional corridor style hall will also receive a student ID Card to gain entrance into their residence hall. This key and Student ID are the property of the University and may not be duplicated, exchanged with, or given to another person. Students are expected to always keep their keys with them and expected to always lock their room doors when they are not present. The room key will open the student room and, in the case of buildings without electronic access, the main outside door of the residence hall, suite or apartment. In buildings with electronic access, the Student ID will open the main residence hall door and student key will only open their residence hall room door.

- ❑ Residence Hall keys must be returned to the Office of Residential Communities upon check out of any room. Failure to do so will result in a lock change for that room, and all fees for that change as described below, plus an additional \$50 improper check-out fee.
- ❑ Student IDs and FOBs should be kept from year to year as access to the hall will be monitored and changed as necessary when a room change occurs. Lost FOBs will result in a fee placed on the student's account.
- ❑ Mailbox keys must be turned into the mail room at the Powell Campus Center at the end of each academic year and a mail forwarding card completed. Failure to return the mailbox key will result in a \$10.00 charge.

### **Lock Outs**

All lock outs will incur a \$25 charge applied to the student bill for their second lockout, and an increase of \$5 for any additional lockout. The lock out will be recorded and the charge applied afterwards.

### **Lock Changes**

A safe living environment is a top priority for the Office of Residential Communities. The loss or theft of a key is considered a security risk because a found or stolen key gives anyone access to residence halls and



individual student rooms. A lost or stolen key will always result in a lock change and is charged to the account of the student responsible for losing the key.

- Lock changes for **corridor-style halls** are **\$80**. This is \$10 for the student's replacement key, plus an additional \$50 for core change including labor, and \$20 for two additional keys: one for the roommate and one for the Office of Residential Communities.
- Lock changes for **suites and apartments** are a flat **\$100 for the two or three double rooms and the front door**. This is \$10 for the student's replacement key, plus an additional \$90 for all core changes, additional keys for roommates, and keys for the Office of Residential Communities.

### Occupancy

Students agree to only occupy and use the portions of a room they pay for. If a student is in a double room, and is paying the double rate, they may only use half of the room and half of the furniture. If, at any time during their assignment, they do not have an assigned roommate, the student agrees they may not occupy or use more than half of the room or furniture. The unoccupied half of the room shall remain available to a new roommate. AU reserves the right to place students in an unoccupied space in the room at any time. Students found to be occupying more space than they are paying for in a room will be charged for a double buy-out.

### Painting of Student Rooms

Students may not paint any residence hall room. A student(s) found to have painted their room will be referred to the student conduct system and will be charged to their student account to have the room repainted.

### Prohibited Items

The following items are prohibited either because they are fire hazards or possession of the item is a violation of the Student Code of Conduct:

- Candles
- Incense/incense holders.
- Open flames of any kind
- Electric wax melting units
- Plug in scented oil warmers.
- Fireworks
- Cut natural trees.
- Halogen/string lights
- Plug-in holiday lights
- Bottled gases (including CO2 canisters)
- Tapestries or flags
- Mobiles and decorative hangings (paper or fabric)
- Large amount of combustible material (paper, photos, etc.) on residence hall door or wall
- No electrical appliances drawing more than 800 watts.
- Air Conditioners (unless medically approved)
- Wireless routers
- Extension cords or power strips (one per resident is provided by AU)
  - Except for specific surge protectors: TRIPP-LITE - #TLP712 with 12' cord
- Appliances with an open coil (including but not limited to hotplates, heating coils, toaster ovens, George Forman-type grills, toasters, electric heaters). The exception to this is residents of Ford Street...and appliances must stay in the kitchen.
- Coffee makers and irons are permitted but must have automatic shut off.
- Hover boards
- Electric Blankets
- Personal furniture (futons, lazy boys, desks, waterbeds, personal bed, couches, chairs, etc.)
- Gasoline/fuel-fired engines
- Posters are permitted in student residence hall rooms if they are affixed to the wall and secured on all

sides. Posters/pictures/papers can only cover 25% or less of walls/doors exposed and must be hung 1' or more from the ceiling. Posters/pictures must be securely fastened to the wall but shall not be oversized or in large groupings (no collages of pictures)

- Pets (other than fish, unless prior approved by the Center for Academic Success)
- Weapons (including air soft guns and large knives)
- Illegal drugs
- Drug paraphernalia
- Alcohol containers (according to the alcohol policy)

### **Posting and Distribution of Printed Material in Residence Halls**

All printed materials (posters, invitations, etc.) that are to be posted or distributed in residence halls MUST BE APPROVED by the Director of Residential Communities or designee. This must follow the approved posting policy for the University.

### **Quiet and Courtesy Hours**

"Quiet" may be defined as being unable to hear any noise from a room, apartment, or suite with a closed door. The following minimal guidelines exist for quiet hours within each residence hall:

Sunday – Thursday: 10:00 p.m. – 8:00 a.m. & Friday – Saturday: 12:00 a.m. – 10:00 a.m.

"Courtesy Hours" are always in effect, which means that noise should not be a disturbance to others. It is expected that residents comply with any reasonable request from fellow community members, residence life or public safety staff regarding courtesy hours. Note: During exam periods, continuous 24-hour quiet hours are in effect.

### **Room Change Procedures.**

Residents who are unhappy with their housing assignment must first start with their in-hall staff, with roommate mediation with a timeline for behavior change implemented. After said timeline has passed, if the resident still desires to move, they will next work with the Associate Director of Residential Communities to complete a Room Change Request. This request will then be processed by the Associate Director of Housing. Room changes may not occur until after the first two weeks of classes, regardless of semester. Any changes in room assignments must be requested of, and approved by, the Office of Residential Communities based upon the Room Change Request form. Those requesting a space currently not available will be placed on a waiting list. Assignments will be made in order of the waiting list.

Authorization for a room change may only be granted by the Office of Residential Communities. Occupying, accessing, or using any residential room without authorization is a violation of the student code of conduct and will result in a conduct case. If found responsible students may be fined up to a full semester amount of a double buy out.

### **Room Condition Report**

A Room Condition Report (RCR) will be completed by the resident within forty-eight hours of the resident moving into their room. It is the responsibility of each individual student to assist in the filling out of an RCR and to indicate the accuracy of the comments by signing the form in the appropriate place. The purpose of the form is to note any defects or damages present when a student moves into a room which are not that student's responsibility. Residence Life staff will perform room checks prior to the resident's arrival but the resident must complete the RCR upon arrival.

Each resident of the room, suite or apartment should understand that reasonable care is expected about the room, suite or apartment and its furnishings, and that it is incumbent upon the resident to report any damages or losses to their Resident Assistant (RA) as they occur. At the end of the school year, or when a student vacates a particular room in the case of a room change or early departure, the RA will note any changes or damages in the room using the same criteria used at the beginning of the year. Each resident will be held responsible for any damage to the room and its furnishings; roommates will be held jointly responsible for any damage unless individual responsibility is clearly established prior to checkout. The

student will again have the opportunity to review this. No charges, however, are applied until reviewed by a professional staff member. Failure to complete this report could result in damage charges assessed to the student's account.

### **Solicitation:**

Students may not make solicitations for personal profit or on behalf of any group or organization (University sponsored or non- University) and may not use University buildings or property for personal profit without preliminary clearance. No solicitors, salespeople, or agents (student or others) are allowed to contact students room to room in the residence halls for commercial purposes (examples include club promotions, magazines, or food sellers, etc.).

### **Storage**

In compliance with State and local fire code regulations, storage is not available in the residence halls. This includes storage between academic sessions, e.g., semester, summer session, or otherwise; even for one week or a "few days." Students must contract with local storage facilities to accommodate their storage needs.

### **Tampering with Fire and Safety Equipment**

All fire safety equipment on campus is vital in the case of an emergency, and therefore tampering with fire safety equipment in any way is strictly prohibited. Tampering with fire safety equipment includes but is not limited to moving or removing fire extinguishers, signs, and poles; unnecessarily discharging a fire extinguisher; marking on or covering fire safety signs; or hanging anything from a sprinkler system, including all pipes and sprinkler heads. Tampering with any fire protection equipment is a criminal offense. Covering, removing, and/or damaging the heads of smoke detectors is extremely dangerous. In the event of a fire in a residence hall room, the smoke detector engages our automatic Fire Alarm System. If a fire were to break out in a room with a covered or damaged smoke detector, the fire would likely grow to an unmanageable size before it was detected.

If a smoke detector in a communal area or shared room is disabled, and no one takes responsibility for the act, each member of the house/apartment will be found responsible and all occupants will be assigned a conduct sanction(s), regardless of who tampered with the smoke detector.

If found responsible through the student conduct process tampering with any fire equipment will result in a minimum of a \$100 fine per incident.

### **Vending Machine Refunds**

Students requesting refunds from soda and snack vending machines located in the residence halls should contact *AUFresh* at 607-871-2247.

### **Washing Machine or Dryer Malfunctions**

Malfunctions should be reported immediately to our contracted provider, CSC ServiceWorks: 1-800-762-3452. You can also use their Service App- "CSC ServiceWorks Service Request App" found in your app store. Directions for how to use this app to report a problem or concern can be found in your laundry room.

## ACADEMIC POLICIES



### **All academic policies are on my.alfred.edu.**

Please see your Academic Dean for concerns or further questions.

<https://my.alfred.edu/academic-regulations/>

#### Liberal Arts & Sciences

<https://www.alfred.edu/academics/colleges-schools/liberal-arts-sciences/>

607-871-2171

Dean Robert Stein  
Assistant Dean Corey Fecteau

#### School of Art & Design

<https://www.alfred.edu/academics/colleges-schools/art-design/>

607-871-2441

Dean Lauren Lake  
Assistant Dean Maria Bentley

#### College of Business

<https://www.alfred.edu/academics/colleges-schools/business/>

607-871-2124

Dean Pauline Stamp

#### School of Engineering

<https://www.alfred.edu/academics/colleges-schools/engineering/>

607-871-2708

Dean Gabrielle Gaustad  
Assistant Dean Matt Lake

## ITS GUIDELINES AND POLICIES

<https://my.alfred.edu/information-technology-services/policies/index.cfm>

Information Technology  
Services (ITS)

Home
About ITS
ITS Services
Go To

## Information Technology Services

### Guidelines and Policies

#### General Technology Policies

- Computing Use Policy
- Email is an Official Communication Format of Alfred University
- Policy and Guidelines on the Use of Mass Mail and Alfred Today
- Use of Mobile Devices While Operating A Motor Vehicle
- Preserving Electronic Information
- Computer and Printer Purchase Policy
- General Data Protection Regulations (GDPR) Compliance Initiative
- Accessibility Barriers
- Record Retention Policy

#### Information Security Policies

- Data Classification Procedures
- Information Security Plan
- Password Policy
- Policy for Management of Sensitive Personal Information on External Devices
- Private/Personal Information And Email Communication

#### Copyright and Intellectual Property Policies

- Alfred University's Copyright Infringement Policy
- Illegal Sharing of Copyrighted Music and Video
- Guide to the Ethical Legal Use of Software for Members of the Academic Community

## GENERAL UNIVERSITY POLICIES



### Alcohol & Drug-Free Policy

#### Philosophy

The abuse of alcohol and other drugs severely limits the ability of individuals to succeed academically, professionally, and personally. Substance abuse has been linked to health problems, accidents, decreased academic and job performance, violence, vandalism, sexual misconduct, financial difficulties, legal problems and other negative consequences for individuals and the entire University community.

In keeping with its mission and in complying with federal regulations such as the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989, Alfred University has established this policy to promote an environment that encourages learning, fosters respect for people and property, and supports individual development and success. The responsibility for preserving this environment extends to all members of the University community including faculty, staff, administrators, and students. Therefore, this substance use and abuse policy is intended to provide information about standards of conduct, the risks of use of illicit drugs and the abuse of alcohol, and other legal drugs, applicable legal and University sanctions for employees and students, and resources available for the prevention, intervention, and treatment of substance abuse.

#### Alcohol

- No person (including students and employees) under the age of 21 may:
  - possess, purchase, consume, distribute or knowingly be in the presence of alcohol while under the age of 21 (apart from being in the presence of alcohol while attending University)

sanctioned events).

