



2023-2024 STUDENT HANDBOOK



2023-24 Siena Life

Student Handbook

Division of Student Life

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Introduction

The Siena Life Student Handbook is a resource and reference guide to College operations, policies, guidelines, terms, conditions and regulations. The handbook supplements the College's catalog as a source of additional information about Siena College. It is not intended to serve as a complete source of College requirements and policies, and it does not contain a complete listing of all programs and services.

Students enrolled at Siena agree to comply with the College's rules and regulations. While every effort is made to provide accurate and current information, the College reserves the right to change, without notice, statements in Siena Life concerning rules, policies, fees, curricula, courses, calendar and other matters. The College's rules, policies and other matters stated in this edition of Siena Life supersede all prior rules, policies, procedures, terms, conditions, guidelines and services. Documents generated by student organizations should be in accordance with College policies and regulations. In the event that a conflict exists between College policies and regulations and a student-generated document, the College policies, rules, guidelines, regulations, terms and conditions shall govern.

Siena College reserves the right to change the tuition, fees, room-and-board costs, rules governing admission, occupancy of the residential facilities, granting of degrees, and any other regulation, rule, term, condition, policy or guideline that may affect students. Such changes take effect whenever Siena authorities deem necessary. Siena College also reserves the right to exclude at any time students whose academic record is unsatisfactory or whose conduct is found to be detrimental to the College community. **The online version of Siena Life is the most current and may reflect changes from the printed copy (www.siena.edu/sienalife).**

Compliance Statement

Siena College is an equal opportunity and affirmative action employer and does not discriminate against employees or job applicants on the basis of race, religion, color, sex, age, national and ethnic origin, disability, marital status, pregnancy, veteran status, sexual orientation, gender identity, predisposing genetic characteristics, domestic violence victim status, criminal conviction or any other status or condition protected by applicable federal or state statutes.

Siena College admits students of any race, religion, color, sex, age, national and ethnic origin, disability, marital status, pregnancy, veteran status, sexual orientation, gender identity, domestic violence victim status, criminal conviction or with a predisposing genetic characteristic to all the rights, privileges, programs, services and activities generally made available to students at the school. It does not discriminate on the basis of race, religion, color, sex, age, national or ethnic origin, disability, marital status, veteran status, sexual orientation, gender identity, predisposing genetic characteristics, domestic violence victim status or any other status or condition protected by applicable federal or state statutes in administration of its educational policies, admissions policies, scholarship and loan programs and athletic and other school administered programs.

In compliance with Title IX of the Education Amendments of 1972 prohibiting sex discrimination in education, and with Section 504 of the Rehabilitation Act of 1973 that prohibiting discrimination on the basis of a disability, the Title IX Coordinator and Equal Opportunity Specialist has been appointed as Title IX and Section 504 Coordinator for Siena College.

Greetings from the Vice President for Student Life

Dear Siena Student,

It is my pleasure to welcome you to Siena College for the 2023 – 2024 academic year. During your time here, I encourage you to take an active role in your education and in our community.

The College realizes that life outside of the classroom plays an important role in the development of the whole person. A Franciscan, Catholic, liberal arts education is as much about mutual respect, the appreciation of differences, values and social responsibility as it is about intellectual development, career goals and critical thinking.

Our faculty and staff expect great accomplishments from you, as we hope you do of yourself. Strive for excellence, reflect upon your goals, and use your talents and energy for service with others and to better your community. Members of the Student Life staff encourage you to take advantage of as many Siena College opportunities as possible to stretch your mind, heart and spirit. We will assist and support you in your journey.

The College policies, procedures, guidelines and services outlined in Siena Life are to inform you of the expectations Siena College has for its students. Your presence here signifies your willingness and expressed consent to adhere to the policies and procedures outlined in this and other College publications.

If a member of the Student Life staff can be of assistance to you, please stop by my office in Sarazen Student Union, room 302, and we will be happy to meet with you. Best wishes for a productive and enjoyable year.



Maryellen Gilroy, Ed.D.
Vice President for Student Life

Siena College Mission

Siena College is a learning community advancing the ideals of a liberal arts education, rooted in its identity as a Franciscan and Catholic institution.

As a learning community, Siena is committed to a student-centered education emphasizing dynamic faculty-student interaction. Through a blending of liberal arts and professional education, Siena College provides experiences and courses of study instilling the values and knowledge to lead a compassionate, reflective, and productive life of service and leadership.

As a liberal arts college, Siena fosters the rigorous intellectual development of its students through a healthy exchange of ideas both inside and outside the classroom. It provides opportunities to develop critical and creative thinking; to make reasoned and informed judgments; to appreciate cultural diversity; to deepen aesthetic sensibility and to enhance written and oral communication skills. It develops in each individual an appreciation for the richness of exploring knowledge from a variety of perspectives and disciplines.

As a Franciscan community, Siena strives to embody the vision and values of St. Francis of Assisi: faith in a personal and provident God, reverence for all creation, affirmation of the unique worth of each person, delight in diversity, appreciation for beauty, service with the poor and marginalized, a community where members work together in friendship and respect, and commitment to building a world that is more just, peaceable, and humane.

As a Catholic college, Siena seeks to advance not only the intellectual growth of its students, but their spiritual, religious and ethical formation as well. To this end, Siena is composed of and in dialogue with people from different religious and cultural traditions; fosters a critical appreciation of the Catholic intellectual heritage in conversation with contemporary experience; provides ample opportunities for worship and service; explores the moral dimensions of decision-making in business and the professions; and affirms the dignity of the individual while pursuing the common good.

Franciscan Values: DORS

Guided by our mission statement and the values of St. Francis of Assisi, the Division of Student Life ensures that a student's time at Siena College will be educational, developmental, satisfying, and most of all, enjoyable. Essential to the Division of Student Life at Siena College are the Franciscan values of diversity, optimism, respect and service (DORS). DORS integrates the values and teachings of St. Francis and St. Clare of Assisi into the everyday lives of Siena College students. Franciscan values serve as a lens through which to view our world and our way of being in relationship with each other. Through discussion, modeling and application of DORS, our community is enriched and made vibrant. DORS ensures that students identify with and take on a sense of responsibility for the College and each other. The essence of Franciscan living is a way of relating to people that is grounded in faith and values. DORS provides a framework for the Siena College community to discuss and learn about the Franciscan tradition and its approach to fostering positive interpersonal relationships.

Community Standards and Accountability

Siena College's philosophy of student conduct is grounded in fostering students' skills and their understanding of how to live responsibly in a community. The College focuses on the growth and development of the individual within the greater context of the community. Disciplinary procedures for violations of the Student Code of Conduct are designed to foster moral and ethical development and accountability while upholding Siena College community standards. Siena College expects members of its community to be responsible for appropriate standards of conduct. Students are expected to conduct themselves in accordance with the College policy and applicable local, state, and federal laws.

In light of our unique educational mission, the College strives to provide students with a fair process for adjudicating allegations of violations appropriate to the campus setting.

Code of Conduct or Code: The following set of community standards for students of Siena College, Loudonville, New York.

Code Authority: The Board of Trustees of Siena College has established the following rules and regulations for all students and their guests.

I. Definitions

When used in this Code:

- A. The term College or Institution means Siena College in Loudonville, New York.
- B. The term student includes all persons who are enrolled in a course(s) at Siena College full or part time or who have (or are eligible to have) a continuing relationship with the College (including but not limited to students on leave, study abroad, or who have withdrawn) even if they are not officially enrolled for a particular term.

For the purposes of the Division of Student Life, persons are considered students upon confirmation of acceptance until the actual conferring of a degree. It also includes those who are living in Siena College residence halls as part of a cooperative agreement although not enrolled at the institution.

Note: For persons who meet this definition who are enrolled in programs with cooperating institutions, Siena College reserves the right to notify the cooperating institution of violations (or in some circumstances alleged violations) of the Siena College student code of conduct.

- C. The term College official means any person employed by the College and authorized by the College to act in a prescribed manner in accordance with the policies, procedures, rules, regulations and guidelines of Siena College.
- D. The term registered student organization means a group or association of students that has complied with the requirements for official College recognition and registration.
- E. The term student publication means written material published by students and distributed on the College campus or social media associated with the College including, but not limited to, brochures, newspapers and special-interest magazines, websites, blogs, vlogs, social networking sites and platforms.

- F. The term College property, College premises or College-related premises mean all property owned, leased or on loan to the College, including, but not limited to, all radio station communications' licensing and equipment and all land, buildings and facilities owned, leased or controlled by the College and/or used during College-related activities.
- G. The term College document means any College record, publication, written communication or form.
- H. The term College community means collectively students, College officials, and employees of the College, as well as registered guests of or visitors to the College.
- I. The term member of the College community means individually any student, College official or employee of the College, or registered guest of or visitor to the College.
- J. The term personal property means anything to which a person has legal possession or title.
- K. The term common area means a place to which the College community has access. This includes, but is not limited to, hallways, lobbies, entranceways/stoops, other portions of residence halls not constituting rooms or apartments designed for actual residence, and all open areas of the College campus.
- L. The term contraband means anything illegal and/or improper to have on College premises. This includes, but is not limited to, drugs, alcohol, weapons, dangerous instruments, prohibited items as outlined in the residence living guidelines and/or unauthorized possession of College-owned property.

II. Student Expectations and Responsibilities

- A. Basic Privileges and Responsibilities:
 The purpose of the following statement is to incorporate the minimal principles that should guide the behavior of all students if the campus is to serve its essential purpose: the pursuit of knowledge in an atmosphere conducive to the free exchange of ideas.

 Siena College expects all members of the community to demonstrate respect for themselves and for others. This respect includes sensitivity to differences. All students are entitled to and responsible for a community environment free from harassment, intimidation and violence. Students are expected to respect the property of others, College property and the property of the greater community surrounding Siena. A process exists for reviewing allegations of misconduct. Students have the right to appeal in misconduct cases, as outlined by the College.

 The pursuit of knowledge and the free exchange of ideas may cause conflict. It is expected that students will be respectful in the manner in which they disagree. In addition, the College reserves the right to apply reasonable limitations to speakers and other invited guests in light of our Catholic and Franciscan tradition.
- B. Statement of Student Expectations and Responsibilities:
 The student body, along with other members of the Siena College community, has a responsibility to provide, protect and maintain an environment for learning and living. As representatives of the Siena College Student Body, the Student Senate, in the spirit of the Franciscan tradition, provides the following statements of student rights and responsibilities.

These rights allow for any member of the Siena College student body to focus on the primary goal of pursuing an education.

As set forth in the policies, procedures and guidelines in Siena Life, a Siena College student has the expectation:

1. to be treated respectfully as a member of the Siena College community
2. to a free, timely and impartial process for the review of allegations of misconduct, a student conduct/administrative hearing and to an appeal of decisions regarding responsibility and sanctions
3. to expect assistance and professional conduct from members of the College's administrative staff
4. to be able to learn, including having access to ideas, facts and opinions
5. to the free and responsible expression of ideas and opinions, without fear of retribution, including peaceful dissent, that will not disrupt or interfere with the orderly operation of the College
6. to expect professional conduct from faculty in the assignment and evaluation of academic work
7. to an evaluation of their academic performance free from discrimination on the basis of race, religion, color, sex, age, national and ethnic origin, disability status, marital status, veteran status, sexual orientation, gender identity, predisposing genetic characteristics, domestic violence victim status or any other status or condition protected by applicable federal or state statutes
8. to expect the College to promote and foster an environment that is free from violence, harassment or any physical threats from any other member of the Siena College community, and for the College to address, investigate and/or take any other appropriate measures against any member of the community who infringes on this right as stated
9. to have the opportunity to review and correct any statement prepared by Public Safety before signing, or refuse to sign any statement if the student feels they are being misrepresented and/or misquoted in the statement itself
10. to have any search of personal property authorized, either in writing or orally, by an authorized College official in conjunction with the Public Safety Department and in accordance with the College's search procedures
11. to file a complaint when they believe that any of their rights have been violated.*

*NOTE: For complaint procedures, please refer to the Code of Conduct, the Hate Crimes and Bias-Related Incidents, Sexual Misconduct Policy, Siena College Discrimination and Harassment Policy, and the Internal Complaint Policy sections of Siena Life.

- C. In every community, along with expectations, each individual has responsibilities. As set forth in Siena Life, a Siena College student has the responsibility:
1. to recognize and respect the rights of all other students and members of the Siena College community
 2. to treat all members of the campus community with civility, respect and courtesy
 3. to refrain from discriminating against other members of the Siena College community on the basis of race, religion, color, sex, age, national and ethnic origin, disability status, marital status, veteran status, sexual orientation, gender identity, predisposing genetic characteristics, domestic violence victim status or any other status or condition protected by applicable federal or state statute

4. to assist the College in maintaining a healthy environment of learning and living, as outlined in Siena Life
5. to cooperate to the best of their ability with all investigations involving violations of the Code of Conduct and/or crimes committed on campus
6. to respect the personal property of the College and members of the Siena College community
7. to become an active learner, fully engaged in both intellectual and human growth
8. to exercise the above mentioned rights and responsibilities in a reasonable and respectful manner that will not offend or violate the College's Franciscan and Catholic traditions of compassion and empathy; will not violate College policies, procedures, guidelines, rules or regulations; will not disrupt or interfere with the orderly operation of the College; and will not infringe upon the rights of other members of the Siena College community

III. Institutional Authority

A. Jurisdiction:

All students are subject to and are expected to familiarize themselves with the Siena College Code of Conduct. In addition, any violations of federal, state or local law as determined by the College shall be considered a violation of the Siena College Code of Conduct. When alleged violations of College regulations or local laws take place off campus and come to the College's attention, the College reserves the right to take appropriate action when, in the judgment of College officials, the alleged conduct has a negative impact on the College community or the pursuit of its mission or the broader community in which we live. The Vice President for Student Life or designee may initiate College disciplinary proceedings, whether or not criminal charges have been filed.

B. Right to Take Disciplinary Action:

The College reserves the right to suspend, dismiss or expel any student when, in the opinion of the College as determined by the Vice President for Student Life, Dean of Students, Associate Dean of Students or designee, their behavior threatens or endangers the health, safety, or well-being of the College community or any of its individual members. This right also applies to violations of the Code of Conduct and other College policies, rules, regulations, terms, conditions or guidelines. In addition, the College reserves the right to impose penalties, which include, but are not limited to, fines, cancellation of the housing license, suspension and expulsion.

C. Welfare of the Community (Amnesty):

The health and safety of every student at Siena College is of utmost importance. Siena College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to discrimination and harassment, domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Siena College strongly encourages students to report discrimination and harassment, domestic violence, dating violence, stalking, or sexual assault to College officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of discrimination or harassment, domestic violence, dating violence,

stalking or sexual assault to college officials or law enforcement will not be subject to Siena's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the discrimination and harassment, domestic violence, dating violence, stalking, or sexual assault. This policy may also be applied, but not limited to: Alcohol or drug related incidents, discrimination and harassment, sexual misconduct or situations of vandalism and damage. The policy only applies to the College's Student Code of Conduct and has no status in other jurisdictions such as local or state courts.

D. Conduct On and/or Off College Premises:

In the event a student also faces criminal charges for any conduct on or off campus, the College reserves the right to bring charges against a student for any violation(s) of the Code of Conduct prior to, concurrent with or following criminal charges being filed in a court of law for the same act(s). All College rules and regulations apply to students and their conduct, behavior and activity, both on and off College premises and at College-sponsored events and activities, regardless of where they are being held.

Student members of the Siena community are expected to act with respect for the safety, personal rights and property of individual groups outside the College as well as to respect the proper authority of local, state and federal officials. The College reserves the right to take disciplinary action against students or student organizations responsible for organizing non-College-sponsored events (dances, theme parties, etc.) that result in underage drinking, misconduct or criminal activity. Hosting a non-College sponsored event at a third-party vendor shall not exonerate the student or student organization from responsibility.

E. Administrative Withdrawal:

If in the opinion of the Dean of Students, or designee (in consultation with the Vice President for Student Life and other College officials), a student with a behavior problem cannot accomplish their objectives in concert with those of the College or without jeopardizing their welfare or that of others, the student's registration may be terminated and the student may be required to leave the College immediately. In such cases, the student will be restricted from being on campus property and, if found, subject to arrest for trespassing. Depending upon the circumstances surrounding the termination and in the College's discretion, the student may be eligible for a refund of tuition and fees as outlined in the Siena College catalog. In addition, any housing/board fees will be refunded on a pro-rata basis based upon the date of termination. The decision of the Dean of Students, or designee to terminate a student's registration may be appealed in writing to the Vice President for Student Life within five (5) business days. If not appealed within this time frame, the decision of the Dean of Students, or designee, is final. At the College's sole discretion, the Vice President for Student Life, or designee, may consider a student's application for readmission.

F. Sex Offender Registry Act (SORA):

In accordance with federal law, the College shall provide a statement advising the campus community where law enforcement agency information provided by a state under 42 U.S.C. Section 14071 (j), concerning registered sex offenders, may be obtained, such as the local law enforcement agency with jurisdiction for the campus. In accordance with the New York State Sex Offender Registration Act (SORA), law enforcement agencies may disseminate certain relevant information concerning a sex offender to any entity with vulnerable populations related to the nature of the offense committed by such sex offenders. The College shall

comply with federal and state law concerning SORA. Should the Vice President for Student Life or designee be informed that a student is listed as part of a sex offender registry, the College reserves the right to take immediate action to temporarily suspend the student pending a College administrative hearing. The College also reserves the right to take immediate action to suspend or dismiss the student from the College if the student represents a risk to the health, safety or welfare of the community or to any person or property.

G. Cooperation with Law Enforcement:

The College may be required to cooperate with civil/criminal authorities. No attempt will be made to insulate an individual from the legal consequence of their act.

H. Access Restricted/Access Limited:

The College reserves the right to restrict or limit access for any student/non-student when their conduct is considered a violation of community standards as determined by College officials. An individual whose access has been restricted is not permitted on College property and, if found, is subject to arrest for trespassing. Individuals whose access has been limited may only be on campus at designated times and/or locations. Public Safety may impose a temporary restriction limiting a student's access to campus facilities pending proper adjudication when the behavior of a student disrupts or interferes with the orderly operations of the College or constitutes a danger to their safety or the safety to other persons or property in the residence hall/townhouse.

I. Searches:

The College reserves the right to inspect College premises. The College reserves the right to enter any portion of a College-owned building (including student rooms). If an individual is suspected of harboring contraband on College premises, the College reserves the right to go through their belongings. The College further reserves the right to search all vehicles on College premises. If contraband is found, the College may confiscate the contraband and contact civil/criminal authorities.

J. Public Order/Health, Safety, and Welfare of the Community:

The College reserves the right to limit access to specific areas of the campus and/or to adjust normal operations or procedures to maintain public order and/or the health, safety and welfare of the College community. This includes but is not limited to restriction of guests and visitors, adjustments to residential maximum occupancy limits and community gatherings, capacity of interior or exterior spaces (lawns, residential/academic quad, Grotto, etc.), requirements associated with social distancing, etc. This also may include the need to evacuate/close the campus due to a public health, national, or College emergency.

Impromptu or unapproved gatherings with no nexus to the college's educational mission present an elevated health risk to the community. Such gatherings, whether indoors or outdoors, are not authorized by the college. Students must refrain from initiating and participating in such gatherings and understand the health and safety risk in such a setting. Any student involved may face discipline under the student code of conduct with sanctions ranging from written warning up to and including expulsion. The College encourages students to visit friends and classmates but requires an invitation to visit other buildings/residential areas.

If an outdoor area, quad or lawn has an impromptu gathering(s) of any size that, in the assessment of College Officials, poses an elevated safety risk, college officials will ask the students to disperse in order to ensure the continued health and safety of our community.

K. Order of No Contact:

An Order of No Contact is a directive by the Vice President for Student Life, Dean of Students or designee, to a student or students to refrain from any contact, direct or indirect, with one or more designated persons through any means including, but not limited to: personal contact, telephone, electronic means (social media, email, text message, etc.), written, nonverbal or oral communication and/or intermediaries (third parties other than an attorney). This order is designed to help establish clear expectations between all parties involved in any situation deemed by the College as necessary, and should not be considered, on its own, as a violation of the Student Code of Conduct. After a predetermined period of time and at the request of either party, the Office of the Dean of Students may review the Order of No Contact to evaluate the potential termination of the order based upon the circumstances of the order and agreement of all parties.

IV. Code of Conduct: Conduct that violates the Code of Conduct includes (but is not limited to):

A. General Code Violations:

1. Arson:

Any attempt to intentionally or recklessly start a fire or cause an explosion and/or contribute to an unauthorized fire

2. Bias-Related Incident: A bias-related incident is defined as behavior that constitutes an expression of hostility against the person or property of another because of the targeted person's race, religion, sexual orientation, ethnicity, national origin, gender, age, or disability. Bias-related incidents include, but are not limited to, name calling and using degrading language or slurs directed toward a person because of their membership (or perceived membership) in a protected class. See

www.siena.edu/files/resources/discrimination-harassment.pdf

3. Dangerous Instrument and Weapons:

The use, possession or storage of any dangerous instrument and/or weapon. See the Dangerous Instruments/Weapons Policy within Siena Life for a full description of the policy.

4. Disorderly or Disruptive Conduct:

Behaviors that are disruptive to the orderly operations of the College, disregard the rights of others, or are disrespectful of the community such as, but not limited to:

- a. engaging in fighting or violent, tumultuous or threatening behavior
- b. making unreasonable noise
- c. using abusive or obscene language, making an obscene or lewd gestures, or using abusive, obscene or lewd chanting in a public place
- d. disrupting any authorized assembly or meeting of persons without permission
- e. obstructing vehicular or pedestrian traffic
- f. creating a hazardous or physically offensive condition (e.g. public urination, breaking glass, etc.)

- g. engaging in conduct that has the intent to harass, demean, annoy or alarm another person (including, but not limited to, initiating communication via phone, mail, electronic mail or other form of written communication, or through social media.
5. Disorderly or Disruptive Classroom Behavior Policy:
Disorderly or disruptive classroom behavior violates the Siena College Student Code of Conduct. Faculty members have the discretion to require disorderly or disruptive students to leave the classroom, or any other academic space including academic offices, hallways, the library, and off-campus experiential learning sites. Failure of a student to abide by the faculty member's request to leave the academic space may result in the summoning of Public Safety. If a student is requested to leave the academic space, the faculty member will report the conduct violation to the Office of Academic Affairs, the appropriate School Dean, or the Dean of Students Office, and file a report with Public Safety. Egregious violations may result in removal from the course and the student receiving the final grade of "F."

Faculty may report lesser conduct violations, not resulting in being removed from the class, to the Office of Academic Affairs, appropriate School Dean, the Dean of Students Office, or file a report with Public Safety.

Following the report of a conduct violation, whether or not the student may return to the academic space will depend upon further discussion, investigation, or resolution of concerns with the faculty member and the Office of Academic Affairs/appropriate School Dean. The Dean of Students may be consulted. If it is determined that the student may return to the academic space, the student will be required to submit a statement to the faculty member and the Office of Academic Affairs/appropriate School Dean acknowledging the conduct violation and an understanding that a second violation will result in the student's removal from the course and a final grade of F. A student may appeal the final grade of F using the Appeal of Assigned Grades policy. The final determination of the appeal rests with the Provost.

<https://www.siena.edu/offices/academics/academic-policies-and-procedures/appeal-of-assigned-grades/>

Disorderly or disruptive classroom behaviors include, but are not limited to: violence, abusive and/or threatening behavior, using abusive or obscene language, making an obscene or lewd gestures, harassment, disrespectful behavior, refusal to abide by the faculty member's and College policies, including violations of the COVID protocols or policies.

6. Falsely Reporting an Emergency:
Falsely reporting a bomb, fire or other emergency in any building, structure or facility on College premises or at any College-related function by activating a fire alarm or by any other means.
7. Hazing:
Participating in hazing or any other situation that endangers an individual's mental and/or physical health and/or involves the forced consumption of alcohol and/or drugs. A full description of the hazing policy is located later in this section.

8. Over Occupancy:
Exceeding the maximum number of persons (including residents) permitted in townhouse, suite, or room at any one time. The maximum number of persons permitted per room type are as follows:

6-person house or suite – 18
4-person house, suite or room – 12
3-person room – 9
2-person room – 6

9. Possession of Dangerous Substances:
Possession of flammable liquids/gases or other dangerous substances such as gasoline, kerosene, propane, butane, and charcoal lighter fluid within buildings. Motors that use such flammable liquids within any building are prohibited. Students and visitors are prohibited from having gas grills on campus property.

10. Quiet Hours:
Quiet hours are Sunday-Thursday, 10:00 p.m.-7:30 a.m. (College Suites, 9pm-9am) Any student who is disturbed during this time period has every right to request a quieter environment and is encouraged to speak with fellow residents and/or call the resident assistant on duty.

Weekend quiet hours, beginning at 1:00 a.m. and continuing through 7:30 a.m., will be observed on Friday and Saturday (College Suites, 12am-9am). Beginning the last day of classes each semester, 24/7 quiet hours are observed and strictly enforced. The College reserves the right to adjust quiet hours at certain times of year.

Our residential facilities are located on the perimeter of the campus and near residential areas. It is important that students show respect for both Siena's neighbors and fellow students. Bands and DJs are prohibited from playing in any residential facility and inside any townhouses or on the grounds of the Townhouse areas, as well as all campus grounds, unless approved by the Director of Community Living. The College reserves the right to prohibit karaoke machines and large speakers and bass systems. Noise in the parking areas and between buildings should be minimal, especially at night.

11. Reckless Endangerment of Persons:
Behavior or conduct that places any person or persons at risk for harm or injury or potential harm or injury. This includes, but is not limited to, failing to follow established public or community health protocols, directives, etc.
12. Smoking & Tobacco Usage:
It is Siena College's policy to provide a tobacco-free environment in all College facilities and outdoor areas in conformance with applicable statutes including the New York State Clean Indoor Air Act (Public Health Law Article 13-E). Prohibited tobacco use is defined the act of using tobacco product in any college facility or outdoor area, including, chewing tobacco, and the act of smoking or carrying a lighted cigar, cigarette, pipe, nicotine water, herbal cigarettes, shisha, smoking paraphernalia, e-cigarettes, vaping devices, CBD oil, or any other smoking material or similar device. It is also the policy of Siena College to prohibit the sale of tobacco products on campus.
13. Stalking:

Examples of stalking behavior include, but are not limited to: unwelcome communication that can be face-to-face, phone, text, email, voice messages, written messages, gifts, etc.; pursuing and/or following another person or group; surveillance; trespassing; gaining unauthorized access to personal, medical, financial or any other identifying piece of information without explicit permission; accessing email, phone or other forms of personal communication in order to follow or monitor another's activity. Cyber-stalking is an extension of the physical form of stalking and is unacceptable at any level. Using electronic media such as the Internet, social networking sites, cell phones, or similar devices or mediums to pursue, track, harass, monitor, or make unwanted contact with another person is a violation of the stalking policy.

14. Unauthorized Recording:

Any unauthorized installation and/or use of any device for listening to, observing, photographing, recording (video/voice), amplifying, transmitting or broadcasting sounds of any person while on the College premises, when such person has a reasonable expectation of privacy, without the knowing and willing consent of all persons involved, is prohibited. This includes, but is not limited to, taking photographic images of a person dressing or undressing; photographing or videotaping a person's intimate body parts; video or audio recording during class, meetings or administrative hearings; or creating social media communication or profiles using the name or likeness of another.

15. Unauthorized Use of Emergency or Safety Equipment:

Unauthorized use, tampering with or alteration of fire-fighting equipment, safety devices or other emergency or safety equipment. This includes, but is not limited to, hanging on sprinkler pipes, discharging fire extinguishers, exiting and/or opening emergency exit doors without prior authorization (for handicap access or in emergency situations), propping or damaging emergency doors, exit signs and card-access equipment, covering or removing smoke detectors, or the activation of building fire alarms and/or smoke detectors due to smoking and or use of prohibited materials (i.e. smoking devices, candles, burning incense/oils).

16. Vandalism:

Tampering with, altering or defacing any part of a building, inside or outside, including the furnishings, fixtures, or utilities in the rooms, townhouses, corridors, lounges, commons areas, and lavatories.

17. Violence:

Actions or attempted actions which inflict bodily harm upon any person and/or result in unwanted physical contact.

B. Drug and Alcohol Policy:

The problems associated with drug and alcohol abuse are a major concern in this country. As such, the passage of the Drug-Free Schools and Communities Act Amendments has placed requirements on institutions of higher education to develop policies and to provide information to students on drug and alcohol abuse, which Siena College has done herein.

This section provides students with the College's alcohol and drug policy, as well as information on the health risks associated with drug and alcohol abuse. This section also

provides information, counseling and rehabilitation services available, and the federal, state and College sanctions that may be imposed for violations. The College collaborates with civil authorities. Violations of the Siena College alcohol and drug policy that are also violations of federal, state or local law may be referred to the appropriate law enforcement agencies. In such situations, cases may proceed concurrently at the College and in the criminal justice system.

1. **Recreational Cannabis and Medical Cannabis:** Federal laws (including the Controlled Substances Act and the Drug Free Schools and Communities Act) prohibit cannabis use, possession and/or cultivation at educational institutions and on the premises of recipients of federal funds. New York State prohibits the possession of cannabis by anyone under the age of 21 and in schools or workplaces.
The use, possession, or cultivation of cannabis for medical or recreational purposes is not allowed in any Siena College housing or on any other Siena College property; nor is it allowed at any College sponsored event or activity off campus.

Students who have valid medical cannabis prescriptions may petition the College for a waiver of their requirement to live on campus.

Students' use of cannabis (and/or any other illegally or falsely obtained drug) on College premises is strictly forbidden and subject to action under the Code of Conduct.

Therefore, even students with medical cannabis prescriptions are prohibited from possessing or using cannabis on Siena College property.

2. **Drugs:**
Siena College students are subject to all applicable drug regulations as outlined in the Code of Conduct or other applicable rules when adopted. Sanctions imposed by the College for violations of the drug policy may include drug education programs, substance abuse assessment and treatment, suspension, dismissal or expulsion.

Possession or use of illegal drugs, narcotics, synthetic drugs or mind altering substances (such as but not limited to K2, salvia, spice), controlled substances.

Intended or actual sale or distribution of illegal drugs, narcotics, controlled substances or prescription drugs to those other than prescribed.

Presence anywhere there is obvious illegal drug use and/or the presence of actual drugs/paraphernalia.

Possession and/or use of prescription drugs which have not been prescribed for you.

Misuse of prescription drugs or any controlled substance.

Paraphernalia under federal law means "any equipment, product or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance." Paraphernalia includes, but not limited to, bongs, pipes, hookahs and scales.

3. Alcohol:

Siena College has established an alcohol policy in accordance with New York state law and based on the unique needs of the Siena College community. It is students' responsibility to know and obey the law and campus policies. The legal age for alcohol possession, procurement and consumption in New York State is 21. Anyone who gives or sells an alcoholic beverage to a person under 21 is in violation of the law. Siena expects all members of the College community to comply with the law and College policies. New York State explicitly forbids the sale of alcoholic beverages unless the seller holds a state liquor license. The College's liquor license is the responsibility of our food service vendor, which is solely responsible for the sale and distribution of alcohol at all College-sponsored events.

a. Alcohol Policy Violations Specifically for Individuals Under the Age of 21:

- i. Possession: Individuals under the age of 21 may not purchase, possess or consume alcohol in accordance with New York state law.
- ii. Presence: Students under the age of 21 may not be in a residential room, suite or townhouse where alcohol is visible and/or being consumed. The only exception is the underage student who resides with students of legal drinking age who may be in the presence of alcohol in their assigned residence.
- iii. Empty Containers: No empty alcohol containers are allowed for persons under the age of 21, including empty alcohol containers for decorative or keepsake purposes.

b. Alcohol Policy Violations Specifically for Individuals 21 Years of Age or Older:

- i. Alcohol in the Presence of Individuals Under 21: Students of legal drinking age may not have students under the age of 21 in their residential room, suite or townhouse where alcohol is being consumed, with the exception of underage roommate(s).
- ii. Quantity Limit: Students of legal drinking age may possess what College officials determine to be a reasonable quantity of alcohol for their personal consumption only. College officials may consider empty alcohol containers in determining whether this standard has been violated or if they suspect underage drinking and/or excessive alcohol consumption has occurred. Community Living and Public Safety staff may consider empty alcohol containers when documenting quantity-limit violations if they suspect underage drinking and/or excessive alcohol consumption has occurred.
- iii. Open Container: Students are prohibited from possessing open containers of alcoholic beverages in common areas of the College, including, but not limited to, hallways, lounges, bathrooms, campus grounds, athletic events, classrooms and townhouse stoops/front steps. A container is any bottle, can, glass, cup or similar receptacle designed to hold or capable of holding a liquid. College Officials acting in their official capacity may require individuals to discard or pour out any container in their possession if they believe it contains alcohol. Individual(s) acting in a manner that is inconsistent with College policies, including, but not limited to, disorderly conduct and/or public intoxication will be expected to empty all containers in their possession and are subject to violations of the Code of Conduct.

- c. Alcohol Policy Violations – General:
- i. Gift, Sale or Distribution of Alcohol: Gift, sale or distribution of alcohol to anyone under the age of 21 is prohibited. Note: If an individual under 21 years of age is in possession of alcohol in a student room and is not a resident of that room, a charge of “gift, sale or distribution of alcohol” will be brought against the residents of the room. The person who supplied the alcohol may accept responsibility for the “gift, sale or distribution of alcohol” charge if they provided the alcohol.
 - ii. Communal Source: Kegs, mini-kegs, beer balls and large communal sources of alcohol (trashcan punch, punch bowls, etc.) are prohibited. Sanctions apply to all residents of the space who are present at the time of the infraction or were involved in any way with the planning, purchase, etc. Use of empty beer balls or kegs as decorations or furnishings is prohibited.
 - iii. Rapid Consumption Devices: Objects used as drinking apparatuses that promote rapid consumption of alcohol such as, but not limited to, funnels, beer bongs, ice block tunnels, and Beirut tables.
 - iv. “Beer pong” and “water pong” or other simulated devices are prohibited. All residents of the space who are present are responsible.
 - v. Public Intoxication: Public intoxication is strictly prohibited. The College states that public drunkenness will not be tolerated since intoxicated students act in a manner that is inconsistent with the values of the College, pose a threat to themselves and others and make life unpleasant and difficult for those with whom they live. A judgment as to whether a student is intoxicated may be made on the basis of the following factors related to the use of alcohol, including, but not limited to, whether the student is:
 - unable to walk without assistance
 - speaking incoherently
 - unconscious
 - vomiting
 - emitting a strong odor of alcohol and/ or has bloodshot/ glassy eyes
 - behaving in a loud and/or disorderly manner
 - vi. Alcohol-Related Transports: If a student is found to be intoxicated to the point that medical attention is warranted upon evaluation by College staff in consultation with emergency medical personnel, they may be transported to a local hospital for evaluation and treatment, if necessary. Further, in alcohol-related situations in which emergency medical attention is necessary, the recipient of medical attention may be referred for an alcohol/drug assessment and be required to comply with the recommendations resulting from this assessment. Any student transported multiple times for alcohol-related treatment may be charged in a formal conduct review action.

The College encourages students who have concerns regarding the immediate health of a student in an intoxicated state to contact the appropriate College authorities.
 - vii. Guests and Alcohol: Guests are not permitted to bring alcohol on campus, regardless of their age or the age of the host.

- d. Alcohol Policy Violations and Events:
- i. Dispensing of Alcohol on Campus: No alcoholic beverages may be sold anywhere on the Siena campus or dispensed outdoors or in public areas except under direct supervision of the College's food service vendor. Strategies such as the sale of tokens, tickets or any article that may be redeemed for alcoholic beverages are the equivalent of paying money and are prohibited.
 - ii. Events with Alcohol: Events with Alcohol: Alcoholic beverages may not be served at any student event without specific approval of the Director of Student Activities and Leadership Development or designee, to be confirmed in writing. No privately obtained alcoholic beverages may be brought into an organized event. Any organization or group that fails to comply with these regulations may lose its privilege of serving alcoholic beverages at events and/or the right to schedule facility use at Siena. No club or organization may sponsor events off campus where alcohol may be served with the exception of authorized Senior Class events.
 - iii. Tailgating: To ensure the College is able to provide a safe, healthy, and welcoming environment for all fans and athletes, alcoholic beverages are prohibited at all on campus athletic and club sports venues, parking lots, and the designated tailgate area. This policy is consistent with the open container policy in the student code of conduct which prohibits students from possessing open containers of alcoholic beverages in common areas of the College and the College's Facilities Guidelines which prohibits dispensing or consumption of alcoholic beverages in outdoor or public areas except under the direct supervision of the College food service vendor.
 - iv. Advertising: Advertising for College-sponsored events shall not emphasize the availability of alcoholic beverages and must be pre-approved by the Director of Student Activities and Leadership Development or designee prior to posting. Advertising for off-campus alcohol-related events and/or establishments must be approved by the Director of Student Activities and Leadership Development or designee prior to posting/distribution.
 - v. Restriction from Campus Events: The College reserves the right to prevent any visibly intoxicated person from entering a campus activity or event and to require persons who appear visibly intoxicated to leave an event/activity.
- e. Sanctioning for Alcohol and Drug Policy Violations:
Sanctions are designed to foster an environment that reduces the risks of high risk drinking and promotes responsible behavior while holding individuals accountable for their choices. Hearing officers will take into account prior conduct record, mitigating circumstances, alcohol abuse issues and high risk drinking factors in determining the appropriate in order to best educate the student(s) while maintaining community standards when assigning sanctions.
- f. Health Risks Associated with the Use of Illegal Drugs and the Abuse of Alcohol:
Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low

to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses of alcohol may cause respiratory depression and death. If combined with depressants that affect the central nervous system, much lower doses of alcohol will produce the effects just described. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

- g. Services Available:
The Health Promotion Office, Counseling Center, and Health Services provide students with information on drug and alcohol abuse. In addition, assessment, education and referral services are provided.

