

# HUMAN RIGHTS POLICIES

## TITLE VII AND IX NON-DISCRIMINATION POLICY AND GRIEVANCE PROCEDURE

Hobart and William Smith Colleges do not discriminate on the basis of race, color, religion, sex, national origin, family relationship, sexual orientation, veteran status, or age in the educational programs and activities that they operate. This grievance procedure applies to all operations subject to the provisions of Title IX of the Education Amendments Act of 1972.

The director of human resources has been designated Title IX officer and has the full text of the act and regulations available for public review.

This grievance procedure does not preclude the Colleges from taking direct administrative action to address situations of harassment or discrimination.

**Article I. Purpose.** These procedures are available to students, faculty, administration, and administrative staff of these Colleges and applicants for admission to, or employment by, these Colleges. These procedures shall not be available to Colleges' employees who are within a collective-bargaining unit represented by a labor organization, which is a party to a contract with an established grievance procedure under which the grievance may be brought.

These procedures are designed to consider claims of discrimination resulting from established institutional policies or procedures, or because of actions of Colleges' employees in administering these policies or procedures. Complaints directed against social organizations or alumni/alumnae organizations cannot be considered here, since the Colleges are not responsible for the policies or procedures of these organizations.

These grievance procedures provide a clearly defined way for disagreements over Colleges' policies and actions to be considered by a competent and representative group. It is hoped that the disagreements represented in grievance cases will be resolved by common consent at an early, informal stage of consideration. When this is not possible and a formal hearing is conducted, this proceeding and the consideration of the case by the president of the Colleges represent the final and highest consideration of the case.

The Title IX officer shall be charged with overall responsibility for the operation of the grievance procedure and shall be authorized to receive a grievance covered hereunder, which shall be transmitted to the Committee for investigation in accordance with these procedures.

**Article II. General principles.** The Title IX Grievance Committee on Non-Discrimination (the "Grievance Committee" or the "Committee") will consider cases alleging violation of the Colleges' policy of non-discrimination. That policy is as follows:

The Colleges do not discriminate against applicants, students, or employees on the basis of race, color, religion, sex, national origin, marital status, disability, sexual orientation, or age.

The Grievance Committee, or a subcommittee designated by it under Article IV below, will have the responsibility for investigating a particular case, including review of all necessary relevant documents. The Grievance Committee will be the sole determinant of whether a grievance is properly brought under this procedure and of the manner in which it shall be considered.

A person initiating a grievance will not be adversely affected because of the bringing of such grievance.

The Grievance Committee and any subcommittee or hearing panel appointed under Article IV below will observe strict confidentiality in its investigations in both formal and informal proceedings. All formal complaints will be reviewed and acted upon as promptly as is compatible with proper investigation of, and due deliberation upon, the questions involved.

The findings and recommendations of the Grievance Committee and, where designated, the hearing panel, will be submitted to the appropriate senior official of the Colleges. The designation of the appropriate senior official will vary based upon the participation of faculty, staff, and students as grievants and accused in the process. The president of the Colleges shall designate the appropriate senior official, though in general this person will be the provost and dean of faculty for faculty complaints, the appropriate member of senior staff for staff complaints, and the Vice President for Student Affairs or designee for student complaints. In cases where the president is

involved as grievant or primary individual accused, the chairman of the Board of Trustees will designate a Trustee to act as the senior official of the Colleges.

The designated senior official will respond in writing to the findings and recommendations of the Grievance Committee or hearing panel, describing any actions to be taken as a result of the findings or recommendations. If any specific recommendations of these groups are not followed, the designated senior official will state the reasons for rejecting those recommendations. The written report shall go to the grievant and the individual whose actions are the subject of the grievance.

The grievant or the party or parties whose actions are the subject of the grievance may appeal the written decision of the designated senior official. Such appeal shall be in writing and shall be made to the president of the Colleges within 10 days of the written decision of the designated senior official. The president may consider appeals on the basis of new evidence, faulty reasoning, errors in procedure, or the appropriateness of any sanction imposed. The president's response to the appeal shall be made in writing and shall be final. Where the president is involved in the complaint as either the grievant or the primary individual accused, the appeal shall be made to the chairman of the Board, whose decision will be final.

The findings and recommendations of the Grievance Committee and, where designated, the hearing panel, and the response thereto will not be made public. Particular actions directed by the designated senior official shall be made known to the appropriate Colleges representatives responsible for such activities. Institutional records of the complaint, the findings and recommendations of the Grievance Committee and, where designated, the hearing panel, the response thereto by the designated senior official, and where applicable, the appeal, shall be maintained by the Title IX officer.

**Article III. The Grievance Committee on Non-Discrimination.** The Committee shall consist of seven persons who shall be appointed to serve for the duration of a complaint. A committee member may be reappointed for multiple complaints. The Committee shall include the Title IX officer and a member of the Department of Human Resources. Should the complaint involve the Title IX officer as grievant or primary individual accused, the president shall appoint another person to the Committee in the officer's stead. The Committee shall always include one other member of the administrative staff and two faculty members. The remaining two seats will be filled by two students, two members of the faculty, two members of staff, or some combination of these groups in order to achieve participation from the ranks of the Colleges represented by the grievant and the person whose actions are the subject of the grievance. The president shall determine from what ranks these two seats shall be filled. The seven members of the Committee will elect a chair at the first committee meeting. Members will be appointed as follows: administrative employees, by the president of the Colleges; faculty, by the dean of faculty and provost, in consultation with the Committee on the Faculty; students, by the student governments.

**Article IV. Committee procedures.** Grievances related to discrimination should be resolved informally between the parties immediately concerned whenever possible. When such informal direct discussion does not lead to a resolution satisfactory to the parties, the grievance may be brought formally to the Grievance Committee by means of a written statement stipulating the grounds for the grievance, the parties thereto, and the facts giving rise to the grievance, and by presenting the same to the Title IX officer. The grievance must be filed with the Title IX officer within 30 days of the most recent incident giving rise to the complaint or within 30 days following the effective date of this policy, whichever is later.

The Title IX officer will inform the president that a Grievance Committee needs to be constituted in accordance with Article III. The president will take such steps as are necessary to cause a Grievance Committee to be constituted and shall designate the senior official for the purpose of the grievance.

The Grievance Committee will meet to consider each grievance within 10 days of receipt of the formal grievance, except where such a grievance occurs other than during regular school sessions, in which case such a meeting will be scheduled as soon as is practical. After receiving the written grievance and any other information subsequently requested by the Committee, the Committee may conclude that the grievance is not actionable under Title IX, in which case it shall advise the grievant that it declines to take further action and indicate its reasons for doing so. The Committee may conclude that the evidence considered as a whole establishes a *prima facie* basis for the grievance, in which case the Committee will direct one of its members to act as a mediator between the parties concerned in an attempt to conciliate their differences.

Failing successful conciliation, a three-person subcommittee will be appointed from the members of the Grievance Committee to investigate the grievance and to make a report of findings to the full committee. One member of the subcommittee will be appointed by the full committee, one member will be selected by the grievant, and one member will be appointed by the individual whose actions are the subject of the grievance. In the case where the grievance is brought on the basis of an alleged discriminatory institutional policy, the administrator who is most immediately responsible for the implementation of that policy will select the third member of the subcommittee.

In addition to conferring with both the grievant and the party(ies) against whom the grievance is brought, the subcommittee will invite the person(s) named in the charge or an appropriate administrative official to submit a written statement responding to the grievance. Every reasonable effort will be made to achieve a settlement of the dispute or grievance during the investigation by the subcommittee. An informal investigation may be utilized by the subcommittee, and it may request conferences with anyone involved in the matter. The subcommittee will report to the Grievance Committee within 30 days of the filing of the written complaint, or within 15 days of the time at which the subcommittee is appointed to investigate the grievance, whichever is later.

Based upon the report of the subcommittee, the full committee will decide whether a formal hearing is required. A formal hearing may not be required if the Committee determines, at the Committee's discretion, that the evidence clearly does not support a Title IX violation or if the evidence clearly indicates that a violation has occurred. If such a hearing is not required, the Committee will make its formal report and recommendation to the designated senior official, to the grievant, and to the individual whose actions are the subject of the grievance within 30 days of the appointment of the subcommittee. In the case where the grievance involves a policy of the Colleges, the report shall go to the appropriate person responsible for administering the policy.

If a formal hearing, at the sole discretion of the Committee, is required, a hearing panel will be appointed.

The purpose of the formal hearing is to permit the panel to secure relevant evidence, information, or testimony that will help the panel reach a just conclusion. The weight of credibility given to the evidence shall be made without the formal restrictions on admissibility of evidence which would apply in a court of law.

**Article V. Hearing panel procedures.** The grievant, upon notification by the Grievance Committee that a hearing panel has been designated, will prepare and file a signed statement of the specific charges with the panel chair within 10 days of such notification, setting forth all supporting evidence for the charge that the grievant wishes considered by the panel. The statement will be made available to the panel members, the Title IX officer, and to any individual charged with discrimination.

Charges of individual discrimination may be made against an individual who, in the performance of official duties at the Colleges, is alleged to have violated the Colleges' policy against discrimination, set forth above. Charges of discriminatory institutional policy shall be made against the Colleges and not against individuals. Persons serving in administrative and department-chair capacities at the Colleges, in the performance of their duties as such, shall be viewed as agents of the Colleges for the limited purposes of this paragraph, and charges shall not be directed against them as individuals.

The panel chair will convene the panel within 10 days of receipt of a proper statement of charges from the grievant. The chair will be responsible for the adoption of ground rules and procedures under which the hearing shall be held (except as specifically provided in this Article) as that chair, in his/her sole discretion, deems appropriate. The chair is responsible for conducting a fair, orderly, and expeditious hearing and for ruling upon questions of procedure, admissibility of evidence, and the appropriateness of questions. The chair will make certain that all individuals charged in the original statement or during the proceeding shall have a full opportunity to respond to the charges. This may include College officials not specifically named in the proceedings.

At least three members of the hearing panel, including the chair, must be present at a hearing. In addition, the grievant must be present. Any individual accused in the statement of charges must be informed of all hearing sessions and given the opportunity to attend. The grievant or the Colleges may ask that observers be allowed to attend hearing sessions, a request which may be granted or denied at the discretion of the chair. No party or participant in the hearing shall, as a matter of right, be entitled to counsel or to the presence of counsel. Where an individual charged in these proceedings is a member of a collective bargaining unit on campus, the campus representative of that bargaining unit may be present at the hearing sessions as an observer. Observers will have no voice in the hearing.

The official record of the hearing will consist of the written statement of charges, notes made by a member of the hearing panel designated to act as secretary and approved by the panel, and those documents submitted by the grievant, the Colleges, the charged party, or by a witness during the hearing and admitted into evidence by the panel chair. The official record will be available for inspection only by panel members, the grievant, a representative of the Colleges designated by the Title IX officer, and any individual specifically charged with discrimination.

The panel chair shall open the hearing by stating the procedures to be followed, including any time limits on the presentation of the charges and the response to the charges, and reading the written statement of charges or a summary thereof. This will be followed by an opportunity for a statement by the appropriate Colleges representative or by the individual charged, in response to the statement of charges. Following the statement of charges and response, the hearing panel will hear the relevant evidence reasonably available from witnesses present. Panel members may at any time question the grievant or individuals specifically charged with discrimination, in order to relate their testimony to that of a witness. Neither the grievant nor the individuals charged may question each other, and their comments must be addressed to the chair and panel members, in accordance with the procedures established by the chair.

The hearing panel will make a written report of its findings and, where appropriate, its recommendations for resolving the grievance. This report will be submitted to the designated senior official and copies made available to the grievant and all individuals charged with discrimination, no later than 15 days following the final hearing session. Where the complaint involves a Colleges' policy, a copy of the report shall go to the person responsible for administering the policy.

A written response shall be made by the designated senior official as provided in Article II.

## **SEXUAL HARASSMENT, MISCONDUCT, AND ASSAULT POLICY**

### **General Statement**

As four-year residential liberal arts colleges with full-time undergraduate students, Hobart and William Smith Colleges are committed to creating and maintaining an academic and working environment that respects the different voices and experiences of its members and that nurtures the trust of its academic mission. Open and free discussion of issues of gender, race, class, sexual orientation, religion, age, and other intellectual, social, political topics are the hallmarks of this institution.

The Colleges have general expectations of Hobart and William Smith students and employees. The Colleges expect that its members will behave responsibly and equitably, that they will respect the personal rights of others, and that they will not infringe on the rights of others. The members of the Colleges are expected to maintain professional relations that underscore the academic mission of the institution.

The integrity of the Colleges rests upon its ability to create and maintain an environment free from intimidation or injury generated by sexual intolerance or harassment. The Colleges act to eliminate such practices from our community and to remedy their effects. All members of the Colleges are entitled to a professional working and learning environment. All members of the Colleges are accountable and responsible for ensuring that a respectful and trusting environment is maintained.

The following policy applies to all members of the Colleges community — students and employees (faculty, union and nonunion, salaried and hourly staff). The body charged with enforcing this policy is, therefore, a campus committee -- the Sexual Grievance Board -- made up of representatives from each of these constituencies.

The Dean of Hobart or William Smith College, or a designee, may impose conditions on a student's continued relationship with the Colleges during the conduct process referenced in this policy. The authority of the Director of Human Resources to take personnel action during the investigation and hearing of any complaint of conduct falling within the confines of this policy is not altered by this policy.

Discretion in interpreting, implementing and revising this policy is vested solely in the Colleges.

Title IX of the Education amendments Act of 1972 prohibits discrimination on the basis of sex in education programs or activities by recipients of federal financial assistance. All sexual harassment complaints and grievances made under Title IX will be handled under this policy. All other Title IX grievances will be handled pursuant to the Title IX Non-Discrimination and Grievance Procedure set forth in the Handbook of Community Standards. The Title IX Coordinator is the Director of Human Resources: Sandra Bissell, Coxe Hall, ext. 3313.

### **Definitions and Sanctions**

The phrase sexual misconduct, including sexual harassment, describes varying extremes of discrimination and wrongdoing based on one's gender, sexuality, and/or sexual orientation. Such behavior destroys the trust and respect that are at the core of our academic mission. Such actions are condemned by the Colleges and in many instances may be violations of New York State and federal laws. Members of the Hobart and William Smith community who commit these acts will be subject to sanctions from the Colleges and/or the criminal justice system. Repeated violations will result in more stringent sanctions; however, as more fully described below, permanent separation of a student or termination of employment may result after a first offense.

Sexual misconduct includes sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse and sexual exploitation.

### **Jurisdiction**

The jurisdiction of the Colleges will generally include conduct which occurs on Colleges' premises, which occurs off Colleges' premises at Colleges-sponsored events, or which adversely affects members of the Colleges' community or the pursuit of the Colleges' mission.

## A. SEXUAL HARASSMENT

Sexual harassment is any gender-based course of conduct that could deprive someone of educational and/or employment access, benefits or opportunities. Sexual harassment is an issue of power – power to control or manipulate people or to determine the nature of the work/learning environment. Sexual harassment, whether intentional or not, has the effect of belittling members of the Colleges and is prohibited.

Verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- 1) submission to such conduct is made explicitly or implicitly a term or condition of employment or academic status, or
- 2) submission to or rejection of such conduct is used as a basis for employment or academic decisions, or
- 3) such conduct is sufficiently severe or pervasive and objectively offensive that it has the purpose or effect of unreasonably interfering with an individual's work or academic experience or performance, or
- 4) such conduct sufficiently severe or pervasive and objectively offensive that it creates an intimidating, hostile, or offensive working, educational, or living environment.<sup>1</sup>

Retaliation against a person for making a report under this policy, for filing a complaint, for supporting a party to a complaint, or for participating in an investigation of a complaint is strictly prohibited and will not be tolerated. Retaliation is any action taken in consequence or retribution for making a complaint or participating in a complaint. Retaliation is a serious offense that can lead to disciplinary action and/or sanctions independent of the merits of the original misconduct allegation.

Depending on the situation, examples of sexual harassment may include, but are not limited to the following:

- Persistent and unwelcome sexually-oriented comments (which could include joking and teasing) about gender-specific traits;
- Persistent and unnecessary touching, patting, pinching, or brushing against a person's body or clothing;
- Persistent and unwelcome sexual flirtation, advances, or propositions;
- Repeated derogatory and offensive statements that are related to gender and/or sexual orientation;
- Public displays of material (including but not limited to cartoons, articles, books, images) that are sexually explicit;
- Unwanted communications (including but not limited to phone calls, emails, or gestures) that are related to gender, sexual behavior, and/or sexual orientation
- Unwelcome or welcome conduct between individuals in a third party's work, classroom, or other setting that is required for work or learning purposes, when such conduct creates a negative work environment and/or educational environment for that third party.

1. Academic and Intellectual Freedom: The freedom of all members of the Colleges to express openly their ideas and opinions must be maintained.<sup>2</sup> Adherence to the principle of freedom of expression and to the principle of academic freedom requires that all thoughts presented as ideas or the advocacy of ideas in an educational setting, if they are germane to the subject matter being addressed, must be protected. This applies to the ideas of employees and students alike. The maintenance of intellectual freedom through the open expression of ideas will sometimes be unavoidably hurtful. Knowing this to be true, the Colleges aspire to create and maintain an environment where it is understood that derogatory or debasing comments play no meaningful role in the free exchange of ideas, and may inhibit that exchange, thereby denying some individuals full participation in the learning experience.

Within this framework, the Colleges believe that all members of the community have a responsibility to foster an environment of tolerance, civility, awareness, and respect. The integrity of the Colleges rests upon its ability to create and maintain an environment free from intimidation or injury generated by intolerance or harassment.

2. Sanctions for Sexual Harassment: Students found responsible for sexual harassment face sanctions ranging from (but not limited to) a warning to social probation (including reprimands, educational activity, and revoking of privileges), to suspension (required withdrawal) to permanent separation, depending on the nature of a particular violation and/or an individual student's overall conduct record at the Colleges.

Employees found responsible for sexual harassment face sanctions ranging from (but not limited to) a warning with a record in the individual's file to required educational training to work restrictions, to suspension without pay, loss or reduction of salary, to dismissal, depending on the nature of a particular violation and/or whether or not it is a repeat offense. A first offense can result in immediate termination.

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<sup>1</sup> Bates College, Nondiscrimination and Sexual Harassment Policies and Procedures; Colgate University Sexual Harassment Definition

<sup>2</sup>University of Madison-Wisconsin Policy.

## B. SEXUAL EXPLOITATION

Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute another form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, prostitution, non-consensual video or audio-taping of sexual or other private activity, exceeding the boundaries of consent (e.g. permitting others to hide in a closet and observe consensual sexual activity, videotaping of a person using a bathroom, posting on the Internet a sexually explicit photograph of a former partner), engaging in voyeurism, or engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of such infection.

1. Sanctions for Sexual Exploitation: Students found responsible for sexual exploitation face sanctions ranging from (but not limited to) social probation to required withdrawal, depending on the nature of a particular violation and/or an individual student's overall conduct record at the Colleges. See the Handbook of Community Standards for a definition of the range of possible sanctions.

Employees found responsible for sexual exploitation face sanctions ranging from (but not limited to) salary reduction, suspension without pay to termination, depending on the nature of a particular violation and/or the employee's overall record of conduct at the Colleges.

## C. NON-CONSENSUAL SEXUAL CONTACT AND SEXUAL INTERCOURSE

1. Non-consensual sexual contact and non-consensual sexual intercourse include any form of sexual contact that occurs without effective consent. Non-consensual sexual contact and non-consensual sexual intercourse are serious violations of the Colleges' efforts to maintain a safe, trusting, and respectful campus environment, and are prohibited. In some instances, these forms of sexual misconduct involve violence or threats of violence. Allegations involving violence or threats of violence are taken very seriously and the Colleges apply the severest sanctions in the code of conduct for these violations. In addition to violating the Colleges' code of conduct, conduct involving violence or threats of violence may be felony offenses.

a) Non-Consensual Sexual Contact is:

- any sexual touching ("sexual" referring to breasts, genitals, buttocks, including disrobing or exposure),
- however slight,
- with any object,
- by a man or woman upon a man or woman,
- by force, threat of force (this includes the use of force or threat of force, coercion, threat of retaliation, or rendering someone incapable of consent through the administration of drugs without the individual's consent) or without effective consent.

b) Non-Consensual Sexual Intercourse is:

- any sexual intercourse (anal, oral, or vaginal),
- however slight,
- with any object,
- by a man or woman upon a man or woman,
- by force, threat of force (this includes the use of force or threat of force, coercion, threat of retaliation, or rendering someone incapable of consent through the administration of drugs without the individual's consent) or without effective consent.

2. Sanctions: Students found responsible for non-consensual sexual contact and/or non-consensual sexual intercourse face sanctions ranging from (but not limited to) social probation to required withdrawal, depending on the nature of a particular violation and/or an individual student's overall conduct record at the Colleges. See the Handbook of Community Standards for a definition of the range of possible sanctions.

Employees found responsible for non-consensual sexual contact and/or non-consensual sexual intercourse face sanctions ranging from (but not limited to) salary reduction, suspension without pay to termination, depending on the nature of a particular violation and/or the employee's overall record of conduct at the Colleges.

#### D. EFFECTIVE CONSENT

1. Under New York state law, persons under the age of 17 are incapable of giving consent. For those over the age of 17, the Colleges define effective consent as words or actions which indicate a willingness to participate in mutually agreed-upon sexual activity. Effective consent must be informed, freely and actively given, and mutually understood. Consent is not effective if it results from the use of threats, intimidation, or coercion.<sup>3</sup> Mutually understandable consent is a subjective standard. Consent is mutually understandable when a reasonable person would consider the words or actions of the parties to have manifested a mutually understandable agreement between them to do the same thing, in the same way, at the same time, with each other.

Consent requires all of the following conditions:

- a) all parties are fully conscious;
- b) all parties are equally free to act; and
- c) all parties have positively and clearly communicated their intent.

Stated differently, “consent” is defined as a clear expression of permission to a sexual act. Consenting persons must act freely, voluntarily, and have knowledge of the act involved. Consent will not be implied by silence, mere passivity, from a state of intoxication or unconsciousness. Lack of consent is implied if there is a threat of violence, if violence is in fact used, or if the accused has taken advantage of a position of influence which that person has over the victim.

2. Incapacity: Engaging in sexual contact with a person who is incapacitated due to drugs or alcohol, or who is unconscious or asleep, or giving a person drugs or alcohol with the intent to impair his or her judgment or make them unconscious is a violation of this policy. The initiator of sexual contact will be found in violation of this policy if it is determined that he or she knew or should have known that the other person's judgment was substantially impaired at the time consent was obtained or sexual contact was initiated.

The consumption of alcohol or drugs severely complicates the question of whether or not a person is “fully conscious.” Drinking oneself to the point of incapacitation or passing out would make one clearly incapable of consent; but, if a person has consumed any amount of alcohol, it is still quite possible that he or she is incapable of consent. It would be prudent not to engage in sexual relations with that person. Alcohol or other drug-induced blackouts present an even more difficult problem in so far as a person who has blacked out from over consumption of alcohol may appear sober, rational and consenting but in fact is not capable of consent.

In the rare instance when the initiator of sexual contact had no way of knowing that the other party was incapable of consent, this factor may be taken into account in determining whether this policy has been violated and in determining an appropriate sanction.

3. Age/Status and Consent: Given the status of administrators, faculty and supervisors over students and subordinates, or of upper-class students over first-year students, all members of the Colleges should be cognizant of the power and authority relations that exist in an academic setting, and the potential exploitation that may arise from their positions. Differences in age or status create power differentials that may complicate the ability to demonstrate that any sexual relationship is fully consensual.<sup>4</sup>

a) Consensual Sexual Activity between Employees and Students: An ethic of professionalism and respect within the Colleges’ community demands that those with authority not abuse the power with which they are entrusted. Consensual sexual relationships between employees and students may not only have negative repercussions for the individuals involved, but may create an uncomfortable or distrustful environment for others in the community. The power differential complicates the ability to demonstrate that any such relationship is fully consensual. Given the complications associated with these types of relationships, it should be noted that professors could be faced with a personal civil or criminal action as a result of engaging in such relationships.

Because of the potential for favoritism or other conflicts of interest, the Colleges affirm and uphold a policy which strongly discourages all consensual sexual activity between students and employees, and which prohibits such activity where any supervisory role exists. Therefore,

- faculty members shall not engage in consensual sexual relationships with students enrolled in their courses and

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<sup>3</sup> National Center for Higher Education Risk Management.

<sup>4</sup> Grinnell College Discrimination and Sexual Harassment Policy.

- faculty members or other employees of the Colleges shall not engage in consensual sexual relationships with students under their supervision in such matters as evaluating, advising, coaching, or directing a student as part of a school program.<sup>5</sup>

Such conduct results in relationships that are fundamentally asymmetrical and contradicts both professional ethics and Colleges' policy. Where such a relationship develops, it is the obligation of the faculty member to bring this matter to the immediate attention of their supervisor, who will take action as necessary to shift class sections or supervisory roles to eliminate conflicts of interest.

4. **Consensual Sexual Activity between Employees:** Consensual sexual relationships between employees of the Colleges do not pose a problem unless the potential for favoritism or other conflict of interest exists or arises. In such complaints (for example, supervisor/subordinate or chair/untenured faculty), the parties involved should disclose their relationship to a supervisor and/or remove themselves from any decisions that may reward or penalize one another.

#### Resources and Reports to Authorities

This policy is intended to reflect the interests of the HWS community and, to the extent applicable, federal and state laws. Members of the Hobart and William Smith community who commit these actions will be subject to sanctions from the Colleges and/or may be subject to sanctions in the criminal justice system, including, but not limited to: probation, required withdrawal, permanent separation, financial restitution, and/or other sanctions as determined as a result of disciplinary procedures; prosecution in the criminal courts (felony or misdemeanor); prosecution in the civil court; organizational sanctions including probation and rescinding recognition.

The Colleges have the right to take action regarding any conduct prohibited by this policy regardless of whether it violates the law and at the appropriate time determined by the Colleges, regardless of any action being pursued by the authorities. This policy addresses the institution's interests and responsibilities; however, the Colleges may refer violations of federal and state laws to the appropriate authorities. All aggrieved persons are entitled, regardless of the outcome of an internal hearing, to pursue the complained of conduct with the authorities.

The Colleges provide confidential counseling and other supportive services in complaints of sexual harassment sexual misconduct, sexual assault, including acquaintance or stranger rape. Inquiries may be made at the following offices:

#### On Campus

Hubbs Health Center, ext. 3600  
Counseling Center, ext. 3600  
Chaplain's Office, ext. 3671  
Office of Security and Safety, ext. 3656  
William Smith Dean's Office, ext. 3467  
Hobart Dean's Office, ext. 3300

#### Off Campus

Rape Crisis Service, 781-1093  
24-Hour Hotline, (800) 247-7273

#### False Allegations

Because of the nature of discrimination allegations (including allegation of sexual and other than forms of harassment), allegations often cannot be substantiated by direct evidence other the Complainant's own statement. Lack of corroborating evidence should not discourage individuals from considering the filing of a complaint. No action will be taken against an individual who makes a good faith allegation even if after investigating the allegation is not substantiated.

However a person found to have made an allegation or filed a complaint based on allegation that he/she knew to be false will be subject to disciplinary action and/or sanctions.

#### Process, Procedures and Hearing Board

Any member of the Colleges' community or any visitor or guest who feels he or she has been subjected to conduct in violation of this policy or accused of a violation of the Colleges' Sexual Misconduct Policy should report the incident promptly to any of the following designated members of the community with whom he or she feels comfortable:

- Deans of the Colleges,
- Campus Safety,
- Director of Human Resources (who is the Employee Sexual Grievance Officer),

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<sup>5</sup> Washington University at St. Louis.

- Associate Dean of Students (who is the Student Sexual Grievance Officer), or
- His/her supervisor.

In the event these individuals receive complaints or concerns, they will report those complaints or concerns to the Colleges' Director of Human Resources (Employee Sexual Grievance Officer) or the Associate Dean of Students (Student Sexual Grievance Officer). If the Complainant's grievance is against one or more of these individuals (the Director of Human Resources (Employee Sexual Grievance Officer) or the Associate Dean of Students (Student Sexual Grievance Officer), the complaint will be filed with the President of the Colleges. The President will then forward the complaint to the most senior faculty member on the Sexual Grievance Board or the Deputy Sexual Grievance Officer.

All complaints and incident reports will be handled as swiftly as possible given the nature of the complaint and will be treated as confidentially as possible depending upon the nature of the complaint.

### Resolution of a Complaint

The Colleges encourage prompt reporting of all incidents of sexual misconduct. The Colleges believe that complaints are best adjudicated in a time frame that permits prompt, accurate reporting and investigation of all information.

**Sexual Grievance Board:** There is only one campus board that hears grievances or complaints related to sexual misconduct: the Sexual Grievance Board (SGB). All sexual harassment complaints and grievances made under Title IX will be handled under this policy. All other Title IX grievances will be handled pursuant to the Title IX Non-Discrimination and Grievance Procedure set forth in the Handbook of Community Standards. The Title IX Coordinator is the Director of Human Resources: Sandra Bissell, Coxe Hall, ext. 3313.

The SGB is comprised of two panels: the Employee Grievance Panel and the Student Grievance Panel. For complaints brought against a member of the faculty and/or staff (staff includes union, nonunion, salaried and hourly), the appropriate panel is the Employee Grievance Panel. For complaints brought against a Hobart and/or William Smith student, the appropriate panel is the Student Grievance Panel.