- No alcoholic beverages shall be permitted in rooms, apartments, or suite communal areas of students under the age of 21. If an underage student resides in the same room, apartment, or suite as a student of legal drinking age, the over-twenty-one student may not distribute, sell, possess, or consume alcohol in their assigned residence hall room. Nor may alcohol be in the communal area while the under 21 student(s) is present.
  - be in the presence of or in possession of empty alcoholic containers, paraphernalia, cans, bottles while being under the age of twenty-one while on university property.
- Participating in an activity that encourages mass consumption of alcohol (games such as beer or water pong, quarters, flip cup, etc.) is prohibited.
- Only quantities and containers appropriate to individual consumption are permitted for private use by students of legal age.
- No person (including students and employees) will be permitted to provide an individual under the age of twenty-one with alcohol.
- No open alcoholic container will be allowed on university premises except:
  - events in locations in which an approved University **alcohol event form** has been obtained.
  - residence hall rooms, suites, or apartments assigned to students who are at least 21 years old and do not reside with a student under the age of twenty-one.
- The alcohol event request form will identify who will be responsible for the acquisition, distribution, and monitoring of alcohol held on university property.
- The Office of Student Experience may recommend or mandate the presence of an advisor, a member of public safety, additional staff, and/or other controls at any event where alcohol will be served.
- If alcohol is being served, the sponsoring organization must provide food and non-alcoholic beverages in sufficient quantities as outlined by the University [alcohol event form](#).
- The duration of alcohol service during an “open bar” event is restricted to 4 hours.
- Any organization or individual(s) wishing to advertise a function on university premises may not include any reference to providing or selling alcoholic beverages at that activity.
- Alcoholic beverages shall not be provided as free awards to individual students or recognized organizations. This includes promotional activities such as raffles and contests.
- Beer balls, kegs or any other materials used to enable mass consumption of alcohol are not permitted on university premises unless approved by the Office of Student Experience.
- Alcoholic beverage consumption or possession at university athletic facilities and surrounding property, including but not limited to Merrill Field, Connor’s Pavilion, McLane Center, and the Walton & Joyce Center during scheduled athletic/non-athletic events is prohibited without explicit permission from the Office of Student Experience. Any containers of alcoholic beverages will be confiscated at the entrances.
- Alcohol cannot be purchased using individual department credit cards or cash advances and cannot be reimbursed through a check request.
- All alcohol for university catered events must be purchased through university authorized vendors.
- The organizer/responsible person for all other events where alcohol is provided must:
  - specify exact quantities being served on the alcohol event form.
  - state how and who will be monitoring those individuals under the age of twenty-one.
  - take responsibility for ensuring the attendees do not consume excessive amounts of alcohol.
  - ensure the amount of alcohol at the event is proportional to the number of attendees.

## Cannabis

Although recreational use of cannabis has been made legal in New York State under certain circumstance, Federal law currently still prohibits its recreational use. Moreover, cannabis use has been linked to poor academic performance, and is inconsistent with the goals and environment intended to be fostered by the University. As such, no person while on campus property may possess, purchase, consume, use, distribute, or knowingly be in the presence of any amount of cannabis. Any cannabis found on campus will be confiscated and violators subject to student conduct disciplinary procedures including suspension/expulsion. For purposes of university policy, cannabis is defined as an “illicit drug.”

## Drugs

- No person shall possess, use, or distribute illicit drugs or drug paraphernalia on university property. Those persons found to possess or distribute will be subject to arrest and/or the University’s Student



- Conduct process.
- Students: Possession, use, distribution, or knowingly being in the presence of illicit drugs or drug paraphernalia (bongs, pipes, hookahs, etc.) is prohibited.
- Prescription Medications: Abuse, misuse, sale, and/or distribution of another person's prescription medications or of the student's/employee's own prescription medications is prohibited.

### **Alcohol Procedures**

Any organization or student(s) planning to sponsor a function with alcohol present on university premises must submit the University's alcohol event form for approval to the Office of Student Experience/Dean for Student Experience. Submission of the alcohol event form to the Dean for Student Experience must be submitted four weeks prior to an event.

- For catered events being held on university property (excluding Susan Howell Hall or the Knight Club), a NYS Alcohol Beverage Control Board (ABC) permit is required and obtained through the VP of the Business and Finance Office. An additional permit fee of \$75 will be charged. The University alcohol event form may be obtained from the Office of Student Experience/Dean for Student Experience or online at [https://my.alfred.edu/student-policies/\\_docs/aualcoholrequestform.pdf](https://my.alfred.edu/student-policies/_docs/aualcoholrequestform.pdf)
- The University alcohol event form should not be confused with facility reservations. All facility reservations will be made by the sponsoring club, organization, and/or University office.

### **Alcohol Responsibility**

In keeping with Alfred University's philosophy, the primary control for responsible alcohol use lies with the individual. Additionally:

- Sponsoring organizations or individuals will ensure that all University regulations, and specifically the substance use and abuse policy, are adhered to when organizing and conducting activities.
- The Office of Student Experience will respond immediately to reported incidents of inappropriate alcohol use or distribution and to any illegal drug use or distribution. This response will follow current procedures and may be referred to local, state, or federal police agencies.
- Residence hall staff is authorized to monitor the use of alcohol or illicit drugs within the residence halls, confront inappropriate use, and report misuse according to the student conduct system.
- University staff, including but not limited to public safety and residence life staff, are authorized to report violations of Alfred University's Alcohol & Drug-free Policy to the Dean for Student Experience's office.

### **Violation of the University's Alcohol & Drug-free Policy/Alcohol Event Form**

The following sanctions are intended to promote learning and personal development while preventing individuals and groups from compromising the learning environment or the health and safety of themselves and others.

- If any organization or individual(s) are found to be in violation of the University alcohol event form agreement, the violator(s) will not be allowed to file for another alcohol event for a maximum of up to two years, determined by the Dean for Student Experience.
- If a student is found to be in violation of the University Alcohol & Drug-free Policy, that person will be subject to the Student Conduct action up to and including expulsion from the university. If a student is held responsible for a violation of this policy, the parent or legal guardian may receive a copy of the letter sent to the student documenting the outcome of a related Student Conduct hearing. Federal regulations permit this notification without the student's consent for those students who are under the age of twenty-one. This notification will be mailed to the address of record of the parent or legal guardian.
- If an employee is found to be in violation of the University Alcohol & Drug-free Policy, that person will



be subject to the current disciplinary policies of the University up to and including termination of employment.

- If a student or employee is suspected of having a substance abuse problem, that person may be given the opportunity to seek assistance for the problem. However, if that person refuses or fails to follow through with the assistance program, sanctions will be imposed up to and including expulsion from the University or termination of employment.

### **Policy review**

This policy is reviewed on an annual basis. Comments or questions may be directed to the Office of the Dean for Student Experience. Contact: 607-871-2132, stop in the office 2<sup>nd</sup> floor Powell Campus Center 8:30 am – 4:30 pm.

### **Distribution of Policy**

- This policy is annually published in August in the Student Life Policies & Procedures handbook which is distributed via email to every student and employee by the Dean for Student Experience.
- Each October, the Annual Campus Safety & Fire Report is emailed to the entire campus community (students, faculty, and staff).
- Each January the Student Life Policies & Procedures handbook and the Annual Campus Safety & Fire Report are emailed to all new and transfer students by the Dean for Student Experience.
- Human Resources is responsible for all new employees receiving the Annual Campus Safety & Fire Report upon employment.

### **Critical information for students and employees**

Alcohol is the drug most frequently abused in American society. The irresponsible use of alcohol may lead to consequences such as poor grades, violence, vandalism, sexual assault, sexually transmitted diseases, unplanned pregnancies, accidents, health problems, addiction, and death on college campuses. Alcohol is the number one health risk for college drinkers and nondrinkers who are often impacted by the behavior of intoxicated individuals. It is imperative to be personally responsible whenever in a situation where alcohol is being used.

### **Resources**

There are numerous resources both on and off campus to confidentially assist individuals with alcohol or other drug related concerns including prevention, education, assessments, and treatment referrals. Early contact with a professional can often prevent a subsequent crisis or a tragedy.

#### **On Campus**

Alcohol and Drug Education – Wellness Center  
Counseling Services (607) 871-2300  
Health Services (607) 871-2400

Office of Residential Communities – Bartlett Hall  
(607) 871-2186

#### **Off Campus**

Alcoholics Anonymous  
(607) 276-8588

The Allegany Council on Alcoholism & Substance Abuse  
76 Park Ave, Wellsville, NY 14810  
(585) 593-6738

The Steuben County Department of Alcoholism & Substance Abuse  
115 Liberty Street, Bath, NY 14895  
(607) 664-2156

National Council on Alcoholism & Drug Dependence (212) 206-6770

NYS Drug Info Line (800) 522-5353

MATCH Program, St. James Hospital  
Hornell, NY 14843 (607) 324-6925

National Association for Children of Alcoholics  
11426 Rockville Pike Suite 100  
Rockville, MD 20852 (301) 468-0985

Drug Abuse and Addiction Hotline (585) 593-5706

24 Hour Crisis Hotline (585) 593-5706

### Employee Benefits

Alfred University's employee benefits provide substance abuse treatment referrals through our employee assistance program and/or providers identified by the insurance company: <https://my.alfred.edu/human-resources/employee-assistance-program.cfm>

### **Summary of Local, State, and Federal Laws**

Students and employees are responsible for knowing local, state, and federal laws that apply to the possession, consumption, and distribution of alcohol and controlled substances. Listed below are some of these relevant laws. For more information or a complete listing, contact any law enforcement agency.

- a. Open containers - It is unlawful to possess an open container, resealed or partly open bottle, can, container, or similar article containing an alcoholic beverage in a public place within the Village of Alfred. Maximum fine, first offense: \$500
- b. Providing alcohol to those under 21 - Giving or selling alcohol to persons under the age of twenty-one is a Class B misdemeanor. Maximum fine, first offense: \$500
- c. Selling alcohol without a license - Selling alcohol without a license (i.e., charging admission to a party where alcohol is distributed) is a misdemeanor. Fines range from \$250-\$1,000
- d. Fake identification - Creating, altering, or possessing an altered written instrument officially issued or created by a public office, public servant, or government instrumentality (i.e., a driver's license) is a Class D felony. Maximum fine of \$5,000 for the first offense.
- e. Social host liability (The Dramshop Act) - It is illegal to give or sell alcohol to a person who is already intoxicated. Additionally, individuals and organizations that host parties can be held liable for damages and injuries that intoxicated guests inflict on themselves or others during or after these events.
- f. Possessing marijuana - Consistent with the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226), it is illegal to possess, use, distribute, or intend to distribute, a controlled substance or dangerous drug, or any drug unlawful to possess. Cannabis is included under this Act as an illegal or unlawful drug, even with a medical prescription.
- g. Other controlled substances - Penalties for the possession and sale of other controlled substances are much harsher than for marijuana and often include mandatory jail terms in addition to substantial fines.

A note about criminal penalties - For alcohol and other drug violations, each criminal case is evaluated separately, and individual penalties can vary to include greater or lesser fines and other sanctions including community service, probation, and/or prison. The criminal justice process is separate from the Alfred University Student Conduct process, and both may occur simultaneously.

Alfred University assumes no responsibility for changes to or errors in interpreting local, state, or federal laws.

## **Amnesty Policies**

The Alfred Amnesty Policy is designed to encourage students to call for assistance in an alcohol or other drug related medical emergency. This process is not intended to address possible violations of criminal laws or their consequences outside the University.

### **Amnesty under Alcohol and Drug-Free Policy**

Alfred University is committed to the health, security, and welfare of all its students. Students are encouraged to look out not only for their own health and welfare, but also for that of other community members. When a student's health or safety is threatened or appears to be in jeopardy, we hope bystanders will take immediate action to prevent injury, illness, or danger.

The Dean for Student Experience is concerned that, in a medical emergency involving alcohol or other drugs, students may be reluctant to call for assistance because of the fear that to do so, might result in conduct action. To address this concern, we have enacted the following policy for addressing possible disciplinary consequences when medical emergencies result from the use of alcohol or other drugs.

Under the Amnesty Policy, formal conduct action for mere possession or use of alcohol or drugs will not be taken against students for whom medical assistance is sought, or against those who seek medical assistance for themselves or for others, provided that the student/group has not violated other University policies that warrant formal conduct action. After the residence life or Public Safety staff has reviewed the incident report, a referral may be made to meet with the Dean for Student Experience. In addition, a student who receives medical assistance must then meet with the Health and Wellness Educator and comply with any recommendations prescribed by such office.

Students or student organizations seeking medical assistance for another person during an alcohol or other drug-related emergency will not face formal conduct action for the mere possession or use of alcohol or drugs if such individuals or representatives from organizations meet with the health and wellness educator and comply with any recommendations prescribed by such office.

Parents or legal guardians of students under the legal drinking age may be notified by the Dean for Student Experience or designee of the incident and completion of the amnesty program in accordance with the University's alcohol substance use & abuse policy.

Medical amnesty applies only to alcohol or drug-related medical emergencies but does not apply to other prohibited conduct such as assault, property damage or distribution of illicit substances. In cases where an individual or organization fails to seek emergency medical assistance when it is clearly indicated, formal student conduct action will be taken against the individual(s) or organization.

The responsibility for determining the applicability of this policy rests solely with the office of the Dean for Student Experience.