C. Theft and Abuse of Property

1. Misuse of College ID:
Loaning or giving for use, altering in any way and/or duplication of the official College identification card, or the possession and/or use of another individual's card.
2. Misuse of College Keys/Vehicles/Property:
Loaning or giving to another person, or knowingly using, making or causing to be made any key or keys for any building, laboratory, facility or room, or any other locked area of the College without the authorization from the appropriate College administrator. Also, the use of College property, including but not limited to, vehicles, College name, logo and/or stationery, without authorization from the appropriate College administrator.
3. Misuse of Documents:
Forging, transferring, altering or otherwise misusing any student record, identification card, other College identification or driver's license, possession of another person's identification or any other document or record.
4. Reckless Endangerment of Property:
Recklessly engaging in conduct that creates a substantial risk of damage to the property of another person or the College.
5. Theft and/or Possession of Stolen Property:
Theft, attempted theft, forcible theft or the unauthorized possession of College property or the property of others.
6. Property Damage:
Unintentional, reckless, or grossly negligent damage to the property of another person or the College. Further, any act that causes the College to pay for cleanup or repair of College premises (e.g., chalking, turning over benches, toilet papering trees, graffiti, spray painting walkways, etc.)

D. Failure to Comply and Interference:

1. Failure to Display Identification:

Failure to show proper student identification or their identification or proof of age upon request to any faculty, staff or student in the performance of their official duties. Lost, stolen, damaged or improperly functioning identification cards are to be reported immediately to the Saint Card Office or to Public Safety.

2. Furnishing False Information:

Providing false information to a College office or to any College official. This includes, but is not limited to, any statements or information provided to Public Safety, admissions, the Vice President for Student Life, the Dean of Students and/or Community Living staff.

3. Noncompliance with Requests or Directives:

Failure to comply with reasonable requests, directives, or orders by authorized College personnel (e.g., Community Living staff, Public Safety officers). This may include, but is not limited to, reasonable requests for students to make and attend appointments in administrative or faculty offices and cooperation at disciplinary investigations and hearings.

4. Trespass:

Entering or remaining without permission in dwellings, rooms, buildings, storage areas or any College premises.

5. Violation of Sanction:

Failure to observe the terms and conditions of any imposed sanction.

6. Persistent Violator:

The College believes that all students should understand and follow the student code of conduct. The student that consistently makes choices that are in conflict with the code exhausts College resources and demonstrates a lack of respect for orderly operations of the College may be charged as a persistent violator.

7. Violations of College Policy:

Violations of College policies not cited directly in this Code, including, but not limited to: guest, visitation, solicitation, smoking, traffic rules and regulations, computing-use policy and health records. Copies of these policies are available online or elsewhere in Siena Life.

E. Other Prohibited Behavior

1. Gambling:

Students are not permitted to participate in activities that involve the wagering of money or other property. Gambling of any kind is prohibited on campus. All those present where gambling is in progress are considered participants and subject to College disciplinary action.

2. Violation of Law:

Any conduct that would violate federal, state or local law as determined by the College.

3. Impersonation:

Impersonating, forging, altering or otherwise misusing the identity of any student, faculty, staff or administrator. This includes, but is not limited to, social networking sites and electronic communications. Impersonation may also be a violation of federal, state, or local law.

4. Interference with Mission:
Conduct that would interfere with the mission and/or Franciscan and Catholic values of the College. These values include, but are not limited to, treating others, self and property with dignity and respect.
 5. Adverse Conduct:
Conduct which would adversely affect the health, welfare and/or safety of the College community, local residents or property, or the name and/or reputation of the College.
 6. Retaliation:
Retaliation against an individual for reporting, assisting someone in making a report or participating in any manner in an investigation or resolution of a violation of the College's policies.
 7. Inappropriate Electronic Communication:
While the College does not officially monitor electronic communications, inappropriate conduct via electronic communications may be brought to the attention of College as a violation of the Code. This inappropriate conduct may be encountered on electronic communication platforms, including but not limited to, text messages, websites, blogs, vlogs, and social networking sites.
- F. Visitation and Guest Policy
At Siena College, hosting visitors of the campus community and guests is a privilege. In keeping with the Franciscan and Catholic identity of the College and our emphasis on respect of the individual. The College's visitor and guest policies are meant to promote these values, to protect residents and their guests and to safeguard the quality of our life together. The following definitions and regulations of the visitor and guest policies are outlined below.
1. Definitions:
The following definitions will apply to the various policies for visitation in the Siena residence living communities:
 - a. Guest: is defined as any person who is not affiliated with the College as a current matriculated student, employee or faculty member.
 - b. Visitor: is defined as a Siena College student, staff, faculty or employee who is not an assigned resident of the particular room, suite or townhouse. College officials and employees who are in student rooms for the purposes of fulfilling job responsibilities are not considered visitors.
 - c. Commuter students: visiting the residence halls are considered visitors and therefore must abide by the visitation policy. If a commuter student is visiting the residence halls with non-students (guests), they are required to register their guests.
 2. Visitation and Guest Policy

- a. A student's right to have a guest/visitor is, in all cases, superseded by the roommates', suitemates' or townhouse-mates' right to uninterrupted use of the room/suite or townhouse. A student hosting guests and/or visitors must ensure that doing so does not disrupt any roommate's right to expect to be able to read, study and sleep in their room free from the undue interference of guests/visitors.
- b. The safety of the Siena Community, including guests, is paramount. Therefore, all guests must be registered, even if they do not plan to spend the night. To register a guest, the host must complete a guest registration form available online at www.siena.edu/guestregistrationform. The guest registration form must be completed prior to the arrival of one's guest. Hosts are encouraged to register their guests 48 hours prior to the guest's arrival to campus. The registration form is mobile device friendly for ease of registering guests. Guests are to be provided with a copy of the form and are expected to keep it in their possession for the duration of their stay.
- c. Students are permitted to host/register a maximum of two guests at any one time. In addition, a student may host overnight guests on a limited and infrequent basis.
- d. Any individual guest is limited to one two-night overnight stay on campus per 30 days. For an exception to this limit, a student should seek permission from the Residence Director on duty, who may be contacted via Public Safety.
- e. Students may only host overnight guests/visitors of:
 - traditional college age
 - the same sex
 - at least 17 years of age or older (including siblings), unless prior approval provided through designated College program sponsor.

*Family Weekend: students participating in family weekend will be allowed to host siblings (opposite sex) on this weekend in conformance with the registration and approval process required of participating resident students. Any guests of the opposite sex must either find off-campus accommodations or they may stay with another student of the same sex, who must be identified on the guest registration form.
- f. Non-student guests that are under 17 years of age, may be granted overnight permission if their visit to campus is of an official capacity and/or sponsored by a specific college department. The hosting student must follow existing guest registration guidelines and requirements and the supporting department must notify and receive approval from the Compliance Office at least one week prior to the visit (including a staff contact person). Under 17 year old guests are limited to visit only Sunday through Thursday.
- g. To ensure a safe campus supportive of the College's mission, the College reserves the right to restrict guests. Students may not be permitted to register/host guests during specified weekends or high-risk time periods, which are determined at the discretion of the Vice President for Student Life. Any such restrictions will be announced in advance. In addition, guests are not permitted during the first week of each semester or during final-exam time periods in order to support student academic success. Guests are also not permitted during Thanksgiving, Christmas, spring break or Easter break. Guests are restricted during summer session housing as designated on the summer housing agreement.

- h. Visitation hours and designated 24-hour spaces:
 Visitation hours are defined as the time period that students living on campus may host visitors and guests in their individual rooms. Visitation hours apply to the individual residence halls and the individual bedrooms and upstairs of all townhouses.
 Visitation hours in all campus residences are:
 Sunday-Thursday: 9:00 a.m. – 1:00 a.m.
 Friday and Saturday: 9:00 a.m. – 2:00 a.m.
 24-hour visitation is permitted in the lobbies of each residence hall.
- i. After visitation hours, students may host visitors of the same gender subject to the approval of all residents of the room, suite or townhouse.
- j. Cohabitation is defined as living together. Only assigned residents of a townhouse, suite or room may take up residence/live in the assigned room/suite/townhouse. The College does not permit anyone to live in a room/suite or townhouse except those assigned to that room by the College.
- k. Guest vehicles must be registered with the College through the Online Guest Registration system (Friday – Sunday) or by visiting Public Safety (Monday-Thursday). Students who register a guest between Friday and Sunday will have the option to fill out the guest vehicle registration form online. Once the form is properly completed an email will be sent to the guest with the parking permit. Between Monday and Thursday the guest must obtain a temporary parking permit from Public Safety which is located in Hines Hall. To obtain a temporary parking permit, guests must provide a copy of the guest registration form, a valid license and vehicle registration. Unregistered vehicles of guests are subject to be towed in accordance with traffic rules and regulations.
- l. Guests are not permitted to bring alcohol to campus regardless of their age or the age of their host.
- m. Any guest is expected to abide by all College policies and all state or federal laws. Any guest who violates a policy or law may be required to leave the College immediately. Any guest that is not registered will be required to leave campus immediately. The person may be notified in writing that they are restricted from College property until further notice.
- n. The College reserves the right to take action under the Code of Student Conduct for students found in violation of this Visitor and Guest Policy, particularly, in those cases that involve disruption to roommates or the residential community.

G. Dangerous Instruments/Weapons Policy:

The use, possession or storage of any dangerous instrument (defined as any instrument, article or substance, including a “vehicle” as that term is defined in the N.Y.S. Vehicle and Traffic Law, which, under circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or physical injury).

Weapons are prohibited on College premises, including, but not limited to, replicas and other firearms. Firearm is defined as any gun from which a shot, readily capable of producing death or physical injury, may be discharged. The definition of firearms also includes rifles, pistols or handguns designated to fire bullets. Weapons also include BBs, pellets and other objects or substances that can be shot out of a device, including paint balls, regardless of the propellant

used or if no propellant is used as in starter or blank guns/pistols. Also prohibited are electronic dart or stun guns; knives (including but not limited to hunting, switchblade, gravity, “butterfly”, sport, daggers, cane swords, decorative or throwing knives of any size, or any large blade kitchen knife displayed in public areas); bows and arrows and crossbows; slingshots or similar devices; ammunition; noxious materials, such as aerosol mace (CN or CS type), pepper spray, or any unauthorized hazardous materials or chemicals; other weapons, such as batons, billy clubs, nightsticks, kubatons, blackjacks, slapjacks, slap gloves, brass knuckles, Pilum ballistic knives, “chuka sticks,” “Kung Fu stars,” or other martial arts equipment; explosives and fireworks of any sort or any other weapon described in the New York State Penal Law.

Additionally the term “weapon” means any object or substance designed to inflict a wound, cause injury or incapacitate, or an object or substance that is not specifically designed to cause injury, but is carried, used or intended to be used for the purpose of inflicting or threatening bodily harm, including but not limited to, cooking knives, household chemical sprays, sharp objects and razor blades.

V. Sanctions: Unless noted otherwise in writing, sanctions are imposed and in effect, pending any appeal.

A. Individual: The following sanctions may be imposed upon any individual student found responsible for violating the Code of Conduct:

1. ¹Expulsion: Permanent separation of the student from the College. The student will be barred from College premises. Any student who is expelled from the College is required to leave campus within the time specified by the Vice President for Student Life (VPSL), the Dean of Students (DOS) or designee (usually within 24 hours or less). When a decision involving expulsion from the College is appealed, a student may make a request to the DOS for permission to leave only their belongings in the residence hall until the conclusion of the appeal. A student who is expelled will be barred from campus property and, if found, subject to arrest for trespassing. Students who are expelled from the College are responsible for the total College charges. The College's refund policies regarding early withdrawal do not apply to students expelled for disciplinary reasons.

2. ²Dismissal: Disciplinary dismissal is separation from the College with no promise that the student may return at any time. Disciplinary dismissal denies the privileges of registration, class attendance, activities, use of College facilities, and presence on College property. A student who has been dismissed is not eligible for readmission sooner than one year from the date of dismissal. Readmission shall be at the sole discretion of the Dean of Students.

Students who are dismissed must leave campus within 48 hours, or a period of time specified by the College, and may not return unless they have prior written permission from the DOS or designee. A student who is dismissed will be barred from campus property and, if found, subject to arrest for trespassing. Students who are dismissed from

¹ See Conduct Related Official Transcript Notations: Sanction#24, P.30

² See Conduct Related Official Transcript Notations: Sanction#24, P.30

the College are responsible for the total College charges. The College's refund policies regarding early withdrawal do not apply to students dismissed for disciplinary reasons.

3. ³Suspension: Separation of the student from the College for a specified period of time. The student shall not participate in any College-sponsored activity and will be barred from College premises. Suspension denies the privileges of registration, class attendance, activities, use of College facilities and presence on College property. Conditions for readmission may be established at the time of separation. Any student who is suspended from the College is required to leave campus within the time specified by the VPSL, DOS or designee (usually within 24 hours or less). When a decision involving suspension from the College is appealed, a student may make a request to the DOS for permission to leave only their belongings in the residence hall until the conclusion of the appeal. A student who is suspended will be barred from campus property and, if found, subject to arrest for trespassing. Students who are suspended from the College are responsible for the total College charges. The College's refund policies regarding early withdrawal do not apply to students suspended for disciplinary reasons.
4. Temporary Suspension from the College: The VPSL, DOS, Associate Dean of Students or designee may impose an immediate temporary suspension from the College and remove the student from campus pending adjudication when the behavior of a student constitutes a danger to their safety or the safety to other persons or property on College premises, or where the student's behavior presents a threat of disruption or interference with normal campus operations. Students temporarily suspended are restricted from entering campus premises without prior authorization from the VPSL, DOS or designee, or Associate Dean of Students.
5. Withholding Degree: Siena College reserves the right to withhold awarding a degree pending the completion of the process set forth in this Code of Conduct, including the completion of all sanctions imposed, if any.
6. Revocation of Admission and/or Degree: Admission to or a degree awarded from Siena College may be revoked for fraud, misrepresentation, and/or criminal behavior that may place the College community at risk or other violations of the Siena Code of Conduct, or for other serious violations committed by a student.
7. Disciplinary Probation: A probationary status with the College that removes the student from a position of good standing. Further violations of policy and/or violations of the terms of the probation may subject the student to immediate suspension or expulsion from the College. Students placed on disciplinary probation are not eligible to return early to housing or stay over breaks during the term of their probation. While on disciplinary probation the student may also be barred from:
 - a. any or all extracurricular activities.
 - b. participation in academic programs, such as study-abroad trips.
 - c. areas on campus (including residential areas and facilities).

³ See Conduct Related Official Transcript Notations: Sanction#24, P.30

- d. areas on College property except as required by their class schedule.
8. **Suspension or Dismissal from Campus Housing:** The student is required to remove himself/herself and all their belongings from the residence hall/townhouse. The student shall not reside in any residence facility. The student may also be restricted from visiting and/or attending any social/programming functions in any of the residence areas. This sanction may be temporary or permanent as specified at the time of adjudication. Any student who is suspended or dismissed from campus housing is required to leave the hall/townhouse and remove their belongings within the time specified. Students suspended or dismissed from campus housing are not eligible for any refund of the housing or meal plan fees for that contract period.
 9. **Temporary Suspension from Campus Housing:** The DOS or designee, Associate Dean of Students, or Director of Community Living or designee may impose a temporary suspension from College housing pending proper adjudication when the behavior of a resident student significantly detracts from the educational environment of the residence hall/townhouses or constitutes a danger to their safety or the safety to other persons or property in the residence hall/townhouse. Students temporarily suspended are restricted from entering all residence areas during the term of the suspension.
 10. **Social/Residence Hall Probation:** A probationary period for students, during which any additional violations of policy may result in immediate suspension, dismissal and/or restriction from campus housing areas. Commuting students may be restricted from entering the residential areas during the term of probation. Students placed on Residence Hall Probation are not eligible to return early to housing or stay over breaks during the term of their probation.
 11. **Housing Relocation / Administrative Assignment:** Administratively required relocation to another room and/or hall. Administrative assignment of room in lieu of Housing Selection participation.
 12. **Temporary Housing Relocation:** Administratively required relocation to another room and/or hall pending adjudication.
 13. **Restriction from Privileges:** Loss of specified privileges for a defined period of time (restriction from residence facilities, restriction from campus on weekends, co-curricular activities, athletics participation, use of computing services, representing the College, participation in housing lottery, etc.).
 14. **Student Reprimand:** A formal written warning that a student has been in violation of a policy or regulation and that notice of such has been provided to the student.
 15. **Warning:** Written documentation that a student may have been in violation of a policy or regulation and that notice of such has been provided to the student. Any further violations will be handled more stringently.

16. Substance Abuse Assessments: This includes, but is not limited to, substance abuse assessments or counseling through an off campus service provider. The student may be responsible for all costs of the assessment and/or counseling and must adhere to any treatment recommendations. Students must complete the assessment within the specified time frame.
17. Problematic Behavior Assessment: This includes, but is not limited to, behavioral assessment or counseling sessions related to inappropriate conduct or violations of the Code of Conduct through the Counseling Center. The student must adhere to treatment recommendations and complete the assessment within the specified time frame.
18. Educational Dialogues: Alcohol and other drug assessment and educational dialogues designed to help students examine habits, behaviors and unhealthy coping strategies in an inclusive, supportive and affirming environment. This includes, but is not limited to, Alcohol Policy Review, Educational Alcohol Dialogues, BASICS (Brief Alcohol Screening and Intervention for College Students), Safety and Risk Reduction Dialogues and Cannabis and Vaping Education.
19. Restitution: Compensation for loss or damage. This may take the form of appropriate service and/or monetary or material replacement.
20. Fine: Monetary fee. Generally used to provide programming and/or educational opportunities to the community affected by misconduct.
21. Parental Notification: The Office of the Dean of Students reserves the right to notify parents of students against whom disciplinary action has been taken, with a signed release from the student. In cases of alcohol and/or drug policy violations, the College reserves the right to notify (usually in writing) parents of students under 21 once the case has been adjudicated, regardless of whether the student signed a release form. The College reserves the right to contact parents and/or legal guardians without student consent in the case of health or safety emergencies. The College is allowed to notify parents without student consent in all instances permitted under the Family Educational Rights and Privacy Act (FERPA).
22. Dispute Resolution Agreement and/or Mediation: The College may offer students mediation or an alternative resolution agreement in cases where deemed appropriate by the designated College official.
23. Discretionary Sanctions: Other sanctions that bear a reasonable relation to the violation for which the student has been sanctioned may be imposed instead of or in addition to those specified above. Discretionary sanctions include, but are not limited to, volunteer services hours, educational reflection assignments and participation in alcohol or drug awareness programs. Discretionary sanctions are administered only with the approval of the Vice-President of Student Life, Dean of Students and/or designee.

24. Conduct Related Official Transcript Notations: As required by New York State Law 129-B, a notation will be added to the official Siena College transcript of students found responsible for a violation of the College's Code of Conduct (Siena Life) that:
- a. meets the definition of a crime of violence pursuant to the Federal Clery Act established in 20 U.S.C. 1092 (F) (1) (I)- (VII), and,
 - b. is sanctioned with suspension, dismissal or expulsion. For a student that is suspended or dismissed, the transcript notation will read:
"Suspended after a finding of responsibility for a code of conduct violation" or
"Dismissed after a finding of responsibility for a code of conduct violation."
 - c. A student may appeal, seeking removal of a transcript notation, (only for suspensions and dismissals) provided that the notation shall not be removed prior to one year after the conclusion of their sanction. Written appeals must be submitted to the Office of the Dean of Students one year after the conclusion of their sanction. The Dean, in consultation with other College officials, will review and accept or deny the appeal. The student will be notified in writing and, if the appeal is granted, the notation will be removed within ten business days upon receipt of the appeal.
 - d. For a student that is expelled, the transcript notation will read:
"Expelled after a finding of responsibility for a code of conduct violation". This notation is permanent and cannot be removed.
 - e. For a student that withdraws from the College while such cases are pending and declines to complete the conduct process, the transcript will read:
"Withdrew with conduct charges pending". This notation will stand until the conduct process is complete.
 - f. In all cases, an administrative hold will be placed on the student's record. The hold will prevent future registrations, distribution of transcripts and/or diplomas and may only be removed with permission of the Office of the Dean of Students.
25. Third Party Notification: Specific on campus offices and programs have a need to know if a student member of that organization or program has been found responsible for a violation of the college's code of conduct. It will be the responsibility of the Dean of Students Office to share the case resolution with the appropriate representatives of the program. These programs include: Athletics, HEOP, Bonner, ROTC, Community Living and Public Safety.
- B. Group: The following actions or sanctions may be imposed upon College-recognized, sponsored or sanctioned student groups, clubs, teams, residence hall floors, wings or townhouses, or other groups of students operating as a collective body as determined by the College. Sanctions may be imposed for violations of the Code of Conduct, guidelines as outlined in the Siena College Club and Organization Manual and/or college policy, including, but not limited to, hazing and discrimination and harassment policy violations.
1. Group Expulsion: The expulsion of a student organization, club or team denotes the revocation of College recognition and all privileges thereof. An organization that is expelled is excluded from all College programs and services including, but not limited to: student government, funding, advertising the organization and/or displaying the organization name; the inability to participate in recruitment activities; or for organization members to hold positions related to their membership in the suspended organization (e.g., SEB, Student Senate, etc.).

2. **Group Suspension:** The suspension of a student organization, club or team denotes the revocation of College recognition for a designated period of time and includes, but is not limited to, the loss of College recognition and all privileges thereof, including exclusion from all College programs and services, student government, funding, advertising the organization and/or displaying the organization name. Suspension also means that students are not allowed to participate in or sponsor any activities as an organization including recruitment activities. Organization members are not allowed to hold positions related to their membership in the suspended organization (e.g., Student Events Board, Student Senate, etc.). These conditions are in effect for the duration of the suspension. Any organization that violates its sanctions and/or conditions of suspension may be subject to the loss of College recognition.
3. **Temporary Group Suspension:** The Vice President for Student Life, the Dean of Students or designee, Associate Dean of Students, or other authorized College official as outlined by policy, guidelines, regulations, terms or conditions may impose an immediate temporary suspension of a student organization, club or team pending investigation and/or adjudication when the conduct of the group constitutes a possible threat to the safety, welfare and/or integrity of the College community.

Groups placed on temporary suspension may have all activities of the group cancelled for the duration of the temporary suspension. During this time, funding may be frozen, the group may lose College recognition and all privileges thereof, including exclusion from all College programs and services, student government, funding, and advertising the organization and/or displaying the organization name. Exclusions also may include participating in or sponsoring any activities as an organization, including recruitment activities.

4. **Group Disciplinary Action:** College-recognized, sponsored or sanctioned student groups, clubs, teams, residence hall wings or floors, or townhouses or other groups of students operating as a collective body as determined by the College are subject to the disciplinary actions outlined in this Code and/or the club manual and may also be subject to the following or other penalties applied:
 - a. Limitation of social and other organization privileges or programs
 - b. Educational sanctions that include the removal or limitation of funding
 - c. Probation
 - d. Cancellation of housing license
 - e. Suspension or expulsion if membership within the group is an element in the violations of the Code of Conduct, the penalty may also include a limitation on membership.

VI. Conduct Review Process

The Office of the Dean of Students is responsible for handling incidents of student and student group misconduct. The Dean of Students (DOS) is the chief student conduct officer for the College and, as such, oversees the student conduct review process. Any question of interpretation regarding the Code of

Conduct and/or conduct review procedures shall be referred to the Vice President for Student Life (VPSL), DOS or designee, or Associate Dean of Students for final determination.

A. Academic Matters:

See the academic integrity policy online at <https://www.siena.edu/AcademicIntegrity> or refer to the Office of the Provost and Senior Vice President for additional information.

B. Non-Academic Matters:

1. Definitions:

- a. Complainant – person who filed the complaint/report and/or the administrative officer assigned to serve as complainant in those instances where the report was written by a College staff member in the performance of their duties.
- b. Respondent – a person accused of a violation that has entered the College’s conduct process.
- c. Administrative hearing officer – an individual hearing officer (Community Living professional staff, Associate Dean of Students, or Dean of Students).

2. Reports of Violations: Any individual may report a violation of the Code of Conduct. Individuals who wish to file a report concerning the behavior of a student, student group or student guest may do so by contacting the offices of Community Living, Public Safety or Dean of Students. Reports made to other offices should be referred to one of the outlined offices/individuals for investigation. All reports alleging misconduct by a student or student group will be reviewed and investigated by the DOS or their designee.

3. Review of Complaints: If there is reasonable information that indicates that the Code of Conduct may have been violated, the DOS or designee provides notice of the complaint to the accused (respondent). The DOS (or their designee) assigns the case to a hearing officer (administrative hearing process) or Student Conduct Review Board (Student Conduct Review Board hearing process). Single incidents may involve reported violations of Code of Conduct and reported violations of the Sexual Misconduct Policy and/or Siena College Discrimination and Harassment Policy. In these cases, violation(s) will be resolved concurrently or separately through the Student Conduct Review process and the Sexual Misconduct Policy and/or Siena College Discrimination and Harassment Policy. Violation(s) will be resolved through their stated process and procedures. Siena College does not permit legal counsel to participate in administrative, Student Conduct Review Board or their appellate hearings. Complaints regarding Bias Related Harassment that have been investigated by the Title XI/EEO office may be referred to the DOS for assignment to the Student Conduct Review Board.

4. Authority — Chief Conduct Officer: The DOS, in accordance with College policies, controls the review and resolution of a reported Code of Conduct violation, including, but not limited to, the manner (mediation, administrative hearing or Student Conduct Review Board hearing) in which the matter will be addressed by the College. The DOS may amend or reject the finding(s), sanction(s) or dispute resolution agreements of hearing officers or the Student Conduct Review Board. If the DOS rejects the recommendations, the DOS may reassign the case to a different hearing officer or Student Conduct Review Board for resolution.

5. Accommodation Requests: If you are a student with a disability who feels there is a need for an accommodation so you can fully understand and participate in the conduct review process, the student will need to contact the Dean of Students Office, who will work with the Office of Accessibility to review the student's accommodation request on a case by case basis.
6. Resolution of Complaints:
 - a. Mediation/Dispute Resolution: The DOS or designee may deem it appropriate to offer the parties involved the opportunity to use mediation and/or a dispute resolution agreement. In the event mediation/dispute resolution is offered:
 - i. Both parties must agree to attempt mediation or a dispute resolution agreement.
 - ii. Either party may elect to end mediation or the dispute resolution process at any time.
 - iii. Either party may request to have the case reviewed by the College, in which case the DOS will assign the case to a hearing officer or the Student Conduct Review Board.
 - iv. The DOS or designee may suspend disciplinary action in lieu of mediation or dispute resolution.
 - v. If mediation or a dispute resolution is successful, all parties must sign a written agreement outlining the resolution agreement to be approved by the DOS.
 - vi. Copies of the written agreement will be given to all parties, DOS and any appropriate College officials.
 - vii. The signed document will set forth the consequences for either party who fails to meet the terms to which all parties agreed.
 - b. Administrative Hearing Overview: When the case is assigned to a hearing officer (Community Living professional staff, Associate Dean of Students, or Dean Of Students):
 - i. The hearing officer may further investigate the incident.
 - ii. The hearing officer will provide a written notice of the charge of violation(s) of the Code of Conduct to the respondent.
 - iii. The hearing officer may enlist a member of the Student Conduct Review Board or another administrative hearing officer to assist during an administrative hearing to evaluate the information presented and determine a finding.
 - iv. The respondent may accept responsibility and/or has an opportunity to present any additional evidence deemed pertinent by the hearing officer. Should a student accept responsibility, the respondent and/or hearing officer may refer the case to the Student Conduct Review Board for a recommendation on sanctioning at the discretion of the DOS, or the hearing officer may determine the sanction.
 - v. If a student denies responsibility, the hearing officer will render a finding regarding responsibility based on the evidence using a “preponderance of the evidence” standard, which reviews whether it is more likely than not that a violation has or has not occurred. If a student fails to accept or deny responsibility, a plea of deny responsibility will be recorded and the hearing officer will render a finding regarding responsibility based on the evidence

using a “preponderance of the evidence” standard, which reviews whether it is more likely than not that a violation has or has not occurred.

- vi. Should a student fail to appear for a scheduled meeting with a hearing officer, a finding may be made based upon the evidence available and sanction(s) accordingly.

7. Student Conduct Review Board:

- a. The Student Conduct Review Board is composed of ten to fourteen students and three to five faculty members. Appointments are made through a selection process administered through the Dean of Students Office. Faculty members are selected through a process determined by the faculty. Student board members must:
 - i. be matriculated and full-time students for at least one semester
 - ii. be in good academic standing
 - iii. be available to meet the time requirements of the Board
 - iv. not be under any type of probation, deferred sanction or suspension
 - v. not be a community assistant
- b. The Board shall select one member to serve as chair and one member to serve as associate chair. The chair and associate chair may also serve on committees related to the review of the Code of Conduct and conduct review procedures.
- c. The Associate Dean of Students or designee will serve as the advisor to the Student Conduct Review Board. The Associate Dean will assist with selection, training, and scheduling of hearings. They will serve as a non-voting advisor to the Student Conduct Review Board.
- d. Advocate – Any member of the immediate Siena community (currently enrolled students, faculty, staff or administrators) may serve as a student advocate during the Student Conduct Review Board process. Advocates assist the respondent or complainant in preparing for their hearing, and may be present, but not participate or represent in the hearing. Failure to obtain an advocate is not cause for postponement of a scheduled hearing.
- e. The Student Conduct Review Board will hear cases related to the Siena College Code of Conduct and referred by the DOS. These may include the determining/recommending sanctions and adjudication of appeals. The Board will also hear cases related to Bias-related Harassment that have been investigated by the Title IX/EEO Office.

8. Student Conduct Review Board Process:

- a. Notice of the hearing date: The Dean of Students (DOS) or designee will provide the respondent and complainant with written notice of the hearing date, time and location. A hearing or appellate board may comprise three to seven members at the discretion of the Dean of Students Office. Student board members will constitute the majority of the panel.
- b. When the College is the complainant, the Dean of Students Office will appoint a member of the Community Living staff or the Associate Dean of Students to serve this role. The hearing will proceed even if the respondent and/or complainant fail to appear, and a decision will be rendered based on the evidence presented. Hearings before the Board will normally occur within 5-10 business days after the notice of charges or submitted appeal. The DOS may make exceptions to this time frame.

- Should students fail to appear for a scheduled hearing, a finding may be made based upon the information available with sanctioning recommendations (if applicable).
- c. Witnesses: Hearings are to occur in a manner that is as efficient as possible. Live witness testimony is preferred; however, written statements are acceptable, provided they have been notarized by a notary public or given as a formal statement to an Investigator from the Office of Public Safety. During the hearing, the chairperson may exclude irrelevant testimony and/or witnesses for reasons of conduct. Witnesses relevant to the actual incident are permitted; witnesses in support of character are not. Written character statements may be accepted, but may only be reviewed during the sanctioning portion of deliberation at the panel's discretion.
 - d. Personal Bias: Hearing panel members are expected to excuse themselves from a hearing if personal bias or conflict of interest would prevent them from rendering an objective decision. Any party may challenge a member on the grounds of personal bias at the beginning of the hearing. It will be the decision by majority vote of the panel to determine if the challenged member should excuse themselves from the hearing.
 - e. Rules of Evidence: Hearings are intended to be informal in nature. Accordingly, formal rules of evidence do not apply. The chairperson is empowered to admit into evidence whatever is deemed as reasonably relevant and material to the issues of the case as well as deny overly redundant evidence.
 - f. Standard of Evidence: The hearing panel will render a finding regarding responsibility based on the evidence using a standard of "more likely than not."
 - g. Representation: Hearings are closed. Respondents and complainants have the right to have an advocate from the Siena community be present during the hearing.
9. Student Conduct Review Board Hearing Procedure:
- a. The chair of the hearing panel convenes the hearing and notes the date and time. The chair introduces themselves and asks the same of the board members, advocate(s), complainant(s) and respondent(s).
 - b. The chair reads the opening statement.
 - c. The chair asks the respondent(s) to respond to the following procedural question: "Do you have any questions regarding the procedure to be used during this hearing?" Any questions are answered at that time. Further questions may be asked at any time after being recognized by the chair.
 - d. The chair states the alleged violations or grounds for appeal in an abbreviated form. In non-appellate cases, the respondent is asked to either accept responsibility, deny responsibility, or accept responsibility with an explanation for the violation. For appellate cases, the respondent will be asked if they are appealing a decision based on new evidence or disproportionate sanctioning or procedural error.
 - e. An opening statement from the complainant is entertained.
 - f. An opening statement from the respondent is entertained.
 - g. Complainant case presentation
 - i. Introduction of evidence
 - ii. Questioning of witnesses called by the complainant:
 - a. Complainant
 - b. Respondent

- c. Hearing panel members (Note: Hearing panel members may ask questions at any time throughout the hearing after being recognized by the chair)
 - d. Again, each witness is retained until there are no further questions
 - h. Respondent case presentation
 - i. Introduction of evidence
 - ii. Questioning of witnesses called by respondent:
 - a. Respondent
 - b. Complainant
 - c. Hearing panel members (Note: Hearing panel members may ask questions at any time throughout the hearing after being recognized by the chair)
 - d. Again, each witness is retained until there are no further questions.
 - i. The chair will ask hearing panel members if they have any further questions for the respondent or complainant.
 - i. A closing statement from the respondent is entertained.
 - ii. A closing statement from the complainant is entertained.
 - iii. The hearing panel will then adjourn for deliberation. The complainant(s), respondent(s) and advocate(s) are excused.
 - j. The hearing panel then deliberates. Deliberations are held in private, with only the hearing panel members and advisor present. Generally, a finding of responsibility is to be made before the prior disciplinary record of the respondent is reviewed, unless the record is necessary to establish the offense. However, there may be exceptions, including, but not limited to, student self-disclosure of record, release of record establishes motive and alleged violations of sanction or restrictions. Final decisions of all hearings are determined by a majority vote of the hearing panel. The chair must write a detailed rationale for the recommended finding as well as detailed sanction information on a finding form. The finding and sanction are then forwarded to the DOS or VPSL in certain appellate cases who may accept, amend or reject the recommendation.
 - k. The DOS, VPSL or designee will normally inform the respondent(s) of the outcome in writing within three business days of the conclusion of the hearing. This time frame may be adjusted by the College for unusual circumstances (such as, but not limited to: breaks, illness, weather, etc.)
 - l. Additional notes:
 - i. The hearing panel, at its discretion, reserves the right to reconvene for purposes of hearing from witnesses and/or reviewing additional information. When this occurs, the time frame may be adjusted
 - m. A hearing for purposes of sanction recommendations may be convened using an abbreviated form of the above procedure.

VII. The Appeal Process

Respondents have five business days from the date of the notice of finding(s) and sanction(s) to submit a request for appeal. Unless noted otherwise in writing, sanctions are imposed and in effect, pending any appeal. The Dean of Students Office will determine where the case will be appealed based on the following.

- A. Cases originally adjudicated by the Office of Community Living will be appealed to the Dean of Students Office, the Student Conduct Review Board or designee. The Student Conduct Review Board will make appeal recommendations to the Dean of Students Office.
- B. Cases originally adjudicated by the Dean of Students Office will be appealed to the Vice President for Student Life or the Student Conduct Review Board. The Student Conduct Review Board will make appeal recommendations to the Vice President for Student Life.
- C. All appeals must be in writing, written by the student, and must specify the grounds for the appeal. The College does not accept appeals submitted by others (including parents and attorneys on behalf of a student); the student must file their own appeal.
 - 1. Student(s) may submit an appeal based on the findings. Appeals of the finding(s) of responsibility must be based on procedural error or new information that was not available at the time of the hearing, could not have been produced by a reasonable effort and could reasonably have impacted the findings. If an appeal is granted due to a procedural error or new information criteria, the case will be re-heard by a new hearing officer or review board.
 - 2. The sanction(s) may be appealed on grounds that the sanction(s) imposed are disproportionate given the respondent's prior disciplinary record or the severity of the offense(s).
 - 3. The Dean of Students or designee or the Vice President for Student Life will notify the student in writing of their decision within ten (10) business days. The appeal decision is final.