**Informal Process:** Informal problem-solving approaches are available for the resolution of some sexual misconduct complaints. Informal approaches may include, but are not limited to, discussion of the claim with the alleged offender individually, or with the applicable supervisor, or mediation. Mediation may take place with individuals designated by the Colleges, which may include Ombudspersons, the Chaplain, and the Director of Human Resources. The Complainant and Respondent do not have to be in the presence of each other during the mediation process. In the event that informal resolution is not achieved, either the Complainant or Respondent may request that the complaint proceed to formal resolution.

The designated individual handling the informal process will prepare a summary memorandum to document the process. For staff, a copy of the memorandum will be retained in the Office of Human Resources; for faculty, a copy of the memorandum will be reviewed and retained in the Provost's Office; for students, a copy of the memorandum will be maintained in the Office(s) of the Dean(s) of the student(s) involved. While the memorandum will not be part of an employee and faculty personnel file unless the complaint or a subsequent complaint results in a formal process and disposition, in all instances, the memorandum will be available for review and consideration in the event the Director of Human Resources, Provost and/or SGB deem it necessary in a subsequent matter before it. The memorandum will be a part of student's file in the Dean's Office of the student(s) involved and will be available for review and consideration in the event the Dean and/or SGB deem it necessary in a subsequent matter before it.

In most instances, the informal process will not be utilized if physical contact is involved in the complaint.

**Administrative Process (Student Respondent Only):** At the discretion of the Student Sexual Grievance Officer, complaints of sexual harassment meeting one or more of the following criteria may be directed to an administrative hearing: 1) there is no dispute over the facts of the complaint; 2) the alleged behavior, if proven to be true, would not warrant separation from the Colleges, or 3) the Dean of either College concludes that the alleged behavior does not constitute a threat to the well-being and/or safety of members of the Colleges' community.

The administrative process shall include an informational meeting with the Student Sexual Grievance Officer, review of additional information and/or witnesses as deemed appropriate by the Sexual Grievance Officer (which may include additional meetings with the complainant and/or respondent), and a meeting at which the findings of responsibility and, if necessary sanction(s), will be explained.

As a component of the administrative process the Sexual Grievance Officer may direct Campus Safety to conduct an investigation of the incident in question.

In the sole discretion of the Sexual Grievance Officer, the administrative process may be terminated at any point and the matter may be referred to adjudication under the Formal Process.

The Colleges reserve the right to require that any allegation be resolved through the formal complaint process.

Administrative process (Employee Respondent Only): At the discretion of the Employee Sexual Grievance Officer, complaints of sexual harassment meeting one or more of the following criteria may be directed to an administrative hearing: 1) there is no dispute over the facts of the complaint and 2) the Employee Sexual Grievance Officer concludes that the alleged behavior does not constitute a threat to the well-being and/or safety of members of the Colleges' community.

The administrative process shall include an informational meeting with the Employee Grievance Officer, review of additional information and/or witnesses as deemed appropriate by the Employee Sexual Grievance Officer (which may include additional meetings with the complainant and/or respondent and a meeting at which the findings of responsibility and, if necessary sanctions(s), will be explained).

As a component of the administrative process the Employee Sexual Grievance Officer may direct Campus Safety to conduct an investigation of the incident in question.

At the sole discretion of the Employee Sexual Grievance Officer, the administrative process may be terminated at any point and the matter may be referred to adjudication under the Formal Process.

The Colleges reserve the right to require that any allegation be resolved through the formal complaint process.

Formal Process: The formal complaint procedures require a signed statement of complaint or grievance specifying the nature of the claim. The Colleges reserve the right to require that any complaint be resolved through the formal complaint process even if a written statement of complaint or grievance is not prepared.

The statement of complaint or grievance made by a member of the faculty and/or staff or by a student against an employee must be submitted to the Director of Human Resources. The statement of complaint or grievance made against a student must be submitted to the Associate Dean of Students. In any complaint, in the event that the Complainant has a grievance against the Director of Human Resources or the Associate Dean of Students, the complaint will be filed with the President of the Colleges and forwarded to the most senior faculty member on the Sexual Grievance Board or the Deputy Sexual Grievance Officer.

The appropriate panel – Employee Grievance Panel or Student Grievance Panel -- shall convene as quickly as possible following the receipt of a formal complaint and shall strive to convene within five (5) calendar days of receipt of a formal complaint. The Sexual Grievance Officer (described below) may alter the schedule to meet the need of any party involved.

Upon receipt of the complaint, the Employee Sexual Grievance Officer or the Student Grievance Officer will conduct a fact finding which may include an investigation by Campus Safety, which would include interviews and other protocols used by Campus Safety.

The Panel will follow the established hearing procedures, which are attached as Appendix A.

Following the hearing, the Panel will put its findings of fact in writing and will determine, on the basis of its examination of the evidence, whether it is more likely than not that the actions in question are violations of this policy. If warranted, the Panel will determine the appropriate disciplinary action and/or sanctions. Any disciplinary action or sanctions taken against a member of the faculty and/or staff or a student will be put in writing and will be included in the employee's personnel file or maintained in the student's file in the Office(s) of the Dean(s) of the involved student(s). The Dean(s) of the involved student(s) or the Director of Human Resources will impose any sanctions determined by the Panel.

No student shall be subjected to a hearing more than once for the same incident arising from a single complaint, unless an appeal has been granted.

Unless an appeal is granted (as described below), the decision of the Employee Grievance Panel or Student Grievance Panel shall be final.

## Appeals

The respondent and/or the complainant may appeal the Panel's disposition of the Complaint.

Requests for appeals of decisions of a hearing panel are directed to the Employee Sexual Grievance Officer or the Student Sexual Grievance Officer. Requests for appeals shall be made in writing within two (2) business days of the written decision.

In the written appeal, it shall be the responsibility of the student, faculty or staff member pursuing the appeal to provide the evidence of one or more of the following grounds for appeal:

- a. The original hearing was not conducted in conformity with prescribed procedures, and the deviation was material;
- b. The facts in the complaint were not sufficient to establish that a violation of the Community Standards occurred;
- c. The sanction imposed was not appropriate for the violation of the Community Standards for which the student was found to be responsible; or
- d. The existence of new relevant facts, sufficient to alter the decision, not brought out in the original hearing, which could not have been known to or available to the appellant at the time of the original hearing.

After review of the grounds for the appeal, the Sexual Grievance Officers, in their sole discretion, may (1) deny the appeal thereby affirming the decision of the Panel, (2) remand the complaint to the original hearing panel for further consideration or (3) in extremely rare instances direct the complaint to a new hearing panel. Decisions made during the appeal process are final.

Nothing in this policy shall supersede any grievance procedures in the Faculty Handbook or applicable collective bargaining agreement.

## Records

In connection with records regarding student matters, the Office(s) of the Dean(s) of the student(s) will maintain disciplinary records involved. Notations of permanent separation and required withdrawal appear on the student's permanent transcript and, therefore, become a permanent part of that student's file. Disciplinary files are confidential. However, disciplinary history is provided to the appropriate judicial body if subsequent violations occur. Students may inspect their educational records at reasonable times in accordance with the Colleges' Educational Records Policy. These records may also be inspected by Colleges' officials and will be released only in accordance with the Colleges' Educational Records Policy.

In addition to any investigation documents, student records and personnel records which the Colleges determine are necessary to maintain, for matters involving employees, summary records of all complaints are kept without identifying characteristics in the Office of the Director of Human Resources. For matters involving students, summary records of all complaints are kept without identifying characteristics in the Office(s) of the Dean(s) of the student(s) involved.

## Constitution of the Board and Panels

### Sexual Grievance Board

**Membership:** The Sexual Grievance Board has fourteen (14) members: four elected students (two from each of the respective student bodies), four elected faculty members (two male and two female, at least two of whom are tenured), four elected staff members (one must be union), a representative from Security, and the Sexual Grievance Officer. Two student, staff, and faculty alternates may also be elected at the discretion of their respective bodies. A representative from the Dean's office at Hobart College, and a representative from the Dean's office at William Smith College, will serve as ex officio, non-voting members of the Sexual Grievance Board, and may not serve on a Sexual Grievance Panel. To the extent possible, the membership of this group will be representative of the diversity of our community.

**Sexual Grievance Officer:** The Director of Human Resources is designated as the Employee Sexual Grievance Officer (ESGO) and the Associate Dean of Student Services will serve as the Student Sexual Grievance Officer (SSGO) and both will serve as Chairs of the Sexual Grievance Board. In the absence of the Director of Human Resources or the Associate Dean of Students, the President may designate a Deputy SGO. The Chairs keep a summary record of all appeals and decisions of the Board, its panel, and its member relevant to the Sexual Harassment Policy. The Chairs shall also produce an annual report of the Board's activities, which shall be maintained by the Chairs and shall be used, in part, to determine the effectiveness of the policy and the Board's activities.

**Terms:** Student members of the Board serve for two years and must have completed their first year before being eligible to serve of the Board. Faculty and staff members of the Board serve for three-year terms and must have completed at least one year of employment at the Colleges before serving. It will be typical for at least one third of the Board will be elected or re-elected annually.

**Employee Grievance Panel:** The Employee Grievance Panel will consist of three Board members, selected as complaints present themselves: the Student Sexual Grievance Officer (the Chair of the Panel), one staff member and one faculty member from the Sexual Grievance Board. The ESGO will serve as a non-voting advisor to the Panel and will attend the hearing. Either the Chair or the non-voting advisor to the Panel may recess the hearing at any time.

**Student Grievance Panel:** The Student Grievance Panel will consist of five Board members, selected as complaints present themselves: the Director of Human Resources (the Chair of the Panel), two students (a student from Hobart and a student from William Smith) and two employee members consisting of one faculty member and one staff member. The SSGO will serve as a non-voting advisor to the Panel and will attend the hearing. Either the Chair or the non-voting advisor to the Panel may recess the hearing at any time.

**Process Advisors:** Both the complainant and the respondent may have a process advisor from the Colleges to explain the policy, procedures, rules and protocols and to assist them in the preparation of their complaints before a hearing is held. Process advisors shall not address the hearing panel or question witnesses.

**Conflicts of Interest:** In every complaint, each Board member is expected to identify if he or she has a conflict of interest, and in such event will not be appointed to the complaint by the Board. A Respondent or Complainant may file an objection with the Sexual Grievance Officer and request a substitution if he or she believes that an appointment member of the Panel has a conflict of interest. In the event the objection is sustained, the Board will make a substitute appointment. A majority of the Board shall have sole authority to determine whether a panel member should not be appointed to a complaint.

**Notification of Hearing Panel Members:** The complainant and the respondent shall be informed of the names of the members of the hearing panel scheduled to hear the complaint not fewer than three business days prior to the hearing. The complainant and/or the respondent may object to the membership of the hearing panel only for reasons of official or personal conflict. Objections shall be submitted in writing to the Sexual Grievance Officer not less than one business day after receiving the names of the hearing panel members. The Sexual Grievance Officers shall make the final determination about panel membership.

**Interpretation and Revision:** Any question of interpretation regarding the Sexual Misconduct Policy shall be referred to the Sexual Grievance Officers or designee for final interpretation. A review of the Sexual Misconduct Policy shall be coordinated by the Sexual Grievance Officers each of the first two (2) years and every three (3) years thereafter, however, the Sexual Misconduct Policy may be revised whenever deemed appropriate or necessary by the Colleges.

## **Harassment on the Basis of Sexual Orientation**

Promoting dialogue across sexualities is vital to the life of our community. Hobart and William Smith Colleges are firmly committed to promoting and maintaining a safe and supportive atmosphere for all students: lesbian, gay, bisexual, heterosexual and transgendered. Regardless of his/her known or perceived sexuality, anyone may be a target of harassment on the basis of sexual orientation. Harassment on the basis of sexual orientation will not be tolerated.

Any student who feels she or he has been subjected to this type of harassment is encouraged to bring the matter to the attention of the Vice President for Student Affairs or designee for appropriate action. Individuals who have been harassed have recourse through mediation, the Committee on Standards, or the Student Sexual Harassment Grievance Board (see *Judicial Process*, pp. 118-128). Sanctions for the person found guilty of harassment on the basis of sexual orientation range from reprimand to permanent separation.

## **Racial Harassment**

Hobart and William Smith Colleges are committed to maintaining an educational and social environment free from racial and ethnic harassment.

Racial harassment is defined as *any action on the part of an individual or group that demeans or abuses another individual or group because of racial or ethnic background and/or that creates an intimidating, humiliating or hostile environment.*

Such actions may include, but are not restricted to, using racial or ethnic epithets, making racially or ethnically derogatory remarks, using racial or ethnic stereotypes, or using images or symbols that are racially or ethnically offensive.

Any student who feels harassed on account of race or ethnicity is encouraged to bring the matter to the attention of the Vice President for Student Affairs or designee. Individuals who have been harassed have recourse to mediation and/or formal grievance procedures of the Colleges through the Committee on Standards. Sanctions against any student found guilty of racial or ethnic harassment range from reprimand to permanent separation.

## Hazing

No fraternity, athletic team, or other campus organization shall engage in hazing or hazing-type behavior, whether required as a condition for membership, expected as part of a group tradition, or carried out as a spontaneous action.

Hazing is defined as *any activity or situation that recklessly or intentionally endangers the physical or mental health of anyone, that involves the forced or coerced ingestion of alcohol or other drug(s), or that interferes with anyone's academic obligations.*

New York State law prohibits hazing. Accordingly, the above paragraph is to be considered part of every campus organization's bylaws, pending a more formal statement by the Colleges.

Any student who feels he or she has been subjected to hazing has recourse to mediation and/or formal grievance procedures through the Committee on Standards. Sanctions against any student found guilty of hazing include disciplinary actions ranging from a letter of reprimand to permanent separation. The Council on Fraternal Life, Inter-Fraternity County and Judicial Board may hear cases when fraternities are involved.

The State may also require that individuals violating the State's regulations on hazing be expelled and that organizations violating the hazing regulations lose permission to operate.

The above penalties for hazing are *in addition to* possible criminal sanctions imposed by the courts.

### New York State Hazing Law

#### 120.16. Hazing in the first degree

"A person is guilty of hazing in the first degree when, in the course of another person's initiation into or affiliation with any organization, he or she intentionally or recklessly engages in conduct which creates a substantial risk of serious physical injury or death to such other person or a third person and thereby causes such serious injury or death to such person or to a third person.

Hazing in the first degree is a class D felony.

#### 120.17. Hazing in the second degree

A person is guilty of hazing in the second degree when, in the course of another person's initiation or affiliation with any organization, he or she intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury.

Hazing in the second degree is a class E felony.

#### 120.28. Hazing in the third degree

A person is guilty of hazing in the third degree when, in the course of another person's initiation or affiliation with any organization, he or she intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person.

Hazing in the third degree is a class A misdemeanor.

## Disorderly Conduct and Assault

One of the goals of the Colleges is to provide an environment in which all members are treated and treat others respectfully. Students, both on and off campus, should refrain from disorderly conduct, which includes any actions that are obscene, disruptive, or which unreasonably disturb others. Abusive language to faculty, staff and other employees may result in a required withdrawal.

The Colleges do not allow any member of the community to engage in behavior that endangers the safety or well-being of others or themselves. Any use or threat of use of violence, either verbal or physical, against self or others, is strictly prohibited, and will be categorized as harassment.

If any student is assaulted or threatened, he or she should report the incident to security and/or Vice President for Student Affairs or designee. The student will have recourse to mediation and/or formal grievance procedures of the Colleges through the Committee on Standards. Sanctions against any student found guilty of either disorderly conduct or assault will range from a letter of reprimand to permanent separation.

## Involuntary Withdrawal and Readmission for Health Reasons: Policy and Procedures

### I. POLICY

**A.** Hobart and William Smith Colleges reserve the right to request or require students to withdraw from the institution when, as a result of their physical, psychological, or emotional health, the student engages or threatens to engage in behavior that: (1) poses a direct threat of harm to themselves or others, or (2) is disruptive to the extent that it either causes emotional psychological, or physical distress to other members of the campus community, or substantially impedes the ability of other students, faculty or staff to participate in the educational programs or employment opportunities offered by the Colleges.

**B.** Students may also be requested or required to withdraw from the Colleges if they refuse to cooperate with recommended procedures that allow for an accurate assessment of the student's physical or psychological functioning.

**C.** When the student's physical or psychological condition is likely to deteriorate to the point of permanent disability, disfigurement, impairment or dysfunction without treatment, the student may be requested or required to withdraw from the colleges if he or she refuses to seek appropriate treatment.

**D.** Withdrawal may also be requested or required if a student's physical or psychological condition is of sufficient severity to substantially exceed the normal limits of the Colleges' or locally available treatment resources and whose condition will deteriorate (as in above) without additional resources.

**E.** Students who withdraw or are withdrawn from the Colleges by the Vice President of Student Affairs or designee pursuant to this policy may be considered for readmission following a determination by the Vice President or designee that the behaviors requiring withdrawal are, for the most part, eliminated. The determination of readmission is made in conjunction with the Health Review Team which is chaired by the Vice President. In making the determination on readmission, information from campus professionals and relevant material submitted by the petitioning student will be considered.

## **II. PROCEDURES**

### **A. Emergency Interim Withdrawal**

The Vice President of Student Affairs or designee may impose an interim withdrawal for the following three reasons:

1. To ensure the safety and well-being of members of the Colleges community or to preserve Colleges property;
2. To ensure a student's own safety or well being; or
3. If a student poses a threat of disruption or interference with the normal operations of the Colleges.

Every attempt will be made by the Vice President or designee to meet with the student before deciding on an interim withdrawal for that student. If the student is to be withdrawn the decision will be communicated in writing to the student, the student's dean, and other units as appropriate.

During the interim withdrawal, a student may be denied access to College activities, facilities and/or classes or other privileges for which the student might otherwise be eligible, as the Vice President or designee may determine to be appropriate.

The interim withdrawal or altered privileges shall remain in effect until the Vice President or designee determines that the reason for imposing the interim withdrawal of privileges no longer exists.

### **B. Guidelines for Withdrawal**

The Vice President of Student Affairs should be notified whenever a student appears to have a serious physical, psychological, or emotional disorder which offers reasonable cause to believe she or he may be a danger to self or others, or may disrupt proper activities of the college community and its members.

The Vice President will contact the student and seek voluntary resolution of the situation through investigation and review.

Depending upon circumstances, an immediate professional assessment of the student's condition by the appropriate medical or mental health specialists, or both, of the Colleges or other appropriate resources may be required, including a report of the resulting findings of the Vice President. Normally, the assessment is conducted by the Health Review Team at the request of the Vice President or her or his designate.

The Health Review Team is comprised 3 members. Team members include the Director of the Counseling Center, the Director of the Health Center, and the Vice President of Student Affairs, who serves as the chairperson and is responsible for all final decisions. In the absence of any principal, a designate may be appointed to serve in the deliberations of the Health Review Team. The Vice President may elect to consult with additional Colleges staff members.

When conditions allow for the full investigation and appraisal of the student's health status, resolution of the situation will be sought with the student's cooperation if at all possible. Voluntary withdrawals are encouraged to maximize the participation of the student

and his or her family in this process. If a student declines voluntary withdrawal, she or he may be separated from the Colleges without consent by the Vice President.

Students who are separated from the Colleges for reasons of health as elaborated above will be on leave of absence until such time as the student becomes able to resume activities as a student.

Students who withdraw or are separated for reasons of health may be eligible for tuition, residence hall rental, dining services, and financial aid refunds in accordance with existing policies of the colleges.

Students who withdraw or are separated from the Colleges are required to remove their belongings from their residence and return keys within 48 hours from the time of withdrawal or separation goes into effect. All personal property must be removed from the room. All keys must be returned to the Residential Education office. Refund of residence hall rental charges will not be considered until the room is vacated and all residence hall keys issued have been returned. Calculation of any proportionate refund, if eligible, will be determined by such date.

### **C. Guidelines for Readmission**

Authorization to resume active student status may be granted by the Vice President of Student Affairs after consideration of the individual's progress and current condition. The student may be considered for readmission at the beginning of the semester following that of her or his withdrawal.

Ordinarily, when a student wishes to resume her or his studies, the Vice President should be notified at least two months in advance of the desired period of readmission.

Eligibility for readmission will be contingent on a letter or letters from a treatment source, assessment and recommendations by the Health Review Team, and other information as may be needed for final determination by the Vice President.

Readmission may include stipulations concerning credit hours rostered, extracurricular activities, place of residence, or other conditions as may be judged to be in the best interest of the student and the institution. Recommendations may include regular contact with a health care provider. Failure of the student to cooperate in these procedures governing withdrawal and reinstatement is grounds for continued or renewal of separation from the Colleges.

### **D. Grievances**

If a student disagrees with a decision regarding mandatory leave or readmission or feels her or his situation does not fall within this policy, the student may appeal to the Coordinator of the Colleges' response to Section 504 of the Rehabilitation Act, who will make a final decision. A grievance must be made within 5 days of the decision. An emergency interim withdrawal may not be appealed.

### **E. Guidelines for Health Review Team**

Referrals to the Vice President of Student Affairs may originate from the Hobart or William Smith Dean's Offices, the Director of the Counseling Center, the Director of the Health Center, the Director of Alcohol and Other Drugs Programs, or from any other Colleges staff member who serves in an emergency response role.

Students who agree or are required to undergo an assessment will be scheduled to participate in a general review of status by the Health Review Team. This normally includes a personal interview of the student by the clinicians on the committee. Additional assessments including psychological testing, medical examination, or referral for psychiatric consultation may be required.

The Health Review Team will receive all medical, psychological or observational reports submitted with regard to or on behalf of the student as may pertain to determining health status. Treatment and evaluative reports should include information pertaining to diagnosis, treatment, and prognosis.

The Health Review Team will convene for a group meeting after all personal interviews and other possible assessments are conducted. Recommendations as to case disposition with regard to withdrawal or readmission, or both, for reasons of health are made to the Vice President. The Vice President makes the final decision. The findings submitted to the Vice President are held in confidence and are not entered on the student's academic record.

## **STUDENTS WITH DISABILITIES**

Hobart and William Smith Colleges, their faculty and professional staff, seek to provide all students full access to all educational programs, activities, and facilities as well as to offer students the opportunity to achieve their full academic potential. In seeking to meet these commitments, we recognize that students differ in their needs and learning styles. The faculty and staff are prepared,

therefore, to take appropriate and reasonable action to ensure equitable participation in and integration of students with disabilities into all programs and activities of the Colleges.

Students whose learning, sensory, physical, or emotional disabilities have been diagnosed by appropriately licensed professionals, and who submit current supporting documentation to the disability specialist in the Colleges' Center for Teaching and Learning, shall have access to all appropriate services and accommodations that can be reasonably provided by the Colleges.

The Center for Teaching and Learning (CTL) and its disability specialist will coordinate those services and accommodations.

Hobart and William Smith Colleges fully support and seek to act in full compliance with Section 504 of the 1973 Rehabilitation Act and the 1990 Americans with Disabilities Act.

## **Policies and Procedures for Students With Disabilities**

### **Mission Statement**

The Center for Teaching and Learning seeks to offer Hobart and William Smith Colleges students the opportunity to achieve their full academic potential and to provide students with full access to all educational programs, activities, and facilities. In seeking to meet these commitments, we recognize that students differ in their needs and learning styles. The Center for Teaching and Learning is committed to ensuring equitable participation in all programs and activities of the Colleges.

### **Goals**

- Provide appropriate and reasonable accommodations and support services to students with disabilities
- Encourage and assist students to develop greater independence
- Increase faculty and professional staff understanding of the rights and needs of students with disabilities
- Provide an environment that is welcoming and safe to students with disabilities
- Assist the Colleges in compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA)

### **Rights and Responsibilities**

**Students:** Students with disabilities are entitled to reasonable accommodations according to Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. These federal laws protect students from discrimination based on actual or perceived disability. They are also entitled to full access to all programs and activities of the Colleges if they are otherwise qualified to participate.

In order to receive accommodations, students are expected formally to self-disclose in writing or in person their disability to the disability specialist in the Center for Teaching and Learning, provide appropriate and current documentation of their disability, and follow established procedures for obtaining reasonable accommodations and services. Finally, students with disabilities are expected to comply fully with the academic standards as well as the codes of conduct established by the Colleges.

**The Colleges:** In order to provide the most reasonable and appropriate accommodations, the Colleges have the right to review all documentation establishing a student's disability status and accommodation needs. When all documentation is found to support the disability status and requested accommodation(s), it is the responsibility of the Colleges to make every effort to provide accommodations that are reasonable and will not pose an undue financial or administrative burden on the Colleges.

The Colleges have the right to decline any accommodation request that is not sufficiently supported by documentation or which would fundamentally alter a degree requirement, program, course, or activity. In other words, it is essential that the documentation clearly demonstrates a reasonable link between the specified accommodation(s) and the functional limitation exhibited by the student, and that accommodations do not substantially alter the core objectives of degree requirements, programs, courses, activities, or standards established by the faculty.

## **Policies and Procedures for Services**

**Application for Services.** Students are not obligated to self-disclose a disability. However, self-disclosure is required when the student anticipates a need for accommodations or services relating to a disability. When students anticipate such needs, they must identify themselves to the disability specialist in the Center for Teaching and Learning, register for services, and provide written documentation in a timely manner. A letter, phone call, or personal interview with the disability specialist will initiate the registration process. Also, all incoming first-year students receive a Disability Disclosure Form in their Orientation packet. This form may be used as a means of self-disclosing a disability and stating expected accommodations before reaching campus. Students completing the Self-Disclosure Form will be contacted by the Center at the beginning of the fall semester, which will initiate the review process.

Students not choosing this means of self-disclosure must initiate the process themselves in person or in writing to the Center. A minimum of two weeks is required for processing any new request for accommodations or services. If a student chooses not to self-disclose a disability, retroactive accommodations cannot be made. However, if the student feels there is strong justification for a retroactive accommodation, she or he may make a formal request in writing to the disability specialist in the CTL, Vice President for Student Affairs or designee, or the faculty Committee on Standards.

**Disability Documentation.** Written documentation must be provided by a qualified professional with training and experience relevant to the diagnosed disability. In order to receive accommodations and specialized services, the documentation must establish that the person has an impairment that substantially limits one or more major life activities such as walking, seeing, hearing, learning, working, and/or performing manual tasks. The documentation should be submitted under the professional's letterhead and include the following:

- Student's name
- Date of evaluation and/or last contact
- Specific diagnosis and history. Undifferentiated diagnoses of individual learning styles, learning differences, academic problems, and test anxiety, for example, in and of themselves do not constitute a learning disability.
- Nature of the impairment including a description of current functional limitations within the academic setting
- Degree of severity of impairment
- Statement of diagnostic criteria and/or tests used to determine impairment including a summary as well as specific test scores
- A description of most recent accommodations, services, treatment, medication, assistive devices prescribed
- Evaluation or test findings that support the recommended academic accommodations
- Where appropriate, a statement of the expected course or relative stability of the disability
- Documentation that is less than five years old.

Although many disabilities are acknowledged to be life-long, functional limitations can vary over time; hence currency of testing is essential.

**Related Information.** An Individualized Education Plan (IEP) or a 504 Plan summary is not automatically sufficient to determine reasonable accommodations. If either of these documents includes test results or other professional findings that establish a basis for services or accommodations, they may be submitted as professional documentation.

Note: Individualized Education Plans and 504 Plans are procedural documents covering children ages 3-21. They are documents that summarize the needs and services deemed essential to their students and limited to their K-12 setting. These students are guaranteed a free and appropriate public education until they graduate from high school or reach the age of 21.

Colleges and universities, on the other hand, are obligated to abide by the Americans with Disabilities Act (ADA), in particular, and Section 504 of the Rehabilitation Act of 1973. Both of these are civil rights laws that prohibit discrimination based on disability. The provision of services and accommodations are ways in which we can assure equal access to a college education and non-discrimination to students with disabilities. Colleges and universities are not required to provide a free and appropriate public education. Educational plans and special education services are not mandated. We must, however, provide services and accommodations —linked to equal access — that are supported by professional evaluations. For these differences, IEPs and 504 Plans are not automatically accepted.

**Accommodations and Services.** In order to receive accommodations and special services, it is the responsibility of the student to voluntarily self-disclose his or her disability and then to provide documentation that is recent. Likewise, it is the responsibility of the Colleges to review all relevant documentation and discuss with the student the range of possibilities for accommodations and/or services.

Recognizing that disabilities vary widely in their impact on the academic life of a student, the determination of reasonable accommodations is achieved on an individualized basis. Prior history of an accommodation is not, in and of itself, sufficient to establish the need for the provision of an accommodation. Providing unbiased and reasonable access to all programs and activities of the Colleges is the purpose of accommodations. Ultimate responsibility for determining reasonable accommodations and services lies with the Colleges.

To obtain accommodations every semester, students are responsible for contacting the disability specialist in the CTL and providing a list of professors (and respective courses) to whom notification for accommodation purposes is necessary. Students must make this request every semester; a form for this purpose is available at the CTL. It is strongly recommended that students make these requests within the first two weeks of the semester. Advance notice of *at least* one week is required prior to the time that an accommodation is necessary. Faculty will then be notified in writing of the student's needs. It is additionally the responsibility of the student to notify the CTL of exam dates so that the Center is prepared to accommodate the student's need for extended time, a reader, use of word processor, etc.

### **Typical Accommodations:**

- Extended time for all timed examinations
- Alternate site for examinations
- Use of word processor for written examinations
- Reader for examinations
- Scribe for examinations
- Alternatively formatted texts
- Permission to tape record lectures
- Note takers

The following accommodations will be considered, provided that there is no fundamental alteration to a program or a degree and when supportive evidence is furnished. These accommodations are not typical.

- Reduced course load
- Course substitutions or waivers

An accommodation will not be authorized under the following conditions:

- when it is not supported by clear, supportive documentary evidence
- when it may require a substantial alteration to a fundamental element of the curriculum or academic program
- when it may require a substantial alteration to a co-curricular or extra-curricular activity, or poses a direct threat to the health or safety of others
- when it poses an undue financial or administrative burden to the Colleges
- when it falls under the definition of a personal service.