### **Amnesty under Discrimination, Harassment and Sexual Misconduct Policy**

The health and safety of every student at Alfred University is of utmost importance. Alfred University realizes 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. Alfred University strongly encourages students to report domestic violence, dating violence, stalking or sexual assault to university 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 Alfred University officials or law enforcement will not be subject to the University's conduct 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.

## **Consumer Complaint Procedure** **Institutional Procedure**

Complaints can be initiated for both academic and non-academic concerns related to a belief that the

institution has acted contrary to its published standards, or that conditions at the institution appear to jeopardize the quality of the institution's instructional programs. A written complaint is filed with the head of the academic or administrative unit in which the complaint originated. If the complaint is not resolved to the satisfaction of the complainant, it continues to be filed using the organizational hierarchy until a satisfactory resolution has been reached.

If a satisfactory resolution cannot be reached using this Institutional Procedure, the complaint may be filed with the New York State Education Department, Office of Higher Education.

### **New York state education department postsecondary complaint procedure**

- The Office of Higher Education's Complaint information may be accessed at <http://www.nysed.gov/college-university-evaluation/filing-complaint-about-college-or-university> or obtained from the Student Experience Office.
- The Office of Higher Education does not intervene in matters concerning an individual's grades or examination results, as these are the prerogative of the institution's faculty.
- The Office does not oversee complaints concerning actions that occurred more than five years ago.
- A complaint involving discrimination against enrolled students on the part of an institution or faculty, or involving sexual harassment, should be filed with the U.S. Office of Civil Rights, 75 Park Place, New York, NY 20007.
- A complaint involving consumer fraud on the part of the institution should be directed to the Office of the New York State Attorney General, Justice Building, Empire State Plaza, Albany, NY 12223.

Updated August 2020

## **Control of Animals Policy**

Violations of the Animal Control Policy should be reported to the Chief of Public Safety. Alfred University prohibits animals of any kind, apart from service or emotional support animals while performing their duties (owners must properly dispose of their service animals' waste) and aquarium fish that are in tanks and may not exceed 10 gallons, in campus buildings. Animals may be permitted elsewhere on campus (outside of university owned facilities) so long as they are leashed, attended by the owner at all times, and not interfering with normal use of university facilities. The University prohibits the feeding of any stray animals in and around the residence halls or anywhere on campus. Stray animals found on campus will be removed.

## **Credit cards/Marketing of Credit Cards to Students**

Pursuant to the requirements of the New York State Educational Law 6437 (Art. 129-A), the following policy is adopted to promote the best interests of students who have little or no experience managing debt, credit, or any other personal finances.

### **Prohibited Conduct**

Alfred University prohibits the advertising, marketing, or merchandising of credit cards to students on university owned, operated, or controlled property, and at any University-sponsored events without prior approval from the Dean for Student Experience (or designee). This prohibition applies to all banks and other commercial entities (including their third-party representatives) that engage in the on-campus marketing of credit cards to students through solicitation activities.

### **Prior Approval**

All banks and other commercial entities (including their third-party representatives) shall be required to register with the Dean for Student Experience before engaging in any solicitation activities (e.g., "tabling") for the purpose of on-campus marketing of credit cards to students. Such activities shall be restricted to specific sites and times designated by the Dean for Student Experience. Upon approval and appropriate registration all banks and other commercial entities (including their third-party representatives) are required to display appropriate signage identifying the bank or other commercial entity they represent. Additionally, all banks and other commercial entities (including their third-party representatives) must verify they have registered with the University, display, and make available a copy of this policy, and provide debt education materials noting the responsible use of credit cards.

## **Conditions**

All banks and other commercial entities (including their third-party representatives) are prohibited, while on campus, from collecting personal information from students specifically for credit card application purposes (including, but not limited to, completed credit card application forms and similar material), either at the time of solicitation or subsequently. Such completed application materials may be mailed or hand-delivered by students, once they have read and considered the materials and are able to make an informed decision, to an off-campus office of the bank or other soliciting entity. Additionally, all banks and other commercial entities (including their third-party representatives) are prohibited from offering gifts to any student in exchange for completing a credit card application.

## **Demonstration Policy**

Alfred University ("University") is committed to an environment where the open expression of ideas and open, vigorous debate and speech are valued, promoted, and encouraged. As a community of scholars, we affirm these freedoms of thought, inquiry, speech, and assembly. This Policy reaffirms Alfred's unwavering commitment to a community that inspires and supports courageous inquiry through open expression, dissent, and protest, while acknowledging the challenges of the creative tensions associated with courageous inquiry in an ever-changing community.

In that the rights of free speech and lawful assembly are fundamental to the democratic process, the University supports the rights of all members of the academic community to freely express their views, by words and actions, and to protest actions and opinion with which they disagree. The University also recognizes a concurrent obligation to maintain upon the University campus an atmosphere conducive to academic work and freedom, to preservation of the dignity of university ceremonies and public exercises, and to respect the rights of all individuals.

While expressing their convictions as an individual or member of a group, each member of the academic community is always expected to conduct themselves reasonably and responsibly, and to respect the educational processes and goals of the University and the rights of others. Orderly demonstrations on university premises that do not interfere materially with the educational processes or endanger the safety of the academic community are permitted. Such demonstrations must not limit, interfere with, or infringe upon the equal rights of others to express their conviction, to safe counterdemonstrations or to participate in the activities or programs being demonstrated against. The individual's rights of free speech and lawful assembly do not confer upon those who exercise them a license to limit, interfere with or infringe upon the equal rights of others' free speech, lawful assembly, free association, privacy, and the pursuit of education without unnecessary interference.

The Dean for Student Experience is responsible for enforcing this policy. The Dean for Student Experience may send designees on their behalf during events or demonstrations to enforce this policy.

The following individuals are considered members of the Alfred University Community for purposes of this Policy:

1. Student: Includes all persons registered for classes at any location of the University (including courses taught outside the United States or at another off-site location), either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly engaging in a violation of the proscribed conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the University, or who have enrolled but not yet attended classes, are considered "students."
2. Persons who are employed by Alfred University as faculty or staff, and persons who are employed by contracted entities to provide a service to Alfred University and whose work location is on any of Alfred's multiple campus locations.
3. Alumni of the University when returning to campus or to official University events.
4. Invited guests of the University such as guest speakers, panelists, artists, performers, participants, etc. for events, both on and off campus.

Meetings and Events ("Meetings" or "Events"): gatherings of members of the Community in a location specifically designated for that purpose. Events are considered to be public. Meetings are considered to be private.

Dissent ("Dissent"): the fundamental right of expression of counterpoint(s) through symbols, speech, expression, satire, flyers or leaflets, action, and other comparable forms of expression.

Protest ("Protest"): dissent with the goal of change, which may attract attention. Protests may include an actual gathering of people to bring attention to the cause, such as picketing, rallies, sit-ins, vigils, or similar forms of expression. Protests may also include more individually based forms of dissent such as posting flyers, wearing t-shirts or arm bands, and other similar actions.

Internal vs. External Dissent: The University acknowledges that some protest may be externally focused, meaning the topic of protest is directed at some broader issue beyond the University. Examples may include protesting local legislation or global social injustices, among others. The University also acknowledges that some protests may be internally focused, directed at the leadership of the institution, at decisions made by faculty or administrators, or toward other members of the Community with whom one disagrees. Both forms of protest are protected and affirmed.

Conflicting Policies: This Policy is paramount to other policies of the University that may conflict, except those grounded in local, state, or national law.

Filing Complaints to the Committee for Open Expression: The University seeks to actively promote open expression within our community. As such, this Policy enumerates an investigation procedure for those members who believe their rights under this Policy have been violated.

## **Community Responsibilities**

Alfred University respects free speech and assembly. As such, the only responsibilities outlined in this section that limit the free exercise thereof have been done in a way to ensure maximum open expression and narrowly tailoring exceptions to specific safety or community concerns.

### **Awareness of Community Responsibilities**

Each member of the Community is expected to know and follow this policy. A person who violates these standards or other policies of the University during open expression may be held accountable for that conduct. Any member of the Community who is in doubt as to the propriety of planned conduct may seek guidance from the Dean for Student Experience in advance of the event.

### **Freedom of Speech and Freedom of Expression: Joint Standards**

Expression that communicates a viewpoint, regardless of form, is protected if it does not violate this Policy. This includes protest, dissent, and any other communicative activity, whether or not it occurs in the context of a meeting or event.

The right to dissent is the complement to the right to speak, but these rights may conflict at certain times. The University promotes simultaneous, but not disruptive, dissent. As such, during a scheduled event or meeting, a speaker is entitled to communicate a message to an audience during an allotted time, and the audience is entitled to hear the message and see the speaker during that time. A dissenter must not substantially interfere with the speaker's ability to communicate or the audience's ability to hear, see, or question the speaker. Protests outside of a Meeting, Event, or another Protest shall not impede access to the meeting, event, or protest nor substantially interfere with the communication at the meeting, event, or protest.

### **Standards for Scheduling Meetings, Protests, and Events for both Indoor and Outdoor Locations**

It is the policy of the University to protect voluntary assembly and to make its facilities available for assembly. Each University unit that includes gathering spaces for meetings and events shall establish a process for scheduling. Reservations shall not be denied to any member of the Community based on the content of the meeting, event, or dissent unless such content would otherwise violate the responsibilities set forth in this Policy.

The Dean for Student Experience should be consulted whenever possible before denying a request for use of

a room, facility, or space by an organization recognized by the University for a reason other than prior assignment of the room, facility, or space. The University shall not deny recognition to a recognized organization because of disagreement with its mission or the viewpoints that it represents.

To afford maximum protection to the demonstration or protest, demonstrators and the academic community, the Dean for Student Experience or designee, should be given 24 hours' notice of any planned demonstration, its proposed locale, and the object of intended protest.

The University reserves the right to decline to permit, and/or to require cessation of, Meetings, Events, [or] Protests [or demonstrations] under circumstances where the University determines that their occurrence may endanger the health or safety of persons or University property despite reasonable and available precautions.

### **Violation of Community Responsibilities**

Part of Alfred University's mission is to help support the right to expression, dissent, and protest. An affirmative commitment to helping rectify violations through support and alternatives shall be the appropriate course of action. The Dean for Student Experience should be consulted whenever reasonably possible before deciding that members of the Community are indeed violating the principles of this Policy.

Community members, in the course of their actions, violate this Policy if they:

1. Unreasonably infringe on the rights of other Community members to engage in open expression, protest, and dissent.
2. Cause substantial disruption to a meeting or event that impedes the rights of attendees of that meeting or event, including excessive noise, continually interrupting a speaker, or preventing an audience from seeing/engaging with a speaker during a meeting or event.
3. Create undue hardship that substantially impedes a community member's right to open expression, such as unreasonable use or enforcement of space reservation or usage policies.

### **Violation of Other Policies that relate to Open Expression**

Community members, during their actions, violate other policies of the University (such as the Student Code of Conduct) and are no longer operating within the spirit of Open Expression at Alfred if:

They violate any federal, state, local or other applicable law (e.g., gaining unauthorized access to restricted areas, refusing to leave restricted areas if instructed, defacing of public and/or private property, etc.).

They interfere unreasonably with the activities or rights of other persons. Factors that may be considered in determining whether conduct is reasonable include, but are not limited to, the time of day, size of audience, and noise level of a Meeting, Event, or Protest.

They interfere unreasonably with the general operations of the University.

They knowingly interfere with unimpeded movement in a university location. Examples may include impeding or preventing access to or egress from a building or blocking any entrances or exits in a way that causes safety concerns.

They cause injury to persons or property or threaten to cause such injury.

They expressly or implicitly use or threaten violence or force or encourage others to use or threaten violence or force.

They cause harassment, as defined by state law (NY Penal Law 240.25, NY Penal Law 240.26, or NY Penal Law 240.30) or action that violates the University's Title IX: Discrimination, Harassment and Sexual Misconduct Policy.

They violate reasonable noise levels, such as but not limited to Alfred Village noise ordinance or the Alfred University's Student Code of Conduct.



### **Supporting Expression, Protest, and Dissent through University Space**

There are many locations on campus especially conducive to Expression, Protest, and Dissent. The Dean for Student Experience can assist with reservations of some spaces on campus or assist in connecting with owners of other spaces.