Hate Crimes and Bias-related Incidents

I. Overview

Bias-related crime does occur on college campuses. Siena College's commitment to diversity and respect, as two of our Franciscan values, shapes the College's expectation that members of our community will strive to eliminate hate crimes and bias-related incidents.

Hate crimes and bias-related incidents involve behaviors that are motivated by hostility to race, religion, sexual orientation, ethnicity, national origin, gender, age or disability. Bias-related incidents include those actions that are motivated by bias, but do not meet the necessary elements required to prove a crime. Acts of hate and bias may accompany crime through such actions as threats of violence, property damage, personal injury and other illegal conduct.

- A. **Bias-Related Incident:** A bias-related incident is defined as behavior that constitutes an expression of hostility against the person or property of another because of the targeted person's race, religion, sexual orientation, ethnicity, national origin, gender, age, or disability. Bias-related incidents include, but are not limited to, name calling and using degrading language or slurs directed toward a person because of their membership (or perceived membership) in a protected class.
- B. **Hate Crime:** A person commits a hate crime when they commit a specified criminal offense as defined by the New York State Penal Law and either:
 - a. intentionally selects the person against whom the offense is committed or is intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the person, regardless of whether the belief or perception is correct
 - b. intentionally commits the act or acts constituting the offense in whole or in part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

Examples of hate crimes may include, but are not limited to, threatening telephone calls, hate mail (including electronic mail), physical assaults, vandalism, destruction of property, and fire bombings.

Applicable Laws, Ordinances and Regulations

New York State Penal Law specifically forbids hate and bias-related crimes and imposes strict sentences upon those convicted of them. Following is the hate crimes section of the New York State Penal Law.

C. Legislative Findings

The legislature finds and determines as follows: criminal acts involving violence, intimidation and destruction of property based upon bias and prejudice have become more prevalent in New York state in recent years. The intolerable truth is that in these crimes, commonly and justly referred to as "hate crimes", victims are intentionally selected, in whole or in part, because of their race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation. Hate crimes do more than threaten the safety and welfare of all citizens. They inflict on victims incalculable physical and emotional damage and tear at the very fabric of free society. Crimes motivated by invidious hatred toward particular groups not only harm individual victims but send a powerful message of intolerance and discrimination to all members of the group to which the victim

belongs. Hate crimes can and do intimidate and disrupt entire communities and vitiate the civility that is essential to healthy democratic processes. In a democratic society, citizens cannot be required to approve of the beliefs and practices of others, but must never commit criminal acts on account of them. However, these criminal acts do occur and are occurring more and more frequently. Quite often, these crimes of hate are also acts of terror. The recent attacks in Monsey, New York as well as the shootings in El Paso, Texas; Pittsburgh, Pennsylvania; Sutherland Springs, Texas; Orlando, Florida; and Charleston, South Carolina illustrate that mass killings are often apolitical, motivated by the hatred of a specific group coupled with a desire to inflict mass casualties. The current law emphasizes the political motivation of an act over its catastrophic effect and does not adequately recognize the harm to public order and individual safety that hate crimes cause. Therefore, our laws must be strengthened to provide clear recognition of the gravity of hate crimes and the compelling importance of preventing their recurrence.

Accordingly, the legislature finds and declares that hate crimes should be prosecuted and punished with appropriate severity.

D. Hate Crimes

1. A person commits a hate crime when they commit a specified offense and either:
 - a. intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
 - b. intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.
2. Proof of race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the defendant, the victim or of both the defendant and the victim does not, by itself, constitute legally sufficient evidence satisfying the people's burden under paragraph (a) or (b) of subdivision one of this section.
3. A "specified offense" is an offense defined by any of the following provisions of this chapter: section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); section 120.10 (assault in the first degree); section 120.12 (aggravated assault upon a person less than eleven years old); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); section 121.12 (strangulation in the second degree); section 121.13 (strangulation in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); subdivision one of section 130.35 (rape in the first degree); subdivision one

of section 130.50 (criminal sexual act in the first degree); subdivision one of section 130.65 (sexual abuse in the first degree); paragraph (a) of subdivision one of section 130.67 (aggravated sexual abuse in the second degree); paragraph (a) of subdivision one of section 130.70 (aggravated sexual abuse in the first degree); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.60 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.10 (criminal trespass in the third degree); section 140.15 (criminal trespass in the second degree); section 140.17 (criminal trespass in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 150.05 (arson in the fourth degree); section 150.10 (arson in the third degree); section 150.15 (arson in the second degree); section 150.20 (arson in the first degree); section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in the second degree); section 155.42 (grand larceny in the first degree); section 160.05 (robbery in the third degree); section 160.10 (robbery in the second degree); section 160.15 (robbery in the first degree); section 240.25 (harassment in the first degree); subdivision one, two or four of section 240.30 (aggravated harassment in the second degree); or any attempt or conspiracy to commit any of the foregoing offenses.

4. For purposes of this section:
 - a. the term “age” means sixty years old or more
 - b. the term “disability” means a physical or mental impairment that substantially limits a major life activity
 - c. the term “gender identity or expression” means a person’s actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.

E. Sentencing

1. When a person is convicted of a hate crime pursuant to this article, and the specified offense is a violent felony offense, as defined in section 70.02 of this chapter, the hate crime shall be deemed a violent felony offense.
2. When a person is convicted of a hate crime pursuant to this article and the specified offense is a misdemeanor or a class C, D or E felony, the hate crime shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant’s conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.
3. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class B felony:

- a. the maximum term of the indeterminate sentence must be at least six years if the defendant is sentenced pursuant to section 70.00 of this chapter
 - b. the term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to section 70.02 of this chapter
 - c. the term of the determinate sentence must be at least twelve years if the defendant is sentenced pursuant to section 70.04 of this chapter
 - d. the maximum term of the indeterminate sentence must be at least four years if the defendant is sentenced pursuant to section 70.05 of this chapter
 - e. the maximum term of the indeterminate sentence or the term of the determinate sentence must be at least ten years if the defendant is sentenced pursuant to section 70.06 of this chapter
4. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class A-1 felony, the minimum period of the indeterminate sentence shall be not less than twenty years.
 5. In addition to any of the dispositions authorized by this chapter, the court shall require as part of the sentence imposed upon a person convicted of a hate crime pursuant to this article, that the defendant complete a program, training session or counseling session directed at hate crime prevention and education, where the court determines such program, training session or counseling session is appropriate, available and was developed or authorized by the court or local agencies in cooperation with organizations serving the affected community.

F. Victims of Bias-related Incidents or Hate Crimes

1. What to Do if It Happens to You:

Hate crimes, bias-related incidents, or other emergencies may be reported by dialing Public Safety at extension 2376 or in an emergency by dialing 911, by using any of the emergency-call boxes located in strategic areas around campus, by means of the Public Safety Website (www.siena.edu/publicsafety), where the Anonymous Tips page (www.siena.edu/anonymous) can be found and/or by using Siena's Bias Related Incident report (www.siena.edu/biasreport). The emergency-call box locations are identifiable by blue lights hanging above the boxes. Following a call, the department will send a Public Safety officer immediately to assist the caller or victim. If required or requested, the town or state police will be contacted.

When a hate/bias-related criminal offense, a hate/bias-related incident or other emergency occurs on campus, anyone may report it. Incidents may be reported to Public Safety, the Office of the Dean of Students or Title IX Coordinator/Equal Opportunity Specialist or to any College official who will notify the Title IX Coordinator/Equal Opportunity Specialist. Students who report a bias related incident in which another student(s) is the respondent(s) may have their complaint reviewed through the student conduct review process if the reported behavior does not meet the definition of discrimination and harassment (i.e.; the reported behavior was offensive but not severe or pervasive) at the discretion of the Title IX/EOS coordinator.

2. Procedures:

Siena College has a prompt and effective procedure for all members of the College community who believe they have been subject to discrimination or harassment on the basis of race, religion, sexual orientation, ethnicity, national origin, gender, age, disability, or other basis identified in federal or state law. The College reserves the right to investigate and remediate all conduct contrary to Siena College's Discrimination and Harassment policy, even without receipt of a complaint.

In cases involving illegal or criminal behavior (e.g., rape or assault, hate crimes), the student or employee retains the right to go to the police and will be made aware of that right at the time the complaint is received. In all cases, the student or employee retains the right to pursue civil action. No pressure will be put on an individual to use this procedure instead of pursuing other means of redress.

Information regarding these procedures under the College's Discrimination and Harassment policy is provided in Siena Life; in the Office of the Dean of Students, Sarazen Student Union, room 302, 518-783-2328; by the Title IX Coordinator/Equal Opportunity Specialist, Sarazen Student Union, room 235, 518-782-6673; or on the Siena Website, <https://www.siena.edu/discriminationprevention>

3. Penalties:

Siena College considers hate crimes and bias-related incidents as serious. In addition to any criminal sanctions, individuals found responsible for hate crimes or bias-related incidents are subject to sanctioning in accordance with procedures outlined in the Discrimination and Harassment policy or Student Code of Conduct.

G. Support Services and Counseling:

All victims of, or witnesses to, bias-related crimes or incidents are encouraged to avail themselves of college counseling resources. Counseling and support services are available at the Counseling Center, Foy Hall, room 110, 518-783-2342. Additionally, staff in the Dean of Students Office, Office of Accessibility Services, Damietta Cross Cultural Center, Community Living, Chaplain's Office, and the Title IX/Equal Opportunity Specialist are prepared to help and support students in this situation.

Health and Wellness

I. Health Requirements

- A. Health Insurance: All full-time students are required to have health insurance. Information about the student health insurance plan offered at Siena is available through the student health office. Students who are already enrolled in a health insurance and/or prescription plan must complete the waiver process on-line.
- B. Statement of Intent: The Siena College Health Services will comply with, uphold and enforce relevant provisions of the New York State Public Health law, Article 21, Title VI, and Section 2165 and 2167, as it pertains to this College. Siena College is committed to providing a safe and healthy environment for its students with regard to communicable diseases, including measles, mumps, rubella, tuberculosis, pertussis (whooping cough), and meningitis. The College recognizes and accepts its responsibility under applicable state law and considers recommendations from the American College Health Association and U.S. Centers for Disease Control and Prevention.
- C. Health Services Definition of Full/Part-Time Students:
1. A part-time student is any person enrolled in a minimum of six but fewer than 12 credit hours per semester.
 2. A full-time student is any person enrolled in 12 or more credit hours per semester and a graduate student enrolled in 9 or more credit hours.
- D. Specific Requirements:
1. All full-time students are required to complete the Siena Health History form with upload of their physical exam in their health portal. The physical exam must be performed within 2 years of admission for new students and students that have been readmitted to the college after an absence of two years or more.
 2. Full-time and part-time students born after January 1, 1957 are required to provide proof of immunity to measles, mumps, rubella, meningitis, tetanus/diphtheria/pertussis at the time of registration. Documentation of tuberculosis screening is also required regardless of age. Please Note: Nursing students will need to comply with both Siena College and clinical agency health requirements.
 - a. Measles (rubeola): Proof of immunity shall consist of one of the following: two immunizations given after 1967, at least 30 days apart, on or after the first birthday; evidence of the disease documented by a physician (MD or DO); or documentation of an adequate immune titer.
 - b. Mumps (infectious parotitis): Proof of immunity shall consist of one of the following: one immunization given after 1967, on or after the first birthday; evidence of the disease documented by a physician (MD or DO); or documentation of an adequate immune titer.
 - c. Rubella (German measles): Proof of immunity shall consist of one of the following: one immunization given after 1967, on or after the first birthday; evidence of the disease documented by a physician (MD or DO); or documentation of an adequate immune titer.

- d. Meningitis (Menactra or Menveo): Proof of one vaccination at age 16 years or older and within the last 5 years.
 - e. Tetanus/Diphtheria/Pertussis: Proof of recent vaccination with combined tetanus/diphtheria/pertussis toxoid within 10 years.
 - f. Tuberculosis: Proof of tuberculosis screening performed within the past six months or a chest x-ray ruling out active tuberculosis. Positive skin tests will require a referral to the chest clinic of the local county Public Health Department (see section on enforcement within this policy).
3. Students seeking religious exemption from these requirements must comply with applicable state regulations. Students under 18 years of age must submit a written statement signed by their parents or guardian stating that they hold genuine and sincere religious beliefs contrary to the practice of immunization. Students 18 years or older must submit a statement themselves to qualify for religious exemption. This statement must describe the beliefs in sufficient detail to permit the College to determine that the beliefs are religious in nature (not philosophical) and sincerely and genuinely held and that the student was counseled about the risks/benefits of vaccination by a clinician. Students that qualify for religious exemption will be required to leave the campus in the event of an outbreak of one or more of these diseases and will remain away from campus until 21 days after the outbreak is over.
 4. Students seeking medical exemptions from this requirement must submit medical documentation indicating the reasons for exemption and signed by a licensed medical provider. Medical exemptions from this requirement may be granted at the discretion of the Health Service Director for reasons such as pregnancy, history of anaphylaxis, immune-compromised conditions, or other relevant disease states. Non-immunized students will, at the discretion of the Health Service Director, be required to leave the college in the event of an outbreak of one or more of these diseases and will remain away until 21 days after the outbreak is over.
 5. All students (as defined above) must complete the appropriate form in their student health portal including upload of the requested documents. Health Services will maintain the records while the student is in continuous attendance at the College.
 6. Any individual enrolled in 5 credit hours per semester or less, or any part-time student at Siena who enrolls full-time in the future must, at that time, submit a completed Siena College Health Record and meet all other requirements of a full-time student as set forth in this policy. Any individual enrolled in 5 credit hours per semester or less at Siena who enrolls part-time in the future must, at that time, meet all the requirements of a part-time students as set forth in this policy.
- E. Enforcement of Policy:
1. Students who fail to comply with this policy, including but not limited to any failure to supply complete health or immunization records to the College by the established dates are subject to fines, cancellation of registration and/or a “health hold” for future registrations.
 2. Students who fail to comply with this policy within 30 days of the beginning of the first term for which they register will not be permitted to attend class and will have their registration put on hold for subsequent semesters. Students living in the residence halls will be removed from housing until all required health record requirements are met. They may be reinstated upon full compliance and taken off registration “hold”.

3. Students with positive tuberculin tests, including those who have had BCG vaccination, are required to report to the Albany County Health Department Chest Clinic or the Health Department in their county of residence. Failure to comply with health department directives will result in the penalties listed in the preceding paragraph.
- F. Compliance and Reporting:
1. Siena College complies with the requirement to submit yearly reports of immunization statistics including reports of diagnosis of communicable disease, as they occur, as required by NYS Department of Health regulations.
 2. Student immunization records contain medical information and will be maintained in a confidential manner. Access to these records will be limited to personnel whose job duties require information from these records. No records can be released without the student's written consent or for a student under the age of eighteen, the consent of a parent or guardian. All medical records will be stored for seven years.

II. **Counseling Center: Scope of Care**

- A. Overview of Services:
Siena College Counseling Center services are free and confidential.* The Counseling Center also provides consultations for students to faculty, staff, and families regarding the mental health of Siena students.
- *The information shared in a psychotherapy relationship is treated with the deepest respect. The Counseling Center is committed to keeping records and information that is shared confidential. Only in situations where safety is a concern and there is imminent risk of harm can information be shared, and in these situations only for the purpose of insuring safety; or in situations where the College must comply with a judicial order, or lawfully issued subpoena or is related to legal action involving the College and the student.
- B. Reasons Students Visit the Counseling Center:
The most common reasons for visiting the Counseling Center include:
- a. Anxiety
 - b. Depressed mood
 - c. Grief
 - d. Relationship problems with family, peers, or romantic partners
 - e. Substance Abuse
 - f. Suicidal thoughts
 - g. Traumatic experiences
- C. Goals for Visiting the Counseling Center:
Common goals include:
- a. Symptom reduction
 - b. Learning coping strategies or developing healthy habits
 - c. Changing problematic behaviors
 - d. Receive support
 - e. Assessment
- D. Short-term Counseling:

The Siena College Counseling Center offers short-term, solution-focused counseling for students to reduce emotional distress, learn coping skills, foster resilience, and receive support. Students who visit the Counseling Center average six visits. The annual maximum for visits to the Counseling Center is ten sessions. Beginning at the first session, the clinician and student will work together to determine if the student's needs can be met in our model. For example, students with a history of multiple hospitalizations, severe eating disorders, or active psychoses will likely be referred to the community, given the need for more than 10 sessions of counseling. For students who require or wish to have more than 10 sessions annually, we can assist you in finding a community provider. Attending a group counseling session or a skills group offered by the Office of Health Promotion does not count toward the 10 session limit.

- E. Frequency and Length of Appointments:
The intake appointment (i.e., first appointment) will be approximately 60 minutes in length, excluding time for paperwork. The follow-up biweekly sessions will be approximately 45 minutes in length. Missed appointments without 24 hour notice are counted toward the annual 10 session limit. Students with repeated missed appointments without 24-hours-notice may be referred to the community.
- F. Assessment of Treatment Progress:
Students will be asked to complete a brief computerized system-tracking assessment before each appointment. This assessment will track how you are doing on your most pressing concerns on an appointment by appointment basis. Your therapist will review this assessment with you at every meeting and will also ask you how you feel you are doing in counseling.
- G. Psychiatric Services:
Siena College contracts with external providers to provide medication management. These providers are available free of charge. The cost to purchase medications will vary depending on the student's insurance plan. Stipulations for seeing the psychiatry providers include:
- a. No prescriptions for ADHD / ADD medications or benzodiazepines.
 - b. Student must be engaged in concurrent counseling at the Counseling Center to be eligible for psychiatric services.
 - c. Students with repeated missed psychiatric appointments may be referred to the community.
- H. Services Not Provided:
The Counseling Center is not able to provide some services. We can refer students to community providers for these services, if requested. These services include:
- a. ADD / ADHD Evaluations
 - b. Autism spectrum evaluations
 - c. Learning disability assessments
 - d. Disability evaluations for housing
- I. Other Beneficial Resources:
Please refer to the resources below at the college for questions on any of the following questions:
- a. Housing Accommodations <https://www.siena.edu/policies-procedures/special-accommodations-policy/>

- b. Lab / Bloodwork <https://www.siena.edu/offices/health-services/>
- c. Learning or other disability accommodations <https://www.siena.edu/offices/accessibility/>
- d. Meal Plan <https://www.aviserves.com/sienafresh/meal-and-dining-plans.html>

III. Refusing Medical Treatment

Should a student refuse care or present a plan of care/treatment, and such refusal or plan may, as determined by the College, constitute a threat of harm to self, to others, to property or to the orderly operation of the College, Siena reserves the right to place the student on medical leave, or to take other action(s) as deemed necessary including, but not limited to, relocation, restriction(s) and/or suspension from housing. This includes following isolation and quarantine requirements and/or College required COVID 19 related testing and/or other public health directives. The College may reconsider the medical leave or other action taken, if in the opinion of the College, the student has adequately and appropriately demonstrated to the College that such refusal or plan may no longer constitute a threat to self, to others, to property or to the orderly operation of the College.

IV. Medical Leave of Absence Policy

Medical Leave is an authorized absence from the College for medical or psychological reasons. During medical leave, students cannot attend classes and are required to stay off campus. Students on medical leave are expected to focus on the evaluation, treatment and/or management of the illness or condition which necessitated the leave. Siena College Health Services coordinates all medical leaves for students under their care/purview and for any physical health related conditions. Siena College Counseling Center coordinates medical leaves for students who will be absent for mental health/psychological reasons. The two offices (Health Services or Counseling Center) will submit a recommendation to the Dean of Students Office and a medical leave will be initiated if the student will be absent for five (5) or more days. The Dean's Office will inform required faculty and administrators via email. Details of the absence are not released to faculty members or administrators in order to maintain confidentiality of the student's private medical information. Students are expected to contact their professors regarding any missed assignments.

This policy is intended to provide supportive intervention for students experiencing medical or psychological related issues. To the extent that a student's safety is at risk, efforts to safeguard the student takes precedence over maintaining the student's confidentiality during the event of an acute psychological or medical emergency. In these situations, information deemed relevant to a student's safety may be released to those who have a compelling reason to have the information because of the role they are playing in safeguarding the student. The response to student crises should be proportional to the risks posed to or by the individual. This may require a high-risk student to be evaluated at Samaritan Hospital (voluntary evaluations), the Capital District Psychiatric Center (CDPC) Crisis Unit (involuntary evaluations) or another medical/psychiatric facility when appropriate. In such cases, Siena College will work with the student, their family and provider to best support the student. Siena reserves the right to place the student on involuntary medical leave, or to take other action(s) as deemed necessary including, but not limited to, relocation, restriction(s) and/or suspension from housing.

A. Voluntary Medical Leave:

1. A student may request voluntary medical leave if the student has a medical or psychological condition that necessitates their absence from the College.
2. The student must submit documentation of the nature of the medical condition to the health care professionals at Health Services or Counseling Center for review. Students may be required to sign a Release of Information Form to allow the appropriate College officials to speak to the treating physician or licensed mental health professional.
3. The case will be reviewed by the Director of Health Services or Director of the Counseling Center or designee and they will forward their recommendation for medical leave to the Dean of Students office.
4. The Dean of Students office will place the student on medical leave and notify the student's instructors, the Director of Community Living (if a residential student) and Academic Affairs that the student is on medical leave.
5. Students on medical leave may not attend any classes during the term of the medical leave. In addition, students on medical leave must leave campus and remain off-campus until they are cleared to return by the Dean of Students, or their designee, in consultation with Siena College Health Services or Siena College Counseling Center.
6. If the student chooses not to return to the College, the Dean of Students or designee will inform the student of the withdrawal process for medical reasons and review the potential return requirements and timelines, with the student and/or family. Depending on the circumstances, the Dean's office may have to initiate the withdrawal process after discussions with the student and/or family.

B. Involuntary Medical Leave:

1. A determination of involuntary medical leave will be based upon an individualized assessment of safety or public health reasons, including communicable disease or when the student is at risk to self or to the community. The Director of Health Services or Director of the Counseling Center will determine if a student should be placed on involuntary medical leave and provide a recommendation to the Dean of Students office. The Dean of Students, or designee, will place a student on medical leave and notify the student's instructors, the Director of Community Living (if a residential student) and Academic Affairs that the student is on medical leave. A student may be placed on involuntary medical leave, including but not limited to, the following situations:
 - a. It has been determined by Health Services clinician (MD, PA or NP) that the student requires more intensive medical care than can be provided in an ambulatory setting.
 - b. The student has a medical condition that requires isolation from the College community for safety or public health reasons, such as a communicable disease or if the student is at risk to self or others.
 - c. The student refuses care or to follow reasonable guidelines for self-care, such that failure to do so places the student's life or others at risk.
 - d. The Director of the Counseling Center determines the student poses a risk of harm to themselves or others and/or is not able to care for themselves at the present time.
 - e. The student is admitted to a medical or psychiatric treatment facility. (see note below)
2. Siena College will place the student on medical leave, effective immediately, and the student's parent(s), guardian, or emergency contact will be notified of the student's situation.

3. Students on involuntary medical leave may not attend any classes or return to campus housing during the term of the medical leave.
 - a. Requirement to leave campus for medical reasons of health and safety: Students are required to comply with College policy to vacate their assigned on campus residential space on a temporary or permanent basis due to communicable illness or public health directive. In the instance of a medical situation requiring self-quarantine or self-isolation due to a communicable disease or in a medical situation where care cannot be managed safely within the College environment the student is required to leave campus. The student may not be permitted to continue to reside in their residential space or will be required to self-isolate at home or make alternative housing arrangements off campus for the period of time determined by the Health Services. All students will be required to be cleared for return to campus by the Health Services in order to return to campus.
 - b. Students on involuntary medical leave must leave campus and remain off campus until they are cleared to return by the Dean of Students, or their designee, in consultation with Siena College Health Services or Siena College Counseling Center. The student is advised to contact their parents/guardians to arrange safe transportation home. If the student cannot get themselves home or if the parents or guardians themselves are unable to come to campus within a specified period, the student must make housing arrangements off campus in coordination with the Dean of Students Office. The student will be required to leave campus within a specified time frame that provides for the safety of the student in order to make transportation arrangements to travel to the location where they will complete the medical leave. The student must be cleared by Health Services and the Dean of Students Office for return.
4. If the student chooses not to return to the College, the Dean of Students or designee will withdraw the student for medical reasons and review this process, as well as potential return timelines, with the student and their family.

Note: A student, who is assessed at Samaritan Hospital, the CDC Crisis Intervention Unit or other medical/psychiatric facility due to a mental health crisis and released without hospitalization, will be placed on a medical leave effective immediately and parents/emergency contact will be responsible for taking them home. As part of the follow-up process, the student/family will be in communication with the Dean of Students or designee following the crisis to develop a continuity of care/support plan. During that meeting or communication, the student will be provided with recommendations aimed at best supporting the student and address any behaviors associated with the event that may have violated the student Code of Conduct. A common component for support includes a referral to the Counseling Center. Students are strongly encouraged to sign a release of information form with their treatment facility and the Counseling Center to facilitate continuity of care.

C. Process for Return/Readmission from Medical Leave:

When the leave is for medical reasons:

1. The Dean of Students or designee, in consultation with Health Services, will make the final decision as to whether the student will be permitted to return from medical leave.

2. The student may be required to submit documentation from their provider to Health Services in which the provider recommends that the student resume college studies and stating any other pertinent medical information, including specifying any accommodation requested of the College. If the student was admitted for inpatient treatment, they may be asked to submit to Health Services a copy of the discharge plan, as well as a signed release of information form to allow the appropriate College officials to speak to the primary provider.
3. The College will review the recommendations of the primary provider and determine if the recommendations regarding further care can be accommodated.
4. Under certain circumstances (e.g. an extended voluntary absence or any involuntary leave), a student may be required to meet with the Dean of Students or designee prior to being permitted to return to the College to discuss the terms of the student's return, and, if appropriate, discuss continuing treatment plan for the student. The Dean of Students or designee may also address any behaviors associated with related incidents that may have violated the Student Code of Conduct.
5. It is the student's responsibility to contact their instructors to make arrangements for any missed class assignments or exams. Additionally, the student is highly encouraged to contact the Academic Success Center (ASC) so they can assist with academic support and coordination.
6. Students who fail to comply with this medical leave of absence policy, which includes leaving campus and not returning until their return is approved, may be subject to disciplinary action, up to and including dismissal from the College.

When the leave is for psychological reasons:

1. The Dean of Students or designee, in consultation with Counseling Center professionals, will make the final decision as to whether the student will be permitted to return from medical leave.
2. The student may be required to submit documentation from their provider in which the provider recommends that the student resume college studies and stating any other pertinent medical information, including specifying any accommodation requested of the College. If the student was admitted for inpatient treatment, they may be asked to submit to the Counseling Center a copy of the discharge plan, as well as a signed release of information form to allow the appropriate College officials to speak to the primary provider.
3. The College will review the recommendations of the primary provider and determine if the recommendations regarding further care can be accommodated.
4. The student will be required to meet with the Dean of Students or designee prior to being permitted to return to the College to discuss the terms of the student's return, and if appropriate, discuss continuing treatment plan for the student (e.g. a student admitted for inpatient treatment at medical or psychiatric treatment facility). The Dean of Students or designee may also address any behaviors associated with related incidents that may have violated the Student Code of Conduct.
5. It is the student's responsibility to contact their instructors to make arrangements for any missed class assignments or exams. Additionally, the student is highly encouraged to contact the Academic Success Center (ASC) so they can assist with academic support and coordination.

6. Students who fail to comply with this medical leave of absence policy, which includes leaving campus and not returning until their return is approved, may be subject to disciplinary action, up to and including dismissal from the College.

Student Health Services and Counseling Center *do not* notify professors or College offices regarding absences of four (4) days or less. Students will be expected to contact their professors directly about these brief periods of missed coursework.

V. Death in the Family

Students or parents reporting a death in a student's family should be referred to the Office of Provost and Academic Affairs (academicaffairs@siena.edu) who will notify the student's faculty of the dates of the absences(s).

The Office of Provost and Academic Affairs will also copy Community Living, Academic Success Center, Health Promotion, and SKIPs plus the student on the email.

The Office of Health Promotion trains and supervises students who support their peers as Grief Advocates. Any student in need of connecting with a peer who has experienced a loss can be helped and encouraged by a trained wellness leader who cares and understands.

VI. Reasonable Accommodations Due to a Disability

- A. The Office of Accessibility is devoted to ensuring equal educational opportunities and a responsive campus environment. The office ensures that students with disabilities receive reasonable accommodations that allow them equal access to all Siena College programs and the opportunity to realize and develop self-advocacy skills.
- B. Academic accommodations will be granted to students who have registered and provided documentation of their disability to the Office of Accessibility. Each student is met with an interactive individualized registration process. Although we encourage students to register early, they may register at any time. Accommodations, however, are not retroactive. To register, students must complete registration and release forms and submit proper documentation of their disability. To ensure appropriate accommodations, documentation should be current (normally within three years) and demonstrate how the disability limits participation in courses, programs, services and activities. Documentation, forwarded from the student's high school, certified psychologist, licensed or otherwise properly credentialed professional, should provide information for both establishing a disability and identifying possible accommodations. Students will meet with the Director to discuss an individualized accommodation plan. Students will receive an accommodation letter to provide to their faculty. All documentation and personal information are held in strict confidence unless authorized for release by the student in writing.
- C. Accommodations are determined by an individual interactive process so that each student can participate in and benefit from the College's programs, services, and activities, provided that such accommodations would not:
 1. Fundamentally alter the nature or operation of the College's academic programs, services, or activities
 2. Cause undue burden to the College
 3. Pose a direct threat to the health or safety of others

- D. Students may contact the Title IX Coordinator/Equal Opportunity if they wish to discuss or file a complaint about any aspect of Siena's operations/policies/procedures or about the actions of any student, visitor or employee of the College. The Title IX Coordinator/EOS also serves as the individual to contact should a student wish to appeal a decision by Health Services, the Counseling Center or the Office of Accessibility related to an accommodation.
- E. Special Accommodations Request:
1. As per the American the American Disabilities Act, a student with a physical or mental impairment that substantially limits a major life activity may request accommodations through the College. Medically related accommodations for housing, meals, air conditioning, parking, etc. are coordinated through Siena College's Health Services Office. The Office of Accessibility also coordinates accommodation requests for service animals and emotional support animals.
 2. To be considered for a housing accommodation, students must complete the appropriate accommodation request form and submit it to Health Services. Health Services and The Office of Accessibility reviews each request to determine eligibility and will allocate reasonable accommodations in College Housing. These forms can be found at <http://www.siena.edu/healthservices> or by contacting these offices. Students with requests due to a medical condition are strongly encouraged to make the College aware of these needs as early as possible. For housing accommodations, new students should provide all required documentation by June 30th for fall semester and by December 1st for spring semester requests. Returning students should provide all required documentation by February 1st for fall semester requests and by December 1st for spring semester requests. Please be aware that after the posted deadlines, certain types of accommodations may no longer be available for the upcoming semester.
 3. Important Contact Information:
 - a. Director of Health Services (518) 783-2554
 - b. Director of Accessibility (518) 783-4239
 - c. Director of the Counseling Center (518) 783 -2342
 - d. Title IX Coordinator/Equal Opportunity Specialist (518) 782-6673

VII. Food Allergy Policy and Accommodations for Students

- A. Introduction:
The purpose of this policy is to alert the Siena College community to the existence of food allergies and safety precautions; notify students of the measures available to accommodate food allergies; and promote safety by increasing awareness of personal responsibilities to manage food allergies.

If an individual has been diagnosed by a physician with a life threatening food allergy, this may constitute a disability under the Americans with Disabilities Act. Siena College complies with Title III of the American with Disabilities Act. Siena College will make reasonable accommodations for all students with disabilities, including food allergies.

Siena College has developed a standardized process to assist individuals with food allergies. The process takes into account each individual's particular dietary requirements. Our goal is to provide individuals with food allergies the resources they need to be active in the management of their allergy.

B.

Procedures:

Students with special requests due to a food allergy are strongly encouraged to make the College aware of these needs as early as possible when they begin their studies. The following procedure must be followed.

1. Students must contact the Director of Health Services to request the following form: Meal Plan Modification Due to Medical Circumstances.
2. Students must provide current and appropriate medical documentation to support their request for a meal plan accommodation that is completed by the student's physician.
3. Students will be required to meet with the Director of Dining Services and Registered Dietitian to discuss their needs and learn of the food options available to them. At this meeting the following will be discussed:
 - a. Diet history of foods that can and cannot be tolerated
 - b. All of the food options and allergy-alternative food products
 - c. Introduction to the dining hall staff that will be working with student
4. The students request for a meal plan accommodation and the information from the students meeting with the Director of Dining Service/Registered Dietician will be reviewed by the College Accommodation Committee for a determination and individualized care plan for the student.
5. Students with food allergies must update any changes in their medical condition with the Director of Health Services in a timely manner. The Director of Health Services will also notify the Director of Office of Accessibility and the Director of Dining Services of the modifications in medical conditions.

C.

Responsibilities of Dining Services:

1. Provide students with food allergies with allergy free food alternatives along with the nutritional and product information needed to be active in the management of their allergy.
2. Provide individual counseling with a registered dietitian and/or the Director of dining services.
3. Facilitate regular training for dining services staff on food allergies and take precautions to prevent cross- contamination.
4. Post signs at point-of-sale alerting students to foods containing major food allergens and at specific serving locations.
5. Offer allergen free foods for catered events at the College upon request.

D.

Responsibilities of Students with Food Allergies Students will:

1. Carry with them and use an Epi-Pen in an event of an allergic reaction. Students are responsible for ensuring their Epi-Pens have not expired.
2. Recognize symptoms of an allergic reaction, know how and when to tell someone and how to access emergency services at the College.
3. Notify roommates about their food allergies.
4. Adhere to the procedures outlined in this policy regarding notification to the College, including meeting with the Director of Dining Services and the Registered Dietitian.
5. Ask managers rather than servers of dining facilities about food contents, ingredients and nutrition facts or any general dietary need.
6. Avoid unsafe foods or any food item for which the content is unknown.

7. Familiarize themselves with the daily menus and signs posted regarding allergens.
8. Students may contact the Title IX Coordinator/Equal Opportunity Specialist should they wish to discuss or file a complaint about any aspect of Siena's operations/policies/procedures or about the actions of any student, visitor or employee of the College. The Title IX Coordinator/EOS also serves as the individual to contact should a student wish to appeal a decision by Health Services, the Counseling Center or the Office of Accessibility related to an accommodation.

E. Important Contact Information:

1. Director of Health Services (518) 783-2554
2. Director of Dining Services (518) 783-2523
3. Director of Accessibility (518) 783-4239
4. Registered Dietitian (518) 783.-2513
5. Dean of Students (518) 783-2328
6. Title IX Coordinator/Equal Opportunity Specialist (518) 782-6673

VIII. Service and Emotional Support Animal Policy

- A. Siena College is committed to compliance with applicable state and federal laws relating to individuals with disabilities. With respect to a request for a service or Emotional Support Animal (ESA) animal, the College will determine, on a case-by-case basis, and in accordance with applicable laws and regulations, whether such an animal is a reasonable accommodation on campus. In doing so, the College must balance the needs of the individual with the impact of animals on other campus community members. The rules governing service or ESA animals in the campus facilities, including classrooms and offices, and in the residence halls, are different. Only service animals, defined below and generally restricted to dogs, are allowed in the general campus facilities. Emotional support animals will not be allowed in non-residence campus facilities.

Requests for Emotional support animals, which are not restricted to dogs, will be considered only in the residence hall rooms and will be subject to the applicable law and College policy relating to reasonable accommodation of persons with documented disability. Further information regarding assistance animals may be obtained from the Office of Accessibility.

Definitions:

Accommodation: A modification or adjustment in policies, procedures, or work/housing/school environment to enable a student to partake in equal opportunities and access to College benefits and services based on a documented disability.

Assistance Animal: This is the umbrella term that encompasses service animals and emotional support animals. Service animals and emotional support animals are not pets; they are animals that provide assistance, perform tasks for the benefit of a person with a disability, or provide emotional support that alleviates one or more identified symptom or effects of a person's disability.

Service Animal: An animal that is individually trained (or in the process of being trained) to do work or perform specific tasks for the benefit of a person with a disability. The work or tasks performed by the service animal must be directly related to the person's disability.

Emotional Support Animal (ESA): An animal that provides emotional support to alleviate one or more identified symptoms or effects of a person's disability. Some, but not all, animals that assist persons with disabilities are professionally trained.

Individual with a Disability: For the purpose of this policy, an individual with a disability is defined as a person who has a physical or mental impairment that substantially limits one or more major life activities.

IX. Service Animal Policy

Siena College is committed to compliance with applicable state and federal laws relating to individuals with disabilities. Only service animals, as defined by the American's with Disabilities Act and the Fair Housing Act are allowed in the general campus facilities. Siena College recognizes and supports the assistance that a trained service animal can provide a student or an employee with a disability.