### **Confidentiality**

The Americans with Disabilities Act and the Family Education Rights and Privacy Act (FERPA) have established guidelines for confidentiality of all disability-related information. Documentation and any communication related to a student's disability is maintained in strict confidentiality. This information is stored in the Center for Teaching and Learning and is released by CTL only on a need-to-know basis, and with a consent form authorized by the student, except in cases required by law. All records are archived for seven years following the student's graduation or last date of enrollment at the Colleges, after which all records are destroyed. A list of records destroyed is maintained on a permanent basis. Information is disclosed only when necessary to fulfill the Colleges' obligation to provide equal access under ADA and Section 504 of the Rehabilitation Act.

### **Accommodation Disputes and ADA Grievance Procedure**

**Informal Dispute Resolution Process.** Students may appeal a decision regarding an accommodation or service. This appeal must be communicated to the disability specialist in the Center for Teaching and Learning within 14 days of the incident. A meeting will be

arranged within seven days including the student, disability specialist in the Center, and when relevant, appropriate faculty and/or administrator to discuss the dispute. During the appeal process, the existing accommodations will continue to be provided. Mutual consent will close the dispute process. If the dispute cannot be resolved in a manner agreeable to all parties, a formal grievance may be filed.

**Title VII and IX Non-Discrimination Policy and Grievance Procedure.** A formal grievance may be initiated following the Title VII and IX Non-Discrimination Policy and Grievance Procedure as published in the *Handbook of Community Standards*. The informal resolution process is not a prerequisite to the filing of a formal complaint.

## EDUCATIONAL RECORDS POLICY

The maintenance and disclosure of educational records are regulated by the Family Educational Rights and Privacy Act (FERPA). Educational records generally include files, documents, and material in whatever medium (handwriting, print, tapes, film, microfilm, microfiche) maintained by the Colleges, which are directly related to students and from which students can be individually identified.

Education records do not include: (1) Records of instructional, supervisory, administrative, and certain educational personnel which are in the sole possession of the maker thereof or another such person acting temporarily in place of the maker; (2) Records of a law enforcement unit of the institution, which are maintained apart from other institutional records, maintained solely for law enforcement purposes and not disclosed to individuals other than law enforcement officers of the same jurisdiction; (3) Records relating to individuals who are employed by the institution, which are made and maintained in the normal course of business, relate exclusively to individuals in their capacity as employees, and are not available for use for any other purpose. (Records of individuals in attendance at the Colleges who are employed as a result of their status as students are education records, e.g. work-study.); (4) Records relating to a student which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional to be used solely in connection with the provision of the treatment to the student; and not disclosed to anyone other than individuals providing such treatment; (5) Records of students that contain only information about an individual after he or she is no longer a student.

Educational records are maintained by the dean's offices. In addition, the Office of the Registrar has transcripts, records that explain transcript notations, and a list of addresses to which to mail transcripts for all students and graduates. The Office of Intercultural Affairs keeps grade reports, transcripts, applications, letters of recommendation, and College Board scores of some enrolled minority students. The Center for Teaching and Learning, departmental offices, and faculty advisers will usually have some student records appropriate to the carrying out of their various institutional responsibilities. The Office of Residential Education files contain records of any judicial processes regarding the residence halls. Career Services maintains files of letters of recommendation prepared by students and alumni/ae to which they may or may not waive the right of access.

Files maintained by the dean's offices are for the use of members of the dean's staffs and contain educational records including: high-school academic records, recommendations solicited for admission and counseling purposes, grade reports, all correspondence to or from the student, housing information, extracurricular-activity lists, transcript-related information (e.g., faculty notes about failures and incompletes, evaluations of course equivalents, etc.), dean's excuses from classes and examinations, copies of recommendations made by a dean on behalf of a student, records of conversations between deans or Vice President for Student Affairs or designee and students, and a list of those who have accessed the student's file according to the third item below. A student has the right to inspect the educational records in his or her dean's office file or any of the offices listed above, with the following exceptions: any materials written in confidence prior to January 1, 1975; financial information provided by parents or guardians; any recommendations written after January 1, 1975, to which the student has waived (in writing) the right of access.

No educational records are released from any of the offices above to third parties except at the written request of the student or as required or permitted by law. Directory information (name, address, telephone, date of birth, place of birth, major faculty adviser, activities list, dates of attendance, degrees and awards, height and weight of athletes, and most recent school attended) may be released at the discretion of Colleges officials. However, students are given the opportunity during the course-registration process to check the accuracy of any directory information maintained by the Colleges and to restrict the right of the Colleges to release part or all of the directory information listed. According to federal law, educational records may be released under specified circumstances, without the permission of the student, to certain government offices, accrediting agencies, and the College Entrance Examination Board. Educational records may be shown without the written consent of the student to those within the Colleges who have a legitimate educational interest. Therefore, members of the Committee on Standards and faculty advisers may see the same materials (but no others) that are open to the inspection of students. In the case of students applying to or admitted to the Honors program, transcripts

are given to the faculty member of the Honors Committee and the Honors adviser. Finally, the director of financial aid has access to educational records upon which financial-aid decisions are based.

To inspect his or her educational records, a student should go to the appropriate office and request access to his or her record. Educational records, with the exceptions noted above, will be shown to the student within a reasonable period of time (in most cases, immediately) not to exceed 45 days, after all restricted records have been removed. There is no charge for this service; however, if a student wishes a copy of any records, a fee to cover the cost of copying will be charged.

If a student wants to amend any portion of his or her file, he or she should request the change in writing to the administrator charged with keeping the record in question (the accuracy of recording grades may be challenged, but not the legitimacy of the grade *per se*.) If the student's request is denied, he or she will be told that he has the right to appeal the decision to the Committee on Standards. The members of this committee will be convened promptly, and the student will be given their decision in writing by the Vice President for Student Affairs or designee. At the hearing, the student has the right to be represented by any member of the Colleges community. If the decision of the Committee on Standards is negative, the Vice President for Student Affairs or designee will inform the student of his or her right to insert a comment about or an explanation of the record in question in his or her own file; the Vice President for Student Affairs or designee will also inform the student of his or her right to file a complaint with the United States Department of Education. If the Committee on Standards recommends that the record in question be amended, changes will be made promptly, and the student will be given a copy of the revised record.

All of the foregoing applies only to educational records (*i.e.*, does not apply to medical, psychological or alumni/ae records, which are strictly confidential and are not available to the inspection of students, alumni/ae, or third parties inside or outside the Colleges) and conforms to the final rule on the privacy of parents and students concerning education records, published by the Department of Health, Education and Welfare in the *Federal Register*, Vol. 41, No. 11.

A student's official college transcript is a record of most of the important academic events in his or her college career. It contains a list of all courses taken, with semesters taken and grades received. It records any off-campus activities that student considers pertinent to his or her overall academic development that have been approved by the Committee on Standards. It also records the academic major and any prizes, awards, and other special achievements, such as election to Phi Beta Kappa, departmental honors, or Latin praise at Commencement.

# ACADEMIC POLICIES

## ACADEMIC CLIMATE

Each student at the Colleges is expected to help create a climate in the residence halls and the classrooms that nurtures and sustains academic inquiry and commitment. All students have the responsibility to respect the need for quiet, privacy, and space conducive to study. Each student should contribute to a lively and engaging intellectual environment for our community of learners.

## PRINCIPLE OF ACADEMIC INTEGRITY

The faculty of Hobart and William Smith Colleges, recognizing the responsibility of the individual student for his/her own education, assumes honesty and integrity in all academic work at the Colleges. This assumption is the foundation of all intellectual efforts and lies at the heart of this community. In matriculating at the Colleges, each student accepts the responsibility to carry out all academic work with complete honesty and integrity and supports the application of this principle to others. Plagiarism and other violations of this principle are prohibited.

Categories covered by this principle include, but are not limited to, the following:

*Examinations* Giving or receiving assistance during an examination or quiz violates this principle.

*Papers* The adoption or reproduction of ideas or words or statements of another person as one's own, without due acknowledgment, is considered plagiarism and violates this principle. Citing of false or non-existent sources is also a violation. Submission of the same or similar papers or academic exercises to two different courses for a grade without the explicit permission of the instructors in both courses is prohibited.

*Library Use* Failure to sign for materials taken from the library and similar abuses of library privileges infringe upon the rights of other students to fair and equal access and are considered forms of academic dishonesty.

*Reports and Laboratory Exercises* Giving or receiving unauthorized assistance and the fabrication of data or research results violate this principle.

*Computer Use* Any deliberate attempt to prevent other users' access to computer services, deprive them of resources, or degrade system performance violates this principle. The use of programs or files of another computer user or the use of another person's account number or password without permission also violates this principle. Failure to attribute the source for any information or writing derived from any computer source (database, Web site, Internet, etc.) and incorporated in any academic work submitted is also a violation.

*Advising and Registration Forms* Forging an adviser's signature or otherwise altering signed documents without permission will result in the student being de-registered and not allowed to re-register until the registration period is completed and the adviser has approved any changes. Any student suspected of forgery of any faculty or administrator signature may face disciplinary action by the Vice President for Student Affairs or designee or the Committee on Standards.

For more information on plagiarism, please see "Plagiarism Defined" at the end of this chapter.

## **GENERAL ACADEMIC REGULATIONS**

### **Advanced Placement**

Admitted students who have achieved a score of four or five on an advanced placement test receive course credit toward graduation to a maximum of seven course units. In most programs, advanced placement examinations covering a semester's work receive one course credit; examinations covering a full year's work are given two course credits. Advanced placement scores of four or five are also considered for advanced placement within sequential course work by the appropriate department. Application of advanced placement work toward major requirements requires approval from the department.

### **International Baccalaureate**

Hobart and William Smith Colleges recognize academic work taken toward the International Baccalaureate and grant credit for specific performance levels on the exams for higher-level courses. The amount of credit is determined after an official copy of results has been received by the Registrar's Office. Guidelines for the granting of credit are comparable to those for Advanced Placement exams, with scores of 5, 6, or 7 generally receiving credit.

### **Course Load**

The usual course load of four courses per semester is required for all students. A student who is registered for three, four or five courses in a semester may be considered a full-time student. Exceptions to this rule can be considered only by submitting a petition for an unusual course load of fewer or more than four full-course-credit courses to the Committee on Standards. Unusual Course Load Request forms are available from the dean's office. Authorized or voluntary course withdrawals (see the following) carry no penalty but do not diminish the minimum requirement for the degree. A reduction in the course load carries no reduction in tuition; students will be charged extra fees for six or more courses.

*Students receiving financial aid should note that reductions in course load may affect their financial aid eligibility and are advised to consult with the Office of Financial Aid.*

### **Incompletes**

The incomplete, or "I," is a temporary grade indicating that a student has been granted permission by the instructor or the dean to complete work for a course after the close of the semester without penalty. A request for an incomplete must be supported with a credible account of the student's situation and with documents (a note from a physician, for example) wherever appropriate. A professor may grant an incomplete for any part of the semester's work except the final examination, when legitimate extenuating circumstances are present; only a dean can excuse a student from a final examination. All outstanding work must be completed by a time stipulated by the professor, and in any event, following fall semester and no later than the sixth week of the spring semester (second week of the fall semester for spring semester incompletes), or the "I" will become a grade of "F." A student with multiple incompletes will be reviewed by the Committee on Standards.

### **Partial Credit Courses**

Partial credit courses are offered for .5 semester course credits per semester. Students should check with the appropriate department for the exact credit valuation for courses in which they are interested. Ordinarily, up to 2.0 semester equivalent course credits may be counted against the 32 semester equivalent course credits required for the degree. The exception is partial credit courses that are required by a major.

## **Rescheduling Final Examinations**

The final examination schedule is set by the registrar and published in the course registration booklet during the advance registration period for each semester and posted on the registrar's Web site. Students are required to take all final exams at the time that they are scheduled. Exceptions to this policy can be made only by a dean and only under the following circumstances: (1) when an individual student has three or more exams scheduled within a 24-hour period; (2) in situations beyond the student's control and that could not have been anticipated, such as serious illness or a family emergency. In cases of illness, documentation may be required. Family vacation, travel convenience and the like are not appropriate reasons for rescheduling a final examination. (See the full exam scheduling policy on the registrar's Web site.)

## **Course Withdrawals**

There are two kinds of course withdrawals. Voluntary course withdrawals are available twice, one during the first year or sophomore year, and the second during the junior or senior year, at the discretion of the student. An authorized course withdrawal is available to students only under exceptional circumstances beyond their control, and must be approved by the Committee on Standards.

A student who stops attending a course and/or submitting his/her work remains registered for that course and will receive a grade for that course unless an authorized or voluntary withdrawal is given. Any student who "drops" a course without official permission receives the grade of "F" on his or her permanent transcript.

**Voluntary course withdrawal.** Voluntary course withdrawals are available to students twice. The first withdrawal may be used during the first two years (if unused it does not carry over to other years) and the second during the second two years, at the discretion of the student. Before the end of the 11th week of a semester, a student may petition his or her dean for withdrawal from one course during his or her first two years, and another course during his or her second two years. The appropriate Voluntary Course Withdrawal Form must be filed (including all required signatures) by the student at the dean's office by noon on Friday of the 11th week of the semester. The only exception to this deadline is that the Committee on Standards may approve an extension of the deadline when, for reasons beyond the student's control (*e.g.*, serious illness), he or she was unable to submit the form on time. Approved voluntary withdrawals are communicated immediately to the student's adviser and instructor. This option is not available to a student while a charge of academic dishonesty is pending or has been upheld, and where the Committee on Standards has made a recommendation of grade for the course.

**Authorized course withdrawal.** With the exception of the voluntary withdrawals described above, withdrawal from any course will be granted only when the Committee on Standards judges that it was beyond the student's control to pass or complete a particular course or courses. A student seeking to withdraw under such circumstances must petition the Committee on Standards with serious and compelling reasons by submitting a Request for Authorized Withdrawal Form to the dean's office. The Committee will make its recommendation to the dean of the College, in consultation with the student's class dean and others it deems appropriate. Medical or other appropriate documentation is normally required. Approved withdrawals will be communicated immediately to the student's adviser, instructor, and the registrar.

Withdrawals, whether voluntary or authorized, carry no penalty, but do not diminish the minimum requirement for the degree or reduce tuition charges for the semester.

## **Grades**

Students' transcripts include a record of each course taken at the Colleges. Students may choose between a letter-grade and credit/no credit grading option in each of the courses taken. This choice is indicated at the time of registration for the course and may not be changed after the end of the 11th week of the semester.

For the purpose of calculating grade point averages, the following designates the numerical values of various grades: A+ = 4.3; A = 4.0;

A- = 3.7; B+ = 3.3; B = 3.0; B- = 2.7; C+ = 2.3; C = 2.0; C- = 1.7;

D+ = 1.3; D = 1.0; D- = .7; F = 0.

Courses taken for credit/no credit are not calculated in the GPA. For the purposes of review, a grade of "credit" indicates course work was C- or higher. A grade of "no credit" indicates course work was D+ or lower. No more than four grades above F but below C- (D+, D, or D-) may be counted toward the 32 semester equivalent courses counted toward the degree.

**Grade changes.** No student is permitted to submit any academic work, examination, or revision of previously submitted work with the intent of affecting a grade change after a final grade has been entered by the instructor with the Office of the Registrar. Subsequent to the submission of a final grade, a grade may be changed in only two ways, both of which require appropriate documentation: (1) to an alternative grade, by an instructor and with the approval of the student's dean, when a computational error has been made; or (2) to an authorized withdrawal, in very extraordinary circumstances, by the Committee on Standards, acting in consultation with the student's instructor, adviser, and dean. Approved authorized withdrawals will be communicated immediately to the student's adviser and instructor.

**Student grade appeals.** The assignment of grades remains in all cases the final responsibility and prerogative of the instructor, subject only to the Colleges' policies on authorized withdrawals and changes of grade, as described above. Disagreement with or disappointment in an instructor's evaluation of his or her work may not be considered grounds for a student's request for reconsideration of a grade.

A student may petition that the grade awarded in a course be reconsidered, if the student believes that a computational error exists, that the instructor has not arrived at the grade in a way consistent with the evaluation of other students' work, or that the instructor has deviated from the stated grading policy for the examination or course.

The appeal procedure is as follows:

(1) A student considering such an action must first consult with his or her dean. The dean will consult with the instructor and attempt to assist in resolving the student's concern. Normally, this involves a review/reconstruction of how the student's final grade for the course was determined by the course instructor. If the dean is unable to resolve the difficulty directly with the instructor, the dean will consult the department chair or program coordinator, who will enter into dialogue with the instructor;

(2) In the event that the dean is unsuccessful in resolving the student's concern, that student may present his or her request to the Committee on Standards. The Committee may, at its discretion and after consultation with the student's dean, instructor, and adviser, ask the instructor formally to reconsider his or her computation of the grade, if it feels that adequate grounds for reconsideration may exist. If the instructor agrees to reconsideration or the Committee is convinced that the instructor has adequately met the student's concerns, the matter ends there. If the instructor declines such reconsideration, the Committee may, at its discretion, forward a formal report of the case to the dean of faculty for the dean's information.

## **Academic Deficiency**

Students are expected to make normal progress toward the degree. A student whose cumulative grade point average (GPA) falls below 2.00, or whose current semester average falls below 1.00, will be reviewed by the Committee on Standards. Normal progress includes timely completion of the curricular requirements for his or her class. Failure to pass a course that is taken to complete a requirement means that another course that fulfills the same requirement must be taken as soon as possible. Failure to pass a required First-Year Seminar means that a student must take and pass another First-Year Seminar the following year or pass an approved substitute course.

The Committee uses the following categories when it evaluates academic standing:

**Academic probation.** The likely outcome of a first review when a student's cumulative grade point average is lower than 2.00 (C) is academic probation. Students placed on academic probation are expected to be in good standing (2.00 GPA) within two semesters.

**Continued academic probation.** The likely outcome of a review when a student has been on academic probation for two semesters and has been successful in removing part of the deficiency, but not the entire deficiency, is continued academic probation. Students on continued academic probation are expected to be in good standing (2.00 GPA) by the end of their next semester.

**Required academic withdrawal.** The likely result of a review when a student earns less than a 2.00 semester average while on academic probation or continued academic probation is required academic withdrawal. A student may also be required to withdraw when he or she fails to gain good standing (2.00 GPA) after being on continued academic probation. A student who has earned less than 1.00 for the semester may also be required to withdraw regardless of his/her cumulative average.

Please note the following:

- A student who fails a First-Year Seminar or an approved substitute, for a second time, is reviewed by the Committee on Standards with the likely

outcome that the student will be permanently separated from the Colleges.

- A student who has been required to withdraw or has been suspended may not make progress toward the degree.

He/she may not

transfer credit for coursework at other institutions while on required withdrawal from the Colleges.

**Permanent separation.** The result of a second required withdrawal is permanent separation. The student loses her/his standing as a matriculated student and may never regain it.

## Leaves of Absence

**Voluntary leave of absence.** A voluntary leave may be granted for personal growth or to participate in academic programs not sponsored by Hobart and William Smith Colleges. Approval of the student's dean is required. The Colleges are not obliged to accept toward the degree course work for which prior tentative approval had not been procured.

**Voluntary Medical leave of absence.** A medical leave may be granted to a student at any point in the academic year. A medical leave requires the approval of the student's Dean, usually in consultation with medical or counseling professionals at Hubbs Health Center. Normally, students granted a medical leave may not return to the Colleges for a minimum of one semester. The student's leave status will remain in effect until such time as the student is granted permission to return. To return, the student must provide the Colleges with an appropriate written statement from a licensed health professional that confirms the student sought and received treatment and can return to campus without further risk to his or her health or welfare. The statement may also indicate under what conditions the student should return. That statement should be directed to the student's Dean, who will review it in consultation with appropriate staff of the Colleges' Hubbs Health Center and other staff as necessary. The student's Dean will determine what conditions a student will need to fulfill in order to re-enroll at his or her College.

## Class Standing

The number of semester courses completed is used to determine class standing in a given semester. First-year standing is one to six courses; sophomore standing is seven courses to 14 courses; junior standing is 15 to 22 courses; senior standing is 23 to 32 courses.

## Baccalaureate Candidacy

All students must have submitted to his or her adviser an acceptable Baccalaureate Plan to be admitted to Baccalaureate Candidacy and their senior year. The Baccalaureate Plan records those educational goals and requirements the student has addressed and how the student proposes to meet those not addressed, including plans for completing all majors and minors.

## Residency Restrictions

All requirements for the degree must be met by the end of the 10th semester in residence.

## Transfer Credits

Courses that are to be taken in transfer toward degree requirements must have prior approval of the student's dean, and, as appropriate, the department, program, or Individual Majors Committee. Only courses passed satisfactorily, with a grade of C (2.0) or better, are accepted for transfer credit. Course credits may be transferred but grades for those classes are never entered on a Hobart and William Smith transcript and are not calculated into a student's GPA. Grades of transferred courses therefore have no impact on the student's GPA at the Colleges. Courses which are composed predominantly of high school students and taught by high school teachers in a high school setting are not transferable to Hobart and William Smith Colleges, even if they appear on another college's or university's official transcript. No college course that has been applied toward the minimum requirements for a student's high school diploma, or which serves as substitute for a high school required course, can be transferred to Hobart and William Smith. Distance learning courses cannot be transferred.

## Commencement Exercises

Commencement exercises are held annually at the end of spring semester. Students are recommended for a degree upon completion of requirements pertaining to their class. Students who are in good academic standing, *i.e.*, have a cumulative grade point average of 2.000 or better, and who have no more than two courses outstanding toward degree requirements at the close of spring semester may

petition his or her dean to participate in Commencement exercises. Students who complete requirements prior to October 1 of that same year are considered members of that year's graduating class.

## **Transfer Students**

The requirements for the degree (outlined in the *Catalogue*) apply also to transfer students, except that an appropriate number of years of the Colleges' residency requirement may be waived, provided the transfer student is capable of presenting the faculty with up to two years of acceptable course work from another accredited institution of higher learning. The Colleges do not accept National Outdoor Leadership School (N.O.L.S.) coursework for transfer credit.

## **Course Repeat**

Students may repeat courses in which they have earned a grade *below* a C- (1.7). Courses with a grade of C- or better may *not* be repeated. The deans will not approve any exceptions. The student's permanent transcript records each time a course is taken, including the grade. In computing the student's GPA, the most recent grade will be used. Courses repeated at other institutions and transferred to the Colleges are not included in the GPA. Repeated courses count only once toward the 32 courses required for graduation.

## **COURSE REGISTRATION**

All students must register each semester on days and times specified by the registrar and published in the *Registration Handbook and Schedule of Courses*. Students may register during or after their scheduled time block, but not before. A fee is charged for late registration: \$50 per course during the add/drop period, \$75 per course after the add/drop period. Students who fail to meet their financial obligations to the Colleges may be denied registration or de-registered from classes.

Students are required to consult with their faculty advisers prior to registration. If a student registers for a course without meeting all prerequisites and without written approval of the adviser and, when required, the course instructor, his or her enrollment in the course may be canceled by the instructor offering the course or the case may be referred to the Committee on Standards. Students declare their course selections via the online registration system or in person at the registrar's office by submitting a registration form signed by their faculty adviser (signature of faculty adviser is required for in-person registration). Students are required to register for four full-credit courses per semester. Any exceptions must be approved in advance by the Committee on Standards and the dean of the college.

Hobart and William Smith Colleges reserve the right to cancel any course without prior notice.

## **Dropping and Adding Courses**

Students may drop and add courses during the first five days of class, provided space is available. Students are encouraged to discuss changes with their faculty advisers prior to dropping or adding courses via the Web registration system. An instructor's signature for the course added or the course dropped is not required during the published drop/add period unless the course is closed or the course carries the footnote "permission needed from instructor." Students seeking to drop and add beyond this period must secure the approval of their adviser, dean, instructor, and the Committee on Standards, and pay a \$75 per course late fee, subject to regulations for voluntary and authorized course withdrawals.

Registrations and student class schedules are finalized at the end of the five-day drop/add period. Students are accountable for all courses for which they are enrolled from that point on, and those courses will be reflected on the permanent academic transcripts.

If a student has attended a course in which he or she was not properly registered, no credit or grade is recorded. If a student stops attending a course but fails to withdraw properly, a grade of "F" may be assigned by the instructor of the course and recorded on the permanent academic transcript.

## **ATTENDANCE**

### **Religious Observance**

No student will be refused admission or suspended because he or she is unable to participate in any examination, study, or work requirement because of religious obligations and practices. The Colleges accept responsibility for making available accommodations for students who wish to observe their religious holidays or participate in their religious practices. The faculty member teaching the course will provide each student who is absent from class because of religious obligations and practices an equivalent opportunity to make up any examination, study, or work requirement missed. It is the student's responsibility to communicate to his/her instructor, in a timely matter, his/her intention to observe. The student must consult with his/her instructors regarding an alternative time and place

for an examination or other academic exercise. No fees shall be charged to students for costs incurred in providing special classes, examinations, or work requirements.

The Vice President for Academic Affairs or designee and provost will jointly mediate any difficulties between a student and a faculty member in implementing any appropriate accommodation. In effecting these provisions, the Colleges' administration and faculty agree to exercise the fullest measure of good faith and agree that no adverse or prejudicial effects shall result to any student who avails himself or herself of the Colleges' policy on religious observances.

## **Course Attendance Policies**

Each faculty member is responsible for announcing in writing at the beginning of the semester his or her attendance policy and the effect that absences may or will have on a student's final standing and grade in the course. Each professor will respect the time allotted other academic and extracurricular exercises by not rescheduling academic exercises for which attendance is required. Rescheduling classes at times other than those published by the registrar causes conflict with other regularly scheduled classes and activities. Should it be necessary to meet at non-regularly established times, the instructor of the class will provide an alternate opportunity for making up the rescheduled meeting if a student requests it. Faculty members may require additional activities, such as individual conferences with the professor, attending symposia, films, etc. Faculty members should include a schedule of such additional activities in their syllabi.

## **Student Responsibility**

Students are expected to attend all their regularly scheduled classes, laboratory periods, and other academic exercises. Should an absence from regularly scheduled academic exercises be unavoidable (beyond a student's control), it is the student's responsibility to communicate with the professor, preferably beforehand, concerning the absence. Individual faculty members have the authority to drop students from a course for non-attendance on the first class day, unless the student has made prior arrangements with the dean or has extraordinary circumstances. The Vice President for Student Affairs or designee will convey to the faculty information about personal emergencies, including medical illness, faced by students when students are unable to convey the information themselves. Students are advised that absence from class, for whatever reason, does not excuse them from meeting course requirements and objectives.

When a conflict exists between the attendance policy of an instructor and the student's planned extracurricular activities, the student must decide where his or her priorities lie before enrolling in the course. By remaining in the course, the student agrees to accept the attendance policy set by the professor.

## **INTERCOLLEGIATE ATHLETICS AND POST-SEASON COMPETITION**

*(approved by the faculty, March 8, 1999)*

### **I. Philosophy Statement on Intercollegiate Athletics**

The faculty recognizes that intercollegiate athletics is an activity endorsed and supported by the Colleges. Whenever a student represents the Colleges in post-season competition, and such representation occurs when the student is scheduled to take an examination, the faculty will permit the student to take that examination at some other appropriate time or place under appropriate supervision. Immediately upon notice of post-season competition, the Vice President for Student Affairs or designee will circulate to the faculty a list of students entitled to such an accommodation for an exam or an appropriate alternative and students will consult with faculty members regarding an alternative time or place for the examination. The Vice President for Student Affairs or designee will resolve any difficulties in implementing this accommodation.

### **II. HWS Academic/Athletics Policy Statement**

The policy governing the relationship between athletics participation and academic requirements is founded upon several premises. First and foremost, students' academic work and participation take precedence over athletics participation. A second premise is that the Colleges value the benefits of intercollegiate activities for participants and the Colleges' community and consequently support strong athletics programs. Finally, as members of a shared community, faculty, coaches, and student-athletes can and will operate within a spirit of cooperation. All of these following policy guidelines are in accord with NCAA Division III rules.

(1) The directors of athletics will arrange the schedules of competition to minimize missed class time.

- (2) Coaches may not require student-athletes to miss class to attend practices or meetings without the prior expressed approval of the instructor.
- (3) Coaches will advise student-athletes of the schedules of competition prior to registration in order to help student-athletes choose classes that minimize class conflicts and, at the same time, maintain the integrity of their academic needs.
- (4) Faculty members will announce class attendance policies and other requirements at the beginning of their courses.
- (5) Faculty members will generally avoid the situation where the only opportunity for a student to make up a test or complete a required activity outside of the regularly scheduled class or designated evening hours time occurs between 4 and 6 p.m.
- (6) Student-athletes are responsible for making arrangements for completing any work missed because of an athletics competition.
- (7) Participation in post-season, tournament competitions necessitates prompt notification to faculty by the athletics directors and attendance policy flexibility on the part of the faculty.

## PLAGIARISM DEFINED

(From *The Logic and Rhetoric of Exposition*, 3rd ed., by Harold C. Martin, Richard M. Ohmann, and James H. Wheatley, pages 268-273. Copyright 1963, by Holt, Rinehart, and Winston, Inc. Reprinted by permission of CBS College Publishing.)