1. The following locations are not available for these types of Events, Meetings, or Protests unless a special exception is granted; however, if the focus of the Expression, Protest, or Dissent includes one of these areas, there is an affirmative support to ensure protests occur in places like the outdoor spaces in front of the buildings or common gathering places close to these locations.
2. Private offices, research laboratories or associated facilities, and computer centers.
3. Specific areas of offices, museums, libraries, and other facilities that contain valuable or sensitive materials, collections, equipment, and records protected by law, or by existing University policy such as educational records, student-related or personnel-related records, or financial records.
4. Classrooms, seminar rooms, auditoriums, meeting rooms, or outdoor spaces in which classes, private Events, or Meetings are being held or are scheduled to be held during the time of the Protest.
5. Outdoor and indoor locations when the free flow of traffic, vehicular and/or pedestrian, is unreasonably impeded; when entrances or exits to private offices, classrooms, and meeting spaces are blocked or obstructed; or when undue health and safety risks are created.
6. The Wellness Center and surrounding green space or grounds (including, but not limited to, sidewalks, access roads, parking areas, etc.), Office of Public Safety, Office of Environmental Health & Safety, communication systems, utilities, or other facilities or services vital to the continued functioning of the University.

### **Protests in Spaces that Have Not Been Reserved**

Alfred University fully supports and acknowledges as a community that sometimes impromptu expression, dissent, and protest are pivotal to achieve the principles of this Policy. Not having a reservation is not sufficient reason for terminating any protest unless the impromptu protest unreasonably interferes with prior scheduled meetings, events, or essential operations of the University. The Dean for Student Experience or designee shall allow impromptu expression, dissent, or protest that otherwise complies with this policy to continue until it should otherwise be relocated to allow for prior scheduled activities. To encourage such impromptu dissent, the Dean for Student Experience or designee shall demonstrate this affirmative commitment by working with those involved to identify space where the expression, protest, or dissent can be continued should the space being used interfere with other scheduled meetings, events, or essential operations.

All general outdoor public areas of the institution, even those that have reservation procedures, should be available for impromptu Expression, Protest, and Dissent unless it otherwise violates this policy. Requirements to reserve space should not be unreasonable in terms of time frame, requirements, or costs to the group wishing to host the Event. No group or organization recognized by the University should be denied use of a space on campus because of the content of the Meeting, Event, or Protest, unless such content would otherwise violate the responsibilities set forth in this Policy.

### **Flyers, signs, displays, etc.**

In the use of flyers, chalking, signs, and displays, persons expressing themselves should follow all applicable flyer posting policies and banner reservation rules; however, these requirements should not be unreasonable in terms of access, time frame, requirements, or costs to the group. No form of expression should be denied because of the content of the flyer, sign, or display within the limits of our policy. Additionally, a member of the Community who defaces the permissible open expression of others will be held in violation of this policy.

### **Administration and Enforcement**

It is the responsibility of the Dean Students or designee to protect and maintain the right of open expression under this policy.

### **Administrative Procedures**

1. Observation of meetings, events, or protests, when deemed necessary by the Dean for Student

Experience to protect and maintain open expression, shall be the charge of the Dean for Student Experience, who may delegate such responsibility. This Observer shall have full authority to act in the name of the Dean for Student Experience under this policy.

2. Except in emergencies, the Dean for Student Experience's authority under this policy shall not be delegated to employees of the Alfred Police Department. Emergencies, for purposes of this clause, are defined as situations that include any of the following: imminent risk of serious bodily harm; serious threat; imminent life-threatening behavior; reckless disregard for human life; or threat to life, limb, property, or essential University operations.
3. The Observer shall identify themselves to those responsible for the meeting or event or to the leaders of the protest.
4. Any Observer who attends a meeting, event, or protest shall reasonably attempt to respect the privacy of those involved.

### **Enforcement Procedures**

The Dean for Student Experience shall work with protestors or dissenters to identify ways to continue the expression, protest, or dissent with modifications to avoid future violations. The spirit of this policy is to protect the right of protestors to do so while ensuring the narrow exceptions in this policy are no longer being violated.

1. The Dean for Student Experience is responsible for enforcing the policy and may work with anyone whose behavior is violating or threatens to violate this policy to modify or terminate such behavior. The instruction shall include notice that failure or refusal to comply is a further violation of this policy. However, an instruction or warning by the Dean for Student Experience is not a prerequisite for a finding that a violation has occurred.
2. When the Dean for Student Experience or other appropriate University official declares that an individual or a group has violated this policy, they may request to examine their university or other identification. The hosts of invited guests may also be asked to provide their identification.

### **Terminations or Arrests because of Violations of this Policy**

Termination of an event or any referrals to outside agencies such as law enforcement should be the option of last resort. Avoidance of injury to persons by the continuation of a meeting, event, or protest is a key factor in determining whether it should be involuntarily terminated. Property damage and significant interference with educational processes are also factors to be considered and may be of sufficient magnitude to warrant forcible termination.

### **Violations of Other University Policies**

All violations shall be handled in the following manner:

1. Cases involving students are referred to the Dean for Student Experience, who investigates the event and decides what conduct action, if any, to pursue.
2. Cases involving faculty are referred to the appropriate Dean or to the Provost.
3. Cases involving University staff or administrators are referred to that individual's supervisor, any other person with supervisory responsibility for that individual, or Human Resources.

## **Foster Lake Usage Policy**

Foster Lake is owned by Alfred University. Students, employees, and retirees can enjoy the lake at no cost by contacting Physical Plant (Amanda McMahan) for information and a gate key. There is a pavilion that can be reserved for group use, and used by individuals if no group is using it at the time. Other community members can purchase an annual membership by contacting the Physical Plant at 607-871-2154.

## **Hazing Policy**

Alfred University will not tolerate any form of hazing. Alfred University defines hazing as an act that, as an explicit or implicit condition for initiation or admission into, or initial or continued affiliation with or membership in, a group or organization, regardless of the person's willingness to participate, could be seen by a reasonable person as endangering the physical, mental, or emotional health of an individual through, humiliating, intimidating, or demeaning treatment. Examples of hazing include but are not limited to the following: depriving a person of sufficient sleep, paddling, or beating a person, requiring or encouraging a person to consume alcohol, drugs, water or foreign or unusual substances, kidnapping or confining a person, subjecting a person to cruel and unusual psychological conditions, or requiring or encouraging a person to engage in unlawful, degrading or painful behavior. Furthermore, this definition includes any action which

results in the disruption of the educational process, the impairment of academic performance, or failure to properly fulfill obligations to university sponsored groups or organizations.

Any violation or suspected violation of the University's Hazing Policy should be reported immediately to the Dean for Student Experience or Public Safety. In addition, students may also report incidents of suspected hazing to the Alfred Police Department. Any person who is in violation of this policy may be subject to sanctions up to and including expulsion from the University. Recognized organizations that are found in violation of this policy may be subject to sanctions up to and including loss of recognition, distinct and apart from any sanctions to which its members are subject.

## HIV Policy

Alfred University is sensitive to the expanding needs of those people who have contracted the Human Immunodeficiency Virus (HIV), whether these individuals may be HIV positive (demonstrating no symptoms of the infection), have AIDS Related Complex (ARC) (with some symptoms of chronic HIV infection), or demonstrate the symptoms of AIDS. Current medical knowledge indicates that those who are HIV positive or even have AIDS pose no health risk to other students or employees through casual contact in an academic setting. Presently, there is no evidence to support the existence of a risk to those sharing residence halls, athletic or campus facilities, or working beside HIV infected individuals.

People whose immune system has been affected by HIV are, however, at high-risk for infection and may need protection from exposure to certain contagious diseases, such as herpes zoster (chicken pox/shingles), measles and other illnesses.

Education is of the highest priority in order both to inform the community of those behaviors that may place them at risk for infection, and to dispel misconceptions regarding transmission of HIV.

### Policy:

- No restrictions will be imposed by Alfred University on students, faculty or other employees who are HIV positive, with or without the symptoms of AIDS, whose condition permits them to perform their jobs, study or take part in extracurricular activities on campus. The University will provide reasonable accommodation so that persons infected with HIV (or who have any other disabling illness) may continue to work, study, and take part in campus activities. If accommodation or restrictions are needed, each situation will be considered individually, and a decision will be made based on medical and other appropriate information.
- In cases where a person who is infected with HIV is at risk of exposure to contagious disease, steps may be taken to reduce the likelihood of such exposure by providing other living or work arrangements or other reasonable accommodations. Once again, each situation will be considered individually, and a decision will be made based on medical and other appropriate information.
- Persons who are infected with HIV will be treated the same as persons with other illnesses for purposes of benefits, leaves of absence and all other unemployment and academic decisions.
- Health Services staff will follow Universal precaution guidelines for infection control established by the Centers for Disease Control and OSHA Guidelines.
- Unless compelled to do so by law or regulation, it is the policy of the Wellness Center – Health Services and Wellness Center - Counseling Services staff not to disclose any information on the health status of any of their clients without that client's written permission. This policy includes those who are HIV positive.
- The University will provide education and current, accurate information through the Wellness Center to all students, staff, and faculty with the goal of educating the community and preventing the transmission of HIV.
- Pre- and post-test counseling and testing for HIV will be accessible for students and will be offered through the Wellness Center – Health Services. The charge for the laboratory test may be insurance billed or self-paid through St. James Mercy Health. There is an additional option for testing through the Allegany Department of Health.

## Intercollegiate Varsity Sports Request Policy

### Requesting the Addition of an Intercollegiate Varsity Sport Policy

Any student may submit a request to add an intercollegiate varsity sport, using the procedure outlined below.

- All requests will be reviewed by the University's Title IX officer, the Athletic Director, and the Vice President for Student Experience considering federal requirements. Any request approved by this group will be forwarded to the Vice President for Business and Finance for funding consideration and a recommendation to the President. The President will make a final decision.
- The timing of the implementation of a decision to add a varsity sport will consider personnel needs, compliance with Title IX, availability of competition, facility requirements, the availability of funding to support a competitive experience, and University-wide programmatic needs.
- For Alfred University to consider adding a varsity sport as early as the following academic year, the documentation outlined below needs to be submitted to the Athletic Director by Oct. 15.

### Procedure

Submit a written statement regarding your request to the Athletic Director. The request should include a general statement stating the specific men's, women's or co-ed sport requested, the rationale for the addition of the sport, and the league/organization (e.g., NCAA, IHSA, USCSA) the student proposes should sponsor the sport. In addition, the student should include as much of the following information as possible, particularly if the requested sport is not an NCAA division III sport:

- Available competition at the level proposed, reflecting conference, local and regional teams.
- Equipment and facility need (e.g., practice facilities, competition facility requirements). Please address time requirements for student-athletes.
- Personnel needs (coaching, etc.)
- Names and contact information for people or organizations that AU can contact for additional information about the sport.

## Involuntary Separation Policy

### Students with Severe Behavioral Problems

The purpose of this policy is to assist faculty, staff, and University administrators in addressing instances of student behavior which may be highly inappropriate for the University living and learning environment. The policy provides for the separation of a student from the University, as well as their possible reinstatement.

A student who has been professionally evaluated as having a severe behavioral problem, or who, in the judgment of the Dean for Student Experience or their designee, is unable to participate in or cope with normal University activities (whether or not a threat to the community), or is disruptive of those activities, shall be separated from the University. Circumstances warranting separation may include:

1. A student who is a danger to others because they attempt or threaten or engage in any behavior which could cause bodily harm.
2. A student who acts or threatens to act in a manner which would interfere with or disrupt the normal activities of others.
3. A student who refuses or is unable to cooperate with a recommended evaluation or treatment procedure and is thought to be in danger of significant physical or psychological deterioration; or
4. A student who is thought to need treatment services which are beyond those available at the University, and where there is a danger of further physical or psychological impairment.

Such action will be taken in consultation with appropriate University officials such as the University physician and a counselor from the Wellness Center – Counseling Services. The Office of the Dean for Student Experience will coordinate the students' separation with other offices as appropriate.

## **Evaluation**

In some cases, students will be referred for mandatory evaluation by a university health or counseling staff member. Note, however, that an evaluation is not required for the Dean for Student Experience to determine that separation is warranted. Students referred for mandatory evaluation in accordance with the above shall be informed in writing, and the student shall also be given a copy of these procedures.

It shall be the responsibility of the Director of the Wellness Center to designate qualified staff professionals to provide an initial evaluation of the student's condition.

The evaluation of the student must be initiated within one business day from the date the student received the referral unless the Director of the Wellness Center grants an extension.

Any student who fails to complete the evaluation process as required is subject to immediate involuntary separation.

If the outcome of the evaluation is not separation, the student will be required to follow the prescribed treatment recommendations of the Wellness Center.

## **Recommendation for Involuntary Separation**

If the professional staff member from the Wellness Center – Counseling Services, or a medical professional from Wellness Center – Health Services recommends that it is in the best interest of the student or the University community that the student be involuntarily separated from the University, this recommendation must be presented to the Dean for Student Experience or designee for review.

If the Dean for Student Experience or designee, concludes that the student should be involuntarily separated, the Dean for Student Experience shall meet with the student or send the student a letter outlining that they are prohibited from reenrollment to the University until certain conditions are met. The student will be informed in writing of reenrollment procedures and conditions. The separation will remain until the student's readmission is approved. The Dean for Student Experience or designee will be responsible for immediate implementation of the recommendation for separation.