A. Definitions:

Accommodation: A modification or adjustment in policies, procedures, or work/housing/school environment to enable a student to partake in equal opportunities and access to College benefits and services based on a documented disability.

Assistance Animal: This is the umbrella term that encompasses service animals and emotional support animals. Service animals and emotional support animals are not pets; they are animals that provide assistance, perform tasks for the benefit of a person with a disability, or provide emotional support that alleviates one or more identified symptom or effects of a person's disability.

Service Animal: An animal that is individually trained (or in the process of being trained) to do work or perform specific tasks for the benefit of a person with a disability. The work or tasks performed by the service animal must be directly related to the person's disability. Examples of a Service Animal includes but is not limited to:

- A dog that is trained to serve as a travel tool for individuals who are blind or have impaired vision.
- A dog that has been trained to alert deaf persons or those with significant hearing loss, to sounds such as knocks on doors, fire alarms, phone ringing, etc.
- A dog that has been trained to assist a person with a mobility or health impairment. Duties include carrying, fetching, opening doors, ringing doorbells, activating elevator buttons, steadying a person while walking, assisting a person to get up after a fall, etc.
- A dog trained to assist persons with seizure disorders. Some dogs are trained to predict seizures and provide advance warning.

Emotional Support Animal (ESA): An animal that provides emotional support to alleviate one or more identified symptoms or effects of a person's disability. Some, but not all, animals that assist persons with disabilities are professionally trained.

Individual with a disability: For the purpose of this policy, an individual with a disability is defined as a person who has a physical or mental impairment that substantially limits one or more major life activities.

The care and supervision of the service animal is the responsibility of the handler. The College will identify safe areas to allow for basic needs of the animal. The animal must have a harness, leash, or other tether unless the handler is unable to use such equipment or it would interfere with the animal's safe, effective performance of work or tasks, in which case the animal must be otherwise supervised (e.g., voice control, signals, etc.). The service animal will be viewed by the campus as an extension of the individual student or employee and therefore subject to the code of conduct of the College in the case of the student and the applicable governing policies in the case of an employee.

B. Service Animal Accommodation Request Process:

1. The Office of Accessibility should be informed of any individual, student or employee, if an individual plans to or has a service animal on campus and recommends registering with the Office of Accessibility.
2. If the animal is residing on campus it is the owners/handlers responsibility to comply with the Town of Colonie's licensing policy. Requirements include current vaccination against rabies at the time of application. Students will be expected to apply for a license with the Town of Colonie even if the animal is registered with another municipality. There is no fee associated with this process for a service animal.
3. The animal should be in good health, well-groomed and care should be taken for flea and odor control. Consideration of others should be taken when providing maintenance and hygiene of the animal.
4. A student may generally only request one (1) service animal for accompaniment. If you need more than one service animal, please contact the Office of Accessibility.
5. The service animal must have all appropriate vaccinations (i.e. rabies shots) and provide documentation of the vaccinations. Updated vaccinations are required to be submitted upon expiration.
6. Requests for a service animal must be made each academic year. Prior approval does not guarantee future approval. For disabilities that are obvious and/or visible, it is not necessary for you to request approval. However, it is advised that you register your service animal with the Office of Disability Services to avoid mis-identification or other problems.
7. While not required, the service animal may wear a vest identifying they are working animal. However, an animal that is not a service animal may not wear a vest, collar or similar accessory identifying it as a service animal.

C. Steps to Request a Service Animal:

1. Register with the Office of Accessibility. Please see our How to Register Guide: <https://www.siena.edu/files/resources/how-to-register-guide.pdf>.
2. Student may choose to submit documentation to help The Office of Accessibility to better understand the student's needs.
3. Veterinarian confirmation that all appropriate vaccinations, including rabies and distemper, have been administered and are up-to-date. Appropriate animal licensure is also required.
4. The Service Animal Emergency Contact Agreement must be signed and submitted to the Office of Accessibility.

5. Once the request and documentation are submitted, the Office of Accessibility will reach out to the student to schedule a meeting to discuss the request, the Service Animal Policy, and the Service Animal Agreement.

The Office of Accessibility will approve or deny the request for a service animal and notify the appropriate parties of the decision within five business days.

An animal will be approved if the student provides sufficient response to the questions below.

Is the animal required because of a disability?

What work or task has the animal been trained to perform?

Reasons that a request for a service animal may be denied include, but are not limited to:

The service animal would cause substantial physical damage to the property of others.

The service animal is disruptive (e.g. excessive or uncontrolled barking).

D. Student Responsibilities:

I agree to the following:

1. By my signature below, I verify that I have read, understand and will abide by the requirements outlined here and in the College's Service Animal Policy.
2. I am aware that it is my responsibility to notify the residents of my room, wing, floor or townhouse that an exception to the Community Living Guidelines has been granted and a Service Animal has been approved to live in their community. I give Siena College permission to disclose to others impacted by the presence of my Service Animal (e.g., Community Living staff, potential and/or actual roommate(s)/neighbor(s)) that I will be living with a Service Animal as an accommodation. I understand that this information will be shared with the intent of preparing for the presence of the Service Animal and/or resolving any potential issues associated with its presence. I further recognize that the presence of the Service Animal may be noticed by others visiting or residing in College housing and agree that College staff may acknowledge the presence of my Service Animal, and explain that under certain circumstances, individuals with disabilities are permitted to Service Animal in residence halls. I will hold Siena College harmless from any liability for disclosing such information.
3. I acknowledge that there will be an "Animal Working" marker on the door of my specific room/ suite/ house letting the Community Living staff and community members know there is a working animal inside the room.
4. I acknowledge that if I require service by the Facilities Department in my room, suite or house, I must arrange a time when I can be present for the service to occur.
5. I will maintain appropriate documentation of vaccinations for the animal as required by law, and will provide documentation of same to the College. Once my animal's vaccinations expire I understand it is my responsibility to provide the Office of Accessibility with updated vaccination records.
6. The animal must be fully housebroken. I will be responsible for cleaning up after the animal outside and inside. It is expected that the Service Animal will be walked outside to relieve themselves. All waste will be disposed of immediately, if outside, or daily, if inside, in the dumpster outside the building.
7. When I take the ESA out of my room, it must be under my physical control at all times.

8. The health and safety of the animal is my responsibility. I will provide appropriate food, water and waste handling.
9. I am responsible for instructing others on appropriate interactions with my Service Animal and setting clear expectations of behavior. If I encounter resistance of others to comply with my provided instructions, I will notify the Office of Accessibility and seek assistance resolving this concern.
10. The animal will not create a nuisance or disturb other community members including, but not limited to, noise, such as excessive barking and odors.
11. I am responsible for any damage or injuries the animal may (intentionally or unintentionally) cause. Any excessive damage or cleaning in the room due to the animal will be treated under our “damage billing” procedure.
12. I understand that my animal must be on a continuous flea and tick prevention. If a flea and/or tick outbreak is detected in my room, wing, floor or townhouse, I will be responsible for the cost of eradication.
13. The animal may not remain in the room during breaks and other times when the College is closed. I am responsible for finding suitable housing off campus for the animal during these times if I am not approved to be on campus.
14. I may not leave the animal unattended in my room for more than a reasonable number of hours (12 hours). Additionally if I am going to be away from campus overnight I am responsible for finding care for the animal off-campus. I understand that I cannot leave my animal with my roommate or friend.
15. I understand that if I am unable to take care of my animal (hospitalization, etc.) my emergency contact will be notified to come remove the animal until I am back on campus. My emergency contact has signed and submitted the Service Animal Emergency Contact Agreement.
16. The College is not responsible for the illness, injury or death of my Service Animal while the Service Animal is on campus.
17. I understand that my faculty will be notified via my accommodation letter of my Service Animal.
18. I will notify Accessibility if there are any issues regarding classroom behavior and Accessibility will promptly handle the situation.

E. Violations of the Service Animal Policy and Service Housing Agreement

Out-of-control Behavior: A student may be directed to remove a Service Animal that is unruly or disruptive (e.g. barking excessively, running around, jumping onto people, exhibiting aggressive behavior, damaging property, etc.) and the student is unable to take effective action to control the ESA. Repeated instances of such behavior may result in exclusion from College facilities until the student is able to demonstrate effective control of the Service Animal.

Unkempt Animal: A student must also ensure that the Service Animal is kept clean and well-groomed. Although a Service Animal may become ill unexpectedly, the College recommends that a sick Service Animal should not be brought into housing.

Misrepresented documentation: If it is determined that documentation provided by the student misrepresented any material facts, the Service Animal may be barred from College housing.

Violating Agreement: If any provision of this policy or the related Service Animal Agreement is violated, the student may be required to immediately remove the Service Animal from College housing.

F. Complaints:

Any reports of noise, odor, or behavioral issues will be given to the Office of Accessibility. The office will work with the student in conjunction with Community Living to rectify the situation. If it is deemed that the Service Animal Policy or Service Animal Housing Agreement was violated the student will receive a warning letter and will be required to meet with the Office of Accessibility. On the second report of a violation of the Service Animal Policy or Service Animal Housing Agreement the Office of Accessibility in conjunction with Community Living will determine if the removal of the animal is necessary.

Should the animal be removed from College Housing the student has the right to appeal this decision. The student must submit a written notice of appeal to Lois Goland (lgoland@siena.edu/ 518-782-6673) within 5 days of being required to remove the ESA.

X. Emotional Support Animal Policy

It is the intent of Siena College to provide an environment that fosters respect and dignity towards all students. For students with documented disabilities, Siena strives to provide reasonable accommodations, including an Emotional Support Animal (ESA). Eligible students should review this ESA Policy and request this accommodation through the Office of Accessibility.

A. Definitions:

Accommodation: A modification or adjustment in policies, procedures, or work/housing/school environment to enable a student to partake in equal opportunities and access to College benefits and services based on a documented disability.

Assistance Animal: This is the umbrella term that encompasses service animals and emotional support animals. Service animals and emotional support animals are not pets; they are animals that provide assistance, perform tasks for the benefit of a person with a disability, or provide emotional support that alleviates one or more identified symptom or effects of a person's disability.

Service Animal: An animal that is individually trained (or in the process of being trained) to do work or perform specific tasks for the benefit of a person with a disability. The work or tasks performed by the service animal must be directly related to the person's disability.

Emotional Support Animal (ESA): An animal that provides emotional support to alleviate one or more identified symptoms or effects of a person's disability. Some, but not all, animals that assist persons with disabilities are professionally trained.

Individual with a Disability: For the purpose of this policy, an individual with a disability is defined as a person who has a physical or mental impairment that substantially limits one or more major life activities.

B. Introduction:

Based on the Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA), ESAs, unlike service animals, have limited access to public places. The FHA considers an

ESA a reasonable accommodation in residences with a “No Pet Policy.” ESA’s can be approved to accompany a student in their room, suite or house at Siena.

Note: No animals may be moved into residential spaces until the student has received permission for the ESA in writing. Should an animal be moved in prior to approval, the student risks their request being denied for failure to honor the ESA Policy.

C. ESA Requirements:

1. A student requesting an ESA must provide documentation of their disability-related need for the accommodation from a medical professional.
2. A student may only request one (1) ESA for accompaniment in the Residential spaces. If you need more than one ESA, please contact the Office of Accessibility.
3. The ESA must have all appropriate vaccinations (i.e. rabies shots) and provide documentation of the vaccinations. Updated vaccinations are required to be submitted upon expiration.
4. Requests for ESAs must be made each academic year. Prior approval does not guarantee future approval.
5. While not required, the ESA may wear a vest identifying they are a working animal.

D. Steps to Request an ESA:

1. Register with the Office of Accessibility. Please see our How to Register Guide:
<https://www.siena.edu/files/resources/how-to-register-guide.pdf>
 - a. Registration Form: <https://www.siena.edu/studentreg>
 - b. Release Form: <https://www.siena.edu/studentrelease>
2. Student will submit documentation supporting the ESA Documentation Form:
<https://www.siena.edu/files/resources/esa-documentation-form.pdf>
3. Veterinarian confirmation that all appropriate vaccinations, including rabies and distemper, have been administered and are up-to-date.
4. The student must provide a physical description of the animal including height and weight and confirmation that the animal is housebroken or confined such that housebreaking is not necessary (e.g., cat uses litter box). Also include any equipment that will be needed for the care of the animal.
5. Emergency Contact Agreement must be signed and submitted.
<https://www.siena.edu/files/resources/emotional-support-animal-emergency-contact-agreeme.pdf>
6. Student will attend an intake meeting with Director of Accessibility or designee.
7. Once the request and documentation are submitted, the request will be reviewed by a committee that is composed of representatives from Community Living, Dean of Student Office, Office of Accessibility and College Counsel (if necessary).
8. The Office of Accessibility will reach out to the student to schedule a meeting to discuss the request, the ESA Policy, and the ESA Housing Agreement.

The Office of Accessibility will approve or deny the request for an ESA and notify the appropriate parties of the decision within five business days. Reasons that a request for an ESA may be denied include, but are not limited to:

1. The presence of the ESA poses an undue financial and administrative burden on Siena;

2. The presence of the ESA fundamentally alters the nature of Siena's housing services or the animal is not reasonable for the Siena Community;
3. The specific ESA poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation;
4. The specific ESA in question would cause substantial physical damage to the property of others, or is disruptive to the housing environment (e.g. excessive or uncontrolled barking);
5. The specific ESA's equipment or needs is not permitted as per College Policy.
6. Failure to provide appropriate verification that the ESA provides assistance directly related to the student's disability.
7. Failure of the ESA's handler to maintain appropriate control of the ESA.

E. Student Agreements and Responsibilities:

I agree to the following:

1. By my signature below, I verify that I have read, understand and will abide by the requirements outlined here and in the College's Emotional Assistance Animal Policy. I understand that if I fail to meet such requirements, the College has the right to remove the ESA, and I will nonetheless be required to fulfill my housing, academic, and all other obligations for the remainder of my Housing License Agreement with the College.
2. I am aware that it is my responsibility to notify the residents of my room, wing, floor or townhouse that an exception to the Community Living Guidelines has been granted and an ESA has been approved to live in their community. I give Siena College permission to disclose to others impacted by the presence of my ESA (e.g., Community Living staff, potential and/or actual roommate(s)/neighbor(s)) that I will be living with an ESA as an accommodation. I understand that this information will be shared with the intent of preparing for the presence of the ESA and/or resolving any potential issues associated with its presence. I further recognize that the presence of the ESA may be noticed by others visiting or residing in College housing and agree that College staff may acknowledge the presence of my ESA, and explain that under certain circumstances, individuals with disabilities are permitted to have emotional support animals in residence halls. I will hold Siena College harmless from any liability for disclosing such information.
3. I acknowledge that there will be an "Animal Working" marker on the door of my specific room/ suite/ house letting the Community Living staff and community members know there is a working animal inside the room.
4. I acknowledge that if I require service by the Facilities Department in my room, suite or house, I must arrange a time when I can be present for the service to occur.
5. I will maintain appropriate documentation of vaccinations for the animal as required by law, and will provide documentation of same to the College. Once my animal's vaccinations expire I understand it is my responsibility to provide the Office of Accessibility with updated vaccination records.
6. The animal must be fully housebroken. I will be responsible for cleaning up after the animal outside and inside. It is expected that the ESA will be walked outside to relieve themselves. In instances where the ESA is not walked outside, the expectation is that the cage/litter box/pad/bedding will be thoroughly cleaned on a daily basis. All waste will be

disposed of immediately, if outside, or daily, if inside, in the dumpster outside the building.

7. The ESA must remain within my residence hall room unless being transported on or off campus or outside to urinate or defecate (dogs only). This animal shall not be permitted to roam freely within your suite or townhouse.
8. When I take the ESA out of my room, it must be under my physical control at all times. This includes, but is not limited to, by use of a leash or cage. Animals are not permitted to be unleashed or out a carrier in College housing hallways nor are permitted in other resident's rooms, suites, or townhouses.
9. The animal is not permitted in any areas of my residence hall where food is being prepared or served for hygienic reasons.
10. The health and safety of the animal is my responsibility. I will provide appropriate food, water and waste handling.
11. I am responsible for instructing others on appropriate interactions with my ESA and setting clear expectations of behavior. If I encounter resistance of others to comply with my provided instructions, I will notify the Office of Accessibility and seek assistance resolving this concern.
12. The animal will not create a nuisance or disturb other community members including, but not limited to, noise, such as excessive barking and odors.
13. I am responsible for any damage or injuries the animal may (intentionally or unintentionally) cause. Any excessive damage or cleaning in the room due to the animal will be treated under our "damage billing" procedure.
14. I understand that my animal must be on a continuous flea and tick prevention. If a flea and/or tick outbreak is detected in my room, wing, floor or townhouse, I will be responsible for the cost of eradication.
15. The animal may not remain in the room during breaks and other times when the College is closed. I am responsible for finding suitable housing off campus for the animal during these times if I am not approved to be on campus.
16. I may not leave the animal unattended in my room for more than a reasonable number of hours (12 hours). Additionally if I am going to be away from campus overnight I am responsible for finding care for the animal off-campus. I understand that I cannot leave my animal with my roommate or friend.
17. I understand that if I am unable to take care of my animal (hospitalization, etc.) my emergency contact will be notified to come remove the animal until I am back on campus. My emergency contact has signed and submitted the ESA Emergency Contact Agreement.
18. I understand that there may be health and safety checks during the academic year. If I fail these checks due to my animal I understand that I am at risk for my animal to be removed due to violating the ESA Policy and Agreement. The College has the right to check my room if there is an odor or complaint.
19. The student must meet with the Director of Accessibility (or their designee) monthly to ensure the policy is being followed and accommodations are appropriately in place.
20. The College is not responsible for the illness, injury or death of my ESA while the ESA is on campus.

21. I will notify the College's Office of Accessibility if the ESA is no longer needed because of a disability or is no longer in residence, and will follow the procedures outlined in the Emotional Support Animal Policy if I wish to replace one ESA with another.
22. I acknowledge that requests for ESAs must be made each academic year. Prior approval does not guarantee future approval.

F. Violations of the ESA Policy and ESA Housing Agreement:

Out-of-control Behavior: A student may be directed to remove an ESA that is unruly or disruptive (e.g. barking excessively, running around, jumping onto people, exhibiting aggressive behavior, damaging property, etc.) and the student is unable to take effective action to control the ESA. Repeated instances of such behavior may result in exclusion from College facilities until the student is able to demonstrate effective control of the ESA.

Unkempt Animal: An ESA must be housebroken. The presence of the ESA may not pose a direct threat to the health and safety of others. A student must also ensure that the ESA is kept clean and well-groomed. An ESA that is excessively unclean (e.g. repeated soiling of facilities, flea-infested, foul-smelling and/or shedding excessively) may be excluded from the residence hall. Although an ESA may become ill unexpectedly, the College recommends that a sick ESA should not be brought into housing.

Misrepresented documentation: If it is determined that documentation provided by the student misrepresented any material facts, the ESA may be barred from College housing.

Violating Agreement: If any provision of this policy or the related ESA Agreement is violated, the student may be required to immediately remove the ESA from College housing.

G. Complaints:

Any reports of noise, odor, or behavioral issues will be given to the Office of Accessibility. The office will work with the student in conjunction with Community Living to rectify the situation. If it is deemed that the ESA Policy or ESA Housing Agreement was violated the student will receive a warning letter and will be required to meet with the Office of Accessibility. On the second report of a violation of the ESA Policy or ESA Housing Agreement the Office of Accessibility in conjunction with Community Living will determine if the removal of the animal is necessary. The College reserves the right to remove the ESA after one incident if the behavior is egregious.

Should the animal be removed from College Housing the student has the right to appeal this decision. The student must submit a written notice of appeal to Lois Goland (lgoland@siena.edu/ 518-782-6673) within 5 days of being required to remove the ESA.

XI. Philosophy on Sexual Intimacy

A. Introduction:

As a community guided by our Franciscan and Catholic teachings, the College seeks to encourage and support a diverse community of belonging that is characterized by respectful relationships. Our traditions hold that sexual intimacy is most properly expressed as part of an all-encompassing union of life and love within the covenant of marriage. The College's philosophy is guided by reverence for human dignity, understanding that sexual activity profoundly impacts an individual on a biological, psychological and spiritual level and the

value of the fundamental goodness and sanctity of human sexuality. Acts of sexual intimacy outside of marriage are an incomplete expression of love and are contrary to the values and mission of the College.

Because of the values of the College as a Franciscan and Catholic institution, the College does not provide materials, dispense or distribute contraceptive methods or items that encourage termination of pregnancy. The College maintains programming and services related to healthy relationships, sexual health and education. We are committed to educating students and facilitating discussions around these issues to promote health and safety.

B. Centers and Service:

The following centers and services are available on campus for further information and support regarding healthy relationships, sexual activity and the College's philosophy on sexual intimacy:

1. Siena College Health Services (an affiliate of St. Peter's Health Partners) – Our staff of nurse practitioners, nurses, physician assistants and a physician provide confidential conversations and services related to a broad range of health related concerns. These services include gynecologic exams, evaluation and treatment of sexually transmitted infections and pregnancy testing. Referral services are available to a variety of physician specialists on an as needed basis.
2. Counseling Center – the center provides confidential counseling services free of charge to support the personal, emotional and physiological management of relationships, sexual health and sexual intimacy.
3. Office of Health Promotion-the office provides education, outreach, and support for students to promote holistic health and well-being: mind, body, and soul. Services include education and outreach to promote healthy lifestyle choices involving alcohol and other drugs, stress and anxiety management, healthy relationships, grief and loss, and spiritual wellness. Student leaders are nationally certified Peer Health Educators who work with the office to provide support to their peers across a wide range of health and well-being issues.
4. Campus Ministry – the Office of the College Chaplain and Friars-in-Residence are available for confidential discussions related to matters such as sexual health, healthy relationships and sexual intimacy.
5. Office of the Vice President for Student Life/Dean of Students – available for conversations about policy, education or other concerns related to the College's approach to promoting healthy choices, self-respect, and respect for others.
6. Sr. Thea Bowman Women's Center- provides women's empowerment programming, peer education and trainings related to health and wellness, including healthy relationship and sexual violence.

Residential Facilities, Living Guidelines and Procedures

I. Facilities

A. Furnishings:

1. College owned furnishings are to remain in the room/suite/townhouse at all times and cannot be placed or used outside.
2. Students are not allowed to bring personal furniture to campus unless it is clearly manufactured and labeled as being flame retardant.
3. Furniture cannot be removed from any of the College's residence halls.
4. Students who use College furniture or fixtures placed in their rooms for other than the intended use assume responsibility should an accident or injury occur.
5. For safety reasons, students may not bring their own loft kits.
6. Students are unable to use a personal (non-College issued) mattress unless approved by the Health Services office for documented medical needs.
7. Students who bring personal outdoor furniture (lawn chairs, etc.) cannot leave these items unattended. Unattended furniture will be removed and discarded by College staff.
8. For Townhouse residents, outdoor furniture can be left on the townhouse stoop provided it does not block entry/exits.
9. Please reference the section on Residence Hall/Townhouse Safety and Security for additional information on acceptable and prohibited furnishings relating to safety issues.)

B. Facility Concerns/Repairs:

1. All requests for standard repairs to residence hall rooms/townhouses or routine work orders must be made by emailing facilities management at fwr@siena.edu. For urgent items, the Service Desk can be reached by phone at 518-783-2371 during normal hours of operation 7:30 a.m. - 4:30 p.m., Monday-Friday.
2. For emergency situations or urgent items outside of normal hours of operation, please contact Public Safety at 518-783-2376.
3. Once a work request is placed, an email confirmation will be sent. Students should review this information for accuracy. When the work request is complete, the individual who submitted the request will receive a confirmation of its closure and what services were rendered.
4. There are no associated costs for normal maintenance and repair.
5. If there are to be charges associated with the repair, the work request will be labeled "chargeable" or "vandalism." In this case, the appropriate parties will be charged through the Office of Community Living.
6. Please note that all furniture repairs and key requests must always go through the Residence Director.
7. In order to facilitate a timely repair, a student understands that when placing a work order or requesting a work order be placed for their room, the facilities staff has permission to enter the room, suite, or townhouse to complete the work order without a resident present. It is assumed that when a student submits a work order or requests a work order be submitted that they are speaking as a representative for all the residents with that particular space. Generally, repairs will begin after 9:00 am unless an emergency dictates otherwise.

C. Individual Room/Suite/Townhouse Upkeep:

1. Students are responsible for cleaning their rooms and townhouses and for keeping them in good order. All students are expected to check out properly and thoroughly clean their rooms/townhouses prior to departure, including bathrooms and the kitchen (which includes appliances).
2. Students may not paint or perform damage repairs in their room/suite/townhouse.
3. Charges will be assessed for cleaning, painting, and any other additional work needed to restore the room to its original condition.
4. Students will have the opportunity to review an individual room condition report/individual townhouse report upon move-in to document the condition of the room/furnishings upon move-in. It is the resident's responsibility to review this document in their online housing portal within the first two weeks of the semester.
5. Students who fail to complete their individual room condition report will be held accountable for all damages found upon move-out inspection by Community Living and facilities staff and are not able to appeal damages.

D. Residence Hall Damage Billing Assessment:

1. As members of the residential community, all students take responsibility for their living environment, both their immediate room/suite/townhouse, as well as the entire building/area.
2. Student accounts will be billed directly for individual and community damage (this includes areas outside specific residential facilities and identified clusters of townhouses). Students will receive an itemized list of individual damage charges via email to their Siena email account. Students may appeal individual damages, as directed on instructions included with their damage bill.
3. Damage assessments will be considered in the review of housing assignments for the subsequent term and may result in a cancellation of the housing license for either the responsible party and/or entire floors/wings of where the damage occurred.
4. The College reserves the right to relocate or assign students to housing of the College's choice and/or place students on conditional/probationary housing status for a defined period of time.
5. Students with billable damage (individual and/or communal) in excess of \$100 may be reassigned to other housing or have their license canceled immediately (i.e.: subject to more frequent Health/Safety inspections).

E. Communal-Area Damage:

1. Students are responsible for preserving the condition of their wing, floor and building or townhouse, as well as the surrounding area.
2. Students with information about who is responsible for acts of vandalism/damage are expected to report these actions to Community Living, Public Safety and/or the Dean of Students. Students may report information anonymously through Public Safety's Anonymous Tip/Complaint Form located at <http://www.siena.edu/anonymous>.
3. When the College is unable to determine who is responsible for communal-area-damage, the costs will be equally distributed among all residents living on the wing/floor/building/area. These charges may not be appealed.

F. Snow Removal:

Shovels are available in all residence hall offices and in Public Safety for student's personal use. Townhouse residents are responsible for snow removal from the entranceway, steps

(where applicable), and the pathway leading to a primary pathway. All residents of the MacClosky Square and Cushing Village Townhouses are provided with a shovel that is to be used for clearing stoops and entrances.

G. Recycling:

Siena College is committed to preserving its environment through recycling. Students are expected to support recycling initiatives in their residence hall or townhouse by utilizing the recycling bin/single-stream recycling located in each hall. Please make sure all glass, tin, and aluminum items are empty and rinsed clean.

H. Technology:

All student housing includes computer networking and Internet connections, which are provided by the College's Information Technology office. Basic cable television service is available to students residing in townhouses and the residence halls from a contracted vendor. Students should contact the vendor directly for inquiries related to purchasing additional packages and/or connectivity issues by calling their customer service center and identifying yourself as a student at Siena College.

I. Mail/Post Office Box Information:

Resident students are assigned a Student Post Office Box (SPOB). Students may be required to share their mailbox with another student. Mailboxes, except for the residents of Snyder Hall, are located in the Sarazen Student Union. Residents living in Snyder Hall will be assigned a Post Office Box located in Snyder Hall. A \$20.00 replacement fee will be charged to any student who loses or does not return their SPOB key upon graduation or leaving the College (withdrawal, transfer, etc.).

II. Housing Policies and Procedures

Students or groups of students who fail to adhere to residence hall and townhouse safety policies and procedures may be held accountable through fines, damage billing and/or disciplinary referrals.

A. Housing License Agreement:

1. All full-time undergraduate students, with the exception of commuters (as defined at the time of admission) are required to live in College residence facilities, to the extent that space is available, and purchase a food-service plan. The College has a four year residency requirement for all residential students.
2. Student participation in the housing selection process or signing of the housing license at any time acknowledges student understanding of the College's residency requirement as outlined in Siena Life. Continuing students who fail to reserve space for the next academic year during housing selection will be assigned to any available space (after new and transfer students are housed) and will be billed for room and food service.

B. Closing Periods:

1. Designated closing periods, Thanksgiving, Christmas/Winter break, Spring break, Easter, Senior Week, and summer are not included in the Housing License Agreement. Students may leave personal belongings in assigned accommodations during periods of break, except during summer break, at their own risk. Information on break closings and openings will be posted on the website and sent via email reminders during the academic year.

2. Students must submit a vacation housing request form online, provide written verification when requested, and be approved for occupancy during times when the campus and residence halls are closed. During these break periods, there will be no student staff members on duty.
 3. Support services customarily provided by these staff members will not be available to students. Food service may have limited hours/availability depending on the vacation period.
 4. Students who are currently on residence hall or disciplinary probation are not eligible for housing during breaks. Early arrivals for the fall and spring semesters are not permitted except for extraordinary circumstances and upon advanced approval from the Office of Community Living.
 5. Students authorized to reside in campus housing during non-license periods (e.g. prior to and following the license period or during breaks) may be charged an additional fee and are not permitted to host guests. Anyone who arrives prior to the posted opening times in the housing agreement will not be admitted to the residence facility and/or will be charged a \$75.00 per-night unauthorized occupancy charge and/or face disciplinary action.
 6. If damage occurs in a residential area during the break period, the students staying in that area may be held responsible.
 7. Emergency Closing Periods may emerge based on a number of factors (pandemic situation, long-term emergency, etc.) In events such as this, students may be required to vacate campus quickly. If a return to campus date is not known, the Office of Community Living reserves the right to enter student spaces to remove and discard food-related items left in rooms and/or in refrigerators/freezers to prevent spoiling and health/safety concerns. In addition, the College reserves the right to adjust normal operations or procedures to maintain public order and/or the health, safety and welfare of the College community (see Public Order/Health, Safety, and Welfare of the Community)
- C. Winter Recess:
Residential facilities will be completely closed during a portion of the winter break. Students authorized to return early during the winter break must be approved through the Office of Community Living.
- D. Summer Housing:
Students are not required to live on campus during the summer. Summer housing is only available for a specific, defined period. Information regarding summer housing availability changes from year to year. For the most up to date information, please visit the Community Living website or email housing@siena.edu
- E. Housing Assignments:
1. The Office of Community Living coordinates the housing assignments for all new and returning students. All housing assignments are based on single-sex housing per residence hall room, suite, and townhouse.
 2. Transgender Student Housing Policy
 - a. Siena College strives to maintain a safe and inclusive community where individuals are respected and differences are celebrated.
 - b. Students who identify as transgender are asked to discuss their housing options, room assignments and/or the living environment at Siena College with the Director of

Community Living or designee. Typically, we assign students within the College's same sex housing practice. We will assist transgender students with their residential placements on a case by case basis, including access to housing consistent with their gender identity. We encourage students to discuss housing options as soon as possible while the widest range of options is still available.

3. New Residential Students
 - a. New resident students will complete their housing application, which includes the Housing License Agreement, meal plan selection, and lifestyle and roommate preferences before arriving on campus.
 - b. Specific deadlines and processes are communicated to the student's Siena email account.
4. Returning Residential Students
 - a. Returning resident students may select from available housing for the upcoming academic year through the selection process held in the spring semester. Specific information regarding the lottery process will be available online in the spring semester prior to room selection.
 - b. Students must be registered for a minimum of 12 credits in order to maintain a housing assignment unless approved by the Director of Community Living
 - c. Any student not at the minimum credit level by July and January may jeopardize their housing space for the upcoming semester.
 - d. The order for determining priority is via random assignment based on the student's housing cohort status.
5. Open Spaces
 - a. The College reserves the right to assign, relocate, and/or consolidate students into open/vacant spaces as needed.
6. Study Abroad Students

Student residents who are studying abroad or enrolled in off campus, short term study programs during the housing selection process will receive a housing selection time based on criteria noted above and may designate a proxy for the selection if the student is concerned about internet connectivity while abroad.
7. Living with Others
 - a. For some, living with one or more roommates is a new experience. Sharing a room/suite/townhouse with another person or persons requires communication, cooperation, and compromise.
 - b. Students should discuss these expectations to form a starting point for communicating concerns and general agreements.
 - c. To a large extent, the relationship between roommates is dependent upon mutual consideration of the feelings and needs of the other person. This mutual consideration affords all roommates the expectation:

- i. to be able to live, study and sleep free from undue interference in a room
 - ii. that roommates will respect each other's personal belongings
 - iii. to be able to live in a clean environment
 - iv. to have free access to one's room and facilities without pressure from a roommate
 - v. of being respectful of another person's privacy
 - vi. to be able to host guests in compliance with College policies at agreed-upon times, and with the expectation that guests are to respect the rights of the host's roommate(s) and other resident students
 - vii. of being free from fear or intimidation, physical and/or emotional harm of being able to refuse requests without having to feel guilty or selfish
 - viii. that any and all disagreements will be discussed with openness and mutual respect, and that it is acceptable to involve a Community Living staff member when necessary
8. Students are encouraged to see their Community Assistant or Residence Director if they feel their roommate is infringing upon their rights and attempts to resolve the situation are not working.
9. Room Change
Students may request a room change from their Residence Director or Area Coordinator. Room changes will be considered provided space is available. Any room changes occurring without the prior approval of the Community Living Professional Staff may result in the room change being canceled and the student relocated back to their original assignment.

III. Residence Hall and Townhouse Safety

- A. Student ID/Saint Card:
Students are expected to carry their Saint Card ID at all times for access and identification. For security and safety reasons, ID cards must not be lent or given to other parties.
- B. Access System:
- 1. Each residence hall is equipped with an access control system, which utilizes the Siena College Saint Card to gain access.
 - 2. The outside doors to each residence hall are locked 24 hours a day.
 - 3. Residents have access via their Saint Card to the main entrance and other designated doors of their residence hall 24 hours a day during the periods that the housing license is in effect.
 - 4. The Saint Card enables students (commuters and residents) to visit friends in residence halls 9 a.m. – 1 a.m., Sunday – Thursday, 9a.m. – 2 a.m. on Friday and Saturday.
 - 5. Residents have 24-hour access to their own residence hall.
 - 6. Unauthorized entry to or use of residence facilities is not permitted.
 - 7. Propping open and/or opening any residence hall exterior door without proper use of an ID card compromises the safety of the residential community and may result in disciplinary action.

8. Non-matriculated students do not have access to residence facilities and must be registered as a “guest.”

C. Keys:

1. Each student is issued a room/townhouse key exclusively for their personal use. Students must immediately report any damaged or non-working locks to their Residence Director or to Public Safety.
2. Lost, stolen, or missing keys require a core change, and the student will be responsible for the costs.
3. For reasons of safety and security, keys may not be duplicated or shared.
4. All students must return their room keys to their hall/area office before they withdraw, change rooms, study abroad, or leave for summer vacation.

D. Emergency Exits:

Doors labeled Emergency Exit Only are not to be used except in the event of an emergency (fire alarm, etc.).

E. Windows/Screens:

1. Screens and glass window panes may not be removed from the windows.
2. Broken or damaged windows and/or screens should be reported to the Residence Director or Facilities immediately.
3. Using windows to exit or enter a building (other than in emergency situations) or passing items through windows is prohibited.
4. Screens should remain securely in windows at all times and should not be removed or allowed to hang by the security wire.
5. No objects may be placed on window ledges. Placing stereo speakers in student room/townhouse windows is prohibited.
6. Individuals may not sit or walk on window ledges.
7. Nothing may be thrown from windows or from the ground up to a window because these objects may cause injury and are a health/safety risk. Students are subject to College disciplinary action, including a cancellation of the housing license or removal from housing, for throwing items to or from windows.
8. Townhouse residents are responsible for the cleaning and/or cost of cleaning townhouse windows. All students are responsible for broken windows in their residences unless the responsible party can be identified and charged accordingly.

F. Lost/Damaged/Stolen Property:

The College is not liable for lost, damaged, or stolen personal property. Students are responsible for keeping their rooms/townhouses (including windows) locked at all times. The College urges all students to invest in adequate personal property insurance. Losses should be reported immediately to the Residence Director and to the Department of Public Safety.