The spectrum [of plagiarism] is a wide one. At one end there is a word-for-word copying of another's writing without enclosing the copied passage in quotation marks and identifying it in a footnote, both of which are necessary. (This includes, of course, the copying of all or any part of another student's paper.) It hardly seems possible that anyone of college age or more could do that without clear intent to deceive. At the other end there is the almost casual slipping in of a particularly apt term which one has come across in reading and which so admirably expresses one's opinion that one is tempted to make it personal property. Between these two poles there are degrees and degrees, but they may be roughly placed into two groups. Close to outright and blatant deceit...is the patching together of random jottings made in the course of reading, generally without careful identification of their source, and then woven into the text, so that the result is a mosaic of other people's ideas and words, the writer's sole contribution being the cement to hold the pieces together. Indicative of more effort and, for that reason somewhat closer to honesty, though still dishonest, is the paraphrase, an abbreviated (and often skillfully prepared) restatement of someone else's analysis or conclusion, without acknowledging that another person's text has been the basis for the recapitulation.

The examples given below should make clear the dishonest and the proper use of source material.

[The original source is given, followed by four examples of plagiarizing the original source: (1) word-for-word copy; (2) the mosaic; (3) the paraphrase; and (4) the apt phrase.]

### The [Original] Source

The importance of the *Second Treatise of Government* printed in this volume is such that without it we should miss some of the familiar features of our own government. It is safe to assert that the much more criticized branch known as the Supreme Court obtained its being as a result of Locke's insistence upon the separation of powers, and that the combination of many powers in the hands of the executive under the New Deal has still to encounter opposition because it is contrary to the principles enunciated therein, the effect of which is not spent, though the relationship may not be consciously traced. Again we see the crystallizing force of Locke's writing. It renders explicit and adapts to the British politics of his day the trend and aim of writers from Languet and Bodin through Hooker and Grotius, to say nothing of the distant ancients, Aristotle, and the Stoic school of natural law. It sums up magisterially the arguments used through the ages to attack authority vested in a single individual, but it does so from the particular point of view endangered by the revolution of 1688 and is in harmony with the British scene and mental climate of the growing Bourgeoisie of that age. Montesquieu and Rousseau, the framers of our own Declaration of Independence, and the statesmen (or should we say merchants and spectators?) who drew up the Constitution have re-echoed its claims for human liberty, for the separation of powers, for the sanctity of private property. In the hands of these it has been the quarry of liberal doctrines and that it has served the Socialist theory of property based on labor is final proof of its breadth of view.

Charles Sherman, "Introduction" to John Locke, *Treatise of a Civil Government and a Letter Concerning Toleration*

#### 1. Word-for-Word Plagiarizing

[EXAMPLE] It is not hard to see the importance of the *Second Treatise of Government* to our own democracy. Without it we should miss some of the most familiar features of our own government. It is safe to assert that the much criticized branch known as the Supreme Court obtained its being as a result of Locke's insistence upon the separation of powers; and that the combination of many powers in the hands of the executive under the New Deal has still to encounter opposition because it is contrary to the principles enunciated therein, the effect of which is not spent, though the relationship may not be consciously traced. The framers of our own

Declaration of Independence and the statesmen who drew up the Constitution have re-echoed its claims for human liberty, for the separation of powers, for the sanctity of private property. All these are marks of the influence of Locke's *Second Treatise* on our own way of life.

[CRITIQUE] In this example, after composing half of a first sentence, the writer copies exactly what is in the original text, leaving out the center section of the paragraph and omitting the names of Montesquieu and Rousseau where he or she takes up the text again. The last sentence is also the writer's own.

If the writer had enclosed all the copied text in quotation marks and identified the source in a footnote, he or she would not have been liable to the charge of plagiarism; a reader might justifiably have felt, however, that the writer's personal contribution to the discussion was not very significant.

## 2. The Mosaic

[EXAMPLE] The crystallizing force of Locke's writing may be seen in the effect his *Second Treatise of Government* had in shaping some of the familiar features of our own government. That much criticized branch known as the Supreme Court and the combination of many powers in the hands of the executive under the New Deal are modern examples. But even the foundations of our state—the Declaration of Independence and the Constitution—have re-echoed its claims for human liberty, for the separation of powers, for the sanctity of private property. True, the influence of others is also marked in our Constitution—from the trend and aim of writers like Languet and Bodin, Hooker and Grotius, to say nothing of Aristotle and the Stoic school of natural law; but the fundamental influence is Locke's *Treatise*, the very quarry of liberal doctrines.

[CRITIQUE] Note how the following phrases have been lifted out of the original text and moved into new patterns:

- crystallizing force of Locke's writing,
- some of the familiar features of our own government,
- much criticized branch known as the Supreme Court,
- combination of many powers in the hands of the executive under the New Deal,
- have re-echoed its claims for human liberty...property,
- from the trend and aim...Grotius,
- to say nothing of Aristotle and...natural law,
- quarry of liberal doctrines.

As in the first example, there is really no way of legitimizing such a procedure. To put every stolen phrase within quotation marks would produce an almost unreadable, and quite worthless, text.

## 3. The Paraphrase

PARAPHRASE: Many fundamental aspects of our own government are

ORIGINAL: *Many familiar features of our own government are*

**apparent** in the *Second Treatise of Government*. One can safely  
*apparent in the Second Treatise of Government it is safe to*

**say that** the oft-censured Supreme Court really owes its existence  
*assert that the much more criticized...Court obtained its being*

**the New Deal** has still to encounter opposition because it is  
*the New Deal has still to encounter opposition because it is*

**contrary** to the principles enunciated therein...Once more it  
*contrary to the principles enunciated therein...Again we see*

The foregoing interlinear presentation shows clearly how the writer has simply traveled along with the original text, substituting approximately equivalent terms except where his understanding fails him, as it does with "crystallizing" or where the ambiguity of the original is too great a tax on his ingenuity for him to proceed, as it is with "to encounter opposition... consciously traced" in the original.

Such a procedure as the one shown in this example has its uses; for one thing, it is valuable for the student's own understanding of the passage; and it may be valuable for the reader as well. How, then, may it be properly used?

The procedure is simple. The writer might begin the second sentence with: "as Sherman notes in the introduction to his edition of the *Treatise* one can safely say..." and conclude the paraphrased passage with a footnote giving the additional identification necessary. Or he or she might indicate directly the exact nature of what he or she is doing in this fashion; "To paraphrase Sherman's comment..." and conclude that also with a footnote indicator.

In point of fact, this source does not particularly lend itself to honest paraphrase, with the exception of the one sentence which the paraphraser above copied without change except for abridgement. The purpose of paraphrase should be to simplify or to throw a new and significant light in a text; it requires much skill if it is to be honestly used and should rarely be resorted to by the student except for the purpose, as was suggested above, of his personal enlightenment.

#### **4. The "Apt" Term**

Here the writer has not been able to resist the appropriation of two striking terms—"quarry of liberal doctrines" and "crystallizing force"; a perfectly proper use of the terms would have required only the addition of a phrase; the *Second Treatise* is, to use Sherman's suggestive expression, a "quarry of liberal doctrines." In it the "crystallizing force"—the term again is Sherman's—"of Locke's writing is markedly apparent..."

Other phrases in the text above—"the cause of human liberty," "the principle of the separation of powers," "the inviability of private property"—are clearly drawn directly from the original source but are so frequently quoted, that no one could reasonably object to their re-use in this fashion.

Since one of the principal aims of a college education is the development of intellectual honesty, it is obvious that plagiarism is a particularly serious offense, and the punishment of it is commensurately severe. What a penalized student suffers can never really be known by anyone but him or herself; what the student who plagiarizes and "gets away with" suffers is less public and probably less acute, but the corruptness of his or her act, the disloyalty and baseness it entails, must inevitably leave a mark on him as well as on the institution of which he or she is a member.

# **RESIDENTIAL POLICIES**

## **RESIDENCY REQUIREMENT**

The Colleges believe that students have much to gain from the experiences inherent in on-campus living. For this reason, all students are required to live on campus and take their meals in campus dining halls on one of the Colleges' approved meal plans. In certain cases, dependent on special circumstances and/or occupancy, students may live at home with their families, in fraternities, off campus, or may be excused from the Colleges' meal plan. To be exempted from these requirements, students must secure permission from the associate director for residential education.

## **RESIDENTIAL COMMUNITY STANDARDS**

HWS residential communities are maintained for the well-being of all students who live there. Each student is expected to live his or her life in a way that respects *all* community residents. Each student is directly responsible for maintaining a safe, secure, and healthy living environment in his or her residence. Each student is expected to sign and abide by a housing contract.

## **GENERAL REGULATIONS**

### **Cable Television**

Tampering with cable television wires is illegal. Violators are subject to Colleges' disciplinary action and may be prosecuted by the cable company for theft of services.

### **Cleaning**

Students are responsible for cleaning their own rooms to meet both health and safety and their roommate's standards. The Colleges' housekeeping staff is responsible for the regular cleaning of common rooms, bathrooms, and hallways in most residences. The

exceptions are The Village at Odell's, where residents are responsible for all cleaning; and cooperatives, where residents are responsible for the kitchen and dining areas.

## **Colleges Property**

Removal of Colleges' property from residence halls, lounge areas, conference rooms, or other community areas is prohibited. Failure to observe this regulation will result in disciplinary action.

## **Common Area Usage**

Residents, their guests, and members of the Colleges community are encouraged to use the lounges in residence halls for social and educational gatherings. All parties, meetings, and gatherings in residential lounges should be cleared with the associate director or director of residential education at ext. 3467.

## **Damage**

All occupants of a living area are responsible for the actions of guests in their residence; Hobart and William Smith students, however, are always responsible for their actions anywhere on campus. Each student should be aware of activities in his or her residence and enforce residential education policies.

Students are responsible for reporting damage whenever observed and as soon as possible after it has occurred. In particular, it is the responsibility of each individual to report to the area coordinator any damage for which he or she is personally responsible within 24 hours of occurrence. Damage fees will be determined by the maintenance department and efforts will be made to repair damages as quickly as possible.

The Colleges charge all students who are responsible for avoidable damages and losses that occur in student residence halls. "Avoidable damage" is defined as damage that is the consequence of careless, willful, or malicious actions, including horseplay and residence hall "athletics." Such damage contributes significantly to the general deterioration of living conditions, which impacts all students' attitudes about community and personal security.

When individual responsibility for damage and loss in public areas (bathrooms, lounges, etc.) cannot be determined, a charge will be made to all students within a reasonably defined area (*e.g.*, floor, suite, or building). Students will be notified of damage billings and should make payments for damage directly to the Student Accounts Office within 10 working days after receipt of notice of amount due. After 10 days, unpaid charges and an added administrative fee will be billed directly to the student's HWS account.

*Damage appeals* must be made in writing within two weeks of the damage billing. They should be mailed to Residential Education, Hobart and William Smith Colleges, Geneva, NY 14456, attn: name of building.

Any student responsible for willful or recurring damages may be referred to the William Smith Judicial Board, the Hobart Student Court, or the Committee on Standards, as appropriate. Sanctions may include but are not limited to fines, loss of lottery privileges, or a room change.

Inspections of all college residences will be carried out to ensure that damage is reported.

## **Furniture**

Each student living in a HWS residence hall room is provided with a desk, chair, dresser, and bed. Students living in fraternities or off campus are responsible for providing their own furniture.

Because campus storage space is limited, students are not permitted to remove furnishings from their rooms. Students are also not permitted to store their furniture in other students' rooms.

Students will be billed for any furniture damaged or missing from their rooms at the end of each semester.

## **Gambling**

Gambling in any form is prohibited.

## **Guests**

Any nonresident of a building is considered a "guest" and must be sponsored by a host who is a resident of the hall or house, and must carry some form of identification. No overnight guest(s) will be permitted in any room before: (1) each room occupant gives his or her consent, (2) any conditions on the guest's stay are understood by all concerned, and (3) these arrangements/agreements are confirmed and approved by all parties.

It is the responsibility of the host to explain residence hall rules to the guest. Students and their guests are expected to be considerate of their and the Colleges' property and neighbors at all times. Although guests are responsible for their own behavior, students are also accountable for the conduct of their guests, with the exception of Hobart and William Smith students, who are responsible for their own actions anywhere on campus. Where the rights of a resident and guest conflict, the rights of the resident supersede those of the visitor.

Residence hall rooms can accommodate comfortably only those students assigned to them, and occupancy is strictly limited to the students assigned to that room. Therefore, the duration of a guest's stay may not exceed three days during a two-week period. If there are extenuating circumstances, exceptions may be requested through an area coordinator.

## **Noise**

Any noise that disrupts the operation of the Colleges is prohibited. It is the responsibility of each resident, along with Colleges' staff members, to monitor the level of noise within the residence. Residence hall quiet hours are between 10 p.m. and 7 a.m., Sunday through Thursday, and midnight to 9 a.m., Friday and Saturday. Students bothered by excessive noise who have talked to the person(s) responsible without a satisfactory response should ask a member of the residence staff to intervene. If no member of the residence staff is available, it is appropriate to contact security (ext. 3656). After responding directly to the call, security will send a report of the complaint to Residential Education, where further action may be taken. The Colleges have agreed on a 24-hour courtesy policy. If at any time a student is asked to decrease his or her noise level it is expected that the student will comply with the request.

## **Alcohol in Residence**

Bars and funnels are prohibited in the residence halls. If found they will be confiscated or dismantled. All alcohol neon signs, banners, and signs may not be visible through the window of a room. If found, the student will be asked to move these items or face confiscation of the items.

## **Restricted Areas**

Access to the roofs except in buildings with designated sundecks, fire escapes other than in emergency situations, and mechanical equipment rooms of all Colleges' buildings and residences is restricted to authorized personnel.

## **Solicitation and Vending**

Solicitation or vending of any kind by students, company representatives, or mail-order displays is governed by the Colleges' Campus Services Committee. Solicitors/vendors in the residence halls must present written approval upon demand. If they are unable to provide documentation, they should be asked to leave and reported to security immediately. (For more on vending, see "Vending Policy" under "Administrative Policies.")

## **Storage**

Due to limited space, storage is not available on campus. Private storage companies in the area make easily accessible storage available to students. Any items left in rooms without permission will be removed and disposed of at the student's expense after a student vacates a room.

## **Theft of and Damage to Personal Belongings**

The Colleges are not responsible for loss of or damage to students' personal property. The loss of personal property due to theft or damage is the responsibility of the student. These losses may be covered under family homeowners or renters insurance of the student or student's family. However, students should check with their insurance carrier on coverage for student personal property.

## **Utilities**

The maintenance department is responsible for power or plumbing failures and general repairs. Any damage or malfunction in a student room or common area should be reported to the appropriate residence staff member as soon as possible so that repairs can be made quickly. All emergencies (*e.g.*, a broken water main) should be reported to security (ext. 3333) immediately.

## **SAFETY POLICIES**

The following policies were implemented to secure the Colleges' property and the community's safety.

## **Lock and Key**

The entrances to all residence halls are locked 24 hours a day. Lost keys will be replaced for a fee (see the "Checking-Out" section for details).

## **Door/Window Propping**

In order to ensure the safety and security of all residents, propping of any locked exterior doors or windows is prohibited and may result in disciplinary action. Screens must stay in windows at all times.

## **Weapons**

Firearms and/or weapons (including air guns, bb guns, paintball guns, pistols, knives, etc.) are not allowed in Colleges residences, fraternities, or on campus at any time. Possession of such weapons violates the New York State penal codes pertaining to colleges. Student possession of a firearm or other weapon is sufficient cause for disciplinary action by the Vice President for Student Affairs or designee. The expression "firearm" will be broadly interpreted at the discretion of the Vice President for Student Affairs or designee.

## **Fire Safety**

Fire safety is a concern in which a student's actions or inactions can have great impact on other students and the Geneva community. Students who violate fire-safety code and cause the institution to be fined shall be assessed the amount of the fine.

Each year members of the local fire department respond to many false alarms and in doing so put themselves and the community at risk. False alarms risk making everyone—especially students—complacent and less sensitive to the next fire call, which could be for a major life-threatening fire.

A computer-based central fire-alarm monitoring system, located in the Office of Campus Safety, is designed to provide warning of fire danger in major campus buildings. Any pre-alarm signal enables campus safety officers to enter that room. Localized alarms sound in all buildings. Response to alarms is by both campus safety officers and the Geneva Fire Department. The following items are strictly prohibited to secure the Colleges property and the community's safety. Any illegal appliance that comes to the attention of a Colleges official will be confiscated and the student will be referred to the appropriate disciplinary board or Vice President for Student Affairs or designee.

These items are prohibited:

- Candles/open flame devices
- Incense
- Tapestries
- Extension cords
- Toaster ovens/hot places/coffee pots/Foreman grills
- Microwave ovens (except for Colleges-approved micro-fridges)
- Large refrigerators (above 3 cubic feet)
- Fireworks/pyrotechnics
- Building lofts and other wood structures

To minimize the risk of fire, the following fire safety rules have been adopted; violation of the rules will lead to disciplinary action.

**Open flames and burning.** The use of open-flame devices or other burning materials, such as candles and incense, and the melting of wax to fabricate candles, is prohibited. Such materials will be confiscated. Students found responsible for setting fires may expect to be separated permanently from the Colleges.

**Fire extinguishers and other fire-safety devices.** Fire extinguishers should be utilized only for their intended purpose and should not be removed from their assigned location. An extinguisher should be used only after the alarm has been pulled and the fire department has been notified. Then, those who are capable may attempt to control a small fire.

Unwarranted use of a fire extinguisher or any other tampering with fire alarms or devices is considered a serious offense that could lead to suspension from the Colleges. A minimum charge of \$250 will be assessed to any student or floor residents who discharge, damage, or tamper with any fire-safety equipment other than to control a fire.

**Fire drills.** Fire drills in residence halls are scheduled periodically, in accordance with National Fire Protection Association and local fire-safety codes. Fire drills are intended to make sure that occupants are aware of exit locations and that emergency-response personnel know their respective and mutual responsibilities.

Students should take fire alarms seriously, evacuate when they sound, and follow the directions of the person in charge. It also is important to become familiar with the location of exits. In case of an emergency evacuation, the best advice is *stay calm*. Safe escape may depend on thinking clearly and remembering what has been practiced. Residence staff will check residence rooms during fire alarms. Students who fail to exit a building when the fire alarm sounds will be fined \$50.

**Fire doors.** Fire and smoke doors must be kept closed at all times. They are there to save lives and minimize damage to buildings and personal property.

**Cooking and kitchens.** Use of all cooking appliances in student rooms is strictly prohibited. Toaster ovens, microwave ovens, large refrigerators, burners, etc. are prohibited in rooms. A small kitchen area is provided in most residence halls.

**Electrical usage.** Caution should be exercised in the use of electrical appliances and power strips to prevent overloading of electrical circuits. Aerials for radios and other items of this nature are not permitted outside of rooms or on the building. Electrical wires leading from residence rooms to receptacles outside the rooms are prohibited.

**Fireworks.** All forms of pyrotechnics (firecrackers, cherry bombs, etc.) are prohibited by New York State law. A student found in possession of fireworks will be subject to severe disciplinary action, and the use of fireworks will be regarded as starting a fire.

**Lofts and other structures.** Building lofts and wood structures are prohibited. Shelves and other room structures may not be attached to room furnishings, walls, ceilings, or floors.

**Lighting and fire safety policy.** Lamps of all kinds can be fire hazards. Research strongly suggests that a lamp's design and the way that it is used—even more than its light source—determine its safety. Through the residence education program, the Colleges will monitor the lighting arrangements in students' rooms and require that students observe the following rules in using lamps in their residences:

- (1) The use of halogen lamps, particularly halogen floor or torchier lamps, is **prohibited** because their bulbs reach high temperatures quickly and their small bases with long segmented poles are often unsteady, increasing their potential for tipping over.
- (2) Never touch a light bulb with bare fingers. Many retain heat long after being switched off. Skin oils can cause hot spots that may cause halogen bulbs to fail or burst.
- (3) Floor and desk lamps should be well-constructed, have heavy weighted bases, and intact cords. They should be placed on a level surface away from walls, furniture, or contact with combustible materials. It is important not to leave bulbs bare—they must have a covering to avoid fires. Lamps should not be placed on beds or in lofts where the lamp or a frayed cord could ignite the bedding.
- (4) Clothing or other combustible materials should never be hung from any light source.
- (5) Draperies and tapestries should never be hung near or over a light source.
- (6) Lamps with defective switches, frayed cords, unsteady bases, or broken poles should be discarded or immediately removed from service until properly repaired.
- (7) The use of multiple extension cords, "octopus plugs," or strip plugs is prohibited, as they overload circuits in the room. Placement of cords under carpeting or in locations where they will be walked on and damaged is also forbidden.
- (8) Turn off all lights when leaving a room for any extended period of time.
- (9) Consider alternatives to additional lighting; avoid dark colored curtains, bedspreads, and tapestries, which absorb light. When placing furniture in the room, take advantage of existing lighting when locating study/reading areas.
- (10) In addition to one scheduled safety check per semester, resident advisors are also encouraged to make periodic unscheduled room visits. Resident advisors are not trained as lighting and safety experts; however, when unsafe lighting arrangements are observed, RAs will note them as violations cited for correction.

For more information about fire safety, consult *Living Safely*, published annually by the Office of Security and Safety. Information is also available from the Consumer Product Safety Commission at (800) 638-2772 or [www.cpsc.gov](http://www.cpsc.gov), and Underwriter's Laboratory (800) 787-8540 or [www.ul.com](http://www.ul.com).

**Motorcycles and motorbikes.** Motorcycles and motorbikes are not permitted in the residence halls.

**Space heaters/air conditioners.** Due to fire safety concerns and possible overloading of electrical circuits, space heaters and air conditioners are not permitted, unless approved by the associate director of residential education.

## HOUSING SELECTION

Living arrangements are determined through housing lotteries that take place each spring for the following year. Arrangements are made for the entire year. Students returning from a leave of absence or study abroad should expect to live in Colleges-owned housing. A Building Preference Form should be completed prior to going abroad or taking a leave. If a student will not be on campus spring semester but is expected to be back in the fall, he or she will be assigned a lottery number. The student should designate another student who will be on campus in the spring as a proxy. This proxy can select a room and sign a housing contract on the absent student's behalf.

### Housing Lotteries

Each student is responsible for arranging his or her housing each year through the lottery system. While the Colleges cannot accommodate every student on campus, everyone who attends Hobart or William Smith should plan to live in Colleges' housing and participate in the meal plan. *The option to do otherwise is determined solely by the off-campus lottery and must not be assumed.* Off-campus status is granted to a limited number of seniors through the off-campus lottery. A lottery is held each semester in order to accommodate those students who are away from the Colleges during a given semester.

In the on-campus lottery, juniors, sophomores, and first-year students (in that order) choose rooms for the following year. Special application processes are held for cooperative houses, theme residences, The Village at Odell's Pond, and friendship groups prior to the general lottery process.

Students are allowed only the status they acquire in the latest lottery in which they participate. Although requests for special exceptions are considered and honored when possible, it should be understood that the Vice President for Student Affairs or designee's office has final jurisdiction for establishing the most appropriate overall housing situations for all students.

Changes are generally not permitted during the first two weeks of the semester, and at no time are changes permitted without the approval of a professional residential education staff member. Students who are unhappy with their living arrangements are encouraged to take advantage of Move Week (see "Room Changes").

Information explaining lottery rules and regulations is mailed to students during spring semester, well in advance of the beginning of the process. Information is also available from the residence staff and the Vice President for Student Affairs or designee.

The Colleges reserve the right to make changes in campus room assignments and reserve the right to change living arrangements in residence halls when deemed appropriate.

### Living Off Campus

A limited number of students are permitted to live off campus each year. In addition to married students and students living with their families, some seniors may be given off-campus status after all available spaces in Colleges-owned residences are filled.

Permission is granted on the basis of a lottery conducted by the residential education office each semester. Confirmation of status is given by a letter from the residential education office following the lottery. Students without official permission will be required to pay for campus room and board and will be expected to live in his or her on-campus room. ***Students should never sign a lease for an off-campus apartment until they receive written confirmation of off-campus status. If a student is granted off-campus status as a rising senior and is later reclassified as a junior the student will be expected to move back on campus.***

As residential colleges, Hobart and William Smith feel that it is essential to our community's well-being to keep students living off campus engaged in campus life and contributing to the daily rhythms of the campus. Since meals are a time for the community to come together, students who live off campus are required to purchase one of the meal plans.

A student living off campus is responsible for the safety, security, and condition of his or her accommodations. Housing in Geneva is at a premium, as there is a great demand for high-quality, moderately-priced houses and apartments. Students often find "house hunting" frustrating, but there are wonderful places to be had by the patient and lucky, and living in the Geneva community can be a

very rewarding experience. While living off campus fosters independence and personal growth, and provides a sometimes welcome alternative to traditional residence hall living, it also requires a great deal of responsibility and sensitivity to immediate neighbors and the larger community. If a student or group of students abuse this privilege, their off-campus status may be revoked.

## **LIVING WITH A ROOMMATE**

### **Students' Rights and Responsibilities**

Each student is expected to promote and perpetuate a healthy living atmosphere for all house residents. Especially in the case of two or three people sharing the same room, students are expected to deal with issues that can normally arise between roommates.

All reasonable requests for time to study or sleep in residence hall rooms should be honored. Students are expected to demonstrate sensitivity to the needs, feelings, and individuality of their roommate(s). Differences should be accepted, appreciated, and dealt with in a direct, constructive way.

Students are expected to respect the time, space, and possessions of their roommates. In this regard, it is important that roommates communicate with each other and make an effort to understand each other's positions on issues relating to study and sleep times, guests in the room, the sharing of property, and smoking in the room. To assist students with the communications process, the residential education staff has developed a Roommate Contract, which is designed to begin open conversation with regard to needs, lifestyle habits, and concerns. Remember, the room is a shared space. Having friends and overnight guests in the room is not something to be taken for granted; it must be openly discussed between roommates. Those wishing to entertain friends must never impose a guest on an unwilling or even hesitant roommate. The Roommate Contract, available at the first floor meeting or from an RA or area coordinator, should be used as a basis for beginning conversations.

### **Room Changes**

Because the Colleges recognize that the process of learning to confront and resolve conflicts requires time, effort, and commitment, the room-change process is designed to be thorough in its examination and evaluation of any conflicts that arise. Each student will be asked for a copy of his or her Roommate Contract so that the residential staff member is aware of the items agreed upon by all roommates.

Room changes within the first two weeks of each semester will not be considered. After that time and after discussion between roommates, students unhappy with their living situation may speak with their RA or area coordinator about a room change. It is expected that they will have made a concerted effort (with assistance from residence staff) to confront and reconcile the problems contributing to their dissatisfaction. If all parties agree that no progress is being made and a change request is filed, the area coordinator will consider the issue with residence staff member(s) familiar with the situation.

Outcomes vary with situations and may range from an approved room change to making further suggestions for remedying the problem. Students may not move their belongings into or reside in another room unless permission has been granted by a professional residential education staff member. Those who attempt a room change without the approval of the residential education office may be fined and may face referral to the student judicial bodies.

## **ROOM CHECKS**

While respecting the privacy of individuals in their rooms, the Colleges reserve the right to enter student rooms for purposes of repairs, furniture inventory and room condition checks, to ensure compliance with campus police and fire and safety codes, and/or in any emergency. The Colleges reserve the right to remove any item not in compliance with Colleges policies or New York State statutes. Regular residence halls checks will be conducted at the close of each semester. There also may be some periodic unscheduled room checks.

## **OPENING AND CLOSING OF RESIDENCE HALLS**

On-campus residences will be opened and closed at specific times during the year. Residents are responsible for knowing and adhering to the opening and closing times, which will be posted in advance. Students approved to arrive on campus before the official opening date and stay beyond the closing date will be charged \$25 per night to stay on campus. Students without permission from the Office of Residential Education will be subject to \$50 per night to stay on campus and possible judicial action.

During the break between fall and spring semesters, certain residences will be used to house international students and athletes. Students should understand that room contracts hold for the 30 weeks that school is in session, and that, under certain circumstances, the Colleges may reassign rooms, as necessary, during break periods. Room occupants will be notified in advance as such situations arise.

At the end of spring semester, designated residence halls will be open through Commencement for degree candidates, their families, and Colleges guests only. With the exception of graduating seniors, residents are expected to vacate their rooms by noon the day following their last exam.

### **Checking In**

All residences open the day before classes begin. Students should plan to arrive on campus between 9 a.m. and 4:30 p.m. in order to pick up keys at the Residential Education Office, 101 St. Clair St. At this time, students will also be given a Room Condition Report form. It is important that each student take a few minutes to review this form, as it is used by the residential education staff to assess damages upon check-out. Once a student has checked the form and made corrections, the form should be returned to his or her residential advisor (RA). Failure to turn in a form may jeopardize a student's ability to appeal damage charges at a later point.

### **Checking Out**

Students must vacate their rooms by noon the day following their last exam or within 24 hours of withdrawal from the Colleges. Each student living on campus is issued a room key upon arrival on campus. Room keys should be returned to the appropriate residence staff member when students move out of their rooms. A deposit of \$20, paid in the first billing, will be credited to the student's Colleges account when the key is returned.

Students who fail to return their keys by the day following Commencement will be billed \$30 for lock replacement, forfeiting their \$20 deposit and incurring an additional fee of \$10 to cover this charge.

Under the Colleges' lock system, loss of a room key requires the replacement of the lock mechanism as well as the cutting of new keys. Students who lose keys will be charged \$30 for these services. This fee will be charged to the student account of the person responsible for the loss.

Students are expected to leave their rooms in good condition. Personal items left after check out or withdrawal will be removed and disposed of at the owner's expense. Any student who neglects to complete the Room Condition Report form or follow proper check-out procedures forfeits the right to appeal room damage charges and will be assessed an improper check-out fee of up to \$100.

# **HEALTH AND SAFETY POLICIES**

## **ALCOHOL POLICY**

*(Revised August, 2005. All policies previous to this one are null and void.)*

### **Section I. Purpose**

As set forth in the Colleges' mission statement, Hobart and William Smith seek to promote understanding of social issues and problems, and to prepare students for "lives of responsible citizenship...[and the] capacity for acting upon the world in ways that will enrich both their personal lives and the communities in which they live." Alcohol abuse and its associated problems are among such social issues.