## **Notification of the Student of the Recommendation and the Right to an Administrative Hearing**

Upon receipt of a recommendation and decision to involuntarily separate the student, the Dean for Student Experience or designee shall inform the student. Whenever possible, the notification shall be given to the student in person and/or sent by mail or campus e-mail. The student will be informed of this recommendation and of their right to request a hearing to adjudicate the recommendation. The student shall also be requested to authorize the Dean for Student Experience or designee, and other participants in the administrative hearing to have access to relevant documents and materials as are deemed essential for the hearing process. If the student refuses to grant access to the parties involved, the administrative hearing may proceed, but without the requested information.

If the student desires an administrative hearing, they shall give written notice to the Dean for Student Experience within 3 University business days from the date of receipt of the notification letter. The administrative hearing date should normally be set within 7 University business days after the notification date. The normal and standard administrative hearing guidelines would be followed.

## **Appeal**

Any appeal should be submitted to the Office of the Vice President for Student Experience in writing within 5 University business days of written notification of the hearing results. The separation will remain in effect during the period of the appeal proceedings.

An appeal must be based on the student's ability to demonstrate that:

- The hearing was not consistent with the established procedure.
- Information is available that was unavailable at the time of the hearing, and the added information is relevant to the determination.

An appeal must set forth concisely the grounds for appeal and must include any supporting material.

A written decision will be rendered by the Vice President for Student Experience and mailed to the

student's local address within 5 University business days of receipt of the appeal. The Vice President may:

- Uphold original decision and conditions for reenrollment.
- Uphold original decision and alter conditions for reenrollment; or
- Refer the case to the original administrative hearing officer for rehearing or review.

The outcome of the appeal is final. Technical departures from these procedures and errors in their application shall not be grounds to withhold action unless, in the judgment of the Vice President for Student Experience the technical departures or errors were such as to have prevented a fair and just determination of the issues.

### **Reenrollment Procedure**

Upon receipt of a written request for reenrollment and treatment summary from the treating professional(s), the Dean for Student Experience, or designee, shall review the request. Consideration shall be given to any conditions for reenrollment set forth in the student's letter of involuntary separation and any other relevant information that the Dean for Student Experience, or designee, deems necessary for a complete review. In conducting the evaluation, the Dean for Student Experience, or designee, may ask the Wellness Center – Counseling Services or Wellness Center – Health Services to assist in the review and comment on the reenrollment request.

The evaluation process shall normally be completed within twenty (20) University business days, after receipt of a completed request. Thereafter, the Dean for Student Experience, or designee, shall decide to approve or disapprove the reenrollment request. If the reenrollment application is approved, it shall be within the discretion of the Dean for Student Experience to require an additional letter of recommendation from the student's professional practitioner immediately preceding reenrollment to confirm that the opinion of the treating professional has not changed since the date of the initial letter of recommendation. If the reenrollment application is disapproved, the Dean for Student Experience shall notify the student in writing.

## **Leave of Absence – General, Medical and Readmission Policy**

### **Undergraduate General Leave of Absence**

Alfred University recognizes that there are many good reasons why a student may want to temporarily interrupt their education. Therefore, the University has established a leave of absence policy that assures a student the right to continue their education following a specified leave period. The following principles govern the leave of absence policy:

A student must make a written request for a leave of absence to their academic dean. The request must include the reason(s) for the leave and the length of time the student plans to be away. Leaves are generally granted for 1 or 2 semesters. A leave of absence will not usually be granted for a semester in progress.

Before granting a leave, the academic dean may discuss with the student their written request and specific action plan for the leave.

- Before granting the leave, the academic dean will consult with the Office of the Dean for Student Experience. Students on student conduct probation will normally not be granted a leave.
- Once a leave is granted, the Dean for Student Experience or designee will notify other interested University officials of the decision and the expected date of return.
- There are circumstances (for example, a felony conviction) under which a student's leave, and eligibility to return to the University, may be canceled.
- A student who is granted a leave of absence to deal with physical and/or mental health concerns must submit a clinical evaluation to and be approved to return from leave by the Dean for Student Experience.

Grades for Students leaving School During the Semester: A student who formally leaves school during a semester will be given W grades in those courses in which they are registered providing the last date to withdraw from each course, as published in the Academic Calendar, has not passed. In those courses where the last day to withdraw has passed, the instructor will record a final (non-W) letter grade. In case of special circumstances, the student's academic dean may permit W grades to be recorded for any or all courses after the deadline has passed.

Readmission: A student who has withdrawn from the University or been suspended or dismissed for any academic reason, may be granted the opportunity to return. Application for readmission must be in writing



to the Director of Admission. These applications must be submitted by August 1 for fall semester readmission or by December 1 for spring semester readmission.

A readmitted student must complete the degree requirements of the University catalog in effect at the time of readmission or, at the student's choosing, the requirements of a later catalog.

### **Medical Leave of Absence**

There may be occasions when a student may need to take a medical leave of absence (MLOA), for either physical or mental health reasons. The MLOA is typically for the remainder of the semester and until the student is ready to resume the rigors of academic life. If possible, students wanting to take a medical leave of absence need to complete a written request and submit it to the Office of the Dean for Student Experience. At times medical emergencies will necessitate the immediate departure from campus and diminish the possibility of following the proscribed process. In such cases, the Dean for Student Experience may grant a Medical Leave of Absence. If the student has not left campus, they should adhere to the following guidelines:

1. A student should complete the Request for a Medical Leave of Absence form. The form can be obtained at the Office of the Dean for Student Experience.
2. The request should be signed by a staff member of the Wellness Center – Counseling Services if the medical leave of absence is for mental health reasons and a staff member of the Wellness Center – Health Services if the leave is for physical health reasons.
3. The request should be signed by the academic dean of the student's school or college.
4. Medical leaves of absence are usually granted for the remainder of the semester and until proper documentation for readmission has been submitted.
5. Before granting the MLOA, the Dean for Student Experience may discuss with the student their written request and specific action plan for the MLOA.
6. Before granting the MLOA, the Dean for Student Experience may consult with the academic dean and/or academic advisor of the student.
7. The deadline to request a MLOA is the last day of classes.

**Readmission:** When a student on a medical leave of absence (MLOA) is ready to return to our campus community, they must apply and provide supporting medical documentation. An application to return from a MLOA must include complete compliance with the guidelines for return from a MLOA. To ensure that adequate time exists to compile and review all the necessary materials, applications must be submitted by the following dates:

**August 1** – Deadline for receipt of application and supporting documentations to return for enrollment for the fall semester.

**December 1** – Deadline for receipt of application and supporting documentations to return for enrollment for the spring semester.

Depending on the circumstances associated with the MLOA, a committee may be convened to review the student's readiness to return to our academic community. Once a completed application arrives, the Return from MLOA Committee may convene. If the materials suffice, the Dean for Student Experience will arrange a meeting time for the committee, and the student. The committee will then interview the student and collaboratively develop a series of suggestions, recommendations, and/or conditions to enhance the student's success. If the student agrees with the committee, and the committee is satisfied that the student will adhere to the plan, a final clearance will be issued.

## **Family Notification Policy**

### **Purpose**

The purpose of the Family Notification Policy is for Alfred University to comply with Title 43: Education Law PART 99-Family Education Rights and Privacy (FERPA) and promote the health and wellbeing of all students. Alfred University may notify the family and legal guardians of dependent students defined below who are under the age of twenty-one.

<http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=34:1.1.1.1.33#sp34.1.99.b>

§99.31 Under what conditions is prior consent not required to disclose information?

(ii) (A) The institution determines that the student has committed a disciplinary violation with respect to that use or possession; and (B) The student is under the age of twenty-one at the time of the disclosure to the parent.

NOTIFICATION

Parent notification of violation and sanctioning may be sent in writing after the appeal process



has concluded. Parent letters may be sent when a student is:

1. found in-violation of Alfred's Alcohol & Drug-Free Policy and/or any of the Student Codes of Conduct that pertain to alcohol or drugs.
2. suspended or expelled.

## **FERPA – Family Educational Right and Privacy Act**

Student's Rights and the Family Educational Rights and Privacy Act of 1974, as Amended (FERPA) (sometimes called the Buckley Amendment) affords Alfred University students certain rights with respect to their education records. These rights are:

1. The right to inspect and review their education records within 45 days of the day the University receives a request for access. Students should submit to the registrar, dean, division chair, or other appropriate official, written requests that identify the record(s) they wish to inspect. The University official will plan for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of those education records believed by the student to be inaccurate or misleading. Students should write to the University official responsible for the record, clearly identify the part of the record they want changed and specify why it is believed to be inaccurate or misleading. If the University official responsible for the record decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of their right to a hearing regarding the request for amendment. In the same notification, the University will also advise the student of procedures for a hearing. As far as possible, the services of the University Ombudsman and the members of the Ombudsman's Student Grievance Committee will be used in these instances.
3. The right to consent to disclosures of personally identifiable information contained in their education records, except to the extent that FERPA authorizes disclosure without consent. Disclosure without consent may be made as follows:
  - a. To school officials with legitimate educational interest. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support Staff position (including Security and Health Center personnel); a person or company with whom the University has contracted (such as an attorney, auditor, or a collection agent and, specifically, the National Student Loan Clearinghouse); a person serving on the Board of Trustees; or a student serving on an official University committee charged with a task that involves review of education records, or assisting another school official in performing their tasks. A school official has legitimate educational interest if the official needs to review an education record to fulfill their professional responsibility.
  - b. To parents of dependent students.
  - c. In connection with financial aid.
  - d. To Federal State, and local authorities in connection with an audit or evaluation of compliance with education programs.
  - e. To organizations conducting studies for or on behalf of educational institutions.
  - f. To comply with a STUDENT CONDUCT order or subpoena. (In most cases, the University must make reasonable effort to notify a student in advance of compliance.)
  - g. In connection with a health or safety emergency.
  - h. To an alleged victim of a crime of violence, the University may release the results of a related conduct hearing.
  - i. To the student.
  - j. To the public, at the discretion of the University, those portions of education records are defined as "Directory Information." Note, however, that students may request that the University withhold Directory Information.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Alfred University to comply with the requirements of FERPA. The name and address of the office that administers FERPA are Family Policy Compliance Office U.S. Department of Education, 600 Independence Avenue, SW Washington, DC 20202-4605

## **Policies and Definitions**

"Education records" are defined as those records, files, documents, and other materials, which contain information directly related to the student from the first day of attendance at the University until graduation or withdrawal. An "eligible student" (that is, one who may request a review of their records) is defined as one who has attained 18 years of age or is attending a postsecondary institution. Former college students are permitted to have the same access to their records as those currently enrolled.

At Alfred, students' records include the academic transcript, and the cumulative academic file found in the Registrar's Office as well as academic files maintained in the offices of the academic deans, and in many instances, by academic advisors. Student conduct records are retained in the Dean for Student Experience's office in Powell Campus Center. Additionally, records or files for some or all students will be found in the Financial Aid Office, the Business Office, Career Development Center, and the Wellness Center. Appropriate administrative officers and staff, as well as appropriate academic deans, chairpersons and faculty advisors have access to these files.

The Privacy Act does not permit access to the personal notes of professors and administrators if they are not available to any third party. These personal notes are not considered to be part of the "education record." The records of physicians or psychologists or other professionals or paraprofessionals who assist in the treatment of students are not available to students, although those records can be reviewed by a physician or other professional of the student's choice. Students can gain access to their parents' financial aid forms only if their parents sign a waiver allowing them such access. A student preparing a placement file will be permitted the option of requesting references which are available for their inspection or (by waiving their rights to see certain letters) those that are confidential. Students are also allowed to waive their rights to see certain other documents, including letters of recommendation for admission to graduate or professional schools or receipts of awards.

Directory Information - The release of "directory information" without a student's consent is permitted unless the student has placed restrictions on such release. The University notifies students each year in the Fall Semester of their right to restrict the release of directory information. At Alfred University directory information is defined to include information such as the student's name, local and home address and telephone number, e-mail address, photograph, date and place of birth, major field of study, class year, enrollment status as full or part time, and name, home address and telephone number of parents. Also included are participation in officially recognized activities and sports, weight, and height of members of athletic teams, receipts of scholarships, honors and awards, inclusion in Dean's lists and graduation lists, dates of attendance and the most recent previous education agency or institution attended by the student. Other similar directory data elements may be introduced from time to time.

Though permitted under FERPA, Alfred University does not, with one exception, release name, address, and telephone number lists of students to any person or organization outside of the University community. The exception is that such lists are released to military recruiters as required by separate federal legislation known as "the Solomon Amendment." The University does, however, release name, address, and telephone number lists within the University community to student groups and organizations. When name and address lists are released to military recruiters under Solomon, or when released within the University community to student groups and organizations, students who have placed restrictions on the release of directory information are not included.