G. Acceptable Furnishings:

When used properly, the following appliances (U.L. approved only) can be used in the residence halls and townhouses:

- U.L. approved power strips
- Portable hair dryers/curlers with automatic shutoff
- Lamps (except halogen)

- Electric kettles, water heaters, and hot pots with automatic shutoff
- Coffee/tea makers with automatic shutoff
- Irons with automatic shutoff
- Refrigerators (maximum size of 4 cu. ft.) or Microfridge — as approved by the College vendor
- Microwave ovens (limit of one per room with maximum wattage of 900 watts)
- Fish (in five-gallon aquariums or smaller)
- Interior battery-operated string lights (plug-in string lights are prohibited)
- Battery operated **LED string lights** can be used for decorative purposes
- LED plug-in neon sign (cannot be larger than 20% of the given wall where it is hanging)
- Small, well-maintained living houseplants
- Plug-in air fresheners and diffusers

H. Prohibited Items: Décor, Furnishings and Appliances:

- Personal Furniture - No personal furniture (couches, futons, chairs, etc.) is allowed in College housing unless manufactured and clearly labeled by the manufacturer as being flame retardant
- Hot plates, slow cookers, air fryers, rice cookers, heating coils, personal sandwich makers, grills (George Foreman, etc.), waffle makers and any other cooking/heating device with exposed heating element/surface (except in the townhouses)
- Toasters and toaster ovens (except in Townhouses)
- Space heaters
- Plug-in decorative string lights are prohibited
- **LED strip/string lights with adhesive backing**
- Appliances with exposed heating elements
- Deep fryers (grease)
- Commercial-type popcorn makers
- Air conditioners (unless authorized by Health Services for a medical condition and installed by Facilities)
- Irons without automatic shutoff
- Curling irons without automatic shutoff
- Smoke/fog machines
- Multi plug adaptors, non-U.L. approved power strips, extension cords or any type and/or power strips plugged into another power strip
- Motorized exercise equipment, such as treadmills
- Curtains/window treatments cannot be used in any way in the residence halls, covering windows, closets, as dividers, etc. (the College has installed blinds in all residential spaces to ensure privacy)
- Personal bed lofts, (only College installed lofts are permitted)
- Waterbeds or other liquid-filled furniture
- Personal (non-College issued) mattresses
- Halogen lamps (floor or desk)

- Candles (with or without wicks) and incense (used and unused). If discovered, candles are confiscated by College officials and disposed of immediately.
- Bed or furnishings placed in such a way as to require residents to stand on the furnishings to open or close the window or impede emergency access/egress
- Any live greens (decorations, Christmas trees, cut greens, wreaths, potted trees, etc.) other than small well-maintained, live houseplants
- Large or bulky paper or fabric decorations (wallpaper, tapestries, large flags, sheets, etc.) hanging from ceiling, walls or windows are not permitted nor are items, other than those originally provided by the College, that divide a room or take up a significant amount of space (such as room dividers, bars, etc.)
- Animals (other than fish in five-gallon aquariums or smaller)
- Items placed on or over smoke/heat detectors, sprinkler piping or heads. No item may obstruct airflow or water disbursement for fire safety equipment.
- Items too close to sprinkler heads (18" minimum clearance required) no item may obstruct airflow or water disbursement for fire safety equipment
- Multiple electrical connectors (other than breaker-equipped outlet strips)
- Splicing electrical extension cords into lighting or other fixtures
- Hookahs
- Fireworks
- Flammable liquids (gasoline, kerosene, charcoal lighter fluid, etc.) and machines that use them
- Propane and gas grills
- Butane and butane torches
- Inflatable or plastic pools or any other object used to hold large quantities of sand or liquids
- Toy guns including, but not limited to, Nerf guns, gel blasters, Orbeez guns, or similar toys

When used properly, the following additional items may be used in the townhouses only:

- Toaster ovens
- Personal sandwich makers and grills (e.g., George Foreman grills)
- Charcoal grills, provided they are operated at least 10 feet from combustible construction and balconies and only charcoal is burned (no open fires).

This list of prohibited items is not all-inclusive. Should items be found that are unsafe in the judgment of College officials, Siena reserves the right to confiscate them or require them to be removed.

*A list of prohibited items at College Suites will be provided to all students by College Suites Management staff

I. Residential Fire Safety Precautions:

1. Fire safety inspections will be conducted periodically. Residence Directors and/or the College safety officer, will inspect student rooms and townhouses at least once each semester. The inspection will look for fire, health, life safety hazards, proper waste

- disposal, and prohibited items. In the townhouses, more frequent inspections occur and the College-supplied fire extinguishers and emergency lighting will also be inspected.
2. In the interest of safety and protection of property, Siena students are urged to exercise caution in the use of all electrical appliances and, in the townhouses, the heating system. Residents may not tamper with the heat meters and/or thermostats. Each residence hall room and townhouse is equipped with a smoke detector and sprinkler system. These early-warning devices are not to be covered and/or tampered with under any circumstances. Each townhouse is provided a fire extinguisher, and students should become familiar with its proper use. Townhouse residents must immediately report discharged fire extinguishers to Public Safety. During regularly scheduled safety inspections, fire extinguishers in each townhouse will be checked to make sure they are in operating order. All fires must be reported to Public Safety.
 3. Access to the room must be kept unobstructed for emergency first responders. No furniture may block hallways, corridors, walkways, fire lanes and/or stoops. In addition, no furnishings will be allowed to reduce the normal height and width of the door opening. The College may require students to remove any item blocking any area or any items considered safety hazards that may impede access by emergency services personnel. This includes residence hall and townhouse areas, interior and exterior.
 4. **Procedures for Responding to a Fire Alarm:**
The building must be evacuated immediately any time a fire alarm is sounded. This is defined as exiting the building completely and remaining at least 50 feet from the perimeter of the building until an announcement is made that it is safe to re- enter. Familiarize yourself with the College's Emergency Response Guide, and the evacuation map for your building.

IV. Residence Hall Policies

- A. **Responsibility:**
Students are responsible for what occurs in their room/suite/townhouse, whether or not they are present, if the responsible parties cannot be identified.
- B. **Solicitation in the Residential Facilities:**
Soliciting or canvassing, political or otherwise, by outside agencies other than those approved by the Director of Community Living and / or the Director of Student Activities and Leadership Development or designee is prohibited. (See Solicitation Policy for further information).
- C. **Student Fundraisers/Drives:**
Students or student groups wishing to conduct a fundraiser/drive in the residential areas must get advance permission from the Director of Community Living. To respect the privacy of resident students, students/groups may not go door to door in residence areas and must operate out of the lobby/lounge area. Furthermore, students/groups must follow all College/Community Living guidelines while fundraising.
- D. **Bicycles:**
Bicycles must be kept in student rooms, outside in bicycle racks, or in designated bicycle storage rooms. Fire and safety regulations prohibit bicycles in stairwells, corridors, entrances and exits. Bicycles stored in unauthorized locations will be removed by the Public Safety Department.

- E. Roofs/Attics:
Students, visitors, and guests are not permitted on any roof or attic of any college building.
- F. Hall Sports:
No sports may be played in residence hall hallways because of potential injury or damage to fire safety systems, lights, etc., and the noise associated with such activities.
- G. Littering and Trash:
1. Students are responsible for taking their trash to the appropriate trash room/bin for their residential building/area.
 2. Trash bins located in public bathrooms are not the appropriate disposal area for room trash.
 3. Removal of garbage found on stoops and in hallways will be billed to the residents of that particular area.
 4. Broken glass around residential areas poses a significant safety risk. The cleanup cost for glass removal will be billed to residents of that area.
- H. Sprinkler System/Fire Safety Equipment:
Hanging from or leaning on the sprinkler system piping and/or tampering with any fire safety equipment (e.g. pull boxes, Stopper II covers, smoke or heat detectors, fire-alarm speakers in suites, fire extinguishers, exit signs, etc.) is strictly prohibited.

Public Safety Emergency Information/ /Parking

I. Department of Public Safety

- A. The Public Safety Department is open 365 days per year, 24 hours a day. If calling from a cellular phone or from an off-campus location, the department may be reached by calling 518-783-2376. In the event of an emergency, Public Safety can be contacted in the following ways:
1. The department operates an internal 911 emergency telephone system on campus. This number may be called from any landline telephone on campus,
 2. If using a cellular phone during an emergency, students should call 518-783-2999. This number rings in on the campus 911 emergency telephone line. Students are strongly encouraged to program this number into their cell phone address book.
 3. Emergency call boxes are located throughout campus. These boxes are highly visible and all have a blue light to mark their locations.
 4. Several direct-dial telephones also are located throughout campus. These phones automatically dial the Public Safety office when the receiver is lifted.
 5. Emergency (blue) buttons have been installed in the Morrell Science Center and the 24-hour computer lab in the library. These buttons are connected to the building alarm system and send an alarm to the security dispatcher, who will then dispatch an officer to that location.
- B. Emergency Preparedness: Siena College's Emergency Operations Plan has been established to provide advance planning for emergencies that affect the overall operation of the campus. The College tests the emergency communication and notification systems each semester. Please familiarize yourself with the emergency information page at www.siena.edu/emergencyinfo, which provides basic what-to-do information in case of an emergency. The following is a list of the systems in place for emergency notifications to faculty, staff and students.
1. Siena Alert: This notification system enables College officials to send urgent text alerts to cell phones with text message capability, email accounts and pagers. Students are responsible for individually subscribing to the Siena Alert system and for any charges their service providers may impose for delivering the text messages. Students are strongly encouraged to register for Siena Alert at www.siena.edu/sienaalert.
 2. Emergency Call Boxes: There are 37 emergency call boxes with a constant blue light located throughout the College property. Each call box is equipped with a yellow strobe light and siren/speaker. In the event of an emergency, the siren and strobe will activate. A message will follow to alert the campus that there is an emergency and detail what action should be taken by the listener.
 3. Siena Website: In the event of a major emergency, the College home page (www.siena.edu) will provide critical information and updates to the community. In the event of an emergency that does not interfere with the overall operation of the College, information and updates will be posted in the campus alerts box located on the emergency information Web page (www.siena.edu/emergencyinfo).
 4. Public Address Systems: PA systems are located in all residence halls and the majority of classroom buildings.
 5. Campus Gates: In the event of an emergency that requires limited access to campus as instructed by the law enforcement agency in charge, the gates to the campus will be

closed and the Welcome Booth will be staffed with Public Safety personnel to provide direction.

6. Welcome Booth/Gates: The Public Safety Department operates the Welcome Booth, located at the main entrance to the College off Route 9. The Welcome Booth provides a centralized entrance and visitor reception point. The Welcome Booth is ordinarily staffed by Public Safety personnel on a 24/7 basis. Campus gates will be open from 6:00 a.m. to 9:00 p.m. The only exceptions are the gates off Fiddlers Lane (Middlefield and St. Francis), must close at 6:00 p.m. on Friday and remain closed until Monday morning because of town agreements. On Thursday, Friday and Saturday nights from 9:00 p.m. to 4:00 a.m. Public Safety personnel require persons entering at the Welcome Booth to verify their status as a community member or registered guest. When all campus gates are closed, entry to the main campus will be through the main entrance to the College on Route 9 (Welcome Booth.) Welcome Booth and gate hours are subject to change based on events and programs on campus. Whenever possible, the Public Safety Department will notify the community of substantial changes in normal operations. The booth will be staffed by a Public Safety officer with Internet capability as well as hard-copy student and guest registration rosters. For additional information regarding the operation of the Welcome Booth, please contact Public Safety at 518-783-2376.

II. Crime Reporting /Confidential Crime/Incident Reports

- A. Reporting a Crime:
Community members, students, faculty, staff, and guests are strongly encouraged to accurately and promptly report all crimes and Public Safety related incidents to the Siena College Department of Public Safety as soon as possible. In addition, they are also encouraged to accurately and promptly report all crimes to the appropriate law enforcement agencies. Reporting crimes to the Department of Public Safety and local law enforcement agencies is encouraged when the victim of such crime elects to, or is unable to, make such a report.
- B. The Department of Public Safety, along with the College, will make every effort to safeguard any personally identifiable information. However, the College may be required to share information, but will only do so, when it is necessary or as required by law; therefore, we cannot guarantee confidentiality and/or your anonymity in all cases, but will take extra measures to protect your privacy. A report allows the college to investigate the incident, conduct any follow up actions, and help reduce risk and improve your safety as well as the safety of others. With this information, Siena can also keep an accurate record of the number of incidents, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner which occurred within college geography are counted and disclosed in the annual crimes statistics for the College.
- C. To report a crime or an emergency on the campus of Siena College:
 1. Call Public Safety at extension 911 from any phone on campus, from outside the Siena phone system, call 518-783-2999.
 2. To report a non-emergency security or Public Safety related matter, call Public Safety at extension 2376 or, from outside the Siena phone system, 518-783-2376.

3. In response to a reported crime or emergency, dispatchers are available at these respective telephone numbers 24 hours a day to answer your call. In response to a call, Siena Public Safety will take the required action, dispatching an officer or asking the victim or witness to report to Public Safety to file an incident report.
 4. If assistance is required from the Town of Colonie Police Department or Colonie Fire/EMS, Public Safety will contact the appropriate unit.
 5. Incidents may also be reported directly to the Colonie Police by calling 518-783-2811 for non-emergency calls. Call 911 from a cell phone or a non-campus phone line for emergencies. Please note, direct 911 calls to Colonie police from on-campus will generally result in the police department calling Public Safety to meet them and guide them onto campus to the correct location.
 6. Any community member may also report a crime by using any of the emergency call (blue light) boxes located in strategic areas around campus. The emergency call box locations are identifiable by blue lights displayed above the boxes.
 7. Crimes may also be reported anonymously to Public Safety. Use the anonymous tip page on the Public Safety website or go directly to www.siena.edu/anonymous.
 8. Crimes may be also reported confidentially as outlined in Section III of this document.
 9. Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings or around Residential Halls should be reported to Public Safety.
- D. When a crime is reported, the victim will be provided information about reporting options: including their right to notify police, to have a staff member assist them with notifying the police if they so desire and an explanation that the victim has the right not to inform the police. Public Safety incident reports and any related investigatory reports will be forwarded to the appropriate College officials.
- E. Information about on-campus and off campus resources is provided later in this document. The information is made available to provide Siena community members with specific contact information in the event they become the victim of a crime. Even though victims may reach out to various resources, individuals should still report crimes to the Department of Public Safety to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.
- F. Campus Security Authorities:
1. The Clery Act identifies Campus Security Authorities as an official of the institution who has significant responsibility for student and campus activities. This individual has the authority and the duty to take action or respond to particular issues on behalf of the institution. Examples of individuals who meet the criteria of a CSA include but are not limited to, Dean of Students, Director of Athletics, team coaches and faculty advisors to a student group/organization.
 2. Campus Security Authorities (CSA) are required to report crime statistics. Under the Clery Act, a crime is “reported” when it is brought to the attention of a Campus Security Authority (CSA) or local law enforcement personnel by a victim, witness, other third party or the offender regardless of one’s involvement with the crime or affiliation with the institution. If a CSA receives the crime information and believes it was provided in good faith, they should document it as a crime report. In “good faith” means there is a reasonable basis for believing that the information is not simply rumor or hearsay. That is, there is little or no reason to doubt the validity of the information.

3. CSA's must report Clery Act crimes as soon as possible, to Public Safety (even if they've informed others) and tell Public Safety what happened, when it happened, and where it happened. Reporting may be done by phone or in person to Siena College Public Safety, Hines Hall, East Wing or calling 518-783-2376.
4. Campus Security Authorities are not required to share the identities of those involved unless the report involves the crimes of sexual assault, domestic violence, dating violence and stalking which require all information to be shared with the Title IX Coordinator.

III. Voluntary Confidential Reporting

- A. At Siena, there are three categories of staff, who are not campus security authorities as defined and explained below
 1. Pastoral counselors: A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor. At Siena this would be the Office of the College Chaplain and the Friars.
 2. Professional Counselors: a person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of their license or certification. This definition applies even to professional counselors who are not employees of the institution but are under contract to provide counseling at the institution. At Siena this would be the staff of the Counseling Center.
 3. Siena College Health Services medical providers, including the Director, who is a practicing Nurse Practitioner, are not considered CSA's by the College. These medical providers are encouraged to report crimes with non-identifying information to Public Safety for the purposes of anonymous statistical reporting under the Clery Act.
 4. Campus Security Authorities are required to complete training annually

IV. Voluntary Private Reporting

If you are the victim of a crime and do not want to pursue action within the Siena College Student Conduct System or the Criminal Justice System, we strongly encourage you to make a report. The Department of Public Safety, along with the College, will make every effort to safeguard the privacy of a report. However, the College may be required to share information, but will only do so, when it is completely necessary; therefore, we cannot guarantee total privacy and your anonymity, but will take extra measures to protect them. A report allows the Department of Public Safety and other responding College officials to protect your safety as well as the safety of others. With such information, Siena College can keep an accurate record of the number of incidents, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner which occurred within college geography are counted and disclosed in the annual crimes statistics for the College.

V. Disclosure of Crime Statistics

- A. In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (formerly The Student Right to Know and Campus Security Act of 1990), Siena College's Public Safety Department compiles annual crime statistics for the

College. The department is also responsible for timely warning notifications of crime on campus to the campus community.

- B. Notice of crime on campus is made in several ways. Daily crime reports are received by the Public Safety Department. These reports can be received either through direct reporting from a crime victim, crimes observed while on patrol by Public Safety staff, through mandated reporters (as specified by the Clery Act), or from police departments that may respond to incidents on or adjacent to campus. On a daily basis, the reports received are evaluated. In instances where a specific threat may still exist to the community or where an ongoing course of conduct may be observed, an immediate notice to the community may be called for. Such notices are called “security alerts” or “public safety community advisory/alerts.” When called for, these notices are made in many ways, including via email, voice mail and printed flyers. A daily crime report also is prepared based on the previous day’s events. The daily crime report is posted on the Public Safety Website (www.siena.edu/publicsafety) and also is available at the department’s office.
- C. The Assistant Vice President for Student Life/Director of Public Safety also prepares a statistical annual crime report. This report is based on all the College’s reported crimes as defined in the Clery Act. The report is available in a printed format, is located on the department’s Website (www.siena.edu/publicsafety), and may be found on the U.S. Department of Education’s Website. Notice of the report is sent to all students, faculty and staff of the College. The printed report also is available upon request.
- D. It is important to note that a Public Safety report is not necessary for crimes to be included in the College’s annual crime statistics. Statistics for the annual report are also compiled from anonymous reports to the Dean of Students Office, the Title IX Office, Residence Directors and community assistants’ incident reports, information from mandated reporters, and anonymous crime report forms. Whenever possible, crime statistics from local police departments for crimes committed adjacent to campus are also included. The student life sexual assault tracking form and the Public Safety anonymous crime reporting form are both anonymous and designed to encourage victims or witnesses to report crimes on a voluntary, anonymous basis.

VI. Campus Public Safety Advisory Committee

- A. In compliance with Article 129-a of the New York State Education Law, Siena College’s Public Safety Advisory Committee is comprised of faculty, professional staff and students. Chaired by the Assistant Vice President for Student Life/Director of Public Safety, the committee meets at least twice a semester to review current campus security policies and procedures and make recommendations for their improvement. It shall specifically review current policies and procedures for:
 - 1. Educating the campus community, including security personnel and those persons who advise or supervise students, about sexual assault pursuant to section sixty-four hundred thirty-two of this article; b. educating the campus community about personal safety and crime prevention;
 - 2. Reporting sexual assaults and working with victims during investigations;
 - 3. Referring complaints to appropriate authorities;
 - 4. Counseling victims; and
 - 5. Responding to inquiries from concerned persons.

VII. Emergency Information/Emergency College Closing

In the case of an emergency, such as a pandemic flu outbreak, natural disaster or similar circumstances beyond the College's control in which the campus is forced to close, the College reserves the right to continue delivery of services through alternative means, including, but not limited to, remote instruction or changes in the weeks of a normal semester, in order to meet academic requirements. The College also reserves the right to invoke a different refund policy that will take into consideration the College's efforts to continue the delivery of academic services. (See Weather Emergencies.)

VIII. Inclement Weather and Snow Policy

- A. When inclement weather approaches, students need to use their best judgment when traveling to and from campus. If students are unable to make it to class, email your Professor as soon as possible.
 - 1. Before the storm: Siena personnel will monitor weather reports about the approaching storm and how it might affect various classes, campus events and any changes to parking on campus. A "pre-storm message" from the "WeatherAlert" email address can be expected.
 - 2. During the storm: Siena personnel will continue to assess campus conditions and external roads and then make a decision for "closure" or "late opening."
 - 3. Public notification: Information about classes and campus status will be sent/posted to the following no later than 6 a.m., if possible:
 - a. School Closing Network (Local TV/Radio)
 - b. Siena College website, www.siena.edu
 - c. Outgoing phone message on 518-783-4299
 - d. Email to campus personnel, including students
 - e. If a text message is required to be sent via the SienaAlert System, Public Safety sends that text message.
- B. If the storm occurs during work/class day, items 1 through 3 will be followed, with a decision to "close early" or "cancel evening classes/other events" no later than 2 p.m., if possible. The order for posting that decision is:
 - 1. Email to campus personnel, including students School Closings Network (Local TV/Radio)
 - 2. Siena College website, www.siena.edu
 - 3. Outgoing phone message on 518-783-4299
 - 4. After the storm: Facilities Management or Public Safety may send out information on rotation parking requirements and/or lot closures.

IX. Missing Student Notification Policy and Procedures

- A. If a member of the Siena community has reason to believe that a student who resides in on-campus housing is missing, they should immediately notify Public Safety at 518-783-2999. Siena College Public Safety will generate a report and initiate an investigation.
- B. Special Note for Students Living on Campus: In addition to registering a general emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by Siena College in the event the student is determined to be missing for a full 24 hours or as soon as it is determined that a student is missing. If a student has identified such an individual, Siena will notify that individual no later than 24 hours after the student is determined to be missing. A student who wishes to identify a confidential emergency contact can do so through the Banner Self-Service system. A student's

confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of an investigation.

- C. After investigating a missing person report, should Public Safety determine that the student has been missing for 24 hours, Siena College will notify Colonie Police and the student's emergency contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and not an emancipated individual, Siena College will notify the student's parent(s) or legal guardian immediately after Public Safety has determined that the student has been missing for 24 hours.

X. Threat Assessment Policy

- A. Working diligently in an effort to protect the safety and security of Siena's students, employees and community is a priority of the College, but it is a shared responsibility- of the College, staff, students, and their parents(s), guardian, and/or emergency contact. Each individual is held responsible and accountable for their behavior and choices and is expected to bring behaviors that are in conflict with this effort to the attention of the College.
- B. Siena's commitment to sustaining a safe environment is based on the belief that no member of our community should have to pursue their educational or vocational goals in an intimidating or fearful environment. This means that the College will use its best efforts to respond appropriately to each threat of violence or act of violence brought to its attention no matter the status of the person making the report. All threats by any member of our community, or an outsider who makes a threat against someone in our community, should be reported immediately to Public Safety.

XI. Traffic/Parking Rules and Regulations

- A. General Information:
Siena College Parking Rules and Regulations are established in the interest of the entire College community to provide all persons with reasonable access to carry out College functions. Any questions relating to parking on campus should be directed to the Siena College Department of Public Safety.

POLICY CHANGES AND AUTHORIZATION

Siena College reserves the right to make changes and/or revisions to regulations at any time, without prior notice.

AUTHORITY AND ENFORCEMENT

The Siena College Department of Public Safety must ensure that members of the College community comply with College parking and traffic regulations and New York State motor vehicle laws. Siena Public Safety Officers enforce the driving and parking rules and regulations by their enforcement efforts which may include issuing warnings and citations. Vehicles may also be booted or towed depending on the severity and number of violations.

LIABILITY

Siena College assumes no liability or responsibility for damages or losses to any vehicle driven or parked in College parking areas or facilities. Please keep your vehicle locked to protect its contents.

- B. Motor Vehicle Registration:

All persons parking a vehicle on campus must register their vehicle with the Siena College Department of Public Safety. Students and employees must pre-register their vehicle using the online, permit system and then go to the Public Safety office to obtain a permit sticker or hang tag. (See section titled, “Permit System Instructions”). Visitors/Guests must also obtain a permit while parking on campus.

Applying for Vehicle Registration: PREREQUISITES FOR REGISTRATION

The following prerequisites must be met before an individual may register a vehicle through the Department of Public Safety:

1. The applicant must be authorized by Siena College to have a vehicle on campus.
2. The applicant and the vehicle to be registered must meet all legal requirements for operations within the state of New York.
3. The applicant must agree to abide by the Siena College Traffic Rules and Regulations.

FACULTY/STAFF PERMITS

Faculty/Staff will be issued one hangtag parking permit. This permit is transferable and may be used for any vehicle utilized by the faculty/staff member, as long as the vehicle is registered with the Department of Public Safety. The hangtag must be displayed from the vehicle’s rear-view mirror at all times while parked on campus. If the mirror will not accommodate the hangtag, the permit must be placed on the driver side dashboard in clear sight. In the event the hangtag is lost or stolen, a new tag must be obtained from Public Safety. In the event the hangtag is left in another vehicle, the faculty/staff member may obtain a temporary permit for the day by visiting Public Safety.

Faculty/Staff Online Permit System Instructions

To complete the online permit form, please follow these steps:

1. Log into the Siena College Banner Employee Self Service portal at: <https://bapp-fmw-prod.siena.edu>
2. Click on the tab titled “Personal Information”
3. Select the tab titled “Permit System – Parking Permits and Citations”
4. Select “Purchase a Permit”
5. Select the term which you are purchasing the permit for
6. Select from the drop-down menu the type of permit which you would like to purchase
7. Enter the information requested to add your vehicle to the portal
8. Click “Submit”
9. Print the form which is titled “Vehicle Pre-Registration Form” – this form must be brought to the Department of Public Safety to complete the vehicle registration

A campus parking permit/hangtag will be issued upon presentation of the following:

- a) A current, valid State Department of Motor Vehicle Registration
- b) Saint Card
- c) The completed print-out of the online Permit System registration form

EMPLOYEE GUEST/VISITOR PERMITS

Employees may obtain Temporary Guest/Visitor permits by submitting a request by visiting the Public Safety web page and/or the following link: <https://www.siena.edu/offices/public-safety/parking-and-traffic-regulations/fsa-parking-pass/>. After filling out the appropriate form and processing is completed, a Temporary Permit will be sent via email to the Visitor and/or Host. The visitor must display the temporary permit on the dashboard of the vehicle while on campus. The visitors may park in any authorized parking spot. If there are questions regarding the process or more information is required, the employee may contact Public Safety.

STUDENT PERMITS

An eligible student purchasing a Siena College Parking Permit will be issued a “Student” parking permit decal. Vehicles bearing “Student” parking permits may park in any student lot as indicated in the “Parking by Lot” designations section of this booklet. Students may only park between white lines. Each student who qualifies for a parking permit will be issued one permit per vehicle, which is non- transferrable.

Note - students who have registered an electric vehicle may park in and use EV charging spaces (green lines) for the purposes of charging their vehicle. The vehicle must be moved after four hours or once the vehicle has been fully charged whichever occurs first.

Student Permit System Instructions

To complete the online Permit System form, please follow these steps:

1. Log into the Siena College Banner Self Service portal at: <https://bapp-fmw-prod.siena.edu>
2. Click on the tab titled “Personal Information”
3. Select the tab titled “Permit System – Parking Permits and Citations”
4. Select “Purchase a Permit”
5. Select the term which you are purchasing the permit for
6. Select from the drop-down menu the type of permit which you would like to purchase
7. Enter the information requested to add your vehicle to the portal
8. Click “Submit”
9. Print the form which is titled “Vehicle Pre-Registration Form” – this form must be brought to the Department of Public Safety to complete the vehicle registration

A campus parking permit/decal will be issued upon presentation of the following:

- a) A current, valid State Department of Motor Vehicle Registration
- b) Saint Card
- c) The completed print-out of the online Permit System registration form

Billing for the selected permit type will not occur until after the permit has been obtained and processed through the Department of Public Safety.

DISPLAY OF DECALS and PERMITS

1. All registered vehicles must display a valid decal or parking permit. In order to avoid confusion, expired decals should be removed before new decals are affixed.
2. The decal must be properly affixed as directed; other means of affixing the decal are not acceptable. Failure to properly display the decal may result in a citation being issued.
3. Parking decals are not transferable to another party or (student) vehicle.
4. Lost, stolen or damaged decals should be reported immediately to the Department of Public Safety.

SPECIAL PERMITS:

RESIDENT FRESHMAN

Due to the limited amount of parking space on campus, First Year Resident Freshman students are prohibited from having a vehicle on campus. All Resident Freshman Students must obtain prior authorization from the Director of Public Safety to have a vehicle on campus even if it is for a limited time. Failure to receive permission will result in a \$200 (+tax) fine and may subject the student to denial of his/her request. Any parking tickets received during the time period that the car was on campus without approval may not be appealed. Exceptions to this policy may be requested in writing to the Director of Public Safety.

EXCEPTIONS TO THE POLICY

A first-year resident freshman may request an exception to the policy if they meet certain Medical and/or Employment criteria. The request must be submitted in writing with the necessary supporting documents to the Director of Public Safety for consideration. The student is not authorized to bring a vehicle to campus without prior approval.

Medical Exception Requirements: Students with a current or pre-existing medical condition that are under the treatment of a physician must complete a Medical Parking Permit Request form. The form may be obtained from the Public Safety Office or Siena Health Services Website. This form must be completed by the attending physician and returned to Health Services for review. The general criteria for a medical exception requires a minimum of six appointments per month to a medical professional.

The Director of Health Services will review the documentation and forward a recommendation to the Director of Public Safety. If the request is approved, the Director of Public Safety will notify the student by email of the decision. Upon obtaining an exception,

the student will be required to present a receipt of treatment from the medical practitioner on a monthly basis.

Employment Exception Requirements: First year Resident Freshman students requesting the employment exception must work a minimum of 20 hours per week of regularly scheduled employment within 25 miles of the campus. The college does not accept sporadic or under the table employment as sufficient for an exception. This includes contract work where hourly commitments cannot be verified by pay stubs.

Resident freshman students requesting this exception must submit the following to the Director of Public Safety in writing. A letter requesting the exception to policy, which includes the reason for the request, and the specific days and hours the student will work. A letter from the employer on company letter- head stationary indicating the students employment status and the specific hours and days scheduled.

If the exception is approved, the student must provide proof of continued employment on a monthly basis. The student must submit copies of pay stubs from company paychecks by the fifth of each month. Failure to submit documentation on the fifth of the month will result in the loss of the exception and forfeiture of the parking permit.

If cancelled, the permit must be promptly surrendered to the Public Safety Department or a \$200 (+tax) fine will be imposed and levied on the student's account.

NOTE: Freshmen permits may be denied or revoked by the Director of Public Safety if the student is in violation of the Siena Code of Conduct. Freshman permits may be suspended for the remainder of the semester for any freshman student who has received three tickets for violations of the College's Traffic Rules and Regulations.

Freshman granted an exception will be directed to park in Lot "B" only

Note - students who have registered an electric vehicle may park in and use EV charging spaces (green lines) for the purposes of charging their vehicle. The vehicle must be moved after four hours or once the vehicle has been fully charged whichever occurs first.

TEMPORARY PERMITS FOR UPPERCLASS STUDENTS (2nd - 4th Year)

Temporary parking permits for upper class students may be obtained from the Department of Public Safety, 24 hours a day 7 days a week. There is a charge for the temporary permit. The student must first complete PERMIT SYSTEM pre-registration form and bring the printed form along with a current valid State Department of Motor registration and their Siena College Saint Card to the Public Safety Office. The permit must be displayed on the rearview mirror with the printed information facing out so the permit is visible for viewing. If your mirror will not accommodate the permit, it must be placed on the driver side dashboard in clear sight.

ACCESSIBILITY PARKING PERMITS

All persons possessing a State Accessibility Permit or License Plate must also obtain a Siena accessibility Parking Permit from the Department of Public Safety. Requests for accessibility parking permits must be accompanied by documentation from the registered physician who authorized the permit. Vehicles bearing a proper accessibility permit issued by the college

and State, may park in a designated accessibility parking space. These spaces are marked with blue lines. In some cases, a discharge area may be visible. Diagonal blue lines indicate discharge areas.

NOTE: The discharge area is not a parking space. Vehicles found parked in discharge areas or in accessibility Parking Spaces without displaying an accessibility permit may be issued a citation and towed from campus at the owner's expense.

STUDENT GUEST/VISITOR PERMITS

Temporary Guest/Visitor permits may be obtained by visiting the Public Safety. The office is open 24/7. The host must register the guest vehicle through Permit System prior to requesting the guest permit at the Department of Public Safety. A valid State Department of Motor Vehicle Registration, the host's Siena Saint Card, the completed printout of the online registration form from Permit System, and the Siena College guest must be brought to the Department of Public Safety by the host to complete the vehicle registration process. The vehicle owner must display the temporary permit on the rearview mirror with the printed information facing out so the permit is visible. The visitor/guest must park between white lines in student lots only.

ONLINE STUDENT GUEST PERMITS

Online guest temporary parking permits are valid from Friday at 6:00pm until Sunday at 9:00pm. These permits are not valid at any other time. The visitor/guest must display the permit on the driver's side of the dashboard. All guest vehicles must park between white lines in student lots only.

Any student who has registered a guest either through the Department of Public Safety or online will be responsible for any charges accrued on the vehicle during the guest's stay.

MAC MEMBER PARKING PERMITS

All MAC members must register their vehicles and obtain a parking permit. They may park in Lots F or U only.

LIBRARY PARKING

Siena College community members may park in Lot F or Lot U to access the library during normal hours. Library guests must obtain a Temporary Parking Permit from the Department of Public Safety.

LONG TERM PARKING

Any student, faculty or staff member, or any other person leaving campus for an extended period of time (i.e. sports team trip, a family emergency, winter recess, a long weekend, vacation, etc.) who intends to leave their vehicle on campus should be aware of our emergency vehicle removal procedures. When leaving campus, vehicles left behind must be moved to:

- Lot "B" – The lot in the rear of Cushing Village
- Lot "F" – The lot adjacent to the baseball field
- Trustco Bank Building Lot – Across Rt. 9

C. Additional Lot Restrictions:

Parking spaces are designated by color. White lined spaces are for Students and Visitors. Yellow lined spaces are for faculty and staff. Students and employees must park between the proper colored lines for their designation. Spaces lined in Blue are for vehicles bearing valid Siena Accessibility Permits and/or Accessibility plates. Parking citations may be issued based on the line color of the parking location, even if a designation sign is not visible.

- Parking Lot “L” located on the west side of Foy Hall is reserved for Faculty and Staff parking. However, from 5:00 p.m. until Midnight students may park in this lot for evening classes and events.
- Parking Lot “M” located in front of Siena Hall is reserved for Faculty and Staff parking. However, from 5:00 p.m. until Midnight students may park in this lot for evening classes and events.
- Parking Lot “C” located in front of Snyder Hall has a number of spaces reserved for Faculty and Staff parking. However, from 5:00 p.m. until Midnight students may park in this lot for dining and events.
- Lots “O”, “P”, are subject to restrictions, Public Safety, Employees and Accessibility permit holders. Service Rd. and the parking area adjacent to Lonnstrom Dining Hall are fire lanes and parking is prohibited in that area. Three 15-minute parking spaces on Padua Rd. may be used by those visiting the SSU for a short period of time.

D. Violations:

Each violation may result in a warning or citation of the vehicle. Violators are responsible for any associated fines for each citation received.

Abandoned/Inoperable Vehicles – All motor vehicles on campus must be in running order and bear a valid state license plate issued to that vehicle. Vehicles in violation of this regulation will be considered abandoned and may be towed from campus at the owner’s expense.

Driving Under the Influence of Alcohol and Drugs

- No person shall operate a motor vehicle on Siena College property while the person’s ability to operate such motor vehicle is impaired by the consumption of alcohol or drugs.
- If in the judgment of a member of the College’s Public Safety Staff, an operator of a motor vehicle being operated on campus has consumed alcohol or drugs, the operator will be documented, and a report will be forwarded to the Dean of Students.
- If the operator of a vehicle is involved in an accident, and the Public Safety Staff suspects the driver may be under the influence of drugs or alcohol, the Police may be contacted to further investigate the incident.

Parked in a Faculty/Staff Area – Parking a vehicle in a parking space (yellow lines) when not authorized by the parking permit issued to that vehicle.

Electric Charging Station Violation – A person will be deemed in violation if a vehicle is parked while not actively charging. This violation also applies to non EVs

Failure to Display a Hangtag / Permit

Failure to Move Vehicle from Closed Lot – Failure to move a vehicle from a lot which has been closed for a special event.

Failure to Yield the Right of Way – Failure to yield the right of way at a yield sign.

Fire Lane / Tow Zone – Parked in a Fire Lane or designated Tow Zone

Unauthorized Parking in a Accessibility Parking Space – Accessibility parking areas are for vehicles bearing a Siena Accessibility Vehicle Registration. Unauthorized vehicles found parked in these areas will be ticketed and towed at the owner's expense.

Improper Display – Not affixing the parking permit to one's vehicle, placing the permit in the wrong location.

Improper Lot – Parking a vehicle in a parking lot, space or area not authorized by the parking permit issued to that vehicle.

Forged Permit/Improper Use of a Permit – No person shall affix a permit to their vehicle that is either forged or is not the permit assigned to that vehicle.

Parking in more than one space - Vehicles not parked within the designated parking space lines, that is when the vehicle is extended into another parking space surrounding their intended space, causing their vehicle to be in more than one space, will be issued a parking ticket for using more than one space.