In keeping with federal, state, and local laws, the policies set forth here support informed, responsible choices. The Colleges' intention is to encourage and support good judgment in the legal use of alcohol for those who choose to use it.

The Colleges understand that alcohol abuse cannot be ended simply through strict rules and enforcement. We must establish reasonable policies, create programs that educate all members of the Colleges community of the effects of alcohol use and abuse, and provide help for those who need it for themselves or others. We believe that environments that value moderation and responsible choice establish habits of respect for self and others in the use of alcohol and other substances that will likely carry forward throughout students' lives. It is toward this end that the following policies and guidelines have been established.

### **Section II. Legal Context**

Members of the Colleges' community are responsible for complying with federal, state, and local laws, as well as with regulations of the Colleges. Among the relevant laws are the following:

**Legal Minimum Age for Use or Possession.** It is illegal for a person under the age of 21 to consume alcohol or to possess alcohol with the intent to consume it.

**Selling or Giving Alcohol to a Person Under 21.** It is illegal to sell, deliver, or give away alcoholic beverages to any person actually or apparently under the age of 21. (Anyone causing or permitting this to occur is likewise guilty of a crime). This is a Class B misdemeanor.

**Selling or Giving Alcohol to an Intoxicated Person.** It is illegal to sell, deliver, or give away any alcoholic beverage to any intoxicated person or any person under the influence of alcohol. (Again, causing or permitting this to occur is also unlawful).

**Using False Identification.** It is illegal for any person under the age of 21 to present or offer identification of age which is false, fraudulent, or not his or her own, for the purpose of purchasing or attempting to purchase alcoholic beverages. It is also illegal for another person to misrepresent the age of someone under 21 for the purpose of helping the person under 21 obtain alcohol.

**Dram Shop Liability.** Any person who is injured by an intoxicated person has a legal right of action against anyone who has unlawfully sold alcohol to the intoxicated person or unlawfully assisted the intoxicated person in obtaining liquor. In any such legal action, the injured person has a right to recover both actual and punitive damages.

**Social Host Liability.** Any person who furnishes alcoholic beverages to an individual under the age of 21 is at risk of civil liability if the intoxication of the person under age 21 results in injury or damages to a third party.

**Drinking and Driving.** It is illegal to operate a motor vehicle with a blood alcohol content between .05 and .07 percent. This is known as "Driving While Ability Impaired," or DWAI. "Driving While Intoxicated" (DWI) is defined by a blood alcohol content of .08 percent or greater, and is also illegal.

**Zero Tolerance (Under Age 21 Drinking and Driving).** A person under the age of 21 who operates a motor vehicle while having a blood alcohol content of .02 percent or greater (a very low threshold) is guilty of an offense that results in substantial fines and license revocation.

**Alcohol Permit Required for Sale.** An alcoholic beverage control license or permit is required for any sale of alcoholic beverages. "Sale" has been interpreted by the courts to include payment of an admission charge or collection of a donation at the door of an event at which alcohol is distributed free of charge.

**Local Ordinance.** The City of Geneva has adopted the following "Open Container" ordinance:

No person shall drink or otherwise consume liquor, wine, beer, or other alcoholic beverages nor have in her or his possession or carry or transport any open bottle or open container containing liquor, wine, beer, or other alcoholic beverages when such person is in or upon any public sidewalk, street, highway, parking lot, bathing beach, public park, or such public place.

### **Section III: General Rules Governing Alcohol at Events**

The Colleges neither intend nor expect to prohibit the use of alcohol on campus, except by anyone under the age of 21, the legal drinking age in New York State. Rather, we expect students using alcohol to do so legally, appropriately, and responsibly. Penalties for not doing so can range from institutional sanctions to criminal prosecution. Where interpretation is required, the spirit and intention of legal, appropriate, and responsible use will prevail. Reducing the risk of harm and promoting the overall health and safety of students is our primary objective.

- Underage drinking is strictly prohibited.
- Students must use a valid and legal form of identification to purchase or obtain alcohol. Any alteration of identification is considered a violation of the alcohol policy and is likely a legal violation as well.

- Common sources of alcohol (kegs, party balls, punch buckets and unmonitored sources) are not permitted except when administered by an approved third-party caterer.
- Students are responsible for any alcohol in their residences and/or rooms.
- Alcohol is not permitted in traditional residence hall lounges under any circumstances.
- Members of the Colleges community should avoid excessive alcohol consumption. Drinking that is associated with behavior that is or could be harmful to the person drinking, infringes on the rights of others in the community, or results in significant damage to property is not acceptable at the Colleges and is a violation of Colleges' policy.
- Members of the Colleges community may not attend classes or other official Colleges' functions while intoxicated.
- Student activity funds may not be used for the purchase of alcoholic beverages.
- A valid and legal photo ID must always be requested and presented to identify those students who are 21 or older.
- Alcohol may not be mentioned in advertising and publicizing any event.
- Non-alcoholic beverages must be served at any event where alcohol is served. All non-alcoholic beverages must be purchased in proportion to the number of persons attending who are not of legal purchase age; for an open party, that is roughly 75 percent of the student population. A variety of non-alcoholic beverages is recommended (e.g., soda, sparkling water, etc.) Non-alcoholic beverages should be displayed and served in a visible, attractive location.
- Food must be available whenever alcohol is served. Highly salted foods, such as potato chips or pretzels, tend to encourage drinking and, therefore, should not be the only food served. High-bulk foods, such as pizza, bread, cheese, unsalted nuts, or macaroni and potato salads, slow the rate of absorption of alcohol and should be encouraged. In all instances, the amount of food, alcohol, and non-alcoholic beverages purchased should be appropriate to the number of persons attending and should be distributed throughout the event.

• **Risk management training.** The Colleges are concerned about high-risk situations where alcohol is served, and believe the best prevention is through education and training. In balancing the concern for the community with the rights of the individual, the Colleges believe the most effective way to prevent students from harming themselves or others when alcohol is served is to have trained and knowledgeable people overseeing events where alcohol is served. Student organizations that intend to have alcohol at an event defined as "medium" or "large" are required to have an appropriate number of trained and alcohol-free monitors as stated in Section V of this policy.

• **Alcohol proportions.** The quantity of alcohol present during social activities must be carefully limited to a "reasonable amount" for the number of persons of legal age expected to be present. A "reasonable amount" of alcohol is that quantity that will be sufficient to serve each of those of legal age the equivalent of one 12-oz. glass of beer, one 5-oz. glass of wine, or 1-1/2 oz. of distilled spirits during each hour of the event. For events open to the campus community, the amount of alcohol purchased for the number of participants anticipated must be in proportion to the number of persons of legal drinking age on campus, which is approximately 25 percent of the student population. The use of alcohol stronger than 86 proof, beers stronger than 4 percent, and wines in excess of 12.5 percent is prohibited. No person shall be served more than one drink at a time, nor will pitchers of drinks be made available.

• **A third-party caterer** is required in the following situations: (1) At a party billed as "open to the public," at which alcohol is present; (2) At a party that requires written invitation to attend and is larger than 75 people, at which alcohol is present; (3) Whenever alcoholic beverages are sold; (4) Whenever an admission fee is charged at any event where alcohol is served -- regardless of whether the fee is directly applied to the purchase of alcohol; (5) Whenever a common source of alcohol is present. Referral to an approved caterer can be obtained from the Social Events Request Committee.

In contracting with a caterer, the following rules apply:

- (a) The caterer shall be required to maintain and evidence, through the issuance of a Certificate of Insurance, liquor liability coverage in an amount not less than \$1 million, with the host and the Colleges of the Seneca named and evidenced as additionally insured parties on such policy.
- (b) The caterer must agree to and abide by all laws, regulations, and policies set forth in this handbook and established by the State of New York.
- (c) Caterers must use a "bracelet system."
- (d) Approval of third-party caterers is at the discretion of the Vice President for Student Affairs or designee.

(e) The third-party caterer must sign the Social Event Request Form indicating that it accepts responsibility for the alcohol consumed at the event.

• **Bracelet system:** The purpose of the “bracelet system” is to allow those 21 or over and those under age 21 to socialize freely and not be restricted to closed-off areas. The system consists of two different bracelets, one for those 21 and over -- “alcohol yes” -- and one for those under 21 -- “alcohol no.” The third-party caterer is responsible for providing an adequate number of professional staff monitors as determined by Campus Safety based on the expected size, specific location of the event, and standard health and safety procedures regarding crowd control. Professional staff monitors and servers will continually observe that only those who have an “alcohol yes” bracelet are using alcohol. All guests of the party must wear either an “alcohol yes” or an “alcohol no” bracelet while at the party at all times.

• **The dispensing/consumption area:** Access into and out of the alcohol dispensing/consumption area must be controlled by monitors at all entrances. Proofing must take place at the door. Only persons 21 years and older who have an “alcohol yes” bracelet are allowed to be in possession of alcohol. No alcohol may be taken from the dispensing/consumption area at any time.

• **Duration:** All parties have a maximum of five hours in length and will end at 1 a.m., regardless of the location of the party, unless a later hour is approved by the Event Notification Committee.

**Lawn Parties:** All outdoor parties at which alcohol is served must be fenced in.

#### **Section IV: Small, Spontaneous Events where Alcohol is Served**

The Colleges recognize students 21 and older might want to gather together in a spontaneous way to socialize and interact, and alcohol might be present. As long as the spontaneous event meets the aforementioned rules governing alcohol events, students can assemble for a gathering or event in a room with alcohol without completing the Social Event Request Form. These small gatherings will be allowed to occur in residence hall rooms/suites, small houses, fraternities, and Odell’s apartments, as long as the small gathering does not exceed the occupancy guidelines set forth below.

• **In standard residence hall rooms located in Blackwell, Bartlett, Comstock, Durfee, Emerson, Geneva, Jackson, Hale, Hirshson, McCormick, Medberry, Miller, North, Potter, Rees, Sherrill and South, the occupancy cannot exceed seven.**

• **In suite style rooms located in Bartlett, Durfee, Emerson, Hale, Jackson, Medberry, North, Odell’s, Potter, Rees and South, the occupancy cannot exceed 10.**

• **For all houses, including fraternities, the occupancy cannot exceed double the current occupancy plus one.**

Students who are under 21 and choose to be in a room where alcohol is present run the risk of being documented since it is difficult to determine who has been drinking alcohol and who has not. The Colleges want to remind students who are under 21, possession of alcohol is strictly prohibited and is a violation of Colleges’ policy.

#### **Section V: Medium and Large Sized Events Where Alcohol is Served**

Events that are larger than a small, spontaneous event where students who are 21 and older are gathering in an approved location and are serving alcohol are classified as either a medium or large event. A medium sized event is defined as in excess of double the occupancy plus one, up to a maximum of 75 people. A large sized event is defined as a party in excess of 75 people.

Both medium and large sized events, where alcohol is served, require students to plan accordingly and submit an application to the Social Event Request Committee. This committee is comprised of representatives from Campus Safety, Residential Education, Student Life and Leadership, and the Hobart and William Smith student body. Applications are reviewed once a week and can be picked-up at the Student Life and Leadership office, located on the second floor of Scandling Center. When considering an application, the committee will consider the following checklist or guidelines:

• The sponsors of the event meet the general rules governing alcohol at events as outlined in Section III.  
• The Social Event Request Form (SERF) is completed and submitted to the Social Event Request Committee at least five business days prior to the date of the event. The SERF must include the following information:

Name of the event

Description of the event

Sponsoring organization

- Location of event
- Event date and time
- Maximum attendance
- Source of funding for purchasing alcohol
- Quantity and type of alcohol to be purchased
- Quantity and type of food and non-alcoholic beverages to be purchased
- Responsible person (event coordinator) and contact information
- Name of hired security to check IDs and monitor access to event
- Names of trained alcohol-free monitors who will be present at the party  
(ratio 1:10 for medium events and a total of two for large events)
- Name of third-party caterer (required for large event only)
- Name of third-party caterer insurance carrier and liability limits (required for large event only)

• **If approved**, the sponsors of the event must take the following action:

All residents of the small house/residential suite will be notified by letter, at least 24 hours before, of when, where, and the period of time the event will occur.

A Certificate of Approval from the Social Event Request Committee needs to be displayed 24 hours prior to the event in the approved designated area.

• Trained alcohol-free monitors reported on the Social Event Request Form cannot be changed without notifying the Social Event Request Committee at least two days prior to the event. These changes will not be considered official until approved by the Social Event Request Committee.

• At anytime during the event, Colleges officials may visit a party that has been approved through this process.

• If there are discrepancies between the application materials and conditions found at the event, the group, the individual responsible for the event, and the executive board of the group sponsoring the event may face disciplinary proceedings. In addition, pending an investigation, any approved applications of future events will be suspended until such proceedings have concluded.

For **medium** sized events, there must be a ratio of one trained and alcohol-free monitor for every 10 people who are attending the event. These alcohol-free monitors are responsible for the oversight of the event with regard to alcohol policy, risk management, and safety concerns.

Below are the approved locations and occupancy guidelines for medium sized events:

<b>Chi Phi</b>	<b>1 Cloverleaf</b>	<b>50 people maximum</b>
<b>Delta Chi</b>	<b>574 S. Main St.</b>	<b>75 people maximum</b>
<b>Kappa Alpha</b>	<b>600 S. Main St.</b>	<b>75 people maximum</b>
<b>Kappa Sigma</b>	<b>584 S. Main St.</b>	<b>75 people maximum</b>
<b>Sigma Phi</b>	<b>624 S. Main St.</b>	<b>75 people maximum</b>

For **large** events, which are required to have a third-party caterer who is responsible for providing professional staff monitors, the number of monitors is to be decided by Campus Safety, based on the expected size, specific location of the event, and standard health and safety procedures regarding crowd control. It is not necessary for the sponsoring student organization to meet the 1:10 ratio of trained and alcohol-free monitors. However, it is required for the student organization to provide at least two trained and alcohol-free monitors to work with the caterer to ensure the event meets the Colleges policies and guidelines regarding serving alcohol at the event.

Below are the approved locations and occupancy guidelines for large sized events.

<b>Barn</b>	<b>As permitted by fire code</b>
<b>Bristol Gym</b>	<b>As permitted by fire code</b>
<b>Bristol Field House</b>	<b>As permitted by fire code</b>
<b>Winn-Seely Gym</b>	<b>As permitted by fire code</b>
<b>Winn-Seely Dance Studio</b>	<b>As permitted by fire code</b>
<b>William Smith Green</b>	<b>As permitted by Campus Safety</b>

<b>Bristol Green</b>		<b>As approved by Campus Safety</b>
<b>Odell's Parking Lot</b>		<b>As approved by Campus Safety</b>
<b>Common Room</b>	<b>Scandling Center</b>	<b>As permitted by fire code</b>
<b>Saga</b>	<b>Scandling Center</b>	<b>As permitted by fire code</b>
<b>Cafe</b>	<b>Scandling Center</b>	<b>As permitted by fire code</b>
<b>Cellar Pub</b>	<b>Coxe Hall</b>	<b>120 people maximum</b>
<b>Chi Phi</b>	<b>1 Cloverleaf</b>	<b>50 people maximum</b>
<b>Delta Chi</b>	<b>574 S. Main St.</b>	<b>150 people maximum</b>
<b>Kappa Alpha</b>	<b>600 S. Main St.</b>	<b>150 people maximum</b>
<b>Kappa Sigma</b>	<b>584 S. Main St.</b>	<b>150 people maximum</b>
<b>Sigma Phi</b>	<b>624 S. Main St.</b>	<b>150 people maximum</b>

## **Section VI: Athletic-Related Events and Occasions**

Alcoholic beverages are prohibited at all athletic events, with the exception of tailgate parties and sanctioned booster club activities, which must adhere to the following conditions:

- All federal, state, and local laws apply, as well as applicable Colleges' policies and procedures.
- Underage drinking is prohibited.
- These parties are permitted only during the hour before, the hour after, and at half-time of the athletic event.
- Those wishing to tailgate must park in an assigned, restricted area. Consumption of alcohol must be confined to this area.
- The amount of alcohol to be consumed must be a reasonable quantity, suitable to a picnic-type gathering.
- Parents, guests, and others must ensure that persons under the age of 21 are not served alcohol.
- "Common source" containers are prohibited in the tailgating area.
- Guests of the Colleges are requested to cooperate with Campus Safety and athletics department personnel in restricting alcoholic beverages to the designated area and in prohibiting underage use.
- Underage drinking and/or disruptive behavior of any kind will result in the event being closed down.

## **Section VII: Faculty-Sponsored Events and Institutionally Sponsored Events on Campus**

The Colleges value and seek to encourage occasions at which faculty and others include students in dinners, receptions and other events, providing for informal interactions. To assure that the Colleges meet their legal responsibilities when alcohol is served, on-campus events sponsored by faculty, administrative, and other institutional departments, programs, organizations, or sponsors at which alcohol is to be served and students are present must be catered by Sodexo or another approved third-party vendor. Event sponsors are responsible for assuring that no underage drinking occurs and that underage students and others who do not wish to drink alcohol are provided with suitable options.

## **Section VIII: Events and Social Occasions Off Campus**

Students living off campus are expected to meet state and local laws governing alcohol and other substances. Underage drinking and/or disruptive behavior of any kind may result in criminal prosecution and penalties by civil authorities and disciplinary action and sanctions on the part of the Colleges.

Parties and events sponsored by student organizations are governed by the policies and procedures described in this policy, regardless of location on or off campus.

Faculty and other Colleges' staff and employees are advised that any events in homes or elsewhere off campus at which students are present and at which alcohol is served are governed by the policies and procedures described herein, when the occasion can be reasonably described as arising out of the faculty or staff member's relationship to students as teacher, coach, adviser, department or program director, employer, Colleges' employee, or co-participant in an institutionally-sponsored, sanctioned, or related activity. Underage drinking is prohibited. Under no circumstances may Colleges' funds be used to purchase alcohol to be consumed by students except in the case of on-campus dinners, receptions, and similar events catered by Sodexo or another third-party vendor.

These policies and principles extend to faculty and all other employees supervising all off-campus activities, including (but not limited to) off-campus semesters, field trips, athletics and other travel, and attendance at conferences.

## **OTHER DRUGS POLICY**

*(Updated August 2005.)*

### **General Principles**

As an institution of higher education, Hobart and William Smith Colleges have a responsibility to promote an environment that is incompatible with the use of illegal drugs and the abuse of other drugs/substances not medically prescribed and supervised.

Existing federal and state laws prohibit the possession, use, manufacture, and distribution of controlled substances. Degree and penalties vary depending upon the type of substance, amount of substance, prior record of individual and age of individual. Penalties for violating state laws can include substantial fines and imprisonment ranging from a few months to life. Violation of federal laws can also result in substantial fines and imprisonment as well as forfeiture of property and denial of federal benefits, including financial aid.

The Colleges prohibit illegal possession or transfer of any controlled substance so defined in the statutes of New York State. The outcome from selling, making or distributing drugs, and from socially disruptive behavior resulting from use of illegal drugs will be prompt and decisive Colleges' action. In addition, the Colleges prohibit the possession and/or use of drug-related paraphernalia. The Colleges are an educational institution. They do not apply sanctions of the law, but they do not ignore the law nor stand between the student and the law.

Hobart and William Smith Colleges take this position because use of these drugs can: (1) Create personal hazards and costs whether legal, academic, medical, or otherwise for users and others; (2) Affect negatively the well-being, intellectual, social, emotional, and spiritual/ethical growth and development of members of the community; (3) Cause situations in the setting of a residential college in which individual actions affect all members.

### **Individual Responsibility**

Individual members of the Hobart and William Smith community should understand that: (1) They are responsible for their own conduct and its effect on others; (2) Drug use/abuse is no excuse for unacceptable behavior. The association of such usage with problem behavior will be seen as an exacerbating factor, and not a mitigating one; (3) Assisting someone in obtaining help for problem or addictive use is an act of legitimate and reasonable concern; (4) Each member of the community is responsible for actively contributing to and sustaining a healthy campus environment.

### **Health Risks of Alcohol and Other Drugs**

All drugs are chemical substances that affect both psychological and physical functioning. Health risks that may result from the use of illegal drugs include addiction, increased susceptibility to illness due to a less-efficient immune system, increased likelihood of accidents, increased likelihood of sexual assault and violence, impaired cognitive functioning (*e.g.*, impaired memory, distortion of reality), and death. Most drugs are associated with risks specific to that drug, and additional information about the effects of individual drugs may be obtained from Hubbs Health Center and the Office of Alcohol and Other Drug Programs.

Alcohol is an addictive drug that acts to depress central nervous system functioning. Although its effects vary among individuals, alcohol generally decreases alertness, impairs judgment, and reduces physical coordination and muscle control. People who consume larger quantities of alcohol can experience blackouts and severely impaired mental functioning, including memory loss. Unconsciousness, respiratory arrest, coma, and death are possible consequences of high levels of alcohol consumption.

Drinking is strongly associated with other high-risk conditions including being involved in car accidents and becoming infected with sexually transmitted diseases. Heavy drinking often increases the likelihood of violent behavior including sexual assault, date rape, and fighting. Long-term drinking can result in addiction and physical damage such as heart disease, liver disease, and ulcers.

### **Colleges' Response to Violations of Alcohol and Other Drugs Policies**

Hobart and William Smith Colleges recognize the important link between intellectual growth within the classroom and the social and emotional development that students experience in their daily lives.

When students make choices that violate the Colleges' policies, an educational response is the ideal approach to help students to think about their options and the decision-making process. However, when there have been incidents that place the student and/or others at the risk of harm, or when there have been repeated offenses, other steps, such as a referral to the Office of Alcohol and Other

Drug Programs (AODP), might be necessary. Outside assistance by a local treatment facility or a leave of absence from the Colleges in order to gain some insight into what might be contributing to the unhealthy behavior are also possible outcomes. In addition, some incidents may call for more traditional disciplinary action such as probation or suspension. Consistent with current policy, parents are notified when a student's status at the Colleges changes. When an incident involves violations of the alcohol and other drug policy and other policies, other sections of the *Handbook of Community Standards* will be invoked as well.

The Colleges recognize that when alcohol or other drugs are abused, the health and safety of students are the primary concerns. In situations where students call for help for themselves or another student needing medical assistance due to intoxication, the student calling will not be subject to the Colleges disciplinary procedures for the sole violation of using or possessing alcohol.

The intent of requiring attendance at an AOD seminar by all students who are named in an AOD violation report is to address alcohol use and abuse as a systemic problem. Essentially, it is not only a problem for individual students who use but may become a problem for the larger community when use/abuse is pervasive. Every student can contribute to creating an environment that rewards responsible behavior and discourages unsafe use. Therefore, every student found present where a violation takes place should benefit from education about this issue.

It is important to note that no determination concerning a student's guilt in a first violation will be made. Every student named in a report for the first time will be required to attend the seminar but no record of responsibility for a violation will be placed in the student's permanent file. A notation will be made, however, documenting that the student received education about the issue.

The following guidelines represent typical responses that will most likely result when there are subsequent violations of the HWS alcohol and other drug policy. Although each incident is considered on its own merit, prior judicial background or other behavioral incidents will be taken into consideration when decisions are rendered. In some situations, a first offense may result in a more serious response, given the nature of the incident.

### **Level Zero**

All students who are cited for a violation of the alcohol and other drug (AOD) policy for the first time are required to attend an AOD education seminar offered by the Office of Alcohol and Other Drug Programs. Violations leading to an AOD seminar would include the following: possession or use/abuse of alcohol by persons under the age of 21, possession or use of marijuana or paraphernalia by students of any age, and physical presence in a room, common area or during an activity where such use is taking place. The intent of requiring the attendance at an AOD seminar by all students who are named in an AOD violation report is to address alcohol use and abuse as a systemic concern. Essentially, inappropriate use is not only a concern for individual students who use but may become a concern for the larger community when heavy-episodic or high-risk use is pervasive. Every student can contribute to creating an environment that rewards responsible behavior and discourages unsafe use. Therefore, any student found present where a violation takes place would likely benefit from education about this issue.

It is important to note that every individual student named in a report for the first time will be required to attend the seminar but no record of responsibility for a violation will be placed in the student's permanent file. A notation will be made, however, documenting that the student received education about the issue. Students who are referred to an AOD seminar will be required to complete the seminar within three weeks of the incident. In addition, students who do not attend a required AOD seminar will have that noted in their record and would face disciplinary action for not attending.

### **Level One**

A Level One offense is when a student violates the alcohol and other drug policy for the first time after having been to an AOD seminar. This student will be placed on official Level One status. This status should serve as a reminder to students about their behavior and would be regarded as the next step in a progressive disciplinary process. Examples of Level One violations include possession of alcohol under age or sustained presence in a room where any AOD violation is taking place.

A student at Level One will be required to complete an online educational program designed by the Office of Alcohol and Other Drug Programs. Once the student completes this brief feedback program, he/she will print out a completion certificate, return it to the Office of Alcohol and Other Drug Programs, who will then notify Residential Education the student completed the online program.

### **Level Two**

A Level Two offense is when a student violates the alcohol and other drug policy again after having completed both the AOD seminar and the online educational programs, or when a student's use causes personal or academic consequences. Depending on the situation, the student will either be referred to his or her area coordinator or Hobart Student Court/ William Smith Judicial Board. Typical sanctions include referral to a two-week AOD group meeting, and other educational programming or housing probation. Examples of

violations at this level might include, but are not limited to, possession of marijuana, drug paraphernalia, alcohol paraphernalia (*e.g.* alcohol funnels, keg stands, etc.), large quantities of alcohol, kegs or beer balls, or use in public or common areas, or a repeat of a Level One offense.

Please note that students who participate in drinking games or who consume alcohol quickly (*e.g.* beer pong, shots, funnels—to name a few examples) are considered to be engaged in unsafe behavior, which is minimally a Level Two offense.

### **Level Three**

A Level Three offense involves behavior that suggests the excessive consumption of alcohol or other drugs, or leads to an alcohol or other drug-related arrest. Depending on the situation, the student will either be referred to his or her area coordinator or the Vice President for Student Affairs or designee. At this level, the student may be referred for an individual assessment and screening by the Office of Alcohol and Other Drug Programs and/or placed on temporary probation or probation, depending on the individual circumstances. Additionally, this level might require the student to seek outside assistance to address his or her potential substance abuse issues. Parents are also notified by way of a copy of the letter documenting any judicial action.

The Office of Alcohol and Other Drug Programs will assist the student in facilitating a referral to another treatment provider as necessary. Examples of violations at this level might include, but are not limited to: third violation of policy, alcohol and other drug-related hospitalization, arrest for false identification, DWAI/DWI, blood alcohol content (BAC) .20 or above, or destruction of property.

In situations where a student is intoxicated, the primary concern is the health and safety of the individual(s) involved. Students who receive medical assistance because they have, or another student has, called Campus Safety or residential education may be placed on temporary probation. The student making the call for his/her friend out of concern for this person will not face disciplinary action. Once the student needing medical assistance has completed all recommendations, the temporary probation will be removed from the student's record. Probation will be retroactive to the date of the incident should the student not follow through on recommendations.

Students who are involved in their second Level Three offense may be required to withdraw from the colleges for a period of time, typically one or two semesters. Probation may be immediate for those students who come to the attention of the Colleges and received medical attention that did not occur as a result of the self report or report of another student.

Students who are responsible for hosting or sponsoring drinking games, as mentioned above, who procure kegs, or otherwise engage in sponsoring behavior that is unsafe by its nature are considered to be responsible for a Level Three offense.

### **Level Four**

A Level Four offense is when substance use results in behavior that leads to potential or actual harm to self or others. The student will likely be suspended or permanently separated from the Colleges, and could face referral to local law enforcement agencies. Examples of Level Four violations might include, but are not limited to, growing, manufacturing, selling, or distributing (including the "sharing" of) illegal substances; selling, distributing, or inappropriately using prescribed medications; possessing cocaine, opioids, hallucinogens, amphetamines or hazing with alcohol or substances.

## **Educational and Counseling Programs for Alcohol and Other Drugs**

The Colleges provide educational programs and counseling services to address the issues of alcohol and other drug use. The Colleges' goals are to increase awareness, and to assist those in need of help, as in those potential instances of addiction, chemical dependency, and other negative consequences resulting from use or abuse of alcohol and other drugs.

Educational outreach is offered throughout the school year by the Office of Alcohol and Other Drug Programs and various offices and organizations including residential education, athletics, student life and leadership, and fraternity houses. Courses in a variety of disciplines (*e.g.*, biology, chemistry, philosophy) also provide academic discussion of alcohol or other drug use. Information about counseling services on campus can be obtained from the Office of Alcohol and Other Drug Programs (ext. 3478), Hubbs Health Center or the Counseling Center (ext. 3600). Students who wish to obtain information about off-campus resources can call the Council on Alcoholism and Other Drug Dependencies of the Finger Lakes (789-0310), Finger Lakes Addictions Counseling and Referral Agency (781-0771), or the Colleges' Office of Alcohol and Other Drug Programs.

## **DRUG-FREE WORKPLACE POLICY**

Hobart and William Smith Colleges are committed to maintaining a drug-free workplace. The health hazards of drug use and the negative effects on job performance are well known. In accordance with the Drug-Free Work-place Act of 1988, the Colleges prohibit

the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on all Colleges-owned or -controlled property or while conducting business of the Colleges off campus.

### **Sanctions for Violation or Non-Compliance**

Corrective action in accord with the applicable provisions of the *Faculty Handbook*, or the Colleges' personnel policies, the collective bargaining agreement, or this handbook may be imposed within 30 calendar days of notice, on any faculty, administrator, staff member, or student employee who is found to be in violation of any provision of this policy. In addition, or as an alternative, an employee or student employee found to be in violation of this policy may be required to participate satisfactorily in a drug abuse assistance or rehabilitation program.