Review and Challenge of Education Records - Any eligible student or parent or legal guardian who wishes to inspect and review student educational records should make such a request to the administrative officer in the specific office where that record is maintained. The University must respond to the request not later than 45 days from the date of the request. Normally, access will be possible without delay. Records will not be released from the University files for removal for inspection elsewhere. Copies may be made of such records at prevailing University rates.

Any student may request a hearing to challenge the content of any record and may seek the correction or deletion of any entry deemed inaccurate, misleading, inappropriate, or otherwise in violation of the privacy or other rights of students. At Alfred University any question about the accuracy of student records should first be brought to the attention of the officer of the University responsible for maintaining the file. An attempt will be made to settle such a dispute through informal meetings and discussions. If this is unsatisfactory or unproductive, a hearing will be held, and a decision rendered by a university official with no personal stake in the outcome. As far as is possible, the services of the University Ombudsman and the members of the Ombudsman's Student Grievance Committee will be utilized in these instances.

## Service Animal and Assistance Animal Policy

While Alfred University enforces a no-pet policy in its residence halls (except for fish, not exceeding ten gallons) and campus facilities, it is acknowledged that some members may require the use of service or assistance animals. Alfred University recognizes the importance of Service Animals as defined by the Americans with Disabilities Act Amendments Act (ADAAA) and the broader category of Assistance Animals under the Fair Housing Act that provides physical and/or emotional support to individuals with disabilities. Alfred University is committed to allowing individuals with disabilities the use of a Service Animal on campus to facilitate their full participation and equal access to the University's programs and activities. Alfred University is also committed to allowing Assistance Animals necessary to provide individuals with disabilities an equal opportunity to use and enjoy University housing. The University reserves the right to amend this Policy as circumstances require. Set forth below are guidelines concerning the appropriate use of and protocols associated with Service Animals and Assistance Animals.

### **Definition**

**Service Animals** - A "service animal" is an animal trained to do work or perform tasks for the benefit of an individual with a disability. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, pulling a wheelchair, or assisting an individual during a seizure. The ADAAA limits service animals to dogs and, in some circumstances, miniature horses. Service animals are not considered "pets" and are explicitly permitted to accompany the disabled person in all areas of the University where the disabled person is authorized to be.

In extremely unusual circumstances, a service animal may not be permitted in a specific area, such as in an animal research lab if the service animal's presence would pose a danger or interfere with research activities. In those cases, the University will work with the individual to explore alternative accommodations for the individual to participate in the University's program.

**Assistance Animals** - An assistance animal, also known as an emotional support animal (ESA), is not specially trained to assist a person with a disability and, therefore, is not a service animal. An assistance animal is required by a member of the Alfred University community in effort to have an equal opportunity to use and enjoy their residence hall room or to participate in the housing program. The animal provides emotional support which alleviates one or more identified symptoms or effects of a person's disability. There must be an identifiable and medically indicated relationship between the individual's disability and the assistance the animal provides. A person with a medically documented need for an assistance animal is permitted to have the animal in their residence. An assistance animal is not permitted to accompany the individual with a disability in "no pet" areas of the University, other than their residence.

**Pet** - A pet is an animal kept for ordinary use and companionship unrelated to a disability. A pet is not considered a service or assistance animal. Pets, other than fish, are prohibited from residing and/or visiting University residence halls. Further, pets are not permitted in the facilities of Alfred University. Refer to the [Control of Animals policy](#) and/or [the Housing & Dining Contract Terms and Conditions](#) for more information about pets in on-campus housing.

**Approved Animal** - An approved animal is a Service or Assistance Animal authorized pursuant to this policy.

**Owner** - The owner is a person with a disability who uses an authorized service or assistance animal.

### **Procedures for Requesting Accommodation for Use of Service or Assistance Animals**

Service and assistance animals may not reside in university housing without express pre-approval of university officials.

#### Service animals

Students intending to bring a service animal to campus and/or to live with a student in a residence hall are requested to inform the Center for Academic Success (CAS) 607-871-2148 Herrick Library. Students are encouraged to make this notification by June 1 for fall term, December 1 for spring term, and April 1 for summer term to allow adequate time to decide. Notification to CAS of the need for a service animal will assist the University in making any necessary preparations, as well as ensuring that appropriate University employees are made aware that the animal is a service animal authorized to be on campus. If it is readily

apparent that the individual has a disability and that the animal is a service animal, no further information will be requested. If it is not readily apparent that the animal is a service animal, the individual may be asked if the animal is a service animal required because of a disability and to explain the work or task that the animal has been trained to perform. The animal will not be required to demonstrate this task and no documentation of training will be required. If the service animal is a miniature horse, additional consideration will occur, including but not limited to whether the animal is controllable by the owner and will not present a safety risk.

#### Assistance animals

No Assistance Animal may be kept in university housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this Policy.

- To begin the process, students must complete the Assistance Animal Request Form, available at the CAS office in Herrick Library, 607-871-2148, or on the [CAS website](#). Before a request for an assistance animal is reviewed, the student must submit sufficiently specific documentation, completed by a treating physician or qualified non-University health provider, to the CAS Director which permits the Disability Housing Committee (DHC) to determine that (1) the individual has a disability (2) the animal is necessary for the individual to have an equal opportunity to use and enjoy their residence, and that (3) there is an identifiable relationship between the disability and the assistance that the animal provides.
- Once the request and supporting documentation is submitted, in writing, to the CAS Director, it will be reviewed in consultation with the DHC to determine if an assistance animal is an appropriate accommodation to the University housing policy.

The DHC may consider the following factors, among others, as evidence in determining whether the presence of the animal is reasonable or in the making of housing assignments for individuals with Assistance Animals:

- The size of the animal is too large for available assigned housing space.
- The animal's presence would force another individual from housing (e.g., serious allergies).
- The animal's presence otherwise violates individuals' right to quiet and enjoyment.
- The animal is not housebroken or is unable to live with others in a reasonable manner.
- The animal's vaccinations are not up to date.
- The animal poses or has posed a direct threat to the individual or others such as aggressive behavior towards or injuring the individual or others.

Students are encouraged to submit their request for use of an assistance animal in university residence halls by June 1 for fall term, December 1 for spring term, and April 1 for summer term to allow adequate time to make arrangements. While requests submitted after these dates will be accepted and considered, Alfred University cannot guarantee that it will be able to meet late applicants' needs in time for the beginning of the semester. The DHC meets as needed to determine on a case-by-case basis and in accordance with applicable laws and regulations whether the animal is reasonable and appropriate accommodation for the student making the request. If the request is submitted by the deadlines listed above, the student will be notified in advance of moving into a residence hall room regarding the status of the application.

If an assistance animal is approved: Before an assistance animal is permitted on campus as an accommodation it must be formally approved by the DHC, and the following procedures and forms must be complete and on file with the appropriate University personnel.

1. Once notified of their approval to have an assistance animal in university housing, the approved student must arrange a meeting with the Director or Associate/Assistant Director of the Office of Residence Life to discuss the rules, regulations, and procedures of having an approved assistance animal on campus. The student's roommate and most of their suitemates or apartment mates, where applicable, must also be present at this meeting.
2. Roommate/Suitemate/Apartment Mate Acknowledgement Form, if applicable:
  - The student seeking an assistance animal must have their roommate and all of their suitemates or apartment mates complete this form.
  - Should there be conflicting considerations between the student approved for an assistance animal and the needs of roommate(s), suitemate(s), or apartment mate (s), such as

health/allergy conditions or fear of the animal, either the student requesting the assistance animal or the non-approving roommate(s), suitemate(s), or apartment mate (s) may be moved to a different location based on availability. The Residence Life Office will respond in a timely manner and will carefully consider options for all individuals involved.

3. Assistance Animal/Emotional Support Animal Registration Form and a recent picture of the assistance animal must be submitted by the approved student.
4. Alternate Caregiver Information Form: The student must provide contact information for an alternate caregiver who lives off campus and can care for the animal if the approved student is unable to do so (e.g., unexpected hospitalization). Alfred University will assume no responsibility/liability for the care of a student's assistance animal.
5. Veterinarian Verification Form: The health and well-being of the animal must be evaluated by a licensed veterinarian prior to the animal being on campus and on an annual basis thereafter. Documentation of up-to-date vaccination, flea treatments, etc. must be on file with the CAS office.
6. Licensing: Owner must follow [all local or hometown licensing laws and tag laws](#).

### **Owners Responsibilities Regarding Use of a Service or Assistance Animal**

Members of the Alfred University community with a Service Animal: The supervision of the animal is solely the responsibility of its owner. The owner must be always in full control of their animal, as outlined below. The owner is expected to ensure the health, safety, and humane treatment of their animal. The owner agrees to continue to abide by all other University policies. Reasonable accommodation which may constitute an exception to a policy that otherwise would prohibit having an animal does not constitute an exception to any other policy. The Office of Residence Life can relocate the owner and approved animal as necessary according to the Housing and Dining contract. Alfred University personnel may intervene if the animal is found unattended, in need of care, or is causing a disturbance.

Under control of owner: The animal must be under the owner's direct physical control with a harness, leash, or another tether, unless either the owner is unable because of a disability to use these, or the use of one of these would interfere with the service animal's safety, effective performance of work or tasks. If so, the service animal must be otherwise under the owner's control (e.g., voice control, hand signals, or other effective means).

- The animal's behavior must not be disruptive to its surroundings or other members of the University community. Disruptive behavior includes, but is not limited to, jumping on people, barking, growling, excessive odor, taking food from dining area tables, or taking personal belongings of individuals other than the owner.

Proximity to owner: While on campus, in areas including classes, public areas or residences, food venues, or assembled gatherings, the animal must be in close physical proximity to the owner.

- Animals in University housing may not be left for extended periods of time either unattended or to be cared for by someone other than the owner.

Clean up and grooming requirements: The care of the animal is solely the responsibility of its owner. The animal must be housebroken. The owner shall:

- Always carry equipment sufficient to clean up the animal's waste and immediately remove and dispose of the waste. Members of the University community who are not physically able to pick up and dispose of animal waste are responsible for making all necessary arrangements for assistance. Alfred University is not responsible for this task.
- Keep the animal clean, well groomed, and free of pests. If University facilities are used to bathe the animal, the owner will clean the area when done. Members of the University community who are not physically able to bathe the animal or clean University facilities when done are responsible for making all necessary arrangements for assistance. Alfred University is not responsible for this task.

Health and safety: The owner is expected to ensure the health, safety, and humane treatment of their animal.

- Alfred University personnel shall not be required to provide care or food for any animal including, but not limited to, removing the animal during emergency evacuations for events such as a fire alarm. Emergency personnel will determine whether to remove the animal and may not be held responsible for the care, damage to, or loss of the animal.

Members of the Alfred University community with an Assistance Animal in University housing: The care of the animal is solely the responsibility of its owner. The owner agrees to all the requirements outlined above, except for the identification recommendation, in addition to the requirements outlined below. The owner agrees to continue to abide by all other University policies. Reasonable accommodation which may constitute an exception to a policy that otherwise would prohibit having an animal does not constitute an exception to any other policy. The Office of Residence Life can relocate the owner and approved animal as necessary according to the Housing and Dining contract. University personnel may intervene if the animal is found unattended, needs care, or is causing a disturbance.

- Assistance animals are only permitted within the owner's residence hall room and residence hall communal areas while the owner is present in the common areas.
- The owner is responsible for ensuring the assistance animal is contained, as appropriate, when the owner is not present during the day while attending classes or other activities.
- The owner must submit annual proof of immunizations as required to the CAS Director.

### **Lack of Cleanliness and Damages Caused by the Service or Assistance Animal**

All members of the University community are responsible for any extra cleaning required or damage to university property which is caused by them. The owner shall also be responsible for any extra cleaning required or damage to university property which is caused by the service or assistance animal.

- The owner's residence may be inspected for fleas, ticks, or other pests during the regularly scheduled housing inspection by the Environmental Health & Safety (EH&S) office. If fleas, ticks, or other pests are detected through inspection, the residence or work area will be treated using approved fumigation methods by a university-approved pest control service. The owner will be billed for the expense of any pest treatment.
- The owner's residence may be inspected to ensure it is being thoroughly cleaned and that sanitary and safe conditions are being maintained. If required, the owner will be billed for the expense of the additional cleaning required.
- The owner's residence may be inspected for physical damage during the regularly scheduled housing inspection. The owner will be billed for the expense of any damage to the University residence or University furnishings within the residence that are caused by the animal.

### **Managing Disabling Conditions and Concerns of All Members of the Alfred University Community**

Within University residences, the health and well-being of all roommates, suitemates, apartment mates, housemates and building occupants will be considered.