Parking in a space designated for a Special Permit or a Reserved Parking Area

Parking in a Restricted Area – Any area that is marked as a restricted area by painted hash marks on the pavement.

Parked in the Roadway – Parking is not permitted on campus roadways. In addition to its normal definition, roadway includes any area designated as a safety island. A safety island is an area with diagonal lines painted on the pavement to indicate it is not a parking area. All roadways are considered Fire Lanes.

Parked/Driving on the Lawn and Pathways - (Pathways, lawn, non-paved area, dirt and grassy areas) Pathways are for pedestrian traffic only with the exception of Security, Maintenance and Emergency Vehicles. Vehicles may not park or drive on lawn areas, non-paved areas, or any area not designated for vehicular traffic. Vehicles parked in these areas, in addition to being ticketed, may be towed from campus.

Parked/Driving on Town House Pathways - Based on the seriousness and potential harm to pedestrians, a separate violation for this action has been written. This violation carries a larger fine.

Driving through a Stop Sign – Failure to come to a complete stop at a stop sign.

Reckless Driving – Reckless driving on campus is defined as operation of a motor vehicle in a manner presenting an unjustifiable risk to a person's safety and or damage of property of another.

Restricted Area / Safety Zone – Any area which is designated by painted lines on the ground.

Speeding – The maximum speed permitted on campus is 15 M.P.H.

Unregistered Vehicle – All vehicles parked on campus are required to be registered with the Department of Public Safety.

One Way/Wrong way on one way – On roadways marked for one-way traffic, vehicles shall be driven only in the direction designated.

Overtime Parking – Violations apply to those parked longer than the time designated/allowed.

Blocking a Fire Hydrant – No person shall stop, stand or park a vehicle within 15 feet of a fire hydrant except when the vehicle is attended by a licensed operator who is seated in the front seat and who can immediately move the vehicle in case of an emergency, unless a different distance is indicated by official signs, markings.

E. Enforcement Protocol:
TRAFFIC ENFORCEMENT

Public Safety personnel continuously patrol the campus and issue tickets/citations for violations of the Siena College Parking and Traffic Regulations.

A traffic ticket will indicate the violation and the amount of the fine. Fines will be charged to the person's Siena College account. Fines may only be paid at the Business Affairs Office. New York State requires the College to charge tax on all fines.

COMPLIANCE WITH PUBLIC SAFETY PERSONNEL

Community members and visitors/guests must comply with authorized directives issued by Public Safety personnel or any other person empowered to enforce the College's Traffic Rules and Regulations. Refusal to comply with such requests or directives may result in disciplinary action and or the loss of vehicle privileges on campus. It may also cause the vehicle to be ticketed and towed immediately at the owner's expense.

TICKET APPEAL PROCEDURE

Persons who have received tickets may appeal the violation to the Traffic Appeals Committee. The committee is comprised of Faculty, Staff and Students.

Student Appeals must be appealed online through their Web for Students – Banner Self Service Account within 30 days of the citations issue date. Once logged in to Web for Students:

1. Choose the option "Outstanding Citations"
2. A list of tickets will appear that have been written to the account
3. Select the button to submit an appeal
4. Type in the correct citation number and your comments on the grounds for which you are appealing the ticket
5. You will then receive an acknowledgement of the appeal

6. You will receive notification from Public Safety after the committee meets to determine if the appeal is approved or denied

Faculty and Staff appeals must be completed through the web by logging into Employee Self Service. Once logged in to ESS secure web page:

1. Click on Personal Information and then choose Permit System.
2. Choose the option "Outstanding Citations"
3. A list of tickets will appear that have been written to the account
4. Select the button to submit an appeal
5. Type in the correct citation number and your comments on the grounds for which you are appealing the ticket
6. You will then receive an acknowledgement of the appeal
7. You will receive notification from Public Safety after the committee meets to determine if the appeal is approved or denied

All decisions of the Committee are final.

Appeals must be submitted to the Committee within 30 calendar days from the date of the cited violation. Appeals received after the 30 days will not be considered by the Committee.

F. Important Notices:

EMERGENCY VEHICLE REMOVAL

Any student, faculty or staff member, or any other person leaving campus for an extended period of time (i.e. sports team trip, a family emergency, winter recess, a long weekend, vacation, etc.) who intends to leave their vehicle on campus should be aware of our emergency vehicle removal procedures. These procedures dictate that at times we must clear certain areas, such as but not limited to parking lots and roadways. Abandoned vehicles, vehicles left behind by those leaving campus, disabled vehicles and even legally parked vehicles may need to be removed under circumstances beyond our control. Snow removal, construction needs, parking lot closures, repair problems and emergencies will dictate the removal of these vehicles. In all cases, an attempt to notify the vehicle owners will be made. This may include e-mail, public announcements, flyers and telephone messages when practical.

When leaving campus, vehicles left behind must be moved to the "Long Term Parking Areas, these areas are designated as Lot B (rear of Cushing Village), Lot F (next to the baseball field) or the Trustco Bank Center which is located across the street from the main campus. Vehicles left in any other lot may be towed when necessary for snow removal or any other emergency that may arise. The owner will be responsible for the tow charges.

SUMMER PARKING

Students enrolled in summer courses or employed by the college are authorized to have their vehicle on campus. However, if a student is not enrolled in classes/employed by the college, their vehicle must be removed at the end of the academic year. At no time can anyone leave their vehicle parked on campus for the entire summer without special permission. Unauthorized vehicles parked on may be removed at owner's expense. The College is not responsible for fees charged by towing companies for vehicle removal. Siena College assumes no liability or responsibility for damages or losses to any vehicle driven or parked in College parking areas or facilities.

MOTOR VEHICLE ACCIDENTS

All motor vehicle accidents occurring on the Siena College campus should be reported to the Public Safety Department. The New York State Vehicle and Traffic Law requires that accidents causing personal injury or damage in excess of \$1,000.00 to the property of another person must be reported to the Department of Motor Vehicles within 10 days. State Motor Vehicle Accident Reports (MV104A) is available at most police departments and DMV offices.

INSURANCE

Personal vehicles are not covered by Siena's Insurance policies. The college cannot assume responsibility for loss, damage or theft of property from the personal vehicles that are parked on campus.

PERSISTENT VIOLATORS

Individuals, whose vehicle has been ticketed six times, will be declared a Persistent Violator. Persistent Violators receiving a seventh ticket or subsequent tickets, in addition to the ticket, will have their vehicle booted and/or towed from campus. Any vehicle that obtains three or more tickets for being unregistered will be booted. The fines and tow charges for their vehicle will be the responsibility of the operator/owner of the vehicle. People who have been declared Persistent Violators will remain such for the remainder of the current Academic Year regardless of the status of their parking fines (paid or unpaid). When the next Academic Year commences all former Persistent Violators will have their Persistent Violator status removed and will start the year without carrying forward that designation.

TOWING

The College reserves the right to boot or remove any vehicle from campus when that vehicle is found in violation of the Siena College Traffic Rules and Regulations.

G. Parking by Lot Designation:

FACULTY / STAFF PARKING – Yellow Lines

Lot "A" – Located to the rear of the St. Francis House on Malloy Circle

Lot "C" – Located in front of Snyder Hall (NOTE: After 5:00p.m. students may use the lot until Midnight)

Lot "D" – located on the north side of Snyder Hall

Lot “E” – The spaces outside the Clare Center and on Francis Drive

Lot “F” – The spaces located to the rear of the Morrell Science Center. Near Baseball Field

Lot “G” – Located to the rear of Roger Bacon, in spaces designated by yellow lines

Lot “I” – Located off of Middlefield Road next to Rosetti Hall

Lot “K” – Located in the vicinity of the Haas Maintenance Building

Lot “L” – Located on the west side of Foy Hall. (NOTE: After 5:00pm students may use the lot until Midnight)

Lot “M” – Located at the front of Siena Hall (NOTE: After 5:00p.m. students may use the lot until Midnight)

Lot “O” – Located at the rear of Hines Hall at the Accessibility Entrance

Lot “P” – Located at the rear of Hines Hall south of the East Wing

Lot “T” – Located at Maguire Hall, has east and west areas, the east side has four spaces designated for Faculty and Staff.

Lot “U” – Located on the east side of the Turchi Road Entrance to the College

Lot “V” – Located on the south side of the MAC

Chapel Road – The spaces north of the Chapel

STUDENT PARKING – White Lines

Malloy Circle – The parallel parking spaces to the rear of Cushing Village

Lot “B” – The lot in the rear of Cushing Village

Lot “C” - Located at Snyder Hall

Clare Circle – The parking area surrounding MacClosky Square

Chapel Road – Spaces south of the Chapel

Lot “F” – The lot adjacent to the baseball field

Lot “G” – Located on the north side of the Morrell Science Center. Excludes faculty and staff spaces (Yellow Lines)

Lot “H” – Located on the north side of Foy Hall

Lot “N” – Located at the immediate front of Hines Hall

Lot “Q” – Located on the west side of Padua road.

Lot “R” – Located on the south side of Padua Hall

Lot “S” – Located on the south side of Hennepin and Ryan Halls

Lot “U” - Located on the east side of Turchi Road across from McGuire Hall

Lot “W” – Located to the rear of Plassmann Hall in front of the MAC

Lot “X” - Located at the rear North end of the MAC

General Policies

The following link contains many policies here at Siena for all departments.

<https://www.siena.edu/Policies>

I. **Constitution of the Siena College Student Body**

A. Preamble:

We, the students of Siena College, in order to provide leadership, promote campus and civic participation, improve the academic and residential communities on campus and inform the students of their rights, hereby establish this constitution and adopt it as the supreme governing document for all students.

B. The Student Body:

All fully matriculated undergraduate students shall be known collectively as the Siena College Student Body.

C. The Student Senate:

1. Authority

The legislative power of the Student Body shall rest in the Siena College Student Senate, acting as the representative of the Student Body to the Board of Trustees, College Administration, Faculty, Alumni and the community at large

D. Election:

The Student Body shall have the power to elect voting members of the Student Senate

E. Composition:

1. Each Class President shall be a representative of their class to the Student Senate
2. The At-Large of the Senate will be comprised of three (3) Senators elected by the Student Body in the fall elections. The Co-Chairs of the Senate's standing committees will be members of the Senate
3. The commuter vice president or their designee shall be the representative of the commuter students to the Student Senate
4. The President, Vice President, Secretary and Treasurer of the Student Senate shall represent the student body at large
5. A student-at-large, as appointed by the Senate, who shall represent the Student Events Board (SEB) to the Senate and the Senate to the SEB

F. Voting:

Only elected members of Senate may exercise a vote. No appointed member of the Senate, excluding appointed members appointed to seats normally elected, is eligible to vote.

Appointed members appointed to normally electable seats shall have the ability to exercise a vote. The Senate President may only vote in the event of a tie.

G. Meetings:

1. The Student Senate shall meet at least once a week while classes are in session. All regular meetings shall be announced and open to the public.
 2. Minutes of each meeting shall be made public
 3. A quorum shall consist of a simple majority of the voting members
- H. Powers of the Senate:
1. To review and approve of all actions of the Student Senate committees by a simple majority vote of the entire Student Senate.
 2. To approve the charters of student clubs and organizations. The Senate reserves the right to suspend the charter of any student organization that does not comply with the regulations as set forth by the Student Senate
 3. To take all actions that shall be necessary and proper for carrying out the will of the Student Body
- I. The Executive Board:
1. Authority
The Executive power of the Student body shall rest in the Executive Board of the Student Senate whose duties are expressed in the Student Senate By-Laws.
 2. Election
The Student Body shall have the power to elect the voting members of the Executive Board
 3. Composition
The Executive Board shall consist of the elected President, Vice President, Secretary and Treasurer and the appointed positions specified in the Student Senate By Laws
- J. Committees of the Senate:
1. Designation
 - a. All committees shall either be a Standing Committee, Executive Committee, or an Ad Hoc Committee. Standing Committees of the Senate shall be the Academics, Service and Support, and Campus Improvement.
 - b. Executive Committees are all other committees of the Student Senate.
 - c. Ad Hoc Committees are temporary committees formed for a specific reason by the Senate President.
- K. The Student Events Board:
1. Purpose
The Student Events Board shall be the primary programming board for the Siena College Student Body and shall be considered a student organization subject to the provisions set forth in this Constitution.
- L. The Class Councils:
1. Authority
The decision making power of each of the four classes shall reside in and be exercised by the Class Council in each class.
 2. Election
The Student Body Shall have the power to elect members of the Class Councils.
 3. Composition
A Class Council shall consist of a President, Vice President, Secretary, and Treasurer except in the case of the Senior Class Council.

4. Membership

The composition of the four classes shall be defined in accordance with the Siena College Course Catalog.
- M. Commuter Council:
1. Authority

The decision making power of each of the commuters shall reside in and be exercised by their respective council.
 2. Election

All non-resident matriculated students shall have the power to elect members of the Commuter Council
 3. Composition

The Commuter Life Council shall consist of an elected President, Vice President, Secretary Treasurer and Press Secretary.
 4. Membership

The composition of the commuter population shall be all matriculated non-resident students.
- N. Special Requirements to Hold Office:
1. All Offices

All candidates for an office must be a member of the constituency which that office represents. No student will be eligible for an office that intends to graduate before the completion of the full term of office.
- O. Removal from Office:
1. Constitutional Officer: Voting Members of the Senate, Executive Board, Class, Commuter Council, Budget Allocation Committee, Elected members of SEB, SCRB
 - a. Charges of impeachment must include egregious transgressions of one's responsibilities of one's office.
 - b. Any voting member of the Senate may bring a charge of impeachment. Such a charge must detail alleged impeachable conduct and must be delivered in writing to the Chair of the Student Conduct Review Board (SCRB) in order for an impeachment hearing to be convened. False charges of impeachment shall be grounds of impeachment for the accusing party. After a charge of impeachment is brought, a simple majority of the Senate must vote for a charge of impeachment to move forward in the process.
 - c. Following the impeachment of any constitutional officer, there shall be a hearing conducted by the Student Conduct Review Board (SCRB), who will then make a recommendation to the Student Senate. The Student senate will then hear the recommendation made by SCRB and vote as to the charges of impeachment. a $\frac{2}{3}$ majority vote is necessary for expulsion from office
 2. Appointed Student Representatives

Student representatives appointed by the Student Senate may be removed at the discretion of the Student Senate by a two-thirds majority vote of the entire Senate.
 3. Recall

The Student Body reserves the right to recall from office any member of the Student Senate or its subsidiary bodies. A recall petition, signed by no less than forty percent of

those members' constituents, shall be submitted to the Student Senate, who will prepare ballots. A special election must be held within ten class days of the submission of said petition. Only the constituents of the member in question may vote, with a two-thirds majority of the votes cast required to recall.

P. Senate and Council Vacancies:

1. President and Vice President

A vacancy in the office of the President shall be succeeded by the Vice President. When the Vice President fills the vacancy in the office of President, they shall then appoint a new Vice President with full voting rights, subject to the approval by a two-thirds majority vote of the entire Senate.

2. Other Officers

Vacancies in all other constitutional offices shall be filled by appointment by the respective President, subject to a two-thirds majority vote of the entire Senate.

Q. Senate By-Laws:

By-laws shall be amended to this Constitution and enforced under it.

R. Amending the Constitution:

1. Amendments

Additions or modifications to this Constitution shall be appended to it and enforced under it.

2. Originating in the Senate

A proposed amendment may originate in the Student Senate. Approval by a two-thirds majority vote of the entire Senate shall cause the proposed amendment to be submitted to the Student Body. A special election for the entire student body must then be held within ten class days. Approval by a two-thirds majority of the voting student body is necessary for the proposed amendment to take effect as part of this Constitution.

3. Originating From the Student Body

A proposed amendment may originate in the Student Body through an initiative petition. The initiative petition, containing the full text of the proposal and signatures of not less than twenty-five percent of the entire Student Body shall be submitted to the Senate. A special election must be held within ten class days of the submission of said petition to the Senate and must be passed by a two-thirds majority of the voting Student Body.

S. Implementation:

1. Ratification and Adoption

Following approval by a two-thirds majority vote of the entire Senate, and a two-thirds majority of the voting Student Body, this Constitution shall be declared adopted.

2. Section Two- Effective Date

This Constitution, having been adopted, shall take effect by November 17, 2018 and shall supersede any and all previous Student Body Constitutions.

T. Done in convention by the Constitutional Review Committee and forwarded to the Senate on November 9, 2018.

1. Tara Polchinski, Executive Assistant

2. Committee members:

Mikayla Cote, Student Senate Vice President

Matt Bird, Student Senate Chief of Staff

Elijah Sullivan, Student Senate Parliamentarian
Zach Coderre, Class of 2020 President
Nicholas Murabito, Student Senate
Karla Perez, Class of 2020 Treasurer

3. Advisor: Karen Keis
4. Agreed to by the Siena College Student Senate and Ratified on November 13, 2018
5. Agreed to by the Siena College Student Body and Ratified on November 15, 2018

II. Computing-Use Policy

Please refer to the following link for the most up to date computing and ITS policies.

<https://www.siena.edu/ITSPolicies>

III. Electric Scooters, Bicycles, Skateboards, and Similar Transportation Devices Policy

Due to associated fire risks as well as concerns for the health and safety of riders, Siena College prohibits the use, storage and charging of electric scooters, bicycles, skateboards and similar transportation devices on all campus roadways, pathways, parking lots, green spaces and campus buildings including residence halls.

IV. Copyright Infringement Policy

- A. Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context often referred to as peer-to-peer (P2P) file sharing, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.
- B. Copyright infringement carries civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or “statutory” damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For “willful” infringement, a court may award up to \$150,000 per work infringed. A court can, at its discretion, also assess costs and attorney fees. For details, see Title 17, United States Code, Sections 504, 505. Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.
- C. Members of the Siena community will be subject to disciplinary action for unauthorized P2P file sharing. Students will be sanctioned in accordance with the Student Code of Conduct in Siena Life. Faculty, administrators and staff found in violation will be subject to varying sanctions, up to and including, termination of employment from the College. To ensure permissible downloading of music and the like, contact ITS or visit <https://www.siena.edu/offices/its/file-sharing-and-copyright/>. For more information on copyright laws in general, please see the Website of the U.S. Copyright Office at www.copyright.gov, especially their FAQs at www.copyright.gov/help/faq.

IV. Disorderly or Disruptive Classroom Behavior Policy

- A. Disorderly or disruptive classroom behavior violates the Siena College Student Code of Conduct. Faculty members have the discretion to require disorderly or disruptive students to leave the classroom, or any other academic space including academic offices, hallways, the library, and off-campus experiential learning sites. Failure of a student to abide by the faculty

member's request to leave the academic space may result in the summoning of Public Safety. If a student is requested to leave the academic space, the faculty member will report the conduct violation to the appropriate School Dean or Office of Academic Affairs, the Dean of Students Office, and file a report with Public Safety. Egregious violations may result in removal from the course and the student receiving the final grade of "F."

- B. Faculty may report lesser conduct violations, not resulting in being removed from the class, to the appropriate School Dean/Office of Academic Affairs, the Dean of Students Office, or file a report with Public Safety.
- C. Following the report of a conduct violation, whether or not the student may return to the academic space will depend upon further discussion, investigation, or resolution of concerns with the faculty member and the School Dean/Office of Academic Affairs. The Dean of Students may be consulted. If it is determined that the student may return to the academic space, the student will be required to submit a statement to the faculty member and the School Dean/Office of Academic Affairs acknowledging the conduct violation and an understanding that a second violation will result in the student's removal from the course and a final grade of F. A student may appeal the final grade of F using the Appeal of Assigned Grades policy. The final determination of the appeal rests with the Provost.
<https://www.siena.edu/offices/academics/academic-policies-and-procedures/appeal-of-assigned-grades/>
- D. Disorderly or disruptive classroom behaviors include, but are not limited to: violence, abusive and/or threatening behavior, using abusive or obscene language, making an obscene or lewd gestures, harassment, disrespectful behavior, refusal to abide by the faculty member's and College policies, including violations of the COVID protocols or policies.

V. Hazing Policy

- A. New York State Law and Siena College policy prohibit hazing. New York State Penal Law provides as follows:
 - 1. 120.17 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 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 first degree is a Class A misdemeanor. (Note: punishable by up to one (1) year imprisonment or fine up to \$1,000 or both).
 - 2. 120.18 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 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 second degree is a violation. (Note: punishable by up to 15 days imprisonment or fine up to \$250 or both).
- B. In addition, Siena College considers hazing as any action or situation created by an individual, group, organization or athletic team, intentionally or unintentionally, whether on or off College premises, to produce mental or physical discomfort, embarrassment, harassment, ridicules, or in any way demean the dignity of another human being. Examples may include, but are not limited to, the following: forced consumption of alcohol; paddling in

- any form; creation of excess fatigue; “kidnapping”; physical and/or psychological shock; engaging in public stunts, morally degrading or humiliating games; forcing or encouraging someone to wear signs with inappropriate language/slogans; forcing or encouraging someone to sing lewd songs; shaving of heads; and any other activities or behavior inconsistent with the law and/or College policies.
- C. No individual or group may haze another at any time including as it relates to initiation into or the affiliation with any organization, group or athletic team. Initiations, however explained, or activities that imply, force, encourage, condone or allow students to misuse alcohol or other drugs, or violate the law, or commit unethical, immoral or inappropriate behavior are forbidden. The planning or preparation to engage in hazing activity is also a violation of this policy.
 - D. Hazing of any kind is strictly prohibited by the College and subject to sanction. All members of the College community are expected to report to College officials activity of any kind of which they have knowledge or information. Reports of hazing can be made to the Vice President for Student Life, Associate Vice President for Student Life/Dean of Students, Senior Associate Dean of Students, Assistant Dean of Students, Director of Public Safety, Director of Athletics, or Director of Student Activities and Leadership Development. Upon investigation, the matter may be referred to the vice president for student life for adjudication through the College’s established student conduct review procedures. In addition, the matter may be referred to outside law enforcement agencies.
 - E. Members, prospective members or participants who fail to report an act or contemplated act of hazing of which they have knowledge or information may also be found in violation of this policy. If an individual student faces a charge of violating this policy, the matter will be referred to the College’s student conduct review procedures and, if found responsible, they will be subject to the full range of sanctions, which may include expulsion from the College.
 - F. If a College-recognized organization (e.g., a club) faces a charge of violating this policy, it will be charged as an individual would be under such procedures, and sanctions will be determined at the discretion of the College. Sanctions may include the loss or suspension of college recognition and/or re-recognition on certain conditions, in addition to the charges and sanctions directed to individual members.
 - G. If members of a College-sponsored activity or program (e.g., an athletic team) are charged and found responsible for violating this policy through the student conduct review procedures, the College will impose appropriate sanctions, which may include, but are not limited to, the full range of student status sanctions (including expulsion), removal or suspension from the program, forfeiture of games or limitation of activities, and/or other sanctions as deemed appropriate by the College.
 - H. It is the right of every Siena student to be free from the humiliation and danger of hazing. Hazing does not build strong organizations, teams, groups or tradition. Rather, it is a means of abuse and humiliation. To express concerns or complaints about hazing, or questions about this policy, contact the Vice President for Student Life, Associate Vice President for Student Life/Dean of Students, Senior Associate Dean of Students, Assistant Dean of Students, Director of Public Safety, Director of Athletics or Director of Student Activities and Leadership Development.

VI. Official Communication of College Business

- A. Siena College recognizes many forms of communication for official College business. Administrators and faculty may use written documentation, telephone conversations, email and Web documents as formal forms of communication. Official College business includes all actions of the College including, but not limited to, providing general information, course information, disciplinary notice and general administrative functions of the College.

- B. Email accounts to all students and campus mailboxes to resident students; these are recognized as official document and notification addresses for College communications, as well as local or permanent addresses for commuting students.

VII. Posting Policy

- A. Except as expressly permitted in this section, no printed material may be on, attached to, or written on any structure or natural feature of the College facility, such as the sides, doors, windows of buildings, the surface of light posts, monuments, sculptures, waste receptacles, trees, rocks, benches, free-standing signs or statues. No printed materials may be placed on vehicles except by members of the Siena Public Safety staff for official notices.
- B. Student organizations must submit their material for approval via the Flyer Approval Form on Saints Connect. Once approved, the flyer will be placed into the digital marketing slideshow. Next steps for hard copy flyers are described in D and E.
- C. Sites available to members of the campus community include all departmental bulletin boards located in office and classroom areas. Posting is only allowed on bulletin boards, not on walls or other areas. Permission from the department or administrative unit is required. Chalking is prohibited.
- D. Residence halls and townhouses: Prior permission/approval of the Director of Community Living is required. Materials to be approved are to be left with the Office of Community Living a minimum of three business days prior to the requested posting date. If approved, Community Living will coordinate the distribution.
- E. Sarazen Student Union: Prior permission/approval of the Student Activities and Leadership Development Office is required. Materials to be approved must be dropped off in Sarazen Student Union Room 310 at least three days prior to the requested posting date. Student Activities and Leadership Development will post two copies in the Sarazen Student Union for you and can bring up to 35 copies to Community Living to have them distributed amongst the residence halls.
- F. Material authorized for posting will be limited to that which complements the mission of the College, reflects a responsible expression of an opinion or idea, and will not result in a disruption or interference with the orderly operation of the College. Material that is threatening, harassing or sexually explicit is prohibited. In cases where there is some question of whether material meets these guidelines, the Director of Student Activities in consultation with the vice president for student life or designee, may request the individual or group to modify their content before approval for posting is authorized.
- G. Non-College Organizations:
 - 1. Non-college organizations may not post or distribute materials on campus without the express permission of the Student Activities and Leadership Development office.
 - 2. Upon approval, all materials will be stamped as such and will include the date materials must be removed. Posting is not allowed on painted surfaces, wood or glass.
 - 3. Non-college organizations will be limited to a maximum of 10 flyers posted on campus per event.
 - 4. Only those requests that complement the mission of the College will be approved.
 - 5. Program planners are responsible for removing posters at the conclusion of the event.
 - 6. Sites available for posting to the general public include Sarazen Student Union, Marcella Athletic Complex and Lonnstrom Dining Hall.
 - 7. Non-college organizations are prohibited from posting in campus academic buildings. Postings approved by the Director of Student Activities and Leadership Development may be submitted to the Director of Community Living for permission to distribute in the

residence halls and townhouses. If approved, Community Living will coordinate the distribution of the materials.

VIII. Preferred Name Policy

- A. At Siena, diversity is an invitation to celebrate the uniqueness of each individual, as well as the cultural differences that enrich us all. Siena strives to ensure that individuals from all backgrounds and perspectives are served equitably. The diversity that students, staff and faculty bring to the College are viewed as a resource, strength and benefit to the College as a whole.
- B. Siena recognizes that some students prefer to identify themselves by a first name other than their legal name. Last names can be changed only with a legal name change. Under Siena's Preferred Name policy, any student may choose to identify a preferred first name, in addition to their legal name. The College acknowledges that a preferred name should be used whenever possible in the course of College related systems and documents, except where the use of the legal name is required by college business or legal need.

C. Legal Names:

Students should note that use of a preferred name does not constitute a legal name change. Please note that some records may require the use of legal names only. The legal name will continue to be used in connection with certain official documents, including but not limited to, academic transcripts, health records, Public Safety records, account statement and billing, financial aid forms, tax forms and payroll documentation. Students who are utilizing a preferred name should always be prepared to reference their legal name, as necessary. In order to change the name on certain official college records, you must legally change your name. A legal name change is recognized by submitting a social security card, passport, and/or government issued visa with the new legal name.

Preferred Name Will Appear:	Legal Name Will Appear:
<ul style="list-style-type: none"> • Online directory 	<ul style="list-style-type: none"> • Financial Aid and Billing Records and Communication
<ul style="list-style-type: none"> • Class rosters 	<ul style="list-style-type: none"> • Official and Unofficial Transcripts
<ul style="list-style-type: none"> • Blackboard 	<ul style="list-style-type: none"> • Paychecks and Paystubs
<ul style="list-style-type: none"> • Faculty Advisee Lists 	<ul style="list-style-type: none"> • Public Safety Records
<ul style="list-style-type: none"> • Degree Audit 	<ul style="list-style-type: none"> • Registrar's Office Records (i.e. permanent student file records)
<ul style="list-style-type: none"> • Housing License Contracts 	<ul style="list-style-type: none"> • Student Health Services
<ul style="list-style-type: none"> • Library Records 	<ul style="list-style-type: none"> • Study Abroad and Study Away (i.e. travel documents, signature documents)
<ul style="list-style-type: none"> • Diploma 	<ul style="list-style-type: none"> • Some official forms or correspondence from the College
<ul style="list-style-type: none"> • Community Living Rosters 	<ul style="list-style-type: none"> • Other official documentation which requires the use of an individual's' legal name

• Saint ID card	
• Email display name	

D. Procedures to Request Preferred Name:

1. Students who choose to use a preferred name should submit the Preferred Name Request Form to the Office of the Dean of Students. Once the request is approved, the preferred name will be displayed in the applicable areas above within ten business days. Approved students can obtain a new SAINT ID card with the preferred name after this processing period by request at the Business Services counter in the Sarazen Student Union, Room 229.
2. The Office of the Dean of Students has the authority to deny any request for a preferred name or remove a preferred name, especially in cases where the preferred name was created for the purpose of avoiding legal obligation or misrepresentation; names which are not administratively possible to implement (such as symbols or images); or names deemed inappropriate, offensive or derogatory. Preferred name requests may also be denied due to multiple requests from the same person.
3. In the rare circumstance when a denial is made, the student may appeal the decision in writing within five business days to the Dean of Students. The Dean of Students will convene an appeal committee comprising the following representatives or their designee: Associate Vice-President of Student Life, Associate Vice President of Academic Affairs, Title IX Coordinator/EOS, and Director of the Damietta Cross-Cultural Center to consider the appeal. The committee will make a formal recommendation to the Dean of Students regarding approval of the preferred name request.

E. Student Privacy Considerations:

Consistent with the Family Educational Rights and Privacy Act (FERPA), Siena College allows for the release of directory information, which includes a student's preferred name. If a student does not want disclosure of the preferred name to external organizations or persons, students may suppress the release of the directory information by making a written request to the Registrar's Office. Students who do so will have a confidentiality hold on all of their records. If a student has a confidentiality hold on their records, not only will this information not appear in any College directories, but the College will also be unable to place the student's name in the commencement program at the time of graduation, or verify the student's degree, major or enrollment for possible employment, credit-card applications, or insurance or mortgage-qualifying purposes. A student who has a confidentiality hold on their records may rescind a "no release clause" at any time in writing to the Registrar's Office.

F. Additional Information:

For additional questions regarding the Preferred Name policy, please contact the Office of the Dean of Students.

IX. Smoking / Tobacco Free Campus Policy

A. Purpose:

To ensure that all Siena College facilities and properties are tobacco-free in an effort to provide Siena College's faculty, staff, administrators, students and visitors with a healthy,

respectful working and learning environment. This policy applies to all: students, employees, including faculty, administrators and staff; volunteers, visitors and other individuals in or on any College facilities or outdoor area.

B. Definitions:

1. Tobacco Use: The act of using any tobacco product in any College facility or outdoor area, including, chewing tobacco, and the act of smoking or carrying a lighted cigar, cigarette, pipe or any other smoking material or device (i.e. e-cigarette, vaporizer (vape), hookah, THC oils).
2. Tobacco Free: The prohibited use of any tobacco product in any College facility or outdoor area, including, chewing tobacco, and the act of smoking or carrying a lighted cigar, cigarette, pipe or any other smoking material or device (i.e. e-cigarette, vaporizer (vape), hookah, THC oils).
3. Personal Owned Vehicle: Personal owned and rented vehicles for personal, non-College use only.
4. College Facilities: Any facility or property that is owned, leased, used or occupied by Siena College including but not limited to: private offices, lounges, dining areas, recreational facilities, residence halls, storage areas, service shops, garages, tunnels, sidewalks, facilities operations areas, athletic facilities, all College vehicles (owned or leased), and personal owned and rented vehicles when used to transport Siena College faculty, staff or students on any College-related business, academic or student life activities.
5. Outdoor Areas: All Siena College owned property to include owned and leased property; outdoor areas consisting of all roads, parking lots, sidewalks, athletic fields, lawn areas and any College facility entrance or egress.

C. Policy:

1. The evidence and the trends reflect that tobacco use, smoking and exposure to secondhand tobacco smoke are significant health hazards. Under the Environmental Protection Agency (EPA) Guidelines, tobacco is a Group A carcinogen (cancer-causing agent), known to cause heart disease, cancer, respiratory issues and irritation to the eyes and nose.
2. Siena College desires to protect the health, comfort, and safe working environment for its faculty, staff, administrators, students, visitors, and vendors. It is Siena College's policy to provide a tobacco-free environment in all College facilities and outdoor areas in full conformance with applicable statutes including the New York State Clean Indoor Air Act (Public Health Law Article 13-E).
3. It is also the policy of Siena College to prohibit the sale of tobacco products on campus. The possession of tobacco products are not prohibited and not covered under this policy unless the products are in the act of being used.

D. Procedure:

1. Tobacco use is prohibited in all of Siena College's facilities and outdoor areas. Organizers of public events on campus are responsible for communicating this policy to attendees.
2. Responsibilities/Enforcement: Enforcement should not be punitive, but rather consist of policy reminders and guidance for minor offenders. Faculty, staff, administrators and students are expected to remind individuals who they see violate the policy, in a

professional and courteous manner, that Siena College is a tobacco-free campus. The College reserves the right to initiate disciplinary actions, which may include counseling, verbal and written warnings and education or other appropriate disciplinary actions in accordance with the student handbook, Siena Life, for students and the faculty, staff and administrator handbooks. If an individual is a member of the Siena community and refuses to comply, they should be reported to the following:

- a. Human Resources (for Faculty, Administrators, Staff)
 - b. Dean of Students Office (for students)
3. If an individual is a visitor on campus and refuses to comply, a report should be made to the event organizer and/or Public Safety.
 4. While the College recognizes the difficulty this policy may cause for some of the community, it is incumbent on the College to enforce the policy as stated. This will be done in a reasonable and equitable manner.

X. Solicitation and Vendor Policy

- A. Commercial solicitation (any solicitation involving an exchange of goods and/or money) is permitted on campus as outlined in this policy. Siena College permits commercial solicitation on campus by the following, provided the appropriate approval process, as outlined below, has been completed:
 1. clubs and organizations that are recognized by the Student Senate
 2. authorized representatives of College offices and departments (e.g., Admissions, Development and External Affairs, Community Living, Franciscan Center for Service and Advocacy, Chaplain's Office, Sr. Thea Bowman Center for Women, Damietta Cross-Cultural Center, athletic teams, and academic departments including class project groups, honor societies, and other academic organizations)
 3. student-owned businesses recognized by the Stack Center for Innovation and Entrepreneurship and/or that are [registered in New York State and have a Certificate of Authority](#).
 4. outside vendors
- B. General Guidelines:
 1. No door-to-door sales may take place within the residence halls. The only exception can be Community Living sponsored activities within the respective hall, as approved by the Residence Hall Director or designee.
 2. No sales are to occur out of one's residence hall room/suite or townhouse or living area.
 3. No soliciting or sale of items generally prohibited on campus or prohibited in residential facilities.
 4. Soliciting or canvassing, political or otherwise by outside agencies other than those approved by the Director of Student Activities and Leadership Development or designee is prohibited. Siena College does not permit credit-card companies to market on campus, nor are any student groups or organizations permitted to utilize credit-card offers for fundraising purposes.
 5. If the sale of merchandise is in competition with a contracted campus services (i.e. AVI Dining Services, Bookstore, Athletics, etc.), approval must be obtained from the impacted area.
 6. Applicable New York State sales tax must be collected in all sales on campus.

7. In accordance with Siena Life, and the Catholic and Franciscan values inherent in the mission of the institutions, goods sold on campus should uphold the respect and dignity of the self, property, and others. In addition:
 - a. Merchandise and/or services may not be sexually explicit.
 - b. Merchandise and/or services may not contain derogatory statements or images about gender, race, religion, ethnicity, or sexual orientation.
 - c. Merchandise and/or services may not contain negative statements about the Catholic Church, its institutions and/or parishioners.
 - d. Merchandise and/or services may not contain profanity.
 - e. Merchandise and/or services may not violate any existing trademark, trade name, brand or copyrights (i.e. clothing, purses, copied CD's, DVD's, etc.).
 - f. Merchandise and/or services may not contain Siena College logos and images, unless approval is granted by the Siena College Office of Marketing and Communications.
 - g. Preference is given to Fair Trade merchandise.
- C. Guidelines for Clubs and Organizations Recognized by the Student Senate:
1. All sales of items and services must be approved by the Student Senate, prior to the start of any sales or advertising pertaining to the sale.
 2. A club or organization wishing to hold a sale in a residence hall must receive approval from the Director of Community Living or designee, prior to going to the Student Senate for approval.
 3. Sales taking place in lobbies of college buildings, other than residence halls, must reserve the space through the Campus Scheduler. Fundraisers must be approved by the Student Senate before a space reservation can be made.
 4. An organization wishing to sponsor a sale or fundraising event must submit a request to hold a fundraiser through SAINTS CONNECT on an event request form. This includes all fundraising efforts (on and off campus, virtual or otherwise.) Approval of the Event Form for the fundraiser must be acquired prior to starting advertising or sales. The Event Form should include the following:
 - a. Description of what is being sold
 - b. Prices of the merchandise
 - c. Where the fundraising event will be held
 - d. If the sale of merchandise will be in competition with contracted services (e.g. AVI Dining Services, Bookstore, Athletics, etc.). If it is, approval must be obtained from the impacted area.
 - e. All proceeds from fundraisers must be deposited into the club account as outlined in the Club Finance Manual in Saints Connect. Generally, electronic payment is prohibited for fundraisers and sales. For exceptions to this, permission must be granted by the Director of Student Activities and Leadership Development in advance of any fundraiser or sale wishing to gather payments electronically. This includes those clubs and organizations which may be affiliated with outside organizations.
 5. All t-shirt and merchandise designs must be approved by both the club advisor/coach and the Director of Student Activities and Leadership Development.