### **Compliance as a Condition of Employment**

Compliance with the provisions of this policy shall be a condition of employment at the Colleges.

### **Employee Obligation for Notification of Conviction**

In compliance with federal law, any faculty member, administrator, staff member, or student employee convicted of violating any criminal drug statute for activity that occurred on Colleges-owned or -controlled property is required to notify the Colleges within five calendar days after the conviction. A faculty, administrative, or staff member shall notify the Office of Human Resources. A student employee shall notify the Vice President for Student Affairs or designee.

### **Employer Obligation for Notification**

The Colleges are obligated to notify the appropriate federal contracting or granting agency, if applicable, within 10 calendar days after receiving notice of an employee conviction under paragraph three above. An academic officer, supervisor, or Vice President for Student Affairs or designee who receives notification of a conviction under paragraph three above shall immediately inform the Office of Human Resources in writing so that in those cases where a convicted employee is engaged in the performance of a federal grant or contract, the appropriate federal agency can be notified.

### **Maintenance of a Drug-Free Workplace**

The Colleges' good-faith efforts to maintain a drug-free workplace will include provision of ongoing drug awareness educational programs, dissemination of this policy to all faculty, administration, staff, and student employees, and strict enforcement of its policy. The Office of Human Resources will work with the Colleges' Employee Assistance Program to offer drug education and awareness programs for employees. The Colleges' Health Center, Counseling Center and the Office of Alcohol and Other Drug Programs will continue to offer such programs for students. Other campus organizations may also provide such programs for the Colleges community. Faculty and administrative staff members, and student employees are expected to avail themselves of these programs.

## **SMOKING**

As the percentage of smokers in the population has dropped, demands of non-smokers to enjoy a smoke-free environment have increased. Reliable studies have demonstrated that secondhand smoke is a significant health hazard. The following policy is established to ensure compliance by the Colleges with local laws and to ensure that members of the Colleges community are protected from undue risk.

### **Smoking Policy**

Smoking is prohibited in all student residences, and in all indoor common spaces, where no person shall smoke or carry a lighted cigar, cigarette, pipe, or any other form of smoking object. Non-smoking common areas include, but are not limited to, gymnasiums, restrooms, elevators, stairwells, waiting rooms or waiting areas, the swimming pool area, hallways, classrooms, conference or meeting rooms, lecture halls, the Health Center, enclosed work areas containing more than one person, enclosed offices for one person that receive frequent visitors, areas used by more than one person, such as areas containing supplies, photocopying equipment, lounges, the library, the College Store, the post office, the Cellar Pub, and the Chapel.

### **Colleges' Response to Violations of the Smoking Policy**

Similar to violations of the alcohol and other drug policies, the Colleges' approach to smoking violations is an educational response. The following guidelines represent typical responses when there are repeated violations of the HWS smoking policy. Prior judicial background and other behavioral conduct will be taken into consideration when decisions are rendered.

Level 0 (first offense)	Written warning by the Area Coordinator	
Level 1 (second offense)	Meeting with Area Coordinator and educational	sanction
Level 2 (third offense)	Meeting with Area Coordinator and referral to and Other Drug Programs	Office of Alcohol
Level 3 (fourth offense)	Social probation	

## **AIDS POLICY**

HIV may be transmitted by all forms of sexual intercourse without barrier protection, by exposure to blood, blood products or certain body fluids (such as semen, vaginal fluid, and breast milk), by sharing needles (as in intravenous drug use), or when there is traumatic injury from a source contaminated with the virus (such as a needle stick injury with a used needle from a person with HIV infection.) To date, casual everyday contact with a person infected with HIV has not been shown to transmit the virus.

Tests are available to identify HIV infection, and treatment is available for the complications of AIDS. Confidential HIV testing through AIDS Rochester is available to students on campus at Hubbs Health Center. In accordance with New York State law, the testing includes both pre- and post-test counseling. (See also "HIV Testing," under "Health Policies" in the "Administrative Policies" section.)

As recommended by the American College Health Association, Hobart and William Smith Colleges are committed to education as an important aspect of AIDS prevention and intervention. Educational programs for students, faculty, staff, and other employees address medical and epidemiological information; healthy behaviors; and misperceptions about individual and group safety or risk with regard to HIV and AIDS.

The following is a list of specific guidelines for dealing with students with AIDS or AIDS-related diseases and those with a blood test positive for HIV:

- (1) The Colleges will not consider AIDS as an exclusion criterion in admission decisions or require screening of student groups.
- (2) Those with AIDS or an HIV-positive blood test will not be denied access to classes, residence halls, eating places, gymnasiums, swimming pools, or other common areas.
- (3) Special concerns exist regarding residency, particularly the threat to those with AIDS from exposure to others with contagious diseases (chicken pox, etc.). Private rooms or other accommodations may be provided, as required, for the protection of people with AIDS.
- (4) The Colleges will make medical monitoring and counseling available for HIV-positive persons, people with AIDS, and other concerned students.
- (5) The law in New York creates substantial protection for individuals who test positive for HIV or who have AIDS or HIV-related conditions. Information regarding persons with AIDS or HIV infection is treated with a greater degree of confidentiality than other medical information and, with a few exceptions, such information may only be released with a specific written release. However, certain HIV and AIDS information must be reported to the Department of Health and/or the County Health Officer as required by law.
- (6) Educational programs will emphasize that those with positive tests can transmit the disease through anal, oral, or vaginal intercourse and by sharing needles; that consistent use of condoms with spermicides containing nonoxynl-9 may cut down spread of the disease; and that toothbrushes, razors, etc., that may be blood-contaminated should not be shared.

## **CRIME STATISTICS**

(Filed, as required by Article 129-A of the New York State Education Law)

Crime statistics reported to campus authorities are reported annually to the federal Department of Education and distributed to all faculty, students and staff by Oct. 1 of each year. The report is maintained on the Hobart and William Smith Colleges' Web site and can be viewed at

[http://www.hws.edu/pdf/living\\_safely.pdf](http://www.hws.edu/pdf/living_safely.pdf).

## **PUBLIC ORDER**

(Filed, as required by law, with the State of New York.)

All persons on the campus, as all other persons, are subject to the constitutions and laws of the United States and the State of New York and to the ordinances of the City of Geneva.

The following city ordinances are of particular interest to students:

- The owner of any dog shall not allow, suffer, or permit his or her dog to run at large within the city at any time except when such dog is restrained by a leash or unless accompanied by its owner or other responsible person in full control of such dog.
- No person shall throw, cast, drop, put, or place or (having accidentally dropped) fail to pick up any bag, bottle, bottle cap, box, container, garbage, paper, piece of paper, wrapper, or any other trash or litter in or upon any public park, place, playground, cemetery, fountain, street, or building, except in receptacles provided for such purposes.
- No person shall drink or otherwise consume liquor, wine, beer, or other alcoholic beverages or have in his or her possession, or carry or transport, any open bottle or open container containing liquor, wine, beer, or other alcoholic beverages while such person is in or upon any public sidewalk, street, highway, parking lot, bathing beach, public park, or other such public place.
- No person shall place, deposit, store, or allow to remain upon any private land or property within the city any abandoned motor vehicle for a period of more than two weeks, except in a garage or similar enclosure.
- Firearms and/or weapons (including air guns, pistols, knives, martial arts weapons, and other dangerous devices) are not allowed in college residences or on the campus at any time. Legal firearms may be registered and stored with the director of safety and security.
- Conduct by any person or persons (faculty, students, visitors, or others) that infringes on the civil, personal, or property rights of others will not be tolerated. This includes all actions that, by use of force, obstruct the educational program and other college activities, including the occupation of college buildings or areas of the campus, and destruction of college property or the property of others.

## **Penalties**

Violators of these regulations will be subject, if students, to appropriate disciplinary action; if faculty or other college employees, to possible suspension or termination of employment. Visitors who violate these rules will be subject to ejection from the campus and liable to such penalties as may be imposed in accordance with federal and state law and local ordinances.

## **Removal of Violators from Campus**

If a person who engages in disorderly conduct, as specified above, persists in this conduct despite notice to cease and desist, and the safety of students, faculty, staff, or college property is in question, the person or persons shall be removed from the campus, if necessary by use of police or other civil authorities.

Any decision to seek an injunction of a civil court or to call in civil authorities will be made by the president or his designee.

The above rules and regulations were adopted and promulgated by the Board of Trustees on February 19, 1971. These rules are not a limitation but are an amplification of existing laws concerning the operation of the Colleges.

## **VEHICULAR TRAFFIC AND PARKING REGULATIONS**

To help preserve the safe and peaceful quality of life on the campus and adjoining residential streets, the following parking and traffic regulations have been established and are in effect.

## Traffic Regulations

In general, the provisions of the New York State Vehicle and Traffic Law shall be considered applicable and in force on all campus roadways and parking areas. The speed limit for all vehicles on campus roads and in parking areas is 15 miles per hour. Speed limits on city streets are 30 miles per hour or as posted. As always, speed should be slower if appropriate for safety.

Persons who operate vehicles on campus in a careless manner, without regard for the rights of others, or in a manner so as to endanger persons or property, will be considered as driving recklessly. Overloading and riding outside of a vehicle are dangerous at any time and prohibited on campus. These careless behaviors may result in a citation for a moving violation from the Geneva Police Department and/or Colleges' disciplinary action.

Golf carts and similar unlicensed vehicles utilized by maintenance, athletics, and special programs must be operated on Colleges' property only and in a safe and responsible manner. They are not permitted to be driven on public streets or sidewalks, except to cross directly from one Colleges' property to another. The Geneva Police may issue summonses to individuals found operating these vehicles illegally.

Bicyclists are reminded that riding on public sidewalks is prohibited in the City of Geneva by anyone over the age of 14. The New York State Vehicle and Traffic Laws apply to bicycles operated on roadways. Bicyclists must comply with traffic control devices, such as stop signs and red lights, and must use a headlight and rear reflectors after dark.

## Parking Regulations

**City of Geneva parking information.** Tickets are issued for vehicles illegally parked on city streets within the campus area. The Geneva Police may issue these tickets. Parking restrictions in these areas are indicated by signage and vary depending on location.

There is no on-street parking in the City of Geneva from 2 a.m. - 6 a.m. from December 1 to April 1 each year to facilitate snow removal. Exceptions *only* are marked with signage, such as on South Main Street, which has alternate-side parking. These provisions are actively enforced with tickets and towing, whether it is snowing or not.

Parking is not permitted between the curb line and sidewalks. This includes grass areas and entrances of driveways.

Tickets issued by the City of Geneva have fines that increase if not paid in a timely manner. Collection of fines is actively pursued and may include billing to students' home addresses and towing of scofflaws.

**Campus parking philosophy.** The arrangement of the Colleges' buildings, roadways, sidewalks, and parking lots in the central campus area is designed to accommodate pedestrian traffic. The system is not designed to accommodate intra-campus vehicle traffic to and from classes, meetings, meals, or running errands. A vehicle should be considered a means to get to and from campus, but not for transportation to destinations on campus. Parking enforcement efforts are intended to maintain compliance with the established regulations for the safety of the campus community and protection of the campus environment.

**Campus parking availability.** Parking for students, faculty, staff members, and visitors to Hobart and William Smith Colleges is available at numerous sites within the campus. Except for designated short-term parking areas, use of all lots requires a valid Hobart and William Smith parking permit. Obtaining an approved parking permit does not guarantee a parking space; it provides the privilege of parking in any available authorized space. Lack of an available space does not constitute justification to violate parking regulations. When individuals find their desired parking area is full, they may use other available authorized spaces in other campus lots or authorized spaces on city streets.

**Parking spaces defined.** Campus parking spaces are normally paved with asphalt and marked with yellow pavement markings on either side. If parked next to one yellow pavement marking, the vehicle is past the end of the row. Except as noted later, if a vehicle is parked on grass, loose gravel, or dirt it is not in a parking space. If parked on a series of diagonal or crossed yellow lines the vehicle is in a no-parking area. If there are no pavement markings the vehicle is in a drive lane or roadway.

*Exceptions:* Jackson A and Potter lots are exceptions because they are not paved or marked with striping. Parking in Jackson A and Potter is along the east and west sides of the parking surface; and 584 S. Main consists of four spaces to the immediate right of the North Garage door.

**Display of permits.** The annual parking permit must be displayed on the driver's-side passenger window of the vehicle. Pickup trucks and other vehicles without passenger windows should use the driver's side of the rear window. Parking stickers must be permanently affixed to the window and not moved from car to car. Individuals with tinted windows should indicate this when registering their vehicle and an appropriate sticker will be issued. Temporary parking permits must be displayed as indicated on the

permit. Permits should be removed from vehicles when they expire or upon the sale or transfer of the vehicle to another party. All annual parking permits expire on August 1 each year except for student permits paid for and issued on a semester basis. These expire at the end of the semester for which they were issued.

**Permits for employees.** All vehicles that will be parked on campus must be registered. These permits are renewable every year during the time of employment. Parking decals for faculty and staff members are issued by the Office of Campus Safety at the beginning of the academic year and as needed throughout the year. There are no fees for Colleges' faculty/staff permits. To re-register a previously permitted vehicle, the faculty or staff member must present a completed registration form in person or by mail. Mail-in registrations are available for faculty or staff only. A parking decal will be issued and must be promptly and properly installed on the vehicle.

Newly appointed faculty or staff members may be requested to show a Colleges' I.D. card when registering for a permit. Individuals registering a vehicle for the first time in the parking system or with newly issued plates may be requested to show a copy of the vehicle's registration. Persons registering by mail in these circumstances must provide photocopies of these documents.

**Permits for students.** All vehicles must be registered. In order to register a vehicle, a completed registration form, the vehicle owner's registration and the student's driver's license must be presented at the Office of Campus Safety. Students can pay for their parking registration at Campus Safety by charging the fee to their student account. No cash or checks are accepted. Cash and checks may be used at the student account office. A parking decal will be issued and must be promptly and properly installed on the vehicle.

Vehicles must be properly registered, with the decal correctly displayed, within three business days of the first day of classes of each semester. Vehicles brought to campus during a semester must be registered immediately. Students who change vehicles after their initial parking decal is issued must update the vehicle information at the Office of Campus Safety. A new decal will be issued without additional fees. When upgrading a permit, fees already paid will be applied to the cost of the new permit.

Parking permits are required for all vehicles that will be parked on Colleges' property and operated by students living in Colleges' residences. This includes dormitory, apartment, and large residence parking areas as well as driveways for small houses, co-ops, and theme houses. Parking in driveways is limited to a maximum of three vehicles (two recommended), and these vehicles must not extend into the pedestrian sidewalk or roadway.

**Limited-use permits.** Vehicles with limited-use permits may use Houghton House, Carriage House, Field House, and Village at Odell's Pond parking areas at all times, as these are not considered central campus lots. Individuals displaying a limited-use student permit may use central campus parking during non-business hours (5 p.m. - 8 a.m., Monday - Friday, and all times Saturday, Sunday, and school holidays). Limited-use permitted vehicles that are found parked in central campus lots during business hours will be cited for only the parking regulation violations involved and not assessed the \$5 per ticket unregistered-vehicle fine.

**First-year Permits.** All first-year students bringing a vehicle to campus will be assigned parking in the first-year lot. First-year permits allow the bearer to use the Houghton House, Carriage House, and Field House lots only during business hours. First-year students are prohibited from parking on city streets in and around campus. Parking in any other lots is strictly prohibited.

**Off-campus students** who reside within one-half mile of campus will have no central campus parking privileges during business hours (8 a.m. - 5 p.m., Monday- Friday). These individuals are encouraged to register their vehicles for limited-use student permits.

**Residents of the Village at Odell's Pond** will not be eligible for regular student central campus parking privileges; they must register their vehicles in the limited-use permit program and observe the restrictions for no central campus parking 8 a.m. - 5 p.m., Monday - Friday. This restriction is designed to reduce unnecessary traffic on St. Clair Street and was necessary for Colleges' approval to build the complex.

**Fraternity members** who bring vehicles to the Colleges may park in their house lots without permits. Those who wish to use on-campus parking even occasionally must register their vehicles with the Office of Campus Safety. They are encouraged to obtain either regular student registrations or limited-use permits, depending on their needs.

**Commuter permits** are available for students residing more than one-half-mile from campus and for students who reside in Medbery and Geneva halls. Individuals with these permits are the only students eligible for parking in the Medbery lot.

**Student parking permit fees.** Fees for regular on-campus parking for student vehicles are: full year \$100; one semester \$60; limited-use permits: full year \$40; one semester \$30; commuter permits: full year, \$100; one semester, \$60; first-year permits: full year, \$100; one semester, \$60.

**Daily visitor permits/special conference needs.** Visitors to campus (persons who are not registered students or affiliated with the Colleges) who will not be staying overnight must obtain a daily vehicle pass from the Office of Campus Safety upon arrival on campus. There is no charge. Medbery lot is the designated area for visitor parking and normally has sufficient space available to meet visitors' needs. Visitors may use other lots designated for V permits if space is available. Persons sponsoring conferences or departments with frequent visitors may contact the director of security and safety in advance for any special parking permit needs.

**Temporary registrations.** In order to aid students, faculty and staff members, overnight visitors, and other individuals with a temporary need to bring a vehicle onto campus, the Office of Campus Safety will issue a free courtesy vehicle registration valid for a period not to exceed 10 days.

**Annual visitor permits.** To assist individuals who will be visiting on campus longer than 10 days or who routinely visit the campus throughout the year, an annual visitors permit is available. This permit is issued at no charge and eliminates the need to obtain day passes continually. This permit is useful for community residents who regularly use campus facilities such as the library, field house, or Scandling Center. It is also advisable for family and friends who visit frequently to obtain this permit.

**Improper obtaining of permits.** Students found to have intentionally obtained a permit to which they are not entitled, displaying a permit reported lost or stolen, or otherwise attempting to defraud the parking permit system will be referred to the Office of the Vice President for Student Affairs or designee for disciplinary action. In the case of faculty and staff members, referral will be to the Office of Human Resources. Visitors may have their privileges to park on campus withdrawn. Individuals will also be responsible for any additional fines attributable to their vehicle not being properly registered.

**Restricted parking areas.** Parking restrictions shall apply at all times, unless otherwise indicated. The following are restricted parking areas:

- (1) Bristol Gymnasium parking lot, faculty/staff permits only;
- (2) Lansing and Eaton Halls parking lot, faculty/staff permits only;
- (3) St. Clair Street lot (Smith Hall), faculty/staff permits only;
- (4) Hubbs Infirmary parking, faculty/staff permits only;
- (5) Winn-Seeley lot, southeast of building, Monday-Friday, 8 a.m. - 5 p.m., faculty/staff permits only;
- (6) Medbery parking lot, Monday-Friday, 8 a.m. - 5 p.m. faculty/staff, commuter (includes Geneva and Medbery halls residents), visitor permits only;
- (7) The College Store parking lot, one-hour parking only; no student parking at any time;
- (8) Scandling Center parking lot, northwest border, 15-minute parallel parking only;
- (9) Service Building (west of main entrance) restricted to 15-minute and one-hour parking primarily for parking registration, short-term visitors, and persons conducting business inside;
- (10) Other restrictions and areas may be indicated by signage.

**General parking areas.** The following central campus parking areas are available for all regular parking permit holders (F, S, C, V) and limited permits (L) after 5 p.m. and before 8 a.m. Monday - Friday. The lots designated as peripheral campus lots are available to all permit holders at all times. Most parking areas are named for the building in closest proximity to them. Locations are provided as needed.

#### **Central Campus Lots**

Barn  
McCormick  
737 South Main  
Student Complex

Brent House  
Miller  
Student Complex

Comstock A and B  
North (at South Cloverleaf)  
584 South Main

Pulteney (south of Sherrill)

Sherrill A and B, Bampton

Scandling

Jackson A and B, Rees, Potter

**Peripheral Campus Lots**

Carriage A and B

Houghton House

Field House

Odell's Village North

First-year Lot

**Special needs parking.** Students who have special needs or require exceptions to the parking rules and regulations may apply to the director of campus safety for a special use permit. Students who require special temporary parking for health-related reasons can request these privileges through the Hubbs Health Center.

**Campus parking regulations.** Parking is prohibited in the following situations: on campus driveways, roadways, or walkways; on any lawn areas; in any restricted areas marked by signs, yellow curb markings, or yellow-line markings; when blocking other vehicles from parking; in spaces designated for the handicapped or for service vehicles, without proper identification; less than a minimum of 15 feet from a fire hydrant or stop sign; double parking; in a fire lane (all driveways, campus roadways, and walkways are considered fire lanes); in areas marked by barricades, fencing, or barrier tape indicating a temporary no parking/driving zone; at the direction of a campus safety officer or other Colleges' official charged with regulating vehicle traffic and parking.

**Signage.** The Colleges will enforce the parking regulations for the above violations regardless of the presence of any or contiguous signage at the specific location. Reasonable efforts will be made to clearly mark authorized parking spaces with signage or pavement markings. If these markings are absent, assume that the area is not for parking. By publishing these regulations all individuals are expected to know these regulations and follow them. The fact that a person has been incorrectly advised of the parking regulations does not constitute an excuse for violations. In this regard, the authority is the current *Parking and Traffic Handbook*.

Near the entrance to each parking area is a green sign identifying the lot by name. These signs also identify the type of permit required to use the lot and the times they are required. Unless the lot is restricted 24 hours, the lot is available for use by any permit after the hours stated.

The required permits are identified by the letter that precedes the number on the permit. Parking permits are also color coded to assist in identifying the type of permit that has been issued. They are as follows: F = faculty/staff (teal); S = resident student (blue); C = commuter student (purple); L = limited-use student parking (red); V = visitor (yellow); first-year lottery permit (neon green).

**Consequences.** The penalty for violation of parking regulations at Hobart and William Smith Colleges may be a fine, tow-away and storage of the vehicle at the operator's/owner's risk and expense, loss of campus parking privileges, or other campus disciplinary action. The registered owner/operator shall be assumed responsible for any fines or fees associated with illegal parking of his or her vehicle. The fines for common violations are as follows:

(1) Failure to display current permit	\$ 5
(2) No-parking zone	\$10
(3) Not a parking space (grass, sidewalk, drive lane)	\$10
(4) Parked in fire lane/roadway	\$10
(5) Parked in loading/service area	\$10
(6) Parked in handicapped space	\$20
(7) Parking in restricted area/lot	\$10
(8) Overtime parking	\$10

Vehicles parked contrary to more than one of these provisions may be cited for multiple violations on the same ticket. For example, a vehicle with no Colleges permit displayed (#1 @ \$5), parked in the drive lane (#4 @ \$10), of a restricted lot (#7 @ \$10), will receive a ticket with three fines totaling \$25. Repeated violations will result in the vehicle being towed and/or banned from campus parking.

**Other sanctions.** Unpaid parking tickets for students and faculty and staff members will be billed as outstanding obligations to the Colleges. A \$10 administrative fee will be added to parking fines not paid within 10 days.

**Parking registration and fine payments.** Parking registration fees for students may be charged to individual student accounts at Campus Safety. Only charges to a student account will be accepted by the Office of Campus Safety, and the dispatcher will issue a permit and receipt for payment.

The parking citations used by the Colleges are easily converted to an envelope suitable for making payments by check to the Office of Campus Safety. Record the ticket numbers being paid on the check so that the payment will be properly recorded and the canceled check will serve as a receipt. Be sure to include the administrative fees if the payment is for a ticket issued more than 10 days earlier. If mailed on campus using the campus mail system, no stamp is required. These envelopes must not be used to mail cash payments. The Office of Campus Safety will not be responsible for cash payments claimed to have been mailed but not received.

Parking fine payments for students may be charged to individual student accounts at Campus Safety. Campus Safety will not accept direct payments by students and others in cash, by check or by charge card. Charges made to a student's account for parking permits and fines may be paid at the student accounts office so that the bill for these fees does not get sent home.

**Parking appeals.** The parking appeals process is intended to give individuals who were not familiar with a particular regulation or who had unusual circumstances involved with the receipt of a ticket an avenue to be heard and have fines adjusted, if warranted. Many first-time offenses are waived.

Appeals must be in writing and received or postmarked within **10 calendar days** to the director of safety and security. Appeal forms may be obtained at the Office of Campus Safety. Written notice of the decision or action taken on the appeal will normally be given within 10 business days. Personal appeals by appointment will be heard only after the written appeal has been decided. Individuals not satisfied after both written and personal appeals have been adjudicated may request a final binding review by the assistant director of administrative services.

Administrative fees and billing will not occur for tickets that are in the appeal process. Tickets that have had the appeal denied must be paid within 10 days of notification of the decision or they will be assessed administrative fees and billed.

The Colleges reserve the right to correct errors or omissions on parking tickets issued. An error or omission does not automatically invalidate a ticket. Fines may be adjusted accordingly.

**Collection of unpaid parking fines.** Faculty and staff members are given decals for free parking privileges for their personal vehicles as a benefit of their employment with the Colleges. In exchange, the Colleges expect all employees to abide by the parking regulations. Failure to comply with the parking regulations will result in the issuance of parking tickets with fines. The above provisions will also apply to contractor representatives regularly assigned at the Colleges.

Students of the Colleges are authorized to park in designated areas on campus based on residence location and payment of a fee. Any unpaid or unsuccessfully appealed parking fines will be billed to a student's account by the student accounts office. This includes fines for unregistered vehicles traced to a student's responsibility, tickets received by others while using a student's vehicle, and tickets received by guests visiting a student.

Unregistered vehicles and visitors issued annual parking decals will be subject to towing, even when parked appropriately at the time, if there are outstanding parking fines for unpaid or unsuccessfully appealed tickets.

Individuals or vehicles with outstanding parking fines may be denied the ability to register for a permit until the obligations are cleared.

**Loading/unloading.** In recognition of the unique campus environment there are times (when students are moving onto or off campus) that there is a need to load or unload heavy items. Vehicles are permitted to stand for short periods (three to five minutes) in no-parking areas for this purpose, provided that the vehicle has its four-way flashers on and does not unreasonably disrupt the flow of other traffic. At any time other than moving onto or off campus, the campus safety office must be contacted for permission. The vehicle must be moved as soon as the item(s) are removed or placed in the vehicle. This applies only to campus roadways and no-parking areas. Parking on city streets is prohibited where signs are posted. City street parking is monitored and enforced by the Geneva Police Department. Parking for longer periods or for other purposes such as running errands, picking up mail, or attending short meetings are not appropriate use of this courtesy.

**Special-events parking.** Some special events on campus may cause the temporary closing of parking areas normally available for general use. Others may cause the temporary use of lawn, roadside, or other normally prohibited parking areas. In such cases individuals will normally be directed to do so by security personnel or event staff. Because this is done at some events does not constitute authorization to do so at all events or at other times because it is convenient to do so.

**Disabled vehicles.** A disabled vehicle is illegally parked unless the operator has completely removed it from the roadway and taken steps to repair or remove the vehicle immediately. “Immediately” does not mean “as soon as convenient” but the shortest time necessary to contact a tow or repair service to remove or fix the vehicle. If, for any reason, a disabled vehicle cannot be removed immediately, the driver will place a sign on the dashboard indicating it is disabled and inform the Office of Campus Safety in writing of the problem and the anticipated time of removal. This time will not exceed 24 hours.

**Abandoned vehicles.** A vehicle will be considered abandoned if it is parked on campus without valid license plates or in a condition unable to be driven on public highways, unless the owner/driver has been given express written permission from the director of campus safety to do so. Abandoned vehicles may be removed from the campus and disposed of under the provisions of applicable laws.

**Vehicle repair.** Minor repair of personal vehicles such as changing tires or replacing a battery or head lamp is permissible in campus parking lots. Changing oil, engine overhaul, repairs requiring the vehicle to be up on blocks or other major repair projects are not permissible for safety and environmental reasons. Any commercial repair of vehicles on campus is prohibited.

**Camping.** Camping on Colleges’ property or overnight occupancy of motor vehicles, including motor homes, campers, and vans, in Colleges’ parking lots requires the written permission of the director of campus safety.

**Theft/loss/damage.** The Colleges do not assume responsibility for any loss or damage to vehicles or contents while parked on campus. Parkers are encouraged to have appropriate insurance coverage for their vehicle and its contents. If you are involved in an accident, discover vehicle damage, or experience a theft, make a prompt report to the Office of Campus Safety. Security personnel will file a report for campus use and assist with making a police report if one is required or will be needed for insurance purposes. By policy, the Office of Campus Safety does not routinely provide copies of its reports to individuals or insurance companies. Specific information from reports may be requested and will be provided, if available and appropriate to release.

# ADMINISTRATIVE POLICIES

## FINANCIAL AID

The Colleges are committed to providing financial assistance to students who demonstrate financial and academic eligibility and have met all appropriate application deadlines. Students who have demonstrated need as determined from information provided in the College Scholarship Service (CSS) Profile Form and/or the Free Application for Federal Student Assistance (FAFSA) will be assisted in meeting that need from one or more of the following: federal and state grants, employment opportunities, loans, and HWS grants/scholarships. Awards will incorporate students’ abilities and promise, with the award amount varying according to the financial needs of students and their families. The Colleges offer a limited number of merit scholarships, for incoming students only, based on outstanding achievement or specific talents. The most prominent among the Colleges merit scholarships are the Elizabeth Blackwell Scholarship, Cornelius and Muriel P. Wood Scholarship and the Richard Hersh Scholarship, which are awarded to the most outstanding students in the entering first-year class.