- Members of the University community with medical condition(s) that are affected by animals (e.g., respiratory diseases, asthma, severe allergies) are asked to contact the Office of Residence Life if they have a health or safety related concern about exposure to an animal.
- Roommates, suitemates, apartment mates, and/or housemates will be made aware of the planned presence of an animal in their residence by the Office of Residence Life. They will be asked to sign an acknowledgment stating that they understand they will be living in the presence of an animal and are aware of how to address concerns if needed. In the event that a roommate, suitemate, apartment mate and/or housemate has an allergy, or other physical or emotional condition aggravated by the presence of the animal, the University will work with the students involved to find a housing solution acceptable to all. However, when faced with students with incompatible medical needs, the University may find it necessary to relocate one or more students involuntarily, including, where the University deems appropriate, the student with the animal.

### **Removal of a Service or Assistance Animal**

Alfred University may pursue the process for determining if an approved animal should be removed from campus housing for the following reasons:

- The animal is not under the direct physical control of the owner.
- The animal's behavior is disruptive to its surroundings or other members of the University community.
- The animal poses a direct threat to the health and safety of others.
- The animal's presence fundamentally alters the nature of a program or activity.



- The owner fails to comply with any of their responsibilities under this policy.

#### Process for removal of a service or assistance animal:

- Any member of the University community may submit a complaint about a service or assistance animal, identifying one or more concerns in the areas listed above.
- The University will investigate the situation. If the University determines that a violation of this policy occurred, the owner of the animal will be informed, and the University will take appropriate responsive measures. The University's responsive measures will depend on the circumstances of the situation. Where reasonable, the University will work with the owner to resolve the situation in a way that allows the owner to continue to have the service or assistance of the animal or another animal. The University reserves the right to require an owner to remove the animal from university property.

Decisions made pursuant to this policy are reviewable by the Vice President of Student Experience or Dean for Student Experience upon request by the affected person(s). The request for review should be made to the Vice President of Student Experience within ten (10) business days of the decision. Additionally, in appropriate cases, an appeal may be available through the University's Section 504 Grievance Procedure. Please contact the 504/ADA Compliance Officer,

## **Social Environment Policy**

### **University Goals**

Alfred University exists to educate persons in the arts, sciences, and professions, and to promote the advancement of society through study, artistic expression, experimentation, research, and the sharing of diverse and challenging ideas. To create and maintain the best conditions for achieving these goals, the University provides and promotes a residential community of learners that is safe, inclusive, welcoming, and devoted principally to these missions.

### **Fraternal Societies**

The University's goals are not well-served by the formation and continuation of Fraternal Societies among its students. "Fraternal societies" are the local (or local chapters of Greek letter fraternities and sororities and similar organizations which (1) are comprised of one or more University students or alumni; (2) are exclusively or primarily social in their purpose or activities; and (3) perpetuate themselves by admitting new members or participants on the basis of a socially-based selection by the existing members or participants, rather than upon the right and free choice of any student meeting appropriate criteria. Student organizations with purposes which are primarily educational, religious, honorary, civic, recreational, or athletic are not "Fraternal Societies."

The common practices of Fraternal Societies include "rushing," "pledging" and "initiating" students, selection and exclusion based on social criteria, and the use of secret social rites and rituals. These practices are contrary to the University's principles of openness and inclusiveness and its mission to educate and elevate the minds, bodies, and spirits of all students. The demeaning, debasing and sometimes dangerous practices of "hazing" engaged in by a substantial number of Fraternal Societies have no place at this University.

### **Policy**

The University will not recognize nor lend any institutional support or sanction to Fraternal Societies. Therefore, the University also does not permit students to use or attempt to use any property, facilities, communications media, name, trademark or other assets or services of the University to form, promote, benefit, recruit new members for, accept membership in, or conduct any activities of a Fraternal Society.

Further, any person who recruits or attempts to recruit a university student into a Fraternal Society or who pledges or accepts membership in a Fraternal Society violates University policy.

A group does not require any formal organizational structure or membership designation, or any history, housing arrangements, insignia, or form of name to be a "Fraternal Society" under this policy. The formation of any new Fraternal Society is considered recruitment, in violation of this policy.



## **Violations**

Students who violate this policy are subject to conduct action, including suspension or expulsion. Members or participants in Fraternal Societies will be held individually responsible for any violations of this policy they themselves commit.

## **Promotion of Student Organizations**

The University encourages students to form and seek the recognition and support of the University for new and existing organizations that are fundamentally inclusive in nature and focused primarily on their members' interests in learning, public service, religious faith, recreational activities, or athletic competition.

## **Social Media Policy**

### **Expectations:**

1. As stated in our Student Code of Conduct, our community values Integrity, Community, Social Justice, Respect and Responsibility. The social media policy reflects those values and expects students to be respectful, careful, responsible, and accountable for their use of social media. A student's right to make a statement does not mean that the speech has no consequences in terms of impact on others, judgments made about the speaker by third parties, or the impact on future employers. For example, an image, comment, or video that a student creates for a small audience may inadvertently be published widely, without their knowledge. That content may be disturbing or harmful to persons from other races, cultures, or personal backgrounds due to the historical uses or abuses of images, words or concepts embedded in that content. Not only is it ethically wrong to hurt others if it can be avoided, but in the digital world one may quickly become the recipient of threats, abuse, and disparagement.
2. Respect the speed inherent in modern social media. For example, a student may post a statement to a nonpublic account, have the statement photographed and uploaded to a public page and begin receiving abusive messages within minutes of posting the original statement.
3. Students should expect to be held responsible by others, within the boundaries of applicable law and University policy, for what they say or post in all places, including on social media.

### **Policy**

The University does not regularly monitor the language and/or actions of students on public social media platforms but may become aware of such language and/or actions and will hold students accountable for related violations of the Student Code of Conduct or Alfred University's Title IX: Discrimination, Harassment and Sexual Misconduct Policy. Students may not use social media in a manner that violates any Alfred University policy, including but not limited to the following:

**Harassment:** Any unwelcome behavior, which is not covered under Alfred University's Title IX: Discrimination, Harassment and Sexual Misconduct Policy, whether verbal, electronic, via telephone or through a third party, is prohibited.

**Bullying and Cyberbullying:** Bullying and cyberbullying are repeated and/or severe aggressive behaviors that intimidate, intentionally harm, or control another person physically or emotionally.

**Hostile Environment:** The creation of a hostile environment when harassment is sufficiently severe, pervasive/persistent, and objectively offensive that it unreasonably interferes with, limits, or denies the ability to participate in or benefit from Alfred University's educational or employment, program, or activities. This conduct is outside the Title IX: Discrimination, Harassment and Sexual Misconduct Policy.

**Harassment:** Alfred University's Title IX: Discrimination, Harassment and Sexual Misconduct Policy defines harassment as conduct that offends based on race, color, religion, ethnic or national origin, gender, age, disability, predisposing genetic characteristics, sexual orientation, gender identity, gender expression, military or veteran's status, status as a victim of domestic violence, marital status or any other characteristic protected by applicable law. Harassment is any form of offensive conduct or communication and may be verbal, written, electronic, visual, or physical. Merely by way of illustration, harassing acts may include racial, ethnic or religious slurs; name-calling that demeans on the basis of gender, age, disability, sexual orientation or gender identity; unwanted touching of a person's legs or shoulders; physically harming or threatening another due to racial or religious animosity; vulgar pictures or ethnically offensive symbols or graffiti; or gestures that mimic or mock a person's gender, sexual orientation, disability, race or religion. Sexual harassment is one form of harassment. Sexual harassment may consist of sexually charged comments or

conduct, including sexually lewd conversation or pictures, repeated, unwelcome requests for dates or romantic interaction; conditioning a benefit (such as a grade or promotion) on sexual activity; or unwelcome physical affection (such as hugs or kisses). The fact that a person was personally offended by a statement or incident does not alone constitute a violation of this policy. The determination is based on a “reasonable person” standard and considers the totality of the circumstances. Alfred University considers the context of a communication or incident, the relationship of the individuals involved in the communication or incident, whether an incident was an isolated incident or part of a broader pattern or course of offensive conduct, the seriousness or severity of the incident, the intent of the individual who engaged in the allegedly offensive conduct, and its effect or impact on the individual and the learning community.

Alfred University values and protects the speech rights of students. This policy will be interpreted with those protections in mind.

### **Procedure**

Anyone may submit a report to the Dean for Student Experience, Bias Response Team, or Public Safety about a student’s use of social media. Complaints may also be submitted through the on-line [AUReportIt](#) portal. The Dean for Student Experience may initiate a mandatory meeting with the student and/or the complainant to gather more information and/or to seek clarity about the complaint. If the complainant falls under Alfred University’s Title IX: Discrimination, Harassment and Sexual Misconduct Policy, the Dean for Student Experience may appoint an investigation team to gather evidence and information.

When two or more students allege that there are mutual violations of the social media policy arising from the same incident the University may find both parties responsible for a violation of this policy. If a student uses social media to threaten any crime and/or with the purpose of terrorizing or threatening another, or if the University otherwise believes reporting to be warranted, the behavior will be reported to law enforcement.

## **Solicitation Policy**

### **Definition**

Solicitation is defined as any verbal or written effort to raise funds through the sale of merchandise/services or through charitable donations as well as to influence opinions or to gain support for an issue or cause.

### **Introduction**

Alfred University wishes to maintain an environment of academic integrity and personal development. It recognizes the need to protect this environment from uncontrolled solicitations but acknowledges the need of the campus community to support worthy causes and to have convenient access to a variety of merchandise and services. The following policy provides a means to achieve an acceptable balance of activity.

**SOLICITATION IS STRICTLY PROHIBITED IN CLASSROOMS AND LIBRARIES  
AS IS DOOR-TO-DOOR SOLICITATION IN THE RESIDENCE HALLS.**

### **Solicitation by Recognized University Clubs and Organizations**

1. Clubs and organizations must register solicitations intended for the public areas of the residence halls with the Director of Residence Life or designee at least forty-eight (48) hours prior to the solicitation. When possible, sample items which are to be distributed should be part of the registration process. In addition, all advertising and publicity within the hall must be approved, in advance, by the Director of Residence Life or designee (see posting and distribution of printed materials). Posters, flyers, etc. may not be placed on walls, windows, doors, or sidewalks; bulletin boards should be utilized for this purpose.
2. Clubs and organizations wishing to use the campus center must register the solicitation with the Director of Student Activities in the Campus Center at least 48 hours in advance of the intended activity. All advertising and publicity within the campus center must be approved and properly located on bulletin boards or in the desk area.
3. Clubs and organizations wishing to use the dining halls for solicitation must obtain approval from the dining hall manager at least 48 hours in advance of the activity. Advertising and publicity within the dining halls must be approved and located according to building policies. For more information on advertising contact the dining hall manager.
4. Clubs and organizations wishing to hold a raffle, bingo, lottery, or similar game of chance must

receive permission to do so from the Dean for Student Experience or designee. Prizes of alcohol or other prizes deemed to be inappropriate will be prohibited. Raffles, lotteries, bingo, etc. are subject to local, state, and federal laws.

5. Clubs and organizations must abide by all University policies.

NOTE: Use of certain facilities may result in a rental charge.

### **Individual Student Solicitation for Profit**

Individuals wishing to solicit for profit must obtain approval from the Dean for Student Experience or designee. In cases where the student is receiving financial aid, the student must inform the Director of Financial Aid if approval is granted. Such endeavors are subject to local, state, and federal laws.

### **Uninvited Solicitation by Off-campus Groups or Individuals**

Off-campus groups or individuals must obtain approval for solicitation, which is not requested by a university official, from the Dean for Student Experience or designee. A letter detailing the solicitation must be received at least one week prior to the desired activity and include the following information:

- sponsoring organization
- contact person and local telephone number.
- purpose of the solicitation
- preferred date(s) for solicitation
- method(s) used to solicit, including advertising and publicity.
- preferred location(s)
- target population(s)
- description (samples when possible) of products, programs, and/or written materials to be distributed.

Generally, uninvited solicitation by off-campus constituents is discouraged. Activities which enhance the University community educationally or culturally, however, will be given serious consideration. Priority will be given to universities recognized clubs and organizations.

Off-campus groups or individuals who receive approval for solicitation must also obtain permission to use facilities. For dining hall use, contact the Director of Dining Services; for use of public areas of the residence halls, contact the office of Residence Life; for use of the Campus Center, contact the Director of Student Activities; for use of any other area, consult with the Dean for Student Experience. Permission may be denied based upon the availability of space, timing, and/or the nature of the activity.

Profit-making solicitations may be subject to a contractual relationship by which a negotiated percentage of sales will be allocated to Alfred University.