6. Use of all College logos and images must be approved by the Director of Student Activities and Leadership Development, or designee, under the advisement of the Office of Marketing and Communications.
- D. Guidelines for Authorized Representatives of College Offices and Departments (i.e. Admissions, Development and External Affairs, Community Living, Office of Mission, Franciscan Center for Service and Advocacy, Chaplain's Office. Sr. Thea Bowman Center for Women, Damietta Cross-Cultural Center, athletic teams, and academic departments including class project groups, honor societies and other academic organizations).
 1. Authorized representatives of College Offices and Departments are required to submit a written request to the Director of Student Activities and Leadership Development (activities@siena.edu) for any fundraising effort on campus aimed at students involving the sale of goods or services or requests for donations. Representatives are requested to comply with this process for the purpose of coordinating campus events.
 2. All sales initiatives must be reviewed and approved by the administrator, faculty, or staff member responsible for the student representative(s).
 3. Groups must reserve campus spaces through the Campus Scheduler.
 4. Authorized Student Representatives wishing to hold a sale in a residence hall lobby must receive approval from the Director of Community Living, or designee.
 - E. Guidelines for Student-Owned Businesses: must be recognized by the Stack Center for Innovation and Entrepreneurship and/or that are [registered in New York State and have a Certificate of Authority](#). Students wishing to sell products or services of their student-owned business on campus must receive approval from the Director of Student Activities and Leadership Development, or designee.
 - F. Guidelines for Outside Vendors: Outside vendors must be sponsored by a College department, office or recognized student club or organization. The department, office, club or organization must follow the appropriate process as outlined above to receive approval.

XI. Speakers' Policy

- A. Brief Overview of the Policy:
The Siena College Speakers' Policy sets forth the guidelines for bringing in outside speakers and performers to campus.
- B. Reason for Policy:
This policy ensures protection of discourse and that adequate preparation, review, and notice are undertaken in selecting and approving outside speakers/performers.
- C. Scope of the Policy: Entities or Individuals affected by this policy
All members of the Siena College community as well as outside attendees at events are subject to this policy.
- D. The Official Policy:
 1. As a liberal arts college, Siena seeks to foster the rigorous intellectual development of its students through a lively exchange of ideas both inside and outside the classroom. As a Catholic college, Siena has the responsibility to promote disciplined reflection on the Catholic intellectual tradition and constructive engagement of that tradition with diverse ideas and perspectives. As a Franciscan college, Siena strives to embody the vision of St. Francis of Assisi by sustaining a community wherein each member is treated as a brother

or sister, and mutual relations are characterized by courtesy, humility, kindness, and respect.

Our mission as a Catholic, Franciscan, liberal arts college requires that we entertain a full range of ideas on campus. We have nothing to fear from engaging the wider culture in an open and unconstrained search for truth. Siena should not and does not seek to insulate its faith tradition from reasonable critique nor from views contrary to Catholic teaching. Neither should Siena feel constrained from celebrating and promoting its core values. It is equally Siena's responsibility to engage and debate views in conflict with its core values, so long as the partners in that debate are respectful of the persons whose views may differ markedly from their own. Consistent with our Franciscan heritage, passionate disagreement over ideas should never degenerate into ad hominem appeals or attacks on the fundamental human dignity of one's intellectual adversaries. The challenge for Siena is to remain faithful to all aspects of its mission, especially in those situations when the various elements of that mission appear to be in conflict with each other.

2. To this end, the following guidelines should be observed when various constituencies of the College invite outside speakers or sponsor events:
 - a. As an academic institution, the College has an obligation to promote the free discussion of serious issues which may be controversial in nature. Presentations that have academic or artistic merit, including those that may be deliberately provocative, are acceptable. Presentations that are gratuitously offensive or overtly and insistently contemptuous of the values and sensibilities of the Siena College community are not.
 - b. All speakers/performers must be sponsored by a College office, department, official College committee or officially recognized student club or organization. Any proposed speaker/performer must be approved by the divisional vice president in writing prior to contracting. The generic Speaker Review Form or a customized divisional alternative must be completed by the sponsor and submitted to the divisional Vice President or for approval. The Vice President may convene an ad hoc advisory/review group to assess the risks associated with the proposed speaker. The VP may assign any of these duties to their designee(s). For any speaker outside of the academic or student divisions, the College Risk Officer will work to identify the appropriate VP and their designee who will oversee compliance with the policy in that case. The College Risk Officer will provide guidance to the owner as necessary.
 - c. Departments and offices should act within their area of expertise and mission in sponsoring or co-sponsoring speakers or events.
 - d. It should be made clear that sponsorship of the speaker or the event does not imply an endorsement by Siena College of the views expressed by that speaker or that event.
 - e. Sponsors are encouraged to contact Public Safety no later than at the time of contracting with the speaker/performer for events with more than fifty (50) anticipated attendees to coordinate parking, accessibility, safety, VIPs, etc. The VP or designee(s) may require consultation with Public Safety if they determine that:

- i. the complexity of the event requires the involvement of more than one campus administrative unit;
 - ii. that the event is likely to significantly affect campus safety and security;
 - iii. the event has a substantial likelihood of interfering with other campus functions or activities;
 - iv. or if the event is a dance or concert, regardless of how many attendees
- f. Sponsors are to contact Marketing and Communications prior to the time of contracting with the speaker/performer to assess feasibility of advertising and marketing of the event.
- g. Attendees may not engage in loud outbursts, profane, vulgar, inflammatory, threatening, abusive or disparaging language or other disruptive conduct or behavior. Persons who do so may be asked to leave and/or subject to disciplinary action.
- h. In extremely rare circumstances, the College may determine that a presentation or event should be modified in format, postponed, or even cancelled. Such decision must involve open and respectful consultation with members of the Siena community including the event's sponsor and must be guided by the principle that the remedy for controversial speech is more speech. Rather than restricting legitimate academic and artistic expression, the conversation could be broadened by providing an open forum after a speaker's presentation in which multiple viewpoints and voices can be heard; the deliberate inclusion of qualified speakers who can articulate alternative perspectives on the contentious issue; or the sponsorship of speakers who hold opposing views over the course of a semester or academic year. Ultimately, however, the President of the College will have final authority in making these decisions.

E. Exceptions:

The College reserves the right to restrict the time, place and manner of any event that is subject to this policy although such restrictions shall be applied without discrimination toward the content of the view being expressed or the speaker. However, if the content of the speech or actions of the speaker are such that they endanger or imminently threaten to endanger the safety of any member of the community or any of the campus or community physical facilities or if the activity disrupts or obstructs the functions of the College or threatens such disruption or destruction, the College may, at its discretion, modify the time, place or manner of the event or reject and/or cancel any such event. Moreover, any indicator that there will be conduct that increases the likelihood of violence and potential injury may result in the rejection and/or cancellation of the event by the College. Any such decision shall be at the sole discretion of the College.

XII. Student Internal Complaint Policy

- A. This policy serves as a guide for students who wish to file a complaint about any aspect of Siena's operations/policies/procedures. Additionally, a student may utilize this process to file a complaint against any employee of the College (e.g. faculty member, administrator, staff member) or any visitor, volunteer or contractor (referred to as respondent). A student may choose to pursue the internal complaint either through an informal or formal process. The College does not accept internal complaints by non-students.

- B. Students uncertain about how to proceed may consult the Associate Vice President for Student Life who shall identify the appropriate contact person. The student may also seek support from a Human Resources representative, who may act as an ombudsman to facilitate and/or mediate the process.
- C. If the complaint involves an incident of sexual misconduct or discriminatory based harassment, then the person to whom the student reported the complaint must refer the complaint to the Title IX Coordinator/Equal Opportunity Specialist to be reviewed under Siena College's Discrimination and Harassment Policy or Sexual Misconduct Policy. If the Title IX Coordinator/Equal Opportunity Specialist determines that the College's Discrimination and Harassment Policy or Sexual Misconduct Policy does not apply, the complaint shall be referred back to the supervisor or administrator receiving the complaint. If the complaint involves an assigned grade, the student should refer to the procedures for "Appeal of Assigned Grades" in the College Catalog.
- D. In all instances, a student must be assured that no adverse action will be taken against the student for making a complaint. However, if a student intentionally furnishes false information, they may be referred to the Dean of Students office.
- E. Procedures:
 - 1. Informal Resolution:
 - a. Students wishing to pursue an internal complaint informally shall first contact and meet with either the supervisor of the individual or administrator responsible for the operation/policy/procedure. This is usually the Director/Department Head or Academic Dean. They will informally investigate the complaint, normally within seven to ten business days, and meet with the respondent to provide a letter of finding. The student may also request that the matter be resolved later, for example, after they have completed a course.
 - b. If the supervisor or administrator finds that the complaint is justified, the supervisor or administrator will address the situation and, if applicable, see that it is corrected pursuant to the applicable procedure. Any corrective or disciplinary action for respondents will be made in consultation with the Office of Human Resources. The supervisor or administrator may also determine that the complaint is unfounded.
 - c. With either outcome, the supervisor or administrator will meet with the student and inform them of the result, to the extent possible, keeping in mind that employee disciplinary matters are confidential.
 - d. If either the respondent or student is not satisfied with the informal resolution, either party may end the informal resolution process and the internal complaint will be resolved through the formal process.
 - 2. Formal Resolution:
 - a. Filing of a Written Complaint: The formal complaint must be filed in writing with either the supervisor of the individual or administrator responsible for the operation/policy/procedure. This is usually the Director/Department Head or Academic Dean.
 - b. In their written complaint, the complainant must include the following:
 - i. A description of the facts supporting their complaint
 - ii. Any supporting documentation/evidence
 - iii. A description of the redress being sought
 - iv. The name, contact information and signature of the student initiating the complaint

- c. The supervisor or administrator will investigate the incident, normally within seven to ten business days, and meet with the respondent to provide a letter of finding. The student may also request that the matter be resolved later, for example, after they have completed a course.
 - d. If the supervisor or administrator finds that the complaint is justified, the supervisor or administrator will address the situation and, if applicable, see that it is corrected pursuant to the applicable procedure. Any corrective or disciplinary action for respondents will be made in consultation with the Office of Human Resources. The supervisor or administrator may also determine that the complaint is unfounded.
 - e. With either outcome, the supervisor or administrator will meet with the student and inform them in writing of the findings, keeping in mind that employee disciplinary matters are confidential.
3. **Student Appeal:**
- a. Students have five business days from the date of the letter of finding to submit an appeal to the investigating supervisor or administrator's supervisor. This is usually an Assistant/Associate Vice President or Vice President.
 - b. All appeals must be in writing, submitted by the student, and must specify the grounds for the appeal. The College does not accept appeals submitted by others (including parents and attorneys on behalf of a student); the student must file their own appeal.
 - c. The student will be notified in writing of the decision within seven business days, keeping in mind that employee disciplinary matters are confidential. The appeal decision is final.
4. **Respondent Appeal:**
- a. A respondent has five business days from the date of the letter of finding to submit an appeal to the investigating supervisor or administrator's supervisor. This is usually the Assistant/Associate Vice President or Vice President.
 - b. All appeals must be in writing and must specify the grounds for the appeal.
 - c. If an applicable appellate review process applies, such process shall be followed. Otherwise, appellate review shall be provided in consultation with the Office of Human Resources. The supervisor will meet with the respondent to provide written notification of the decision within seven business days. Any corrective or disciplinary action for respondents will be made in consultation with the Office of Human Resources. The appeal decision is final.
5. All documentation regarding a complaint against an individual employee and the resolution will be forwarded and stored in the Office of Human Resources.
6. The College reserves the right to extend the timelines set forth above if it determines that circumstances warrant such extension.
7. If a circumstance occurs in which the parameters of this policy do not apply (e.g. an appeal to a direct report of a Vice President) a Human Resources representative will designate an individual to resolve the complaint.

XIII. Student Records

Overview

- A. Family Educational Rights and Privacy Act: The Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. § 1232g and 34 CFR Part 99, governs students' access to and confidentiality of their education records maintained by Siena College. The College notifies students annually of their rights under FERPA. Students have the right to file a written complaint with the Office of Family Compliance at the U.S. Department of Education if they believe the College failed to comply with FERPA.
- B. Education Records Defined: Education records are any records (in handwriting, print, tapes, film, computer or other medium) that are directly related to a student and maintained by the College or by a party acting for the College. They are not: 1) records that are kept in the sole possession of the maker, such as a faculty member, who makes the record for a personal memory aid and does not share the record with anyone other than a temporary substitute for him or her; 2) records created and maintained by the College's Public Safety department for law enforcement purposes; 3) employment records; 4) records made or maintained by medical professionals if the records are used only for treatment of a student and made available only to those persons for providing the treatment; or 5) alumni records which contain information about a student after they are no longer in attendance at the College.
- C. Student Access to Records: Records available for student inspection are those that fall under the definition of education records and generally include academic, financial aid and disciplinary records. References, ratings and/or observations completed before 1-1-75 are not available to students. Students do not have the right to inspect any financial data and income tax forms submitted in confidence by their parents in connection with an application for, or receipt of, financial aid. Concerning a record that contains information relating to more than one student, student access is limited to the portion of the record that pertains only to him/herself. Requests to inspect education records should be made in writing to the specific College office maintaining it. The records, files and/or data will be made available no later than 45 days from the time the written request is received. Materials will be reproduced at a cost of \$.50 per page for records and \$5.00 for a transcript.
- D. Amendment of Education Records: A student may request in writing an amendment to their education record that they believe to be inaccurate, misleading or otherwise in violation of their privacy rights. If, upon review of the student's request and record, the College determines that the amendment is not warranted, the student will be advised accordingly and given the right to a hearing conducted by an administrative officer of the College who does not have a direct interest in the outcome. At the conclusion of the hearing, the College will either amend the record and inform the student in writing of the amendment, or decide that the education record as written should stand. If the College determines that the record should not be changed, the student will be given the right to place a statement in the record commenting on the contested information and/or why they disagree with the College's decision.
- E. Disclosure of Education Records: Siena College will disclose information from a student's education records only with the student's prior written consent. The College will not need to obtain the student's consent if FERPA allows the records to be released without it. Student consent will not be required if the disclosure is:
1. To other school officials whom the College has determined to have legitimate educational interests. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support-staff position. These people include health or medical staff; a person elected to the Board of Trustees; a person employed by or under contract with the College to perform a special task such as an attorney, auditor, or outside vendor; a person who is employed by the College's Public Safety department; and a student serving on an official committee, such as a disciplinary or grievance

committee, or assisting another school official in performing their tasks. A school official has a legitimate educational interest if they are performing a task that is specified in their job description or contract agreement; performing a task related to the student's education; providing a task related to the discipline of a student; providing a service or benefit relating to a student or student's family, such as health care, counseling, job placement or financial aid; or maintaining the safety and security of the College.

2. To authorized officials, such as officials of other schools in which the student seeks to enroll, certain federal, state and local officials, or specified officials for audit or evaluation purposes
3. To accrediting organizations or organizations conducting certain studies for or on behalf of the College
4. In connection with a student's application for, or receipt of, financial aid
5. In the case of an emergency, if the knowledge of such information is necessary to protect the health and safety of the student or other persons
6. To comply with a judicial order or lawfully issued subpoena or is related to legal action involving the College and the student
7. In connection with certain disciplinary actions
8. To parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1986. The College may, but is not required to, disclose information to parents of a dependent student. However, the College will not do so upon evidence that there is a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes their rights as a parent. The College does not have an obligation to disclose any financial information about one parent to another.

F. Conduct Related Official Transcript Notations: A notation will be added to the official Siena College transcript of students found responsible for a violation of the College's Code of Conduct (Siena Life) that:

1. meets the definition of a crime of violence pursuant to the Federal Clery Act established in 20 U.S.C. 1092 (F) (1) (I)-(VII), and,
2. is sanctioned with suspension, dismissal or expulsion.
 - a. For a student that is suspended or dismissed, the transcript notation will read:
 - i. "Suspended after a finding of responsibility for a code of conduct violation" or "Dismissed after a finding of responsibility for a code of conduct violation."
 - ii. A student may appeal, seeking removal of a transcript notation, (only for suspensions and dismissals) provided that the notation shall not be removed prior to one year after the conclusion of their sanction. Written appeals must be submitted to the Office of the Dean of Students one year after the conclusion of their sanction. The Dean, in consultation with other College officials, will review and accept or deny the appeal. The student will be notified in writing and, if the appeal is granted, the notation will be removed within ten business days upon receipt of the appeal.
 - b. For a student that is expelled, the transcript notation will read: "Expelled after a finding of responsibility for a code of conduct violation". This notation is permanent and cannot be removed.
 - c. For a student that withdraws from the College while such cases are pending and declines to complete the conduct process, the transcript will read:

“Withdrew with conduct charges pending”. This notation will stand until the conduct process is complete.

3. In all cases, an administrative hold will be placed on the student’s record. The hold will prevent future registrations, distribution of transcripts and/or diplomas and may only be removed with permission of the Office of the Dean of Students.

G. Directory Information and Request to Prevent Disclosure:

1. The following is considered directory information, which may be disclosed to third parties without the student’s prior written consent: the student’s name, address (both local and permanent, and email address), telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, photographs, dates of attendance, degrees and awards received, class level or year (e.g. freshman or junior), enrollment status (e.g. full-time or part-time) and the most recent previous educational agency or institution attended by the student. Directory information will not be made available to the party requesting it unless the appropriate administrative officer of the College has considered and approved the request.
2. Students may suppress the release of the directory information by making a written request to the Registrar’s Office. Students who do so will have a confidentiality hold on all of their records. If a student has a confidentiality hold on their records, not only will this information not appear in any College directories, but the College will also be unable to place the student’s name in the commencement program at the time of graduation, or verify the student’s degree, major or enrollment for possible employment, credit-card applications, or insurance or mortgage-qualifying purposes. A student who has a confidentiality hold on their records may rescind a “no release clause” at any time in writing to the Registrar's Office.

H. Student Disciplinary Records Retention:

1. The Dean of Students Office maintains disciplinary records and a disciplinary tracking system, which may include, but not be limited to, the respondent’s name and related information, description of the incident, parties involved, Code violations, sanctions, and other data deemed relevant. Such information will be maintained in accordance with the provisions of FERPA. Disciplinary records will be made available to hearing boards and College officials designated in the student conduct review process as necessary.
2. Student disciplinary records are maintained by the College for a period of seven years from the date of the last incident, with the exception of those cases which resulted in suspension, dismissal or expulsion from the College (which are kept permanently) or for which an outstanding hold is still on a student account.

I. Student Disciplinary Records – Release of Information Form:

1. If a student wishes the Dean of Students Office to release information regarding their disciplinary records to a third party, they must submit written authorization to the College. Upon receiving the student’s written authorization, the College will release only information that resulted in disciplinary probation, dismissal from college housing, dismissal from college, involuntary termination/administrative withdrawal, suspension or expulsion. Please note that the Public Safety Department may release any conduct information that it maintains on a student, since law enforcement records created and

maintained by a law enforcement unit for law enforcement purposes are not considered education records.

2. The College reserves the right to release information from a student's disciplinary record to third parties without the student's prior written consent in accordance with FERPA regulations which allow nonconsensual disclosure under certain conditions. In connection with the condition relating to disclosure of information in disciplinary cases, the following apply:
 - a. As stated in the parental notification sections, the College reserves the right, without student consent, to notify parents of students in health or safety emergencies, in cases of alcohol and/or drug policy violations if the student is under 21, and other instances permitted under FERPA. The College also reserves the right to provide notification to parents of students of other types of disciplinary actions with a signed release from the student. Parental notification of all types of disciplinary actions will usually be in writing after the case has been resolved in accordance with the conduct review process. Finally, the College may, but is not required to, provide information from a student's disciplinary record to parents of dependent students. The College will do so, however, only upon evidence from the parents that their child is a dependent student, as that term is defined in section 152 of the Internal Revenue Code of 1986.
 - b. If the student is an alleged perpetrator of the College's Sexual Misconduct Policy or violent crimes that are violations of the College's Code of Conduct, the College may disclose information from his or her disciplinary record to the victim and others. If the disclosure is to the victim making the allegations, then such disclosure may only include the final results of the disciplinary proceeding, regardless of whether the College concluded that a violation of the Code of Conduct was committed. If the disclosure is to anyone else, then the College must have concluded that the student committed a violation of the Code of Conduct before making the disclosure. Also, in such an instance, the College may not disclose the name of any other student, including a victim or witnesses, without the prior written consent of the other student.

XIV. Drug and Alcohol Policy for Employees

The problems associated with drug and alcohol abuse are a major concern in this country. The passage of the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act Amendments have placed requirements on institutions of Higher Education to develop policies and to provide information to employees on drug and alcohol abuse.

This brochure is designed to provide all faculty, administrators, staff and student employees with a copy of the College's Drug and Alcohol Policy, as well as information on (1) the health risks associated with drug and alcohol abuse, (2) the information, counseling and rehabilitation services available, (3) the federal, state and College sanctions that may be imposed for violations and (4) faculty, administrators, staff and student employer responsibility and standards of conduct.

Below is the link to the Siena College Drug and Alcohol Policy:

<https://www.siena.edu/DrugPolicy>

Siena College Discrimination and Harassment Policy

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Discrimination and Harassment Policy

I. Statement of Basis and Purpose

Siena College is committed to promoting a learning and working environment where discrimination and harassment is not tolerated. This policy shall apply regardless of race, color, religion, creed, ethnicity, national origin, gender, age, sexual orientation, gender identity or expression, familial status, veteran status, disability, predisposing genetic characteristics, domestic violence victim status, or other basis identified in federal or state law. Acts of discrimination and harassment, which are offenses directed against persons because of their identification with one of these categories, are prohibited under this policy. This policy prohibits discrimination and harassment in all College programs and activities. Conduct prohibited by this policy also may violate laws enforced through the public criminal justice system. Individuals may decide to utilize both this policy and the public criminal justice system, simultaneously, to address covered conduct. Siena College proceedings that involve alleged violations of this policy will be conducted through a process that is prompt, equitable, fair, impartial, and provides adequate notice and a meaningful opportunity to be heard.

This policy applies to conduct involving students, employees, or third parties (e.g., contractors, alumni, visitors) that: (a) occurs on College property, (b) takes place in any College-sponsored program or activity such as travel, research or internship programs or (c) when such conduct may have a continuing adverse effect or could create a hostile environment on campus. This policy also applies to student conduct that occurs off College property.

Our commitment is rooted in the Franciscan and Catholic tradition, which affirms the unique worth of each person and shares a commitment to building a world that is more just, peaceable, and humane. The dignity of the individual should never be violated in any way, and the college community views, with seriousness, violations of this policy against any person.

Accordingly, Siena College is committed to:

- Defining conduct that constitutes discrimination and harassment
- Providing clear reporting options for all members of our campus and visitors following disclosing a violation of this policy
- Promptly responding to and investigating allegations of discrimination and harassment, including taking steps to eliminate a hostile environment if one has been created and prevent the recurrence of future incidents of discrimination and harassment. The College's response may include pursuing disciplinary action when appropriate, referring the incident to local authorities when appropriate, and acting to investigate and address any allegations of retaliation
- Providing ongoing assistance and support to members of our campus who file complaints of discrimination and harassment
- Providing awareness and prevention information on discrimination and harassment, including disseminating our policies.

II. Title VII and the Title IX Coordinator and Equal Opportunity Specialist (EOS) Responsibilities

- A. Siena College's Title IX Coordinator/EOS has primary responsibility for coordinating the College's efforts to comply with and carry out its responsibilities under Title VII and Title IX which prohibits discrimination in all of the College's programs and activities, as well as retaliation for the purpose of interfering with any right or privilege secured by Title VII and Title IX.
- B. The Title IX Coordinator/EOS oversees the College's response to reports and complaints that involve possible discrimination and harassment, to monitor outcomes, and identify and address any patterns, so the College can address issues that affect the wider College community.
- C. An individual should contact the Title IX Coordinator/EOS in order to:
- Seek information about rights and courses of action available to resolve reports or complaints that involve potential violations of this policy
 - Make a report that involves potential violations of this policy
 - Get information about available resources (including confidential resources) and support services relating to discrimination and harassment
 - Ask questions about the College's policies and procedures related to discrimination and harassment
- D. The Title IX Coordinator /EOS at Siena College is:
 Lois Goland, JD
 Sarazen Student Union Room 235
 Siena College
 515 Loudon Road
 Loudonville, NY 12211-1462
 518-782-6673
lgoland@siena.edu
- E. The following individuals serve as Deputy Title IX/EOS Coordinators, Title IX/EOS Investigators or Title IX/EOS Advisors and Educators
1. Deputy Title IX/EOS Coordinators and Associates:
 John Bebb, Senior Deputy Title IX Coordinator
 Senior Associate Dean of Students
 Student Specialist for Compliance/Education and Investigations
 Sarazen Student Union Room 302
 518-783-2328
jbebb@siena.edu

 - Jeanne Obermayer, Deputy for Students
 Student Life Compliance Officer
 Assists with Education and Investigations
 Sarazen Student Union Room 302
 518-783-2421
obermayer@siena.edu

 - Danielle Joyce, Title IX Associate
 Assists with Education and Investigations
 Sarazen Student Union Room 235
 518-782-8924
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2. Title IX/EOS Advisors and Educators:
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3. Title IX/EOS Investigators:
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III. Terminology

Definition of Protected Class Groups: Protected class groups are groups of individuals protected from discrimination and harassment. The following protected class groups are legally protected either by Federal or New York State law.

Federal Protected Categories:

Age, Disability, Equal Compensation, Genetic Information, National Origin, Pregnancy, Race/Color, Religion, Retaliation, Sex, Sexual Harassment

New York State Protected Categories:

Age, Race, Creed, Color, National Origin, Ancestry, Military Status, Sex (Self-identified or Perceived Sex), Pregnancy, Disability, Sexual Orientation, Sexual Identity, Gender Expression, Gender Identity, Genetic Predisposition or Carrier Status, Arrest or Conviction, Lawful Off-Duty Activities, Marital Status, Status as Domestic Violence Victim

IV. Legal and Behavioral Definitions of Discrimination and Harassment

- A. Discriminatory Harassment: Discriminatory harassment constitutes a form of discrimination that is prohibited by Siena policy. Discriminatory harassment is defined as harassment by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law. A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive and objectively offensive (NY State law has eliminated the "severe and pervasive" standard, requiring only that an employee show that alleged harassment or retaliation rises above the level of "petty slights and trivial inconveniences". Siena College has adopted the NY State standard eliminating severe and pervasive requirements in cases where students allege discriminatory harassment by an employee.)

Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of Siena's policy.

Federal and State Law: Under Federal and New York State laws, it is illegal to discriminate against individuals, including:

- Recruitment and selection
- Compensation, assignment, or classification of individuals
- Transfer, promotion, layoff, or recall
- Job advertisements
- Testing
- Use of campus facilities
- Training and apprenticeship programs
- Fringe benefits
- Pay, retirement plans, and disability leave or
- Other terms and conditions of employment or academic standing
- Retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices
- Employment/academic decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, race, age, sexual orientation, religion, or ethnic group, or individuals with disabilities, and denying employment or academic opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, national origin, an individual with a disability, or other protected category

Examples of harassment based on protected categories include, but are not limited to:

- Racial slurs or epithets

- Treating an individual differently because of the individual's race, sexual orientation, national origin, religion or other protected categories
- Racial graffiti
- Telling jokes pertaining to protected categories
- Suggestive, obscene, or insulting sounds
- Posters, email, cartoons, pictures displayed in the work area that creates an offensive and intimidating environment
- Engaging in threatening, intimidating or hostile acts towards an individual because that individual belongs to or is associated with any protected categories
- Electronic transmission of derogatory, demeaning, or hostile materials

- B. Work/Learning Environments: A hostile work/learning environment results from harassing conduct that has the purpose or effect of unreasonably interfering with an employee's work or student's learning, and creates an intimidating, hostile, or offensive working environment.

A hostile work/learning environment may exist when verbal and/or nonverbal behavior in the campus/workplace:

- Occurs because of an individual being a member of a protected class (e.g., sex, race, sexual orientation, age)
- Is unwanted or unwelcome
- Is severe or pervasive enough to unreasonably impact a student's learning or unreasonably impact the employee's work

- C. Third Party Harassment: The individual to whom the harassing conduct is aimed is not the only person who can complain about the harassment. Third parties may complain when the harassment directed at others adversely affects the other person's work/learning environment. Third parties may also complain when offensive conduct, even if it is consensual between the parties involved, is creating a hostile work/learning environment for the third party.
- D. Sexual Harassment: The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of New York regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice. Siena has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community. Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved. Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. Offenses of this nature will be governed by the [Sexual Misconduct & Interpersonal Violence policy](#) (Non-Title IX Sexual Harassment).

V. Definitions

- A. Definition of Employee Consensual Relationship

Siena College does not intrude upon private choices regarding personal relationships when these relationships do not violate the policies of the College, cause harm to the safety and wellbeing of members of the campus community, or increase the risk of harm to the safety and wellbeing of members of the campus community.

Should an employee be found in violation of the consensual relationship policy and charges of sexual harassment are made, it shall not be a defense to allege that the relationship was consensual in any proceeding brought under these procedures.

1. With other employees:

Consensual romantic or sexual relationships in which one employee retains a direct supervisory or evaluative role over another employee are unethical, create a risk for real or perceived coercion, and are expressly a violation of this policy. Therefore, persons with direct supervisory and/or evaluative responsibilities who are involved in such relationships must bring those relationships to the attention of their supervisor, and will likely result in the necessity to remove the employee from the supervisory and/or evaluative responsibilities.

2. With students:

Unique relationships exist between students and certain employees of the College, such as faculty members, administrators and staff who serve in such roles as educator, counselor, evaluator, advisor, or who exercise other types of control over students. Given the possibility that abuse of this relationship or the appearance of abuse may occur, the College views it as unacceptable if faculty members or other instructional personnel, administrators, or staff members engage in amorous relationships with students enrolled in their classes or subject to their supervision, control, or authority, even when both parties appear to have consented to the relationship.

B. Definition of Complainant

“Complainant” shall mean a student or employee who has reported discrimination or harassment. In some instances, the College may serve as the Complainant (see “Complaints Filed by the College” in Section IX - Filing a Complaint - of this policy).

C. Definitions of Accused and Respondent

1. “Accused” shall mean a person accused of a violation under this policy who has not yet entered the College’s conduct process. A person accused under this policy who is not a student or employee of Siena or whose identity is unknown shall also be referred to as accused.

2. A “Respondent” shall mean a person accused of a violation who has entered the College’s conduct process.

D. Definition of Reporting Individual

“Reporting Individual” shall encompass the terms Complainant, witness, and any other term used to reference an individual who brings forth a report of a violation.

E. Definition of Witness

A “witness” is defined as an individual who has knowledge of facts that may be relevant to the resolution of an allegation.

F. Definition of Advisor

An advisor is a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process and to advise the party on that process.

G. Definition of Bystander

A “bystander” shall mean a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of the College. Anyone witnessing harassment as a bystander is encouraged to report it. An

employee that is a bystander to harassment is **required** to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is required to report it.

VI. Immediate Assistance in Cases of Discrimination and Harassment

Students, faculty, staff, administrators, and visitors at Siena College who experience any form of discrimination or harassment on or off-campus (including Siena-sponsored trips and events) are strongly encouraged to immediately report the incident by contacting Siena College's Department of Public Safety (518-783-2376 or 518-783-2999), which is available 24 hours a day, 7 days a week. Campus public safety officers can also assist the Complainant with filing a complaint both on and off campus, and in obtaining counseling and other services.

VII. Choice of Actions in Response to Discrimination and Harassment

Options in General: Complainants have many options that can be pursued simultaneously, including the following:

- A. Confidentially disclose a violation to the Counseling Center, Health Services, and the Office of the College Chaplain and Siena College Friars. Confidential resources can share options and advice without any obligation to tell anyone, and will not share information without the consent of the Complainant.
- B. Anonymously disclose a crime or violation to the Public Safety anonymous tip line: www.siena.edu/anonymous. The College may have a duty to investigate anonymous disclosures to the extent possible, based on the information disclosed.
- C. Submit a Bias Related Incident Report online. (Private, Not Confidential): www.siena.edu/biasreport
- D. Make a report to a College Official/Responsible Employee. Complainants have the right of privacy when reporting to College Officials/Responsible Employees, to the extent possible under the circumstances. However, information must be shared with other administrators who have a need to know. (Private, Not Confidential)
 - Public Safety (Private, Not Confidential)
 - Title IX Coordinator/EOS (Private, Not Confidential)
 - Deputy Title IX Coordinators (Private, Not Confidential)

VIII. Reporting

A. Confidentiality and Confidential Resources:

At Siena College, the following is the list of Confidential Resources:

Counseling Center: 518-783-2342

Health Services: 518-783-2554

Office of the College Chaplain and Siena College Friars: 518-783-2332

These are the only Siena College employees who can offer legally protected confidentiality. These individuals are not required to report any information about an incident to the Title IX Coordinator/EOS or designee without a Complainant's permission. While professional counselors will maintain an individual's confidentiality vis-à-vis the College, they may have reporting or other obligations under New York State law, e.g., mandatory reporting to law enforcement in case of minors, imminent harm to self or others.

An individual who speaks to a professional and/or pastoral counselor in these specific roles must understand that, if the individual wants to maintain confidentiality, the College will be unable to conduct an investigation into particular incidents or pursue disciplinary action against the alleged Respondent.

Confidential resources may assist individuals in receiving other necessary protection and support, such as advocacy, academic support or accommodations, disability, health and mental health services, changes in residence halls, working and course schedules in coordination with the Dean of Students Office.

Individuals who initially request confidentiality may later decide to file a complaint with the College and thus have the incident investigated. These counselors will provide the individual with assistance in contacting the Title IX Coordinator/EOS or designee if the individual wishes to do so.

B. Privacy/Non-Confidential:

Privacy may be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with this and other applicable laws, including informing appropriate college officials.

Even college offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator/EOS or designee to investigate and/or seek a resolution.

C. Duty to Report by Responsible Employees:

"Responsible Employees" have a duty to report incidents of discrimination and harassment, including all relevant details, to the Title IX Coordinator/EOS or designee. A "responsible" employee is a Siena College employee who has the authority to redress discrimination and harassment or sexual misconduct, who has the duty to report incidents of discrimination and harassment or sexual misconduct, or who a student could reasonably believe has the authority or duty. Such employees are not permitted under any circumstances to maintain a Complainant's confidentiality.

With the exception of those serving in their role as a confidential resource, Siena has designated all full-time and part-time faculty, administrators, staff, coaches, and community assistants as responsible employees.

Immediately upon learning of potential campus discrimination or harassment, any employee with a duty to report violations of this policy who receives a complaint of discrimination or harassment or who observes or learns of conduct that is reasonably believed to be in violation of this policy, is required to report the alleged conduct to the Title IX Coordinator/EOS or designee and/or Public Safety who will take appropriate action to address the report.

A responsible employee must report to the Title IX Coordinator/EOS or designee and/or Public Safety all relevant details about the alleged discrimination or harassment shared by the Complainant and that the College will need to determine what happened, including the names of the Complainant and alleged Respondent, any witnesses and any additional relevant information, including the date, time, and specific location of the alleged incident.

Managers and supervisory personnel are required to report to the Title IX Coordinator/EOS any instance or allegation of prohibited conduct involving any employee that is disclosed to, observed by, or otherwise known to that employee whether or not the employee is a potential Complainant or Respondent and whether or not the employee has any formal connection to the manager or supervisor.

D. Anonymous Reporting:

If a Complainant self-identifies but asks to remain anonymous during the investigation, the Title IX Coordinator/EOS or designee will consider how to proceed, taking into account the Complainant's wishes, the College's commitment to provide a safe environment, and the Respondent's right to have specific notice of the allegations if the College were to take action that affects the Respondent.

E. Welfare of the Community (Amnesty) Policy:

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

This policy may also be applied, but not limited to: alcohol or drug related incidents, or situations of vandalism and damage. The policy only applies to the College's Student Code of Conduct and has no status in other jurisdictions such as local or state courts.