Financial aid is renewed annually for students who continue to qualify on the basis of financial need, are in good standing, meet application deadlines and are making satisfactory academic progress in accordance with the standards prescribed by the U.S. Secretary of Education and New York State, outlined below. Annual applications are required. Adjustments will be made based on changes in the family’s economic conditions. Renewal application packets are available for distribution in December. Completed renewal forms must be sent to the processors by April 15. Students must also submit copies of their federal tax return and W-2 forms, as well as the federal returns and W-2 forms of their parents. State aid programs may also require an annual application.

Normally, students who continue to demonstrate financial need will be aided for four years (or, in the case of transfer students entering the Colleges with advanced standing, for the difference between four years and the year they are in when they enter). Students, except those in the HEOP program, who want their aid extended for up to an entire fifth year must petition the director of financial aid, in writing, stating the educational grounds for an extension. The vice president of admissions and financial aid will make the decision concerning aid for a student beyond his or her fourth year in consultation with the director of financial aid and the appropriate dean of the College.

In determining financial need, Hobart and William Smith assume each family will first make a reasonable sacrifice in financing its son's or daughter's education before applying to the Colleges for assistance. The student is expected to work summers and contribute to expenses from savings and may also be asked to work on campus or borrow as part of a financial aid package. Renewal awards are announced in late spring/early summer.

Students who have questions concerning their financial aid should consult the Office of Financial Aid. Award decisions may be appealed in writing to the Financial Aid Review Committee. This group consists of the vice president for Enrollment and Dean of Admissions, the director of financial aid and the associate director of financial aid.

## **Standard of Satisfactory Academic Progress for Determining Eligibility for Federal and New York State Student Aid**

*(This information also appears in the current HWS Catalogue.)*

In order to maintain eligibility for NYS financial aid awards, students must meet minimum requirements for academic progress. These requirements are both qualitative (minimum GPA) and quantitative (minimum courses accumulated). Eligibility is reviewed prior to the start of each semester using cumulative GPA and courses completed. There is no minimum per-semester requirement that must be met. Thus, students who do not pass any courses in a particular semester may meet the progress requirement if their cumulative total at the end of the semester equals or exceeds the minimum number indicated in the following progress chart.

for payment #

# courses required

minimum GPA

*Note: The review for federal eligibility is annual (i.e., after the second semester, fourth semester, etc.). For New York State and Tuition Assistance Program (TAP) eligibility, the review is semester by semester.*

**Waivers.** The Satisfactory Academic Progress (SAP) requirements may be waived for undue hardship based on:

- (1) the death of a relative of the student;
- (2) the personal injury or illness of the student; or
- (3) other extenuating circumstances.

To remain eligible for state aid, a student may be granted *only one* waiver for failing to meet the SAP requirements, whether the number of courses requirement or the GPA requirement, before the fifth payment. A waiver may be granted *only once* for failure to accrue the required number of courses in a student's undergraduate career. A student *may* be granted more than one waiver for failing to meet the GPA requirement after the fifth term. However, only one waiver of federal requirements may be granted.

A waiver must relate to circumstances that can be demonstrated to have affected the student's ability to achieve the requirements as of the end of a particular semester. Documentation must show the relationship of the circumstances to the student's failure to achieve the requirements.

**Process for Obtaining a Waiver.** Students receiving state or federal aid who do not meet the requirements for satisfactory educational progress will be notified by letter about the loss of that aid by the financial aid office. Students may apply to their dean for a waiver if they believe they are eligible. The dean will review the petition and the student's official records to determine whether criteria for a waiver have been met, and will inform the student and the financial aid office of the final decision. The student must then write his or her dean acknowledging receipt of the waiver decision.

**Appeals.** A student can submit a letter of appeal to the appropriate dean after being denied a waiver. The letter must be received within five working days of notification of denial. The dean will review the case and notify the financial aid office of the decision. The financial aid office will notify the student of the appeal decision.

## **Summary of Issues Concerning the Tuition Assistance Program (TAP) at Hobart and William Smith Colleges**

(1) *Full-time Study*: Students are certified as full-time for purposes of TAP if they enroll for three or more course units in each semester of the academic year. For purposes of TAP, the institution's course unit is equated to four semester hours of study. Given the approach to degree study used by Hobart and William Smith, a precise equation in terms of classroom minutes to semester hours of study is not always possible. In light of outside class demands and other activities required of students, however, a four-credit per course equivalent for purposes of TAP is appropriate.

(2) *Program Pursuit*: Any course unit that a student passes at Hobart and William Smith counts toward the program pursuit requirement.

(3) *Satisfactory Academic Progress*: The requirement for satisfactory academic progress is cumulative. Students are not required to pass a specified number of courses or obtain a specified grade point average in a particular term as long as their cumulative number of courses passed and cumulative grade point average equals or exceeds the minimum values indicated in the chart above. Decisions whether a student is making satisfactory academic progress to obtain financial aid are made each semester and considered independently of decisions concerning the student's academic standing at the Colleges.

## **BILLING POLICIES**

### **Billing Cycle**

The Colleges bill on a semester basis. For fall semester, the billing date is July 1 and the due date is August 1. Spring semester dates are November 18 (billing) and December 18 (due). Payment and the remittance stub of the bill should be returned in the envelope included with the bill or paid in person at the Student Accounts Office, Demarest Hall basement, during regular business hours.

Checks, bank drafts, or money orders should be drawn to the order of "Hobart and William Smith Colleges" for the exact amount. A student who is in arrears will have transcripts withheld and may be denied the rights of enrollment or course registration for the current semester until his or her account is settled.

The Colleges reserve the right at any time to amend or add to the policies governing payment of fees, rents, charges, and deposits and to make such changes applicable to currently enrolled students as well as to new students.

There is a payment plan available through Academic Management Services. Arrangements for this plan must be made before the due date of the semester bills. For more information contact Academic Management Services at (800) 635-0120 or at [www.tuitionpay.com](http://www.tuitionpay.com). Any questions regarding billing should be directed to the student accounts office.

### **Refund Policy**

The Colleges will continue to publish the current schedule of charges and refunds with clear designation as to whether these charges are optional or mandatory, refundable or non-refundable. Group health insurance fees are excluded from refunds because coverage will remain in effect for the contracted period. Student activity tax and vehicle registrations are also excluded from refunds.

Notification of withdrawal and requests for refunds must be made in writing and addressed to the appropriate dean with copies to the student accounts administrator. Oral requests will not be accepted. No remission or refund is guaranteed in the case of a student who is suspended or dropped from the Colleges' rolls for any reason.

A 100-percent refund will be given to students who withdraw after tuition, fees, room and board have been paid, but *prior* to the first day of classes.

After the beginning of classes, refund of tuition, room, board and off-campus program charges, and return of all federal and institutional financial aid and education loans and other sources of payments are prorated based on the percentage of the semester the student is enrolled. There is no refund of costs of attendance, and no financial aid or loans will be returned to the grantors after the student is enrolled past 60 percent of the semester. The official withdrawal date used to determine the enrollment period is the later of the date the student's written request for authorization of official withdrawal is received by the appropriate dean, or the last date the student attends classes. This policy applies only to charges processed by the Colleges' on the student's account.

Examples of the application of this policy may be obtained from either the Office of Financial Aid at (315) 781-3315 or the student accounts office at (315) 781-3386.

### **Late-Payment Fee and Penalties**

Tuition and other charges that are not paid when due are subject to a late-payment charge. The late charge is computed at a rate of 1.5 percent per month on any outstanding balance from the due date until paid in full. This amounts to an annual rate of 18 percent. A minimum penalty of \$50 will be assessed on late accounts. No late charge will be assessed upon any unpaid late charge. Payments are applied first toward any outstanding late charge and then toward the balance due for tuition and other charges. No penalty charges will be assessed where the institution, rather than the student, is in error.

A student who fails to pay the fees and other charges may be dropped from the Colleges' rolls and excluded from classes, laboratories, examinations, and occupancy of residence hall quarters until payment is made. The student will be held accountable for all absences incurred through the operation of this rule; for continued delinquency, the student may be dropped permanently from the Colleges' rolls. Enforcement of this policy does not relieve the student of the obligation to pay the fees and other charges due. Until the outstanding accounts are settled, no transcripts or records will be issued by the Colleges.

## **Returned-Check Fee**

The charge for each check returned to the Colleges that was uncollectible when presented for payment is \$20. Returned checks result in the loss of check-cashing privileges. These privileges are reinstated upon payment of the amount of the check and surcharge at the student accounts office in Demarest Hall.

New York State General Obligations Law, Section 11-104, provides that, in addition to the face value of the check, the signer of an uncollectible check may be liable for the lesser of (a) two times the amount of the check or (b) \$750 in the case of a lack of an account or \$400 in the case of insufficient funds. Criminal penalties may also apply.

## **IDENTIFICATION CARDS (IDs)**

ID cards are made for all matriculated students and members of the faculty and staff. All members of the community are required to produce a valid ID at the request of security staff or other authorized personnel. Refusal may result in disciplinary proceedings.

## **DINING POLICIES**

### **Meal Plans**

The Colleges provide dining arrangements that foster a sense of a community. Having all students taking at least some meals in the dining halls creates a connection between students living on and off campus. This also keeps the overall costs of meal plans lower. All students, living on or off campus, except those living in cooperative houses or fraternities, are required to participate in one of the boarding options offered by the Colleges' dining services (Sodexo).

Options are described below.

**Full meal plans.** All students living in on-campus residence halls, except seniors or students living in designated small houses, are required to participate in a full meal plan. There are three options for the full meal plan:

- Seneca Plan:** This plan offers unlimited access to the main dining hall for meals and snacks, \$150 snack money per semester, eight guest passes per semester, and free meals for parents when they visit campus.
- Finger Lakes Plan:** This plan offers unlimited access to the main dining hall for meals and snacks after 10:30 a.m. (no breakfast), \$100 snack money per semester, and five guest passes per semester.
- Geneva Plan:** This plan offers 15 meals per semester, \$50 snack money per semester, as well as three guest passes each semester.

**Partial Plan.** This option is available to seniors living in residence halls, students living in designated small houses, and students living off campus. It provides a choice of any 115 meals per semester, \$115 snack money per semester, as well as two guest passes each semester.

**45-/90-meal plans.** This option is available to off-campus students and those living in designated houses. It provides for 45 or 90 meals per semester and can be used in Saga, Comstock, the Café, or the Cellar Pub. Information on specific houses included in this plan is available from the associate director of residential education.

Meals on the 45/90 plan can be used to pay for guests' meals. Unused meals may be carried over from semester to semester as long as the student enrolls in another meal plan. Meals may not be carried over from year to year.

### **Snack Money**

Snack money is additional money added to the ID card that can be used for additional meals or snacks. All purchases are nontaxable. A student can purchase snack money at either dining services or the student accounts office.

A minimum deposit of \$25 is required to enroll. For all deposits \$100 or above, the student will receive an additional 3 percent enrichment. Snack money can be used in all dining facilities. Additional money can be deposited anytime during the year at a minimum of \$25. Snack money is non-refundable and cannot be used to purchase alcohol in the Cellar Pub. Money remaining at the end of the fall semester is carried over to spring semester when an account is reactivated by depositing a minimum of \$25. All snack money accounts must be used by the end of spring semester.

## **Medical Exemptions**

Students wishing to be excused from board obligation on medical grounds must furnish a letter that details a specific diet plan or multiple-food intolerance list from their doctor. General or vague medical letters, requests from non-medical persons, and requests from family members (regardless of their medical professional status) are not acceptable. The letter must document that a situation exists that cannot be met within the normal flexibility of the food-service meal structure. Special medical information is discussed with the director of dining services, the Hubbs Health Center staff and the director of residential education to ascertain whether or not special dietary arrangements can be provided.

Final approval for the exemption of any student from a required meal plan rests with the director of residential education.

## **HUBBS HEALTH CENTER POLICIES**

A health-care team consisting of mid-level practitioners overseen by a physician is available to students for diagnosis, treatment, and referral, when necessary. Individual counseling for health problems is arranged by appointment; outreach to the student body for educational activities in the areas of nutrition, sexuality, diseases, etc., is also offered. A women's clinic, staffed by a mid-level practitioner, addresses women's health concerns, including preventative care, gynecologic care, and treatment.

## **Excuses**

The health center does not issue excuses or other documentation of office visits or medical attention. If a student is admitted to the health center or the hospital, health center staff will notify the Vice President for Student Affairs or designee who will notify the student's professors.

## **HIV Testing**

Confidential HIV testing is available to students at the health center periodically through AIDS Rochester, including pre- and post-test counseling in accordance with New York State law. Times and dates for services are posted for students as soon as the Colleges are notified.

## **Medications**

The health center dispenses non-prescription and prescription medicines directly to students. Medicines obtained from the health center are for the use of the student for whom they are prescribed and for no other person, and are billed to the student. If a student has insurance coverage for a prescription, the prescription should be filled at a local pharmacy.

## **Visitors**

Students requiring inpatient care at the health center are not allowed visitors except by permission of the nurse on duty. Messages or articles for delivery to a patient must be left with the nurse in charge at the health center office.

## **Health Insurance**

All full-time students are required to have some form of health insurance and are required to pay the Colleges' annual health fee. This fee provides basic accident insurance for students who have no other coverage and supplemental insurance for all others. The student accounts office will assist in filing the claim.

## **LIBRARY POLICIES**

### **Borrowing Books**

Students have access to the open stacks of the library. All books taken for use outside the library must be charged out at the circulation desk. Borrowers must present their HWS I.D. card.

### **Length of Loan**

Books are due three weeks from the day they are charged out. Video materials are loaned for three days. Most reserve materials are loaned for 90 minutes during the day and may be taken overnight after 10:30 p.m. Other reserves vary in loan period from several hours to three days. Periodicals and most reference books and journals do not circulate. Books that are recalled must be returned immediately.

### **Fines/Replacement Costs**

The fine for overdue books is 5¢ per day. The fine for overdue video materials is \$2 per day. Replacement costs of lost library materials, including service charges, must be paid by the borrower.

Fines for overdue 90-minute reserve materials are \$1 per hour; overdue 24-hour and three-day books result in a fine of \$2 per day.

### **Reference Books**

Reference books and dictionaries are shelved on the first floor. They may not leave the library.

### **Interlibrary Loans**

Research often involves borrowing books or requesting photocopied articles (5¢ per page) from other libraries through the interlibrary loan service. Fines may be charged for late interlibrary loan materials. Interlibrary loan books may be recalled by the lending institution at any time, and lending libraries may set much higher fines for late returns.

### **Microfilm**

The library maintains an extensive collection of periodicals on microfilm. Students may read the film in the library or make full-size copies at 5¢ per copy.

### **Group and Individual Study Rooms**

Keys for these spaces are loaned for four hours at a time. Fines for late return of keys are \$1 for each hour.

### **Book Lockers**

Book lockers are available on a first-come, first-served basis. Lockers are used for one semester.

### **General Restrictions**

Food, drinks, pets, and use of tobacco are not permitted in the library.

## **POLICY ON FAIR, RESPONSIBLE AND ACCEPTABLE USE OF ELECTRONIC RESOURCES**

### **Preamble**

The purpose of this document is to establish and promote the ethical, legal, and secure use of computing and electronic communications for all members of the Hobart and William Smith Colleges (referred to in the document as either HWS or the Colleges) community. This document complements the HWS student handbook and is meant to establish our community policy for fair, responsible and acceptable use of electronic resources.

Hobart and William Smith Colleges cherishes freedom of expression, the diversity of values and perspectives inherent in an academic institution, the right to acknowledgment, and the value of privacy for all members of the HWS community. At the same time, HWS may find it necessary to access and disclose information from computer and network users' accounts to the extent required by law, to uphold contractual obligations or other applicable Colleges' policies, or to diagnose and correct technical problems. For these reasons, among others, the ultimate privacy of messages and files cannot be ensured. In addition, system failures may lead to loss of data, so users should not assume that their messages and files are secure.

Although HWS does not typically block access to online content, it reserves the right to do so in cases where online content or activity diminishes the capacity of our network or threatens the welfare of Hobart and William Smith Colleges or its core academic mission. While HWS does not position itself as a censor, it reserves the right to limit access to its networks or to remove material stored or posted on campus computers when applicable HWS policies, contractual obligations, or state or federal laws are violated. Alleged violations will be treated with the same fundamental fairness as any other alleged violation of HWS policy, contractual obligations, or state or federal laws.

## **Introduction**

Hobart and William Smith Colleges (HWS) values technology as a means of communicating information and ideas to the HWS community and the world. In keeping with the Colleges' commitment to utilize technology in teaching and learning, this policy provides direction in the appropriate use of all forms of electronic resources on campus. This document articulates Hobart and William Smith Colleges' Policy on Fair, Responsible and Acceptable Use of Electronic Resources, provides examples of violations and outlines procedures for reporting, and addressing policy violations.

## **Definitions**

For the purposes of this policy, electronic resources are defined as all computer-related equipment, computer systems, software/network applications, interconnecting networks, facsimile machines, voice-mail and other telecommunications facilities, as well as all information contained therein (collectively, "electronic resources") owned or managed by HWS.

## **General Restrictions and Disclaimers**

While the use of HWS electronic resources may be a requirement for coursework and work, access and use may be restricted or revoked in cases of misuse or repeated abuse. HWS reserves the right to limit access to its electronic resources when applicable HWS policies, state and/or federal laws or contractual obligations are violated. HWS does not, as a rule, monitor the content of materials transported over its network or information posted on College-owned computers and networks, but reserves the right to do so. Although the Colleges does not typically block access to online content, it reserves the right to do so in cases where online content or activity diminishes the capacity of our network, or where there is a threat to Hobart and William Smith Colleges or its core academic mission. HWS provides reasonable security against intrusion and damage to files stored on the central computing facilities, but does not guarantee that its computer systems are secure. HWS may not be held accountable for unauthorized access by other users, nor can the Colleges guarantee protection against media failure, fire, floods, or other natural or man-made disasters.

## **Persons Covered by this Policy**

This policy applies to all users of computer resources owned or managed by Hobart and William Smith Colleges, including, but not limited to, HWS faculty and visiting faculty, staff, students, external persons or organizations and individuals accessing external network services, such as the Internet and Intranet.

## **Use of Resources**

All users of Hobart and William Smith Colleges' electronic resources are expected to utilize such resources in a responsible, ethical and legal manner consistent with HWS mission and policies. As a user of Hobart and William Smith Colleges electronic resources, you agree to be subject to the guidelines of this Policy on Fair, Responsible and Acceptable Use of Electronic Resources.

## **Policies on Fair, Responsible and Acceptable Use**

The following policy statements, in bold italics, are accompanied by specific examples that highlight types of activities that constitute unfair, irresponsible or unacceptable use of HWS electronic resources. Please note that these examples are provided for the purpose of illustrating each policy's intent and are not intended to be an exhaustive list of all possible scenarios within the policy framework.

*A. Hobart and William Smith Colleges' electronic resources may not be used to damage, impair, disrupt or in any way cause purposeful or reckless damage to Hobart and William Smith Colleges networks or computers or external networks or computers.*

For example, you may not:

- (1) Use HWS electronic resources to breach security of any computer system
- (2) Knowingly give passwords or IDs for others to use

- (3) Use computer resources to send large amounts of e-mail (*e.g.*, e-mail “spamming”) to an internal or external system
- (4) Send e-mail of any type to someone’s address in an effort to disable his/her e-mail capabilities
- (5) Run DNS or DHCP servers that interfere with the Colleges’ network
- (6) Forge, alter or willfully falsify electronic mail headers, directory information, or other information generated and/or maintained by the Colleges
- (7) Use computer resources irresponsibly or in a manner that adversely affects the work of others. This includes recklessly or intentionally (a) damaging any system by introducing computer “viruses” or “worms,” (b) damaging or violating information not belonging to you, or (c) misusing or allowing misuse of computer resources
- (8) Use Hobart and William Smith Colleges resources for non-Colleges-related activities that unduly increase the network load (*e.g.*, chain mail, network gaming and spamming)

***B. Unauthorized access, reproduction or use of the resources of others is prohibited.***

For example, you may not:

- (1) Make unauthorized copies of copyrighted materials. You should assume all software, graphic images, music, and the like are copyrighted. Copying or downloading copyrighted materials without the authorization of the copyright owner is against the law, and may result in civil and/or criminal penalties, including fines and imprisonment.
- (2) Create or execute any computer programs intended to (a) obscure the true identity of the sender of electronic mail or electronic messages, (b) bypass, subvert, or otherwise render ineffective the security or access control measures on any network or computer system without the permission of the owner, or (c) examine or collect data from the network (*e.g.*, a “network sniffer” program)
- (3) Use electronic resources to gain unauthorized access to resources of the Colleges or other institutions, organizations or individuals
- (4) Use false or misleading information for the purpose of obtaining access to unauthorized resources
- (5) Access, alter, copy, move or remove information, proprietary software or other data files without prior authorization
- (6) Use electronic resources to discover another individual’s password
- (7) Use electronic resources to obtain personal information (*e.g.* educational records, grades, or other HWS files) about individuals without their permission
- (8) Use electronic resources to forge an academic document
- (9) Use electronic resources to take without authorization another person’s work or to misrepresent one’s own work
- (10) Use electronic communication to collude on examinations, papers, or any other academic work
- (11) Use electronic resources to falsify or fabricate research data
- (12) Use electronic resources to obtain or release another individual’s or entity’s proprietary information or trade secrets
- (13) Use Hobart and William Smith Colleges’ electronic resources for remote activities that are unauthorized at the remote site
- (14) Intercept transmitted information intended for another user
- (15) Scan computers for open or used ports.

***C. Use of Hobart and William Smith Colleges’ electronic resources to interfere with or cause impairment to the activities of other individuals is prohibited***

For example, you may not:

- (1) Send chain e-mail or information about pyramid schemes
- (2) Send large quantities of e-mail to an individual’s mailbox (*e.g.*, e-mail “spamming”) which has the effect of interfering with or causing impairment to that individual’s activities
- (3) Change an individual’s password in an effort to access his/her account
- (4) Communicate or use any password, personal identification number, credit card number or other personal or financial information without the permission of its owner.

***D. Use of Hobart and William Smith Colleges’ electronic resources to harass or make threats to specific individuals, or a class of individuals, is prohibited***

For example, you may not:

- (1) Send unwanted and repeated communication by electronic mail, voice-mail or other form of electronic communication
- (2) Send communication by electronic mail, voice-mail or other forms of electronic harassing or inciting communication which are motivated by bias on grounds of race, ethnicity, religion, gender, or sexual orientation (including, without limitation, any communication that violates the College’s “Statement Against Discrimination or Harassment”)
- (3) Use e-mail or newsgroups to threaten, stalk or harass someone

- (4) Post or send via any form of electronic communication personal or sensitive information about individuals that may harm or defame
- (5) Post or distribute via any form of electronic communication “hate speech” regarding a group’s or individual’s race, ethnicity, religion, gender, or sexual orientation.

*E. Use of HWS electronic resources in pursuit of unauthorized commercial activities is prohibited*

For example, you may not:

- (1) Use computer resources for personal commercial gain, or other commercial purpose without approval by the Colleges
- (2) Use computer resources to operate or support a non-Colleges-related business
- (3) Use computer resources in a manner inconsistent with the Colleges’ contractual obligations to suppliers of those resources or with any published policy of the Colleges
- (4) Use your Colleges’ granted Web-space for personal monetary gain (this includes clickable ads and pay-per-click banners) without approval by the Colleges
- (5) Register domain names to Hobart and William Smith Colleges’ network without proper approval in advance

*F. Use of HWS electronic resources to violate city, state, federal or international laws, rules, regulations, rulings or orders, or to otherwise violate any HWS rules or policies is prohibited.*

For example, you may not:

- (1) Pirate software, upload or download music (MP3s and videos) and images in violation of copyright and trademark laws
- (2) Effect or receive unauthorized electronic transfer of funds
- (3) Disseminate child pornography or other obscene material
- (4) Violate any laws or participate in the commission or furtherance of any crime or other unlawful or improper purpose.

## **Reporting Violations**

Members of Hobart and William Smith Colleges community who believe they have witnessed or been a victim of a violation of the Colleges’ Policy on Fair, Responsible and Acceptable Use of Electronic Resources should notify or file a complaint with the appropriate HWS office as follows: students should report suspected violations to the Vice President for Student Affairs or designee; faculty members should report suspected violations to the provost or the designated contact. Staff should report violations to their supervisor.

If the unit authority determines that a violation likely has occurred, this violation should be reported to the Office of the CIO or the Office of Human Resources. These offices work together to investigate and review complaints and violations.

## **ResNet Issues**

The following are Appropriate Usage Policy items that apply specifically to Hobart and William Smith Colleges Residence Hall Network (ResNet). These items deal with the disruption of the campus network, in particular, and are therefore not allowed. All ResNet users are expected to abide by all guidelines mentioned herein when using these resources. It is understood that all items listed above will also apply to appropriate ResNet computing use.

- Only computers that have been registered for ResNet through IT Services may be connected to the network, and only one computer may be attached to each jack. No hubs, hublets, or similar signal-splitting devices may be connected to ResNet. Exceptions to this may be granted by the ResNet Coordinator on a case by case basis.
- ResNet services, equipment, wiring or jacks may not be altered nor extended beyond the location of their intended use.
- ResNet may not be used to provide access to the Internet by anyone not formally affiliated with the Colleges, except by explicit written consent from Colleges’ officials.
- The Colleges networks are shared resources. Excessive or improper use of network resources which inhibits or interferes with the use of these networks by others is not permitted.
- Users who connect computers to ResNet that are used as servers, or who permit others to use their computers, whether directly or through user accounts, have the additional responsibility to respond to any use of their server that is in violation of this Appropriate Usage Policy. Server administrators and those who permit the use of their computers by others must take steps to prevent occurrence of such violations and report these violations to the ResNet Support Coordinator.

- In no case shall the following types of servers be connected to ResNet: DNS, DHCP, BOOTP, WINS, or any other server that manages network addresses.
- Information Technology Services shall have the sole authority to assign host names and network addresses to computers attached to ResNet. Thus, a user may not manually configure his/her computer to use a host name or network address that is not assigned to them by the Division of Information Technology.
- Information Technology Services reserves the right to immediately disconnect any computer that is sending disruptive signals to the network as a whole, whether because of a defective cable, Ethernet card, or other hardware or software problem. It will be the student's responsibility to correct any such problem before the computer can be again connected to ResNet.
- Information Technology Services reserves the right to disconnect immediately any computer temporarily for the purpose of network hardware, software, or security troubleshooting, and to enforce the Appropriate Usage Policy.

## **Enforcement of the AUP**

Information Technology Services shall have the authority to examine files, passwords, and account information on central servers to protect the security of Colleges computing resources and its users. Violations of this Appropriate Usage Policy will be adjudicated, as appropriate, by Public Safety, Information Technology Services, the Office of the Vice President for Student Affairs or designee, and/or the Office of Housing and Residential Education. Sanctions as a result of violations of these regulations may result in any or all of the following:

- Loss of Colleges computing privileges;
- Disconnection from ResNet;
- College judicial sanctions as prescribed by the student Code of Conduct;
- Monetary reimbursement to the Colleges or other appropriate sources;
- Reassignment or removal from HWS housing and/or suspension or expulsion from campus;
- Prosecution under applicable civil or criminal laws.

## **COLLEGE STORE POLICIES**

### **Refund Policy/Book Returns**

A sales receipt *must* accompany all refunds. General merchandise is accepted for refund or exchange when accompanied by a receipt. Textbooks are accepted for refunds during the first two weeks of the semester for which they were purchased. Reprints are not returnable. All books purchased new must be returned in new and saleable condition, *i.e.*, free of marks and/or highlighting, scratched covers and torn pages. Textbooks sold in shrink wrap must be returned with shrink wrap intact.

Textbooks returned for refund during the first week of the semester require a sales receipt. Textbooks returned for refund during the second week of the semester require a sales receipt and a drop/add slip. The College Store reserves the right to refuse a refund or exchange based upon non-compliance with this policy, condition of merchandise and/or unreasonable lapse of time.

### **Shoplifting Policy**

Shoplifting is a serious crime and will not be tolerated by management or staff of the College Store. Alleged shoplifters will be reported to the Office of Campus Safety and to the local police for investigation and prosecution.

### **Check-Cashing Privileges**

Checks for up to \$20 may be cashed at the College Store on Monday through Friday only. Checks for more than \$20 and up to \$100 may be cashed at the College Store from 3 until 4 p.m. Monday through Friday only, as funds allow. Bad checks result in the loss of check-cashing privileges as well as a \$20 surcharge. Check-cashing privileges are reinstated upon payment of the amount of the check and the returned-check fee at the student accounts office in the basement of Demarest Hall.

## **USE OF THE COLLEGES' NAME AND INSIGNIA**

No student organization or individual student of the Colleges shall use the name of Hobart and/or William Smith College(s) or purport to represent the Colleges or their students by public performance, publication, intercollegiate or national affiliation, or by participation in activities not strictly intercollegiate without permission from the Colleges. Authorization must be secured from the director of the Office of Communications.

The “HWS” Web site icon may be used only on Web pages that represent official academic/administrative units, or to highlight hyperlinks to the official HWS Web site.

## **CLUB REGISTRATION**

Each active club is required to register at the end of the spring semester in order to be recognized for the following academic year. Registration consists of the submission of a form to the Office of Student Life and Leadership with the names of the executive board members for the club, and a copy of the club’s constitution with appropriate revisions. The deadline for registration is the last day of final exams in the spring semester.

If a club does not meet this deadline, it will not be recognized by the student governments or the Colleges and may not operate as a group on campus. Clubs and organizations that lose recognition may, along with any new clubs, apply for recognition at the first student government meetings of each month.

## **VANDALISM**

All members of the community must respect the physical plant of the Colleges. Destructive behavior, whether or not intentional, will lead to a disciplinary review. Such behavior includes destruction, defacement, removal, and unauthorized use of Colleges-owned property. Students who engage in such behavior will be referred to the appropriate disciplinary body. Persons who damage property will be required to pay for repair or replacement. Persons who create safety hazards shall pay any fines imposed on the Colleges as a result of that hazard.