Off-campus groups or individuals must abide by the policies affecting recognized University clubs and organizations.

All persons involved with a solicitation must respect the rights of individuals to refuse the solicitation being made. Violations of any of the above policy may result in student code of conduct or legal action and/or other sanctions depending upon the solicitor's relationship to the university and the nature of the violation.

## **Weapons Policy**

Possession or use of weapons while on property owned, affiliated with, or controlled by Alfred University (including sidewalks, driveways, and parking lots) or where Alfred University events are occurring, is expressly prohibited, except as may be required by law enforcement officials. This policy further applies to those operating Alfred University Motor Pool vehicles, whether on or off university property.

The definition of "weapons" covers all items capable of inflicting significant injury. This includes items which are legally possessed, but used in a manner that harms, threatens, or causes fear or could easily be mistaken as a weapon. Examples include, but are not necessarily limited to, the following: Firearms, Knives, Air Guns, Spear Guns, Paint Guns, Bow and Arrow, Explosives: Gunpowder, Firecrackers, Ammunition, Chemicals, etc.

Because such items are capable of inflicting serious injury and thereby pose a clear risk to persons and/or

property, violations of this policy may result in conduct action up to and including suspension of students or termination of personnel and may likewise be prosecuted under applicable law.

Note: On occasion, academic programs may require the use of tools falling under this definition. Such tools, when applied directly to program-related activity, are exempt from this policy. The determination of whether a kitchen knife is considered a weapon for the purposes of this policy will be made based on the circumstances surrounding the possession and use of the knife. For example, a kitchen knife used for food preparation would not be considered a weapon.

## Withdrawal Policy

A student who seeks to withdraw from the University during the academic year or at the end of any semester should first consult the Dean for Student Experience or designee. Initiating the withdrawal in this manner is primarily for proper guidance and is also necessary if the student is to receive funds which may be due.

## OFFICE OF PUBLIC SAFETY

### Purpose and Procedure

The Office of Public Safety is operational seven days per week with limited hours of closure. It is in the Physical Plant building and can be reached by calling (607) 871-2108. After office hours, the University emergency phone is forwarded to the Allegany County 911 Center located in Belmont, New York. In the event of an after-hours emergency, the 911 Center will dispatch appropriate emergency personnel along with Alfred University personnel to the scene of an emergency. Students are employed by the Office of Public Safety on a part-time basis and assume the position of Public Safety Aides. The Chief of Public Safety is ultimately responsible for managing the daily activities of the student security operation. All Public Safety Aides function as an important part of the University's overall effort to maintain the peace, safety, and security of persons and property at the University.



The public safety office function is an effective and important part of the University's overall effort to maintain the peace, safety and security of persons and property at the University.

For more detailed information, refer to the Annual Campus Safety & Fire Report. Information regarding registered sex offenders may be obtained from the Alfred Police Department.

### Motor Vehicle Regulations

Complete Traffic Safety Regulations are available on the Alfred University website.

### Purpose

The vehicle regulations set forth have been established for the orderly control of vehicles and prevention of accidents on the University campus. Vehicle regulations apply throughout the year.

### Scope

For these regulations, campus boundaries consist of all properties owned or controlled by Alfred University. These regulations apply to all operators of motor vehicles on the University campus.

Operating a motor vehicle on university property is a privilege and constitutes acceptance by the owner and/or operator of the responsibility to assure that their vehicle is neither parked nor operated in violation of university regulations, local ordinances, or state laws.

Alfred University assumes no responsibility for a vehicle or its contents. This includes any damage caused by

moving, towing, or booting.

The operation of motorcycles, in areas other than those designated for all motor vehicles, is prohibited. The operation of snowmobiles, all terrain, or unlicensed vehicles on university property is prohibited.

### **Enforcement**

The enforcement of parking and vehicle regulations will be under the direction of the Office of Public Safety.

## **Public Safety and Emergency Policies and Procedures**

### **Emergency Medical Care**

To obtain emergency medical care services at the scene of a seriously injured or ill person:

Office of Public Safety - (607) 871-2108

Allegany County 911 Dispatch Center (Emergency Ambulance and Police contact) - 911

Be prepared to give a brief description of the patient's condition and their exact location. Report injuries and other incidents to a member of the University staff (Residence Life, Public Safety, Student Experience, and/or Human Resources).

Transportation to and from scheduled medical visits is the responsibility of the individual student.

### **Shelter In-Place**

Most of our community members are familiar with the “lockdown” concept practiced throughout the nation’s K-12 schools whenever there is a potential for violence on school property. That practice works well in the strictly controlled environment that operates on a universal, common schedule and has clearly defined physical boundaries. The “lockdown” concept is impractical for most of the country’s college campuses for that same reason. Most colleges and universities are open to visitors and seldom feature gates, fences, or checkpoints. The Office of Public Safety offers the following practical suggestions to our community members to adapt to the principle of “Shelter in Place” rather than “lockdown.”

**If you are notified that an emergency is in progress and you receive the direction to “shelter in place,” please proceed as follows and wait for further instructions.**

### **Hostile Intruder(s) in an Alfred University Building**

Notification of a hostile person on a campus may come from a pre-recorded message on the campus phones, a text message, by runner, by e- mail, or by public alert through loudspeakers on campus. These guidelines apply to any building on or near campus, including residence halls, academic buildings, administrative buildings, etc.

- Faculty/Staff should immediately close the doors to their classroom/office. Lock them if possible. If locks are unavailable, barricade doors unless there is an imminent need to be silent. Attempt to cover any door or classroom windows or openings that have a direct line of sight into the hallway.
- If communication is available, call 911 or (607) 871-2108.
- Do not sound the fire alarm. A fire alarm would signal the occupants to evacuate the building and thus place them in potential harm as they attempted to exit.
- Lock the windows.
- Stay away from the exterior and interior windows, if possible.
- Turn off all audio equipment and silence all cell phones.
- Try to remain as calm as possible.
- Keep everyone together.
- Keep classrooms locked, insist that occupants remain until the police arrive and give you directions.
- If you are in an open area such as a hallway or vestibule, try to get to a classroom or an office and then follow above procedures. Do not go outside, unless you feel comfortable that you can make it without harm.
- Stay out of open areas and be as quiet as possible.
- If for some reason you are caught in an open area such as a hallway or lounge, you have several options:
- You can try to hide, but make sure it is a well-hidden space, or you may be found by the intruder as the intruder moves through the building looking for victims.



- If you think you can safely make it out of the building by running, then do so. If you decide to run, do not run in a straight line. Attempt to keep objects such as desks, cabinets, fixtures, etc. between you and the hostile subject. When away from the immediate area of danger, summon help in any way you can and warn others.
- If the person(s) is/are causing death or serious physical injury to others and you are unable to run or hide, you may choose to play dead, if other victims are around you.
- Your last option, if you are caught in an open area in a building, may be to fight back. This is dangerous but, depending on your situation, this could be your last option.
- If you are caught by the intruder and are not going to fight back, obey all commands and do not look the intruder in the eyes.
- Once the police arrive, do not run toward them. Obey all police or emergency officer's commands. This may involve you being handcuffed or keeping your hands in the air. This is required for safety reasons. Once the police evaluate circumstances, they will give you further directions to follow.

### **Hostile Intruder(s) on the Grounds of Alfred University**

When a hostile person(s) is actively causing death or serious physical injury or threatening imminent death or serious physical injury to person(s) on the University grounds, we recommend the following actions be taken:

- Run away from the threat if you can, as fast as you can.
- Do not run in a straight line.
- Keep vehicles, bushes, trees, and anything that could possibly block your view between the hostile person(s) and you while you are running.
- If you can get away from the immediate area of danger, summon help, call 911 or (607)871-2108, and warn others.
- If you decide to hide, take into consideration the area in which you are hiding. Will I be found here? Is this really a good spot to remain hidden?
- If the person(s) is/are causing death or serious physical injury to others, and you are unable to run or hide, you may choose to play dead, if other victims are around you.
- The last option you have, if caught in an open area outside, may be to fight back. This is dangerous, but depending on your situation, this could be your last option.
- If you are caught by the intruder and you are not going to fight back, do not look the intruder in the eye and obey all commands.
- Once the police arrive, do not run toward them. Obey all police or emergency officers' commands. This may involve your being handcuffed or made to put your hands in the air. This is required for safety reasons. Once the police evaluate the circumstances, they will give you further directions to follow.

This action/procedure guide cannot cover every possible situation that might occur, but it is a tool that can reduce the number of injuries or deaths if put into action as soon as a situation develops. Time is the most crucial factor in the optimal management of these types of situations.

### **Fire Emergency Procedures**

Every member of the University community should do their part to prevent fires from starting and to be prepared to take appropriate action if a fire does occur.

Know where the closest stairwell and/or exit to your room/suite are located and have a back-up plan in case that path is blocked.

Have a designated place where you and your roommates or suitemates can meet in case you have to evacuate. Never assume that the alarm is a false one. Get out of the building when you hear the alarm sound. Do not re-enter the building until emergency personnel have given permission to do so.

### **In Case of Fire**

- Leave the building if the alarm sounds unless it is unsafe to do so.
- Sound the alarm if conditions warrant.
- Close all windows within your area to prevent cross drafts from entering the building.
- Keep all interior and exterior fire doors closed to prevent cross drafts from entering the building; this will help retard the spread of fire.
- If your door is closed, place your hand (outer, not palm side) against the door. If it is warm or if you smell smoke, DO NOT OPEN THE DOOR. Follow the directions under "WHAT TO DO IF TRAPPED BY SMOKE OR FIRE."

- Evacuate without unnecessary running. Avoid any action which might cause others to panic.
- Do not use elevators for evacuation. Power failures can cause the elevator to stick between floors; smoke and fire can travel up through the elevator shaft.
- Familiarize yourself with the locations of all available exits, including fire escapes. If an exit is blocked by smoke or fire, go to the next available exit. Give assistance and direction to those following you, particularly disabled people.
- Use caution when approaching stairwell entrances; you may be merging with evacuees from other floors.
- Travel downward on stairs unless it is unsafe to do so.
- After you have completely cleared your building, look back; someone may be signaling for assistance from a window. By alerting firefighters or residence hall staff, you will help to speed up their rescue.
- Do not re-enter the building until emergency personnel have given permission to do so.

## WHAT TO DO IF TRAPPED BY SMOKE OR FIRE

- If your door is closed and you suspect that a fire is located just outside, use any available material to seal the threshold to prevent smoke from entering the room. If you find that you are trapped in an area while the door is open, use a coat, shirt, skirt, or similar material to close it, protecting your hand against possible burns from the heated door or doorknob. Next, seal the threshold to prevent smoke from entering the room.
- Partially open a window and stay near it, keeping low and breathing fresher air supplied from outside.
- If no telephone is available, use a coat, shirt, or similar item to signal your location by waving the item outside of the window. Those evacuating the building may see your signal and alert rescue teams.
- Remain as calm as possible, breathing normally only the fresher air supplied by the open window. Once your location has been determined, rescue efforts will begin.

## Fire Extinguisher Use

In the event of a fire, your primary responsibility is to follow the evacuation procedures for your building. If it is necessary to put out a fire, the following information clarifies extinguisher type and use:

- Pressurized water extinguisher is used for wood, paper, textiles, and ordinary combustible materials. NEVER USE WATER ON ELECTRICAL FIRES.
- Carbon dioxide (CO<sub>2</sub>) is used for flammable liquids, electrical wire, or equipment.
- ABC dry chemical may be used for any of the above.
- Misuse of fire extinguisher and other fire safety equipment is a violation of university policy as well as state law. Individuals who misuse fire safety equipment are subject to University's student conduct process.

## Courtesy Ride Service

The Office of Public Safety offers courtesy rides to students when safety is a concern. If a student does not feel safe walking on campus at night, they can contact 607-871-2108 to request a ride.

## Guest Parking

If you have a guest that will be staying on campus and they have a car, a Guest Parking Pass may be obtained at the Public Safety office during the hours of 7:00 am and 3:00 pm. Visitors who fail to obtain a Guest Parking pass are subject to fines. Weekend visitors are not required to obtain a pass.

# ANNUAL CAMPUS SAFETY & FIRE REPORT

Our Annual Campus Safety & Fire Report can be found [here](#).

## CAMPUS PHONE NUMBERS

### Emergency

Ambulance, Fire Dept., or Police	911
Public Safety	(607) 871-2108
Wellness Center – Health	(607) 871-2400
Wellness Center – Counseling	(607) 871-2300
Physical Plant (On-Campus Maintenance)	(607) 871-2154



Alfred Police Department (office)

(607) 587-8877

### **Administration**

Vice President for Student Experience

(607) 871-2977

Dean for Student Experience

(607) 871-2283

## **ACADEMIC CALENDAR**

Current and future academic calendars which contain important dates can be found [here](#).