## **CAMPUS POSTING AND VENDING POLICY**

The campus posting and vending policy was developed to: (a) protect the name of the Colleges, (b) maintain posting and vending activity at a controllable level in appropriate locations on campus, and (c) prevent and/or mediate conflict between the mission of the Colleges and objectives of the student/employee vendor(s).

Posting and vending on the campus of Hobart and William Smith Colleges is allowed subject to the following procedural guidelines:

**Approval.** All vendors and/or persons desiring to post material on the HWS campus must obtain approval from one of the following: director of student life and leadership, director of residential education, the director of athletics or the director of the College Store, depending on the nature of the posting/product vended and the point of sale or posting location. All other vendors (including vending machine representatives) must be approved by the director of administrative services. No student has power or authority to enter into a verbal or written contract on behalf of the Colleges or clubs recognized by the Colleges.

**Posting and Vending Criteria.** All posting and/or vending must conform to the following:

- Any imprint of Hobart and/or William Smith must accompany a club name or name of a campus-associated activity (*i.e.* Ski Club, etc.). Hobart College, William Smith College, and their respective seals, and Hobart and William Smith Colleges are officially trademarked and may not be used without permission.
- Any use of Hobart, William Smith, Statesmen, Herons (text or graphics), the Block “H” or Block “WS,” any derivation of the seals or any combination(s) thereof are protected marks of the Colleges and may not be used without permission.
- Individuals posting and/or vending on campus must be current students or employees of the Colleges.
- Outside vendors are only allowed on campus when sponsored by a campus club, activity, or department.
- All persons posting or vending on campus must comply with rules and regulations regarding designated posting and/or vending areas.
- Materials posted and/or sold on campus property should not be detrimental to the educational mission or image of the Colleges.
- No material posted and/or sold on campus shall promote the use of alcohol or the brand name of any alcoholic product.
- No material posted and/or sold on campus should violate, in letter or spirit, any of the Colleges’ human rights or harassment policies. Sale of racist, sexist, or homophobic materials, for example, is forbidden.

**Posting and Vending areas and requirements.**

- Vending areas on the campus are: the breezeway and/or courtyard of the Scandling Center (reserved for students and employees only), the Barn, or the College Store. Other areas may be approved at the discretion of the campus services committee. (Vending or soliciting in residence halls is prohibited.)
- With the exception of the College Store, the NCAA, or other athletics department-sponsored students/employees, there will be no vendors allowed on Boswell Field or the William Smith playing fields or adjacent areas.
- Posting is prohibited on glass, brick surfaces, light poles, and any area determined by the director of student activities to present a hazard to the well-being of the HWS community.
- The director of student life and leadership will schedule times for all vending in the Scandling Center, the Barn, and other areas approved by the campus services committee. The College Store will schedule vending hours at the store.

**Accountability.** All individuals, clubs, or activities posting or vending on campus are accountable to the approving persons stipulated above.

#### **Enforcement.**

- Violation of any portion of the posting or vending policy will require an appearance before the campus services committee. Inability to meet the scheduled appearance will require notification to any committee member 24 hours prior to the designated appearance time.
- Depending upon the degree of the violation, student violator(s) may be subject to an appearance before the William Smith Judicial Board and/or the Hobart Student Court, where appropriate sanctions—including suspension of vending rights—may be levied. Employees found in violation of the policy will be subject to an appearance before his/her respective senior staff supervisor for counseling or disciplinary follow-up.
- Severe violations of the posting and/or vending policy will be adjudicated by the Vice President for Student Affairs or designee and, in the case of employees, the Office of Human Resources.

*NOTE: It is the obligation of student vendors to investigate and assume all responsibilities for any legal, tax, or liability issues related to their product(s) and/or related vending procedures. The Colleges do not assume any responsibility for issues related to student or student-sponsored products or vending procedures. The Colleges assume no responsibility for the standards, quality, or integrity of merchandise sold.*

## **ANIMALS ON CAMPUS**

Since many people are allergic to animals and student residences do not provide adequate space or security for the humane care of animals, no pets other than aquarium fish are allowed.

#### **Campus pet policy.**

- Students are not permitted to have animals living or visiting in any Colleges-operated residence. If an animal is found in a residence hall, the owner will be fined \$150 a day, until notification of the new location of pet and verification has been received. The owner will also face college disciplinary action.
- Every animal on Colleges' property must either be leashed at all times or under strict voice control and in the company of its owner. Pets may not be tied to trees or signposts.

# **FRATERNITY POLICIES**

## **FRATERNITY RECOGNITION**

All fraternities must first be recognized by their corresponding national or international fraternity council; of equal importance, these fraternities must also be recognized by the Colleges' Board of Trustees. This recognition is defined as the formal process by which

Hobart and William Smith Colleges agree that a fraternity may function on campus, enroll its members from the student body through recruitment activities, and identify its chapter with Hobart College.

## REGISTRATION

In order to be recognized as a Fraternal Organization at Hobart and William Smith Colleges, each chapter must reregister with the Student Life and Leadership Office at the beginning of each academic year. Each chapter must submit the following documents to Student Life and Leadership in order to be registered:

- A current constitution and bylaws.
- A completed registration form available at Student Life and Leadership.
- An updated membership roster of at least four HWS undergraduate members. The overall grade point average for the chapter must be at least 2.5.
- A certificate of commercial general liability insurance (with no host, liquor, or hazing liability exclusions) to the College's satisfaction in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, naming the Colleges of Seneca as an additional insured, using the following language in the certificate:

“The Colleges of the Seneca, its trustees, officers, employees, and volunteers, are hereby declared to be an additional insured under the terms of this policy. This insurance will not be canceled, non-renewed or modified without thirty (30) days written notice to the Vice President for Administrative Services.”

The Colleges may modify this requirement under certain circumstances.

- A new member education program that is approved by their respective national association and their alumni advisory board and submitted prior to membership intake. The chapter must conduct its new member program in accordance with the letter and spirit of HWS policy, inter/national organizations' policies, and the New York State laws prohibiting hazing. No new member program may last more than seven (7) weeks and must conclude no later than three (3) weeks before the final examination process begins. Students who participate in recruitment processes must have a cumulative GPA of at least 2.5 and be at least of sophomore standing.
- New member anti-hazing contracts must be signed within 24 hours of accepting a membership bid or offer and submitted to the Student Life and Leadership Office within 48 hours of signing.
- Names, addresses and telephone numbers of at least three alumni advisory board members.
- For chapters with housing facilities, completed housing rosters and dining information submitted to Residential Education.
- An annual Chapter Development Plan that outlines the chapter's specific purpose and goals for the current year and submit it to the Director of Student Life and Leadership by January 27th of each Spring semester. The Chapter Development Plan must include information on how the chapter will work to attain the purposes and goals of the organization in terms of the Chapter Accreditation Program.
- Maintain a HWS Faculty/Staff Advisor.

## CHAPTER ACCREDITATION PROGRAM

Fraternities were created with the strong belief that close association with fellow college men will aid in the building of friendship and the promotion of excellence in academic, community and social life. The fraternity men at Hobart College today are proud to still uphold these beliefs and as a testament to this, the Chapter Accreditation Program was created to help Fraternities recognize the true meaning being in a Fraternity as well as promote and help to further benefit the social and academic well-being of the Hobart and William Smith Colleges community. This accreditation model is also supported by the following principles:

- Fraternities are an integral process of the educational environment at Hobart and William Smith Colleges and are expected to support the values held by the Colleges.
- The Colleges recognize the benefits provided by the fraternal organizations that exist outside of the classroom.
- Mutual responsibility is necessary between the Colleges and the fraternities; thus fraternities, by way of an accreditation model, are held accountable to the Colleges.

The accreditation process shall cover four specific categories, and each category shall have a minimum value of points that must be achieved. A fraternity can and should strive to meet more than the minimum point requirements.

<b><u>Category</u></b>	<b><u>Minimum Acceptable Value</u></b>
<b>Academic Achievement</b>	<b>100 points</b>
<b>Risk Management</b>	<b>105 points</b>
<b>Membership Development</b>	<b>190 points</b>
<b>Community Service/Philanthropy</b>	<b>110 points</b>

**Total****505 Points**

Points for activities are shall be determined by the model itself, based on documentation provided to the Director of Student Life and Leadership by the fraternity throughout the year. Specific documentation forms shall be located in the Student Life and Leadership Office and must be filled out within a week of completion of the said activity. The Director of Student Life and Leadership will then approve the points and inform the College that the fraternity has completed its accreditation process.

The evaluation will cover a calendar year to coincide with the fraternity President's term of office. Accreditation shall take place the week before finals of the fall term. The accreditation process will evaluate a chapter's progress in the series of categories listed above. A chapter may earn one of four designations during the accreditation program:

**Level 4:** The fraternity has exceeded the minimum point value totals in all categories.

**Level 3:** The fraternity has achieved the minimum point value totals in all categories.

**Level 2:** The fraternity has failed to meet the minimum point values in one specific category but has achieved the overall minimum point value totals.

**Level 1:** The fraternity has failed to meet the overall minimum point value total in more than one category.

As part of the evaluation process, a meeting shall be held within the first two weeks of the Spring Term at which the presidents of each fraternity shall meet with the Director of Student Life and Leadership as a means of becoming familiar with the accreditation process.

Fraternities that earn designations of Level 1 or Level 2 statues during the annual accreditation review, which takes place at the end of the fall semester, will be placed on immediate "conditional recognition" status for the following year.

**Conditional Recognition Status:** In the case of a fraternity falling short of meeting the minimum point standard, that fraternity shall be responsible for additional requirements to complete for the following recognition year. These requirements will be in the areas in which the fraternity fell short in the previous year. The fraternity will make up points missed in the specific area in the following year along with the normal yearly point requirements. If the fraternity fails to meet the point standard for two consecutive years, they will be placed on a "suspension status" during the subsequent year.

**SUSPENSION STATUS:**

During the year following two consecutive years of failing to meet minimum point totals for accreditation, the fraternity will be placed on a suspension status. While on this status, the fraternity shall/may not:

- Participate in a new member recruitment process.
- Host social events involving alcohol.
- Participate in a Greek Week.
- Have voting privileges at meetings of the Interfraternity Council.

Furthermore, the fraternity will meet with the Council on Fraternal Life and only then can any of the above limitations be lifted. At the end of the year, the fraternity must participate in the accreditation process. If the fraternity fails to meet the standards at this time, the chapter will close for a period not to exceed three years.

A fraternity may appeal their accreditation review rating directly to the Council on Fraternal Life. Appeals must be submitted within ten (10) days of the date of the accreditation review. During the appeal period, the accreditation rating received during the review will stand and that fraternity will be under sanctions of that rating until the Council reviews the appeal. After review, the Council may modify accreditation ratings if there is evidence that there is new information or documentation that was not available at the time of the accreditation review, or if the Council believes that a significant error was made in the review process.

**COUNCIL ON FRATERNAL LIFE**

The Council on Fraternal Life reviews and establishes policies that affect the Greek community. The Council regularly advises the Dean of Hobart College and the Vice President for Student Affairs or designee regarding policies and practices of the Fraternal System, and makes recommendations it believes will improve the system, and increase its contributions to the Colleges educational mission and community life.

Responsibilities Include:

- Action on specific policies, procedures, guidelines, and programs that have a direct impact on the Greek community.
- Modifications or revisions to the Chapter Accreditation Program.
- Recognition of new social Fraternal Organizations.
- Withdrawal of formal recognition of a social Fraternal Organization.
- Recruitment guidelines, constitutional revisions, etc. that are deemed contrary to HWS policy.

- Any revision of the separation of authority between COFL, the Office of the Vice President of Student Affairs, Residential Education and the Hobart Dean's Office and it must be approved by the President of the Colleges.
- Review and Approve Annual Chapter Accreditation Reports received from the Director of Student Life and Leadership.
- Review and when necessary hear all appeals of Chapter Accreditation Program evaluations.
- Undertake studies, submit reports and complete other assignments on Greek Issues as requested by the Board of Trustees, the President and/or the Deans Offices.

**COMPOSITION:**

The Council will consist of 11 members to be selected as follows:

- a. The Director of Student Life and Leadership (convener)
- b. Three administrators appointed by the Director of Student Life and Leadership in consultation with IFC, each to a three-year term.
- c. Three Faculty appointed by the Director of Student Life and Leadership in consultation with IFC, each to a three-year term.
- d. Two representatives from the Interfraternity Council as selected by the IFC, each to a one-year term.
- e. Two non-Greek students, one male and one female, appointed by the Hobart Student Government and William Smith Congress, each to a one-year term.

**HOUSING**

Men who belong to fraternities may live in their fraternity house in their junior and senior years following the pledge period that takes place in their sophomore year. Fraternity presidents must submit a housing list to the Office of the Vice President for Student Affairs in spring semester for the following year for approval by the Vice President for Student Affairs or designee. The fraternity is obliged to provide a room to students listed for the entire academic year. Any student who moves out of a fraternity must move back into Colleges-owned housing. He may not move off campus without the permission of the residential education office.

All college-managed fraternity housing must maintain 95 percent occupancy or the fraternity residents must meet a corresponding financial obligation, or, according to the lease agreement, the Colleges may assign nonaffiliated students in order to fill the housing vacancies. Occupancy levels will be determined each semester following the second week of that semester. If such a financial obligation arises, additional room charges necessary to meet the 95 percent occupancy target will be charged to the appropriate student account for that semester.

**PLEDGING**

The values of the accreditation program should be reflected in each fraternity's pledging process as well as its overall operating program.

First-year students are ineligible to pledge, join or affiliate with any fraternity, by vote of the Board of Trustees in 1991.

***PLEASE NOTE: PHI SIGMA KAPPA, THETA DELTA CHI, AND PHI KAPPA TAU ("TAU") ARE NOT FRATERNITIES***

***RECOGNIZED BY THE BOARD OF TRUSTEES OR THE COLLEGES. STUDENTS WHO AFFILIATE WITH THESE***

***DISBANDED OR SUSPENDED ORGANIZATIONS ARE SUBJECT TO REVIEW AND MAY BE REQUIRED TO***

***WITHDRAW FROM THE COLLEGES. FRATERNITIES RECOGNIZED BY THE COLLEGES ARE CHI PHI, DELTA CHI,***

***KAPPA ALPHA, KAPPA SIGMA, SIGMA CHI AND SIGMA PHI.***

**DISCIPLINARY PROCESS**

## **DISCIPLINARY SYSTEM**

Hobart and William Smith Colleges seek to create an environment that promotes the intellectual and personal development of their students. The Colleges are simultaneously responsible for protecting the individual rights of students, staff, and faculty and meeting the general needs of the community. The policies pertaining to the community, academic issues, personal and safety issues, and general administration of the Colleges reflect and establish the standards and expectations for all members of the Colleges in order for these goals to be obtained.

The disciplinary process is yet another aspect of the educational process at the Colleges. It is intended to instill and reinforce the values and the policies of the community and to further students' knowledge about the standards of the Colleges and their development of behaviors that are appropriate in a learning community. The process should facilitate students' understanding of the principle that individual freedom is tied to an acceptance of full responsibility for one's actions and the associated consequences. In particular, the process should promote the development of respect for others, ethical judgment, and a sense of responsibility for what occurs in the Colleges community.

Students are not only members of the Colleges community but are also members of the larger society. The Colleges can begin disciplinary proceedings against any student, whether enrolled or on leave, who has violated these community standards or other policies of the Colleges, whether the behavior occurred on or off campus. Behavior that reflects negatively on the reputation of the Colleges and its students is, in and of itself, grounds for possible disciplinary action. In cases where a student's behavior violates local, state, or federal law, the student may become involved in civil or criminal proceedings independent of the Colleges' proceedings, as well as the Colleges' judicial system.

## **HEARING BODIES**

### **The Vice President for Student Affairs**

Ultimate responsibility for the maintenance of campus discipline rests with the administration and trustees and cannot be relinquished to the students. Accordingly, notwithstanding any provisions of the student constitutions or bylaws, the Colleges reserve the right to discipline, place on probation, suspend, or separate any student whose conduct or academic standing is unsatisfactory, without prior hearings before the student courts or other campus committees. The Vice President for Student Affairs or designee often conducts an administrative review of a student, which is a regular component of the Colleges' disciplinary system. Such a review is the equivalent of a hearing.

### **Committee on Standards**

The Committee on Standards (COS) consists of three faculty members elected by the faculty; two students, one from each college, elected by the respective student government; the Vice President for Student Affairs or designee, and two dean's staff members, one from each college, *ex officio*. The COS is responsible for hearing all cases involving academic standards and issues of academic integrity. As well, the Vice President for Student Affairs or designee will typically refer all cases to the Committee that involve violations of policy in which: (1) a person was or could have been seriously physically harmed; (2) a person's safety was threatened; (3) extensive damage to Colleges' property occurred or could have occurred; (4) the student charged with the violation is a repeat offender of Colleges' policies; or (5) staff and/or faculty members are involved in the incident.

The Committee will initiate a disciplinary hearing at the request of the Vice President for Student Affairs or designee. However, the Committee has the right to refuse to hear a case if it decides that it is not the appropriate body, or if the evidence is not sufficient to support continuation of the hearing process. The Committee will adhere to the general guidelines for disciplinary hearings or explain the basis for its deviation from those guidelines in any instance in which such deviation is deemed advisable by the committee.

**Procedures for Violations of Academic Integrity.** Ordinarily, any student suspected of any violation of the principle of academic integrity defined previously, or suspected of assisting another student in such an act, will be reported to the Vice President for Student Affairs or designee. Appropriate documentation will also be submitted. After reviewing the evidence and meeting with the student suspected, the Vice President for Student Affairs or designee will decide whether or not to bring the matter to the Committee on Standards for a hearing to determine whether a violation occurred, and any sanction. The grade for the particular assignment will be withheld until the COS has concluded its hearing. If the alleged violation involves academic work submitted at the time of final examinations, the grade for the assignment and the entire course will be withheld until the COS has concluded its hearing.

At the hearing, the Committee on Standards will review the evidence and question the course instructor, the student suspected, and any witnesses with direct and relevant information about the matter. It will determine whether any violation of the principle of academic integrity occurred and recommend an appropriate penalty to the Vice President for Student Affairs or designee and grade for the assignment and/or course to the instructor. The Vice President for Student Affairs or designee and the course instructor customarily accept the recommendation of the Committee on Standards, but the final decision about the penalty rests with the Vice President for Student Affairs or designee, and the final decision about a grade rests with the instructor.

**Procedures for Violations of Non-Academic Policies.** The hearing will be arranged by the Vice President for Student Affairs or designee. After conducting the hearing, the Committee will reach a decision whether the student violated campus policy, and make a recommendation regarding sanctions to the Vice President for Student Affairs or designee. In reaching a final decision regarding sanctions, the Vice President for Student Affairs or designee will consider the committee's recommendation in light of the student's complete record while at the Colleges. Although the Committee will inform the student of its decision and recommendation at the close of the hearing, the student will receive official notification of the outcome of the hearing from the Vice President for Student Affairs or designee.

## **Student Hearing Boards**

Each College has its own student hearing body: the William Smith Judicial Board and the Hobart Student Court. Although other types of cases may be referred to the boards at their and the Vice President for Student Affairs or designee's discretion, the boards will typically hear cases when students have violated residence hall policies or engaged in disorderly conduct.

**Governing Principles: William Smith Judicial Board.** *(excerpted from Article III of the William Smith Student Government Constitution)*  
The William Smith Judicial Board is a branch of student government that operates independently of the William Smith Congress.

### SECTION A: ELECTIONS

The Judicial Board is composed of nine members. A campus-wide election will be held every spring semester to fill six of the nine positions. The three remaining positions will be elected by the third week of fall semester. Each candidate shall submit a petition of 50 names to the vice president on the week before the election is to be held. Each member shall serve a term of one year and may petition for re-election. The ballot must be arranged to ensure that the Board has two first-year members, two sophomore members, two junior members, and three senior members.

### SECTION B: POWERS

The Judicial Board shall have the following powers:

- (1) To guarantee the rights of all students and uphold the regulations of the Colleges. Congress shall be the final authority for all constitutional questions.
- (2) To discipline any student it finds responsible for conduct detrimental to the best interests of the College community. At all times the individual's right to defense must be guaranteed.
- (3) To establish all procedures and rules that it deems necessary for the conduct of its business. Approval for said procedures shall be the concurrence of five justices.
- (4) To adjudicate all issues referred to it by any segment of the College community, if it deems necessary.
- (5) To initiate any investigation into a student matter that it deems necessary. However, in no case can the Board bring charges against any student.

### SECTION C: CHAIRWOMANSHIP

- (1) She shall be the presiding officer of the Board and shall sign all Board documents.
- (2) She shall be responsible for the records of the Board and for seeing that all pertinent information is furnished to the Board. She shall designate such other officers of the Board as she deems necessary for the conduct of the Board's business.
- (3) She shall be responsible for seeing that all correct judicial procedures are observed and shall be the source of all rulings in hearings before the court.
- (4) She shall see that the duties and responsibilities of the Board are upheld.
- (5) She shall be responsible for all communications and documents of the Board.

#### SECTION D: NOTIFICATION OF CHARGES

Before the beginning of every case, the defendant(s) must be presented with a formal written list of the charges with which she is accused.

#### SECTION E: VOTING

The number of votes necessary for determination of responsibility shall be established by the following table:

(1) No. of justices sitting	Votes needed
9	7
8	6
7	5
6, 5	4

- (2) Each justice shall have one vote.
- (3) A justice must remove herself from ruling in a case in which she has direct personal involvement.
- (4) A justice must disqualify herself from ruling in a case in which she cannot be objective.

#### SECTION F: RECORDS

Records of all cases must be maintained. The votes of five justices can demand that the records of any case be closed to the public and placed in private file. Publication of students' names in relation to cases shall be at the discretion of the Board.

#### SECTION G: NOTIFICATION OF DECISION

In each case, the individuals shall be notified of the verdict, with a written explanation of the decision.

#### SECTION H: SANCTIONS

The Board can impose sanctions including warnings, social probation, fines, community service, and recommendations of suspension and expulsion to the Vice President for Student Affairs or designee. All collected fines shall be forwarded and added to the general fund of Congress.

#### SECTION I: HEARINGS

All Judicial Board hearings are private. They shall be closed to everyone except the Board, the accused, process observers, Vice President for Student Affairs or designee, and witnesses the Board wishes to hear. All deliberations (*i.e.*, votes) are in private and remain confidential.

#### **Governing Principles: Hobart Student Court.** (*excerpted from Article IV of the Hobart Student Government Constitution*)

SECTION 1. The Student Court shall be composed of seven Hobart students who shall be elected at large by the Hobart student body. Annual election dates will be announced in the fall of 2001. All seven justices shall serve two consecutive semesters.

SECTION 2. The Student Court shall have the following powers:

- (1) To guarantee the rights of all students and uphold the regulations of the Student Association. It shall be the final authority for all constitutional questions.
- (2) To discipline any student it finds guilty of conduct detrimental to the best interests of the Student Association and the College community. At all times the individual's right to defense must be guaranteed.
- (3) To establish all procedures and rules that it deems necessary for the conduct of its business. Approval for said procedures shall be the concurrence of five court justices.
- (4) To adjudicate all issues referred to it by any segment of the College community, if it deems it necessary.
- (5) To initiate any investigation into a student matter that it deems necessary. However, in no case can the Court bring charges against any student.

SECTION 3. The chairman of the Student Court shall be the justice with the most seniority.

- (1) He shall be the presiding officer of the Student Court, and shall sign all Student Court documents.
- (2) He shall be responsible for the records of the Court and for seeing that all pertinent information is furnished to the Court. He shall designate such other officers of the Court as he deems necessary for the conduct of the Court's business.
- (3) He shall be responsible for seeing that all correct judicial procedures are observed and shall be the source of all rulings in hearings before the court.
- (4) He shall see that the duties and responsibilities of the Court are upheld.
- (5) He shall be responsible for all communications and documents of the Court.

SECTION 4. Before the beginning of every case, the defendant(s) must be presented with a formal written list of the charges with which he is accused.

SECTION 5. The number of votes necessary for conviction shall be determined by the following table:

(a) No. of justices sitting	Votes needed for conviction
7	5
6	4
5, 4	3

- (b) Each justice shall have one vote.
- (c) A justice must disqualify himself from ruling in a case in which he has direct personal involvement.

SECTION 6. Records of all cases must be maintained. The records of any case are closed to the public and placed in private file. FERPA considers such records to be educational and, hence, protected.

SECTION 7. In each case, the individuals shall be notified of the verdict, with a written explanation of the decision.

SECTION 8. The Court can impose the following penalties: warnings, social probation, fines, community service, and recommendations of suspension and permanent separation to the Vice President for Student Affairs or designee. All collected fines shall be forwarded and added to the general fund of the Student Association.

SECTION 9. All Student Court hearings are private. They shall be closed to everyone except the court, the accused, process observers, the director of residential education, and witnesses the Court wishes to hear. All deliberations (*i.e.*, votes) are in private and remain confidential.

## **DISCIPLINARY PROCEDURES**

Cases will be directed to the appropriate hearing body by the Vice President for Student Affairs or designee.

### **General Guidelines for Disciplinary Hearings**

These are the general guidelines for all hearing bodies:

- (1) Although there is no statute of limitations in matters involving any alleged violation of community standards, a hearing is normally conducted in a timely fashion, as close to the date of the alleged violation as possible.
- (2) Proceedings of all hearings are confidential. Members of the hearing panel and the student(s) involved may not discuss testimony or evidence with any person not on the board or not directly involved in the case.
- (3) Legal counsel may not be present at the hearing.
- (4) The offended party and the accused have the right to be present to hear all testimony.
- (5) The standard of proof in all judicial cases shall be a preponderance of the evidence.
- (6) Students shall be given the opportunity to present relevant information and witnesses on their behalf. All testimony and evidence presented is at the discretion of the hearing officer and/or the chair of the hearing panel.
- (7) The proceedings of the hearing will be tape recorded. The tape will be kept for 10 days and is only available to the Vice President for Student Affairs or designee, in order to assist the Vice President for Student Affairs or designee in determining the validity of an appeal.

- (8) Students accused of violating Colleges' policy and whose cases are referred for hearing by a board or committee shall have a pre-hearing meeting with the Vice President of Student Affairs or designee.
- (9) Accused students will be notified in writing of the final decision. Students may appeal decisions under specific situations. (See Appeals section)
- (10) The Colleges reserve the right to make the final decision in each case.
- (11) All interpretation and revision of this policy is at the discretion of the Vice President for Student Affairs

## Sanctions

Some cases may require a variety of disciplinary actions. In most cases, one or more of the following sanctions is employed:

**Warning.** This is written notification that a student's behavior is in violation of Colleges' policy.

**Reprimand.** A student may receive written notification of extreme disapproval for the violation.

**Restitution.** A student may be held financially responsible for damages or may be fined.

**Educational activity.** This may include, but is not limited to, a public presentation, research project, or hours of service to a department or agency that would help the student better understand his or her behavior and its consequences.

**Revoking privileges.** This may include, but is not limited to, asking the student to move from his or her current residence or forfeit housing lottery privileges, or excluding the student from participating in certain activities, clubs or organizations.

**A sealed letter.** A sealed letter may be placed in the student's file, to be opened only in the event of another violation.

**Probation.** A stringent warning may be issued in response to more serious or frequent violations of Colleges' policy. Probationary status is issued for a stated period of time and may include specific restrictions on the student.

**Fines.** The student may be assessed a fine as a penalty for the inappropriate behavior.

**Required withdrawal.** Required withdrawal removes the student from the Colleges for a stated period of time. This may include prohibiting the student from attending classes, social events, or other functions, being employed by the Colleges, or visiting Colleges' grounds or facilities without the written permission of the Vice President for Student Affairs or designee. In all cases, the student must apply to the Vice President for Student Affairs or designee for readmission.

**Permanent separation.** In the case of a permanent separation, the student is required to leave the Colleges and is not eligible for reinstatement.

## Records

All disciplinary records will be maintained by the Dean of the appropriate college. Notations of permanent separation and required withdrawal appear on the student's permanent transcript and, therefore, become a permanent part of that student's file.

Disciplinary files are confidential. However, disciplinary history is provided to the appropriate judicial body if subsequent violations occur. Students may inspect their records at reasonable times. These records may also be inspected by Colleges' officials and may be released only in accordance with the Colleges' Educational Records Policy, described under "Human Rights Policies."

## Appeals

Students may appeal sanctions ranging from probation through permanent separation.

An appeal must be submitted by the student, in writing, with relevant documentation, within the time stipulated by the board hearing the case or, if unstipulated, within three calendar days of the date on which the official notification of the decision was written.

Student appeals will be considered when any of the

following apply: (1) A student alleges that a decision did not follow from evidence; (2) A student has new evidence that could not have been brought forward at the time of the hearing; (3) A student believes procedural violations occurred.

*Dissatisfaction with the decision is not grounds for an appeal.*

### **Interim Suspension**

1. The Vice President for Student Affairs or designee or designee may impose an interim suspension for the following three reasons:
  - a. To ensure the safety and well-being of members of the College community or to preserve College property;
  - b. To ensure a student's own safety or well being; or
  - c. If a student poses a threat of disruption or interference with the normal operations of the College.
2. During the interim suspension, a student may be denied access to College activities, facilities and/or classes or other privileges for which the student might otherwise be eligible, as the Vice President for Student Affairs or designee or designee may determine to be appropriate.
3. The interim suspension or altered privileges shall remain in effect until a final decision has been made regarding pending complaints or until the Vice President for Student Affairs or designee or designee determines that the reason for imposing the interim suspension of privileges no longer exists.