F. Exception to Obligation to Investigate:

If an individual discloses information through a public awareness event such as candlelight vigils, protests, or other public event, the College is not obligated to begin an investigation

based on such information. The College may use the information provided at such an event to inform efforts for additional education and prevention efforts.

G. Interim Measures:

Upon receipt of a report, the Title IX Coordinator/EOS or designee may provide reasonable and appropriate interim measures designed to preserve the Complainant's educational experience, the safety of all parties and the broader campus community, maintain the integrity of the investigative and/or resolution process, and deter retaliation. The Title IX Coordinator/EOS or designee may provide interim measures regardless of whether the Complainant seeks formal disciplinary action. The Title IX Coordinator/EOS or designee will work collaboratively with the Dean of Students, Assistant Vice President for Human Resources, and Associate Vice President for Academic Affairs in providing interim measures.

Interim measures may include, but are not limited to:

- Access to counseling services and assistance in arranging an initial appointment
- Rescheduling of exams and assignments
- Change in class schedule
- Change in work schedule or job assignment
- Change in housing
- Imposition of an on-campus "no contact order," an administrative remedy designed to curtail contact and communications between two or more individuals
- Providing the Complainant assistance with filing a criminal complaint and seeking an order of protection
- Other remedies that can be used to achieve the goals of this policy (e.g., interim suspension or campus restriction pending the outcome of the investigation/process)

IX. Filing a Complaint

A. Investigation by Siena College:

1. All reports and complaints of discrimination and harassment should be filed with the Title IX Coordinator/EOS or designee, Public Safety or Deputy Coordinator as soon as possible after the incident(s) occurred or in a timely manner. While Complainants are welcome to file a report or complaint at any time, Complainants are encouraged to come forward as soon as possible because a delay in reporting or making a complaint may impact the effectiveness of the investigation. Delays in reporting may impair the College's ability to investigate due to, but not limited to, fading memories and the availability of witnesses and evidence. Complaints may be filed in person, via email, or by using the complaint form attached as appendix III in the Sexual Misconduct & Interpersonal Violence policy.
2. Complainants and Respondents may use an advisor of their choice (including legal counsel) at each point in these proceedings. The advisor may serve only in an advisory role and may not directly represent either party.
3. Upon receiving information of an alleged violation of this policy, either the Title IX Coordinator/EOS or designee, Public Safety Investigators, a Deputy Coordinator, or a combination of these individuals will conduct an investigation (interview parties, take or receive statements). Generally, once contacted, the Complainant, Respondent and witnesses have seven (7) business days to take or provide statements to the investigator. The College reserves the right to move forward with case resolution should parties fail to

adhere to this time frame. In certain circumstances these time frames may need to be extended (e.g., during July and August students and faculty members are often not available; significant number of witnesses to interview; multiple allegations in a single complaint). However, every effort will be made to conclude the investigation as expeditiously as possible.

4. If the reporting witness or Complainant chooses to pursue action under this policy, they will be interviewed as part of the investigative process.
 5. A reporting witness or Complainant may choose to withdraw a complaint and/or involvement from the College process at any time.
- B. Complaints Filed by The College:
The Title IX Coordinator/EOS or designee may file a complaint through these procedures against any individual they have reason to believe has engaged in conduct in violation of this policy where doing so is deemed appropriate. By way of example but not limitation, where it appears that the individual may have engaged in a pattern of conduct in violation of this policy, based upon the number of informal complaints previously filed against the individual, the College may proceed through its formal complaint process in such instances.
- Additionally, often individuals are reluctant to pursue the remedies provided in this policy even when the individual perceives they have been subjected to conduct prohibited by this policy. Should the Title IX Coordinator/EOS or designee become aware of conduct potentially in violation of this policy, even if the person potentially subject to such conduct has not reported it or is unwilling to pursue a complaint, the College may conduct an investigation, as appropriate, and take any necessary action. Additionally, on the occasions where the reporting party is not a student or employee, the College will serve as the Complainant throughout the Resolution process. Upon completion, a general summary of the outcome of the investigation will be reported to reporting parties and affected individuals (individuals directly impacted by the behavior under investigation).
- C. Reporting Retaliation:
Individuals may file a complaint with the Title IX Coordinator/EOS or designee if they have been retaliated against for reporting discrimination, harassment, assisting someone in making such a report, or participating in any manner in an investigation or resolution of a discrimination or harassment complaint. Individuals may file a complaint with the Title IX Coordinator/EOS or designee if they have been subjected to retaliation as defined above. Student retaliation complaints will be referred to the Dean of Students who will adjudicate them pursuant to the Student Code of Conduct. All employee retaliation complaints will be referred to the Office of Human Resources who will adjudicate them pursuant to the applicable employee handbook.

X. Resolution

- A. Informal Resolution:
- At any time after a formal complaint has been filed and before a Review Panel is convened, the parties may seek to resolve a report of prohibited conduct through informal resolution, an administrative process.
- Participation in informal resolution is entirely voluntary; the Title IX Coordinator/EOS or

designee will neither pressure nor compel either party to participate in the process or to agree to any specific terms and the process itself does not involve any in-person or face-to-face meetings between the parties. The informal process can be engaged only by mutual agreement by both parties and with the approval of the Title IX Coordinator/EOS or designee before or at any time during the investigation of the complaint. All parties must agree in writing to participate before the informal process can commence.

In every case, the Title IX Coordinator/EOS or designee has discretion to determine whether the matter is appropriate for informal resolution and to determine the appropriate terms. Before the Title IX Coordinator/EOS or designee approves the informal resolution process or the terms of any informal resolution, the Title IX Coordinator/EOS or designee will determine that they have sufficient information about the matter to make these decisions.

The parties are strongly encouraged, although not required, to consult with their advisors and any support persons during the entire informal resolution process.

If the process is terminated for any reason, the matter will be re-evaluated for resolution pursuant to the formal complaint resolution process under these procedures.

The Title IX Coordinator/EOS or designee will oversee the informal resolution process and have access to all College records in the matter, including any records or reports prepared during an investigation.

The Title IX Coordinator/EOS or designee will consult separately with both parties and recommend to the parties the terms of a potential informal resolution agreement. Such terms may include, but are not limited to, any sanctions or remedies that could be recommended.

Both parties must agree to the terms before an informal resolution agreement becomes effective.

At any time before a written agreement is effective (see below), the Complainant or the Respondent may withdraw from the informal resolution process, and the Title IX Coordinator/EOS or designee may also, at their discretion, terminate the process.

The Title IX Coordinator/EOS or designee cannot advise any party as to whether they should pursue, agree, or reject an agreement or proposed remedy, stipulation, or sanction therein.

If both parties are satisfied with the Title IX Coordinator/EOS or designee's recommendation, the matter will be resolved with a written agreement, signed by both parties and the Title IX Coordinator/EOS or designee with the Title IX Coordinator/EOS or designee to coordinate implementation.

The Title IX Coordinator/EOS or designee will provide each party, separately, with a copy of the proposed agreement for the party to review, sign, and return.

Once a party has returned the signed agreement to the Title IX Coordinator/EOS or designee, the party has two (2) business days to reconsider and withdraw from the agreement by notifying the Title IX Coordinator/EOS or designee in person or in writing.

Within the two (2) business days, if either party withdraws from the agreement, the matter would be returned for resolution of the formal complaint.

After the two (2) business days, if neither party withdraws, the terms of the agreement will become effective and the Title IX Coordinator/EOS or designee will promptly notify both

parties in writing that the agreement is final.

Once the agreement is effective, the parties may not appeal the agreement and the Complainant may not seek to refile the formal complaint absent new allegations of misconduct. The parties are expected to honor and comply with the terms of the informal resolution. Noncompliance by a student may be subject to proceedings under the Student Code of Conduct. Noncompliance by employees will be adjudicated by the Office of Human Resources pursuant to the applicable employee handbook. A written copy of the agreement involving students will be provided to the Dean of Students Office, agreements involving employees will be provided to the Office of Human Resources. The Title IX Office will maintain a copy for record keeping, pattern tracking, and sharing with College personnel as needed for implementation.

If the process is terminated and the matter resolved pursuant to the formal complaint resolution process, neither the Title IX Coordinator/EOS or designee nor the parties will disclose to any adjudicating body or appeal officer either the fact that the parties had participated in the informal resolution process or any information learned during the process.

While the parties are exploring informal resolution, the investigation will pause for up to ten (10) business days which may be extended by agreement from both parties, and the time spent pursuing resolution in this way will not count toward the investigation time limit.

As a necessary precondition of an informal resolution, the Respondent **must** accept responsibility for all or part of the alleged prohibited conduct and may be required to submit a letter of apology to Complainant. The parties will then have an opportunity to negotiate with Title IX Coordinator/EOS or designee what they believe the appropriate sanction should be. In support of their position, parties will submit impact/mitigation information they believe the Title IX Coordinator/EOS or designee should consider in evaluating any sanction. The Title IX Coordinator/EOS or designee has the discretion to propose other terms for the resolution that may be appropriate to address the prohibited conduct for which the Respondent has accepted responsibility.

Regardless of whether Respondent accepts all or part of the alleged prohibited conduct, the agreement must adequately address the rights and concerns of the Complainant, and Respondent, and the overall intent of the College to stop, remedy and prevent discrimination and bias as outlined in the College's Discrimination and Harassment policy or related policies.

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

- Implementing agreed upon measures or sanctions, such as:
 - No contact orders
 - Counseling and/or professional assessment
 - Voluntary personal leave
 - Change in student housing
 - Change in on-campus work schedule or job assignment
 - Change in class schedule or other academic measures (in conjunction with and approval by the appropriate faculty or academic office)
 - Community service
 - One-time or recurring meetings with an appropriate administrator
 - Other specific measures or restrictions, such as
 - Schedules for when certain buildings/facilities/services can be accessed

- Schedules for when certain off-campus buildings, establishments, and other locations can be accessed
- Limitations on participating in clubs, activities, sports teams, or other College programs
- Reimbursement for lost or damaged property
- Increasing monitoring or security at specific locations
- Any other remedy that can be tailored to the parties to achieve the goals of the Policy.

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

If the Complainant is not in agreement with the outcome of the informal resolution process or chooses to end it and proceed to the formal process, if the issue cannot be resolved informally, or if the Title IX Coordinator/EOS or designee determines that additional inquiry is still appropriate, the Title IX Coordinator/EOS or designee will commence the complaint process. Either party may end the informal resolution process at any time and proceed with the formal process.

Any agreement reached is under the purview of Siena College and does not affect or preclude any party's ability to pursue a complaint with law enforcement or another external entity.

B. Formal Resolution:

Siena College generally completes investigations within thirty (30) business days, absent extenuating circumstances. In certain circumstances the time frames may need to be extended (e.g., during July and August; students and faculty members are often not available, significant number of witnesses to interview, multiple allegations in a single complaint). However, every effort will be made to resolve cases as expeditiously as possible. The preponderance of evidence or "more likely than not" standard of review will be used during the investigatory process.

The Respondent shall be provided with a notice of complaint describing the date, time, location, and factual allegations, a reference to the specific policy violations alleged together with possible sanctions.

The Complainant and Respondent shall be advised periodically of the status of the investigation.

C. Investigation Report:

The Title IX Coordinator/EOS or designee will prepare a written report following the completion of the investigation. Except in certain circumstances, the report should be completed within five (5) business days after the completion of the investigation. The report, at a minimum, must include a:

1. Summary of the complaint.
2. Summary of the response by the individual against whom the complaint was made.
3. Summary of the statements and evidence obtained during the investigation.
4. Summary of prior settlements or substantiated complaints against the Respondent.

D. Notice of Investigative Report:

Once the investigative report is completed the Complainant and their advisor and the Respondent and their advisor may review a redacted copy of the investigative report. Following this review the Complainant and/or Respondent may provide an additional written response to be included in the materials for informal or formal resolution. Both the Complainant and Respondent may also submit a written impact statement to the Title IX Coordinator/EOS or designee to be reviewed prior to deliberation of sanctions, if any. The Complainant and Respondent have ten (10) business days upon notification of completion of the investigative report to review and submit a written response, including acceptance or denial responsibility, and an impact statement.

E. Student Cases:

Upon completion of the final investigative report by the Title IX/EOS Office, the matter will be referred to the Student Conduct Review Board for adjudication pursuant to its policy and procedures. Please refer to the “Student Conduct Review Board Process” link at:

www.siena.edu/sienalife

F. Faculty, Staff or Administrator Cases:

Acceptance of Responsibility

1. Upon completion of the final investigative report by the Title IX/EOS Office, if the Respondent accepts responsibility, the Title IX Coordinator/EOS or designee shall refer the matter to an administrative team¹ from the Office of Finance and Administration for sanctioning recommendation. The administrative team will work in consultation with the Vice President or designee of the Respondent’s work assignment to determine final sanction. Generally, the administrative team will review the matter within ten (10) business days except for good cause, or by agreement of the parties. Written notice of the date, time, and location of the review will be provided to the Complainant and Respondent. Any sanction takes into account the Respondent’s prior record and any prior complaints, as well as the severity of the incident and the outcome sought by the Complainant.

In cases where the Vice President or designee of the Respondent’s work assignment amends or rejects a recommendation by the administrative team, the Vice President or designee of the Respondent’s work assignment will include in the file a rationale for the decision not to accept the recommendation.

The Vice President or designee of the Respondent’s work assignment will send written notice to the Complainant, Respondent, Human Resources, and the Title IX Coordinator/EOS or designee of their decision regarding sanction(s) within five (5) business days of receipt of the recommended sanctions. The Vice President or designee of the Respondent’s work assignment will make every effort to schedule notice simultaneously to these parties.

The sanction(s) shall become final six (6) business days after written notice of said findings was provided to the parties unless formal written appeal is submitted to the Title IX Coordinator/EOS or designee. Failure to submit the appeal within five (5) business days waives the right of written appeal.

¹ Two or more employees from Administration and Finance, at least one of whom will be from the Office of Human Resources. In cases involving a faculty member, a faculty member will be included in the administrative team.

2. Staff and Administrator Appeal

Complainant(s) and Respondent(s) may appeal sanction(s) based on grounds that the sanction(s) imposed are disproportionate to the violation of policy. The Complainant and Respondent may submit an additional statement regarding the case within three (3) business days upon notification that either party has submitted an appeal.

The Title IX Coordinator/EOS or designee will refer the matter to a different Vice President as designated by the Title IX Coordinator/EOS or designee. The Vice President has five (5) business days to confirm, amend or reject a recommendation(s). The Vice President's sanction decision is final. The Vice President will provide written notice of the outcome of the appeal to the Complainant, Respondent, Human Resources and the Title IX Coordinator/EOS or designee. The Vice President will make every effort to schedule notice simultaneously to these parties.

In cases where the Vice President amends or rejects a recommendation, the Vice President will include in the file a rationale for the decision not to accept the recommendation.

3. Faculty Appeal

Where a complaint is made against a faculty person and that faculty person is seeking the appeal, appellate review shall be provided through the Faculty Grievance Committee pursuant to the procedures in the Faculty Handbook. The Title IX Coordinator/EOS or designee will provide written notice of the request for an appeal to the Complainant.

Denial of Responsibility:

1. Upon completion of the final investigative report by the Title IX/EOS Office, if the Respondent denies responsibility, the Title IX Coordinator/EOS or designee shall refer the matter to an administrative team² from the Office of Finance and Administration for finding(s) and sanctioning recommendation. Generally, the administrative team will review the matter within ten (10) business days except for good cause, or by agreement of the parties. Written notice of the date, time, and location of the review will be provided to the Complainant and Respondent. Any sanction takes into account the Respondent's prior record and any prior complaints, as well as the severity of the incident and the outcome sought by the Complainant.

In cases where the Vice President or designee of the Respondent's work assignment amends or rejects a recommendation by the administrative team, the Vice President or designee of the Respondent's work assignment will include in the file a rationale for the decision not to accept the recommendation.

The Vice President or designee of the Respondent's work assignment will send written notice to the Complainant, Respondent, Human Resources, and the Title IX Coordinator/EOS or designee of their decision within five (5) business days of receipt of the recommendations from the administrative team. The Vice President or designee of the Respondent's work assignment will make every effort to schedule notice simultaneously to these parties.

2. Staff and Administrators Appeal

The decision of appropriate Vice President or designee and sanction imposed shall

² Two or more employees from Administration and Finance, at least one of whom will be from the Office of Human Resources. In cases involving a faculty member, a faculty member will be included in the administrative team.

become final six (6) business days after written notice of said decision was sent to the Respondent unless a formal written appeal is submitted to the Title IX Coordinator/EOS or designee. Failure to submit the appeal within five (5) business days waives the right of written appeal.

Complainant(s) or Respondent(s) may submit an appeal based on the findings. Appeals of the finding(s) of responsibility must be based on procedural error or new information that was not available at the time of the Formal Review, could not have been produced by a reasonable effort, and could reasonably have impacted findings; and/or based on grounds that the sanction(s) imposed are disproportionate to the violation of policy that was found to have occurred.

The Complainant(s) or Respondent(s) may make a formal appeal in writing to the Title IX Coordinator/EOS or designee. The Complainant(s) and Respondent(s) may submit an additional statement within three (3) business days upon notification that either party has submitted an appeal. The Title IX Coordinator/EOS or designee has five (5) business days to grant or reject the appeal. If an appeal is granted by the Title IX Coordinator/EOS or designee, the case will be referred back to the administrative team for review of any supplemental information. Within ten (10) business days of receipt of the appeal, the administrative team will forward its recommendations to the VP of Respondent's work area or designee who may accept, amend or reject the administrative team's final recommendations. The VP of the Respondent's work area or designee will provide written notice of the outcome to the Complainant, Respondent, Human Resources and Title IX Coordinator within five (5) business days; every effort will be made to schedule notice simultaneously to the parties. All sanctions will take effect immediately. This decision is final; further appeal is not available.

3. Faculty Appeal:

Where a complaint is made against a faculty person and that faculty person is seeking the appeal, appellate review shall be provided through the Faculty Grievance Committee pursuant to the procedures in the Faculty Handbook. The Title IX Coordinator/EOS or designee will provide written notice of the request for an appeal to the Complainant.

G. Dispositions/Compliance Monitoring:

The Dean of Students or designee is responsible for monitoring student compliance, if applicable.

Written notification of findings that trigger monitoring responsibilities shall be provided to the person responsible for monitoring compliance. Other parties may be notified, as deemed necessary, to ensure compliance.

Failure to observe the terms and/or conditions of any informal resolution or sanctions imposed in formal resolutions constitutes grounds for new action under either the procedures outlined in this policy or those identified for addressing matters of student misconduct.

The Deputy Coordinator, in consultation with the Title IX Coordinator/EOS or designee, the Complainant and/or person responsible for monitoring compliance, will determine which procedures shall be applied for investigation and response.

H. Dismissal of Tenured Faculty:

In cases where complaints against tenured faculty members are found to have merit and

where dismissal is the decision, the Provost/Senior Vice President for Academic Affairs shall provide a Notice of Termination to the tenured faculty member which shall be effective two (2) weeks after served or mailed to the Respondent, unless, during the two (2) week time frame, the Respondent submits a written request for a dismissal hearing by the Faculty Grievance Committee.

Upon the submission of a request for a dismissal hearing, the procedures set forth in the Faculty Handbook shall be followed.

Tenured faculty members shall have no additional appeal rights under this policy and procedures other than those provided under the Faculty Handbook.

I. Records of Complaints/Reports:

A copy of the investigation report and the final decision shall be maintained by the College and included in the Conduct or Human Resources file of the Respondent only if the determination concludes that the Respondent engaged in prohibited conduct. Complaints against students will be held in the Respondent's file in accordance with the policy as stated in the Retention and Release of Student Disciplinary Records.

No record of a complaint is kept in the Complainant's Human Resources file or student file unless the investigation concludes that the complaint was knowingly false and malicious.

The Title IX Coordinator/EOS or designee shall keep a record of all reports and complaints made under the Discrimination and Harassment Policy, regardless of the outcome.

All documents prepared and maintained pursuant to the Discrimination and Harassment Policy and Procedures shall conform to all applicable governing law.

Record retention and release by the College shall be in conformance with applicable law and regulations.

XI. Annual Reporting

The Title IX Coordinator/EOS or designee shall provide the President of the College and the Cabinet with an annual confidential report, detailing the number and disposition of different types of incidents, allegations, reports, and complaints of discrimination that have come to their attention each year. Information that could identify Complainants, or Respondents against whom no finding has been made, shall not be included. A summary may be provided to the College community as long as confidentiality of individuals' identities is not breached. The President shall determine the propriety of a report to the entire College community.

XII. Resolution Through Other Means

Complainants and Respondents have the right to seek resolution through other sources.

Harassment is not only prohibited by Siena College, but it is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report harassment. Employees and covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may also seek the legal advice of an attorney.

New York State Division of Human Rights:

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 *et seq.*, applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at **1(800) HARASS3** for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

The United States Equal Employment Opportunity Commission:

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e *et seq.* An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred by does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with the New York State Division of Human Rights, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

XIII. Modifications

Final substantive policy changes are to be approved by the President, President's Cabinet, and Board of Trustees. However, modifications to the policy concerning changes in personnel and routine procedural changes shall only require approval of the President and the President's Cabinet.

Last Modified: June 2023 (pending Board approval)

Siena College Sexual Misconduct and Interpersonal Violence Policy

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Sexual Misconduct and Interpersonal Violence Policy

I. Statement of Basis and Purpose

Siena College is committed to promoting a learning and working environment where sexual misconduct (such as sexual harassment and sexual assault), interpersonal violence (such as dating violence, domestic violence and stalking) and other Prohibited Conduct as defined below, is not tolerated. This policy prohibits Prohibited Conduct in all College programs and activities and other circumstances described below. Conduct prohibited by this policy also may violate laws enforced through the public criminal justice system. Individuals may decide to utilize both this policy and the public criminal justice system simultaneously, or to utilize either this policy or the criminal justice system, to address covered conduct. Siena College proceedings that involve alleged violations of this policy will be conducted through a process that is prompt, equitable, fair, impartial, and provides adequate notice and a meaningful opportunity to be heard, as outlined below and in accordance with applicable law.

This policy applies to conduct involving students, employees, or third parties (e.g., contractors, alumni, visitors) that: (a) occurs on College property, (b) takes place in any College-sponsored program or activity such as travel, research, or internship programs or (c) when such conduct may have a continuing adverse effect or could create a hostile environment on campus. This policy also applies to student conduct that occurs off College property.

Our commitment is rooted in the Franciscan and Catholic tradition, which affirms the unique worth of each person and shares a commitment to building a world that is more just, peaceable, and humane. The dignity of the individual should never be violated in any way, and the College community views, with seriousness, violations of this policy against any person.

This policy shall apply regardless of race, color, religion, creed, ethnicity, national origin, gender, age, sexual orientation, gender identity or expression, familial status, veteran status, disability, predisposing genetic characteristics, domestic violence victim status, or other characteristics as protected and defined by federal or state law. Acts of discrimination and harassment, which are offenses directed against persons because of their identification with one of these categories, are prohibited under Siena College's Policy Prohibiting Discrimination and Harassment. Where conduct is covered by both this Sexual Misconduct Policy and the Policy Prohibiting Discrimination and Harassment, the College will use the procedures set forth in this policy to resolve the allegation(s).

Accordingly, Siena College is committed to:

- Defining conduct that constitutes Prohibited Conduct.
- Providing clear reporting options for all members of our campus community and visitors.
- Promptly responding to and investigating allegations of Prohibited Conduct, including taking steps to eliminate a hostile environment if one has been created, prevent the recurrence of future incidents of Prohibited Conduct, and to restore or preserve a Complainant's equal access to the College's education programs or activities. The College's response may include pursuing disciplinary action when appropriate, referring the incident to local authorities when appropriate, and acting to investigate and address any substantiated reports of retaliation.
- Providing ongoing assistance and support to members of our campus community who file complaints of Prohibited Conduct.
- Providing awareness and prevention information on Prohibited Conduct, including disseminating our policies, implementing training and educational programs for all College constituents.

II. Title IX and the Title IX Coordinator/EOS (Equal Opportunity Specialist) Responsibilities

- A. Siena College has designated and authorized its Title IX Coordinator/Equal Opportunity Specialist (EOS) as the College employee who has primary responsibility for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., and related regulations issued by the U.S. Department of Education in May 2020, 34 C.F.R., Part 106 ("May 2020 Title IX regulations") to implement Title IX, which prohibit sex discrimination in all of the College's programs and activities, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX or the May 2020 Title IX regulations.
- B. The Title IX Coordinator/EOS oversees the College's response to reports and complaints that involve possible Prohibited Conduct, to monitor outcomes, identify and address any patterns, and assess effects on the campus climate, so the College can address issues that affect the wider College community.
- C. An individual should contact the Title IX Coordinator/EOS in order to:
- Seek information or training about rights and courses of action available to resolve reports or complaints that involve potential violations of this policy.
 - Make a report that involves potential violations of this policy.
 - Get information about available resources (including confidential resources) and support services relating to Prohibited Conduct.
 - Ask questions about the College's policies and procedures regarding Prohibited Conduct.

D. The Title IX Coordinator/EOS at Siena College is:

Lois Goland, JD
Sarazen Student Union Room 235
Siena College
515 Loudon Road
Loudonville, NY 12211-1462
518-782-6673
lgoland@siena.edu

E. The following individuals serve as Deputy Title IX/EOS Coordinators, Title IX/EOS Investigators or Title IX/EOS Advisors and Educators:

1. Deputy Title IX/EOS Coordinators and Associates:

John Bebb, Senior Deputy Title IX Coordinator
Senior Associate Dean of Students
Student Specialist for Compliance/Education and Investigations
Sarazen Student Union Room 302
518-783-2328
jbebb@siena.edu

Jeanne Obermayer, Deputy for Students Student Life Compliance Officer
Assists with Education and Investigations
Sarazen Student Union Room 302
518-783-2421

obermayer@siena.edu

Danielle Joyce, Title IX Associate
Assists with Education and Investigations
Sarazen Student Union Room 235
518-782-8924
djoyce@siena.edu

2. Assists with Education and Investigations:
Robin MacHattie
Assistant Professor
Assists with Education and may serve as an Advisor
Rosetti Hall Room 304
518-783-4123
rmachattie@siena.edu

Melody Nadeau, Ph.D.
Assistant Director of International Programs/ESOL
Assists with Education and may serve as an Advisor
Foy Hall Room 301
518-786-5047
mnadeau@siena.edu

3. Title IX/EOS Investigators

Michael Hicks, Associate Director of Public Safety
Hines Hall, East Wing, First Floor
518-783-2376
mhicks@siena.edu

Patrick Donnelly, Assistant Director of
Public Safety Hines Hall, East Wing,
First Floor 518-783-2376
pdonnelly@siena.edu

III. Terminology

A. Definition of “Affirmative Consent”:

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity, or gender expression.

Consent will be determined with the following principles in mind:

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the

influence of drugs and/or alcohol.

- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated (see definition below).
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

B. Definition of Incapacitation:

Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

For purposes of determining whether a Respondent is responsible for a violation of this policy due to their engaging in sexual activity without consent with a person who was incapacitated, the College will assess whether a Respondent knew or a reasonable, sober person in the Respondent's circumstances should have known, that the other individual was incapacitated. A person's responsibility for obtaining consent is not diminished by their use of alcohol and or other drugs. Being intoxicated or impaired by drugs or alcohol is never an excuse for Prohibited Conduct.

C. Definition of Sexual Activity:

"Sexual Activity" shall have the same meaning as "sexual act" and "sexual contact" as defined below:

1. contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight;
2. contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
3. the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desire of any person; or
4. the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desire of any person.

"Sexual contact" means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desire of any person.

"Sexual activity" also includes sexual acts and sexual contact as described in the definitions of Title IX Sexual Harassment and Non-Title IX Sexual Misconduct below.

D. Definition of Complainant and Survivor:

"Complainant" shall mean a student or employee who has reported sexual misconduct.

Depending on the context, Complainants may also be referred to in the abstract as "survivors" or "victims" throughout this policy (that is context-dependent and is not intended to suggest that the College has pre-judged the outcome of any individual case). In some instances, the College may proceed with an investigation and resolution process without a named

Complainant (see Section X).

E. Definitions of Accused and Respondent:

1. “Accused” shall mean a person accused of a violation under this policy who has not yet entered the College’s conduct process. A person accused under this policy who is not a student or employee of Siena or whose identity is unknown shall also be referred to as accused.
2. “Respondent” shall mean a person accused of a violation who has entered the College’s conduct process.

F. Definition of Reporting Individual:

“Reporting Individual” shall encompass the terms victim, survivor, Complainant, witness with victim status, and any other term used to reference an individual who brings forth a report of a violation or is reported by another person to have been subjected to Prohibited Conduct.

G. Definition of Witness:

A “witness” is defined as an individual who has knowledge of facts that may be relevant to the resolution of an allegation.

H. Definition of Bystander:

A “bystander” shall mean a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of the College. Anyone witnessing harassment as a bystander is encouraged to report it. An employee that is a bystander to harassment is **required** to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is required to report it.

I. Definition of Appeal Panel:

The appeal panel consists of faculty, staff, and administrators selected from the Siena College community, and/or external individuals retained by the College to serve as appeal panel members. The appeal panel makes determinations regarding appeals, as outlined below. Appeal panel members are trained annually regarding the College’s Sexual Misconduct and Interpersonal Violence policy and procedures, case review, and adjudication. An appeal panel member will not participate in a panel meeting if there is a conflict of interest.

J. Definition of Advisor

An advisor is a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process and to advise the party on that process.

IV. Definitions and Behavioral Examples of Prohibited Conduct (Title IX Sexual Harassment and Non-Title IX Misconduct)

This policy prohibits the following forms of misconduct, collectively referred to throughout the policy as “Prohibited Conduct”. Due to certain requirements in the May 2020 Title IX regulations and the College’s desire to define and address Prohibited Conduct consistently with its institutional values and practices, the definitions of Prohibited Conduct set forth below are grouped into two general categories, as follows:

Title IX Sexual Harassment (i.e., Quid Pro Quo Sexual Harassment, Severe, Pervasive and Objectively Offensive Sexual Harassment, Sexual Assault, and Domestic Violence, Dating Violence and sex-based Stalking that fall within the scope of Title IX); and

Non-Title IX Misconduct (i.e., Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking that fall outside the scope of Title IX, Sexual Exploitation, Sexual Coercion, and Retaliation, as defined below).

Specifically, Title IX Sexual Harassment and Non-Title IX Misconduct are defined as follows for purposes of this Policy:

Title IX Sexual Harassment

“Title IX Sexual Harassment” is a subset of Prohibited Conduct. Under the May 2020 Title IX regulations, the College is required to prohibit certain forms of sexual harassment as defined in those regulations. Title IX Sexual Harassment is Prohibited Conduct of the following types committed by or against students and/or employees in an education program or activity of the College, in the United States. Further, in order for the College to consider a Formal Complaint of such misconduct as falling within its Title IX Sexual Harassment policy and procedures, the Complainant must be participating in or attempting to participate in a College program or activity at the time the complaint is filed.

Conduct takes place within the College’s “programs and activities” when that conduct occurs: (1) in a location, at an event, or in a circumstance where the College exercises substantial control over both the Respondent and the context in which the conduct occurs; or (2) in any building owned or controlled by a student organization recognized by the College. Conduct that occurs off campus in locations or at events with no connection to the College is unlikely to have occurred in a program or activity of the College.

A complaint about conduct that does not meet this strict definition for Title IX Sexual Harassment is still prohibited by this policy if it otherwise constitutes Prohibited Conduct within the definition of Non-Title IX Misconduct as defined below.

The following Prohibited Conduct definitions apply for purposes of the definition of Title IX Sexual Harassment:

Title IX Quid Pro Quo Sexual Harassment

Quid pro quo sexual harassment for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States by which an employee of the College conditions the provision of an aid, benefit, or service of the College on a student’s or employee’s participation in unwelcome sexual conduct.

Title IX Severe, Pervasive and Objectively Offensive Sexual Harassment

Severe, pervasive and objectively offensive sexual harassment for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States that constitutes unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a student or employee equal access to the College education program or activity.

Title IX Sexual Assault

As required by the May 2020 Title IX regulations, the College's definition of Title IX Sexual Assault incorporates the definitions of the FBI's Uniform Crime Reporting (NIBRS) program, and is defined as follows:

- **Rape¹:**
 - The carnal knowledge of a person (i.e., penile-vaginal penetration), without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity (it should be noted that any individual, regardless of gender identity, could be Complainants under this definition);
 - Oral or anal sexual intercourse (i.e., penile penetration) with another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
 - To use an object or instrument (e.g., an inanimate object or body part other than a penis) to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity (for purposes of this definition, "private body parts" includes breasts, buttocks, or genitals, whether clothed or unclothed);
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

Sexual assault can be committed by any person against any other person, regardless of gender, gender identity, sexual orientation, or past or current relationship status. Sexual assault may occur with or without physical resistance or violence.

¹ Both completed rape and attempted rape are prohibited by this policy.

Any incident falling within this definition is a violation of College policy and is prohibited.

Title IX Dating Violence

Title IX Dating Violence for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States that constitutes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition—

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

Any incident falling within this definition is a violation of College policy and is prohibited.

Title IX Domestic Violence

Title IX Domestic Violence for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States that constitutes a felony or misdemeanor crime of violence committed—

- (A) By a current or former spouse or intimate partner of the victim;
- (B) By a person with whom the victim shares a child in common;
- (C) By a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
- (D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- (E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Any incident falling within this definition is a violation of College policy and is prohibited.

Title IX Stalking

Title IX stalking for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States that constitutes engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (A) Fear for the person's safety or the safety of others; or
 - (B) Suffer substantial emotional distress.
- (ii) For purposes of this definition—
- (A) Course of conduct means two or more acts, including, but not limited to, acts in which

the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

(C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Examples of stalking behaviors or activities include, but are not limited to the following, if they occur in the context of stalking as defined above (i.e., the behaviors or activities would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress): (1) non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are unwelcome; (2) use of online, electronic or digital technologies, such as posting pictures or text in chat rooms or on websites, sending unwanted or unsolicited e-mail or talk requests, posting private or public messages on Internet sites, social networks, and/or school bulletin boards, installing spyware on a person's computer, or using Global Positioning Systems (GPS) or similar technology to monitor a person; (3) pursuing, following, waiting for, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person; (4) surveillance or other types of observation, including staring and voyeurism; (5) trespassing; (6) vandalism; (7) non-consensual touching; (8) direct verbal or physical threats against a person or a person's family member, pet or personal property; (9) gathering information about a person from friends, family, or co-workers; (10) accessing private information through unauthorized means; (11) threats to harm self or others; (12) defamation and/or lying to others about the person; and (13) using a third party or parties to accomplish any of the above.

Behaviors or activities that fall within this definition are violations of College policy and are prohibited.

Non-Title IX Misconduct

Non-Title IX Misconduct is Prohibited Conduct that falls within the scope of this policy and the definitions below but that does not fall within the definition of Title IX Sexual Harassment, either due to the nature of the conduct or because it did not reportedly occur within a program or activity of the College in the United States. Behavior that falls within the definition of Non-Title IX Misconduct violates College policy and is prohibited. Such conduct is defined for purposes of this policy as:

Non-Title IX Sexual Harassment

Non-Title IX Sexual Harassment is any unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and or other verbal, nonverbal, or physical conduct of a sexual nature, that does not fall within the definition of Title IX Sexual Harassment stated above. Non-Title IX Sexual Harassment occurs when any of the following conditions are present:

- Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work, or participation in any aspect of a college program or activity; or
- Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, e.g. it is sufficiently serious, pervasive or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both the subjective perspective of the person who experiences such conduct and objective standard of a reasonable person's perception of such

conduct. A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to establish the existence of a hostile environment, particularly if the harassment is physical. Conduct which is pervasive or persistent, even if not severe, may also create a hostile environment. Sexual harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender, sex or gender, and/or sex or gender stereotyping, even if those acts do not involve conduct of a sexual nature (NY State law has eliminated the “severe and pervasive” standard, requiring only that an employee show that alleged harassment or retaliation rises above the level of “petty slights and trivial inconveniences”. Siena College has adopted the NY State standard eliminating severe and pervasive requirements in cases where students allege discriminatory harassment by an employee.)

1. Sexual harassment:

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

Examples of conduct that may constitute sexual harassment as defined above may include a severe, persistent, or pervasive pattern of unwelcome conduct that includes one or more of the following:

- a. Physical conduct that does not meet the Title IX Sexual Harassment definition and that involves:
 - Unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements; and/or
 - Unwanted sexual advances.

- b. Verbal conduct:
 - Making or using derogatory comments, epithets, slurs, or humor;
 - Intentionally using incorrect pronouns or an incorrect name when a person has clearly stated their preferred name and pronouns;
 - Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations; and/or
 - Objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes.
- c. Visual conduct:
 - Leering, making sexual gestures, displaying of suggestive or demeaning objects or pictures, cartoon or posters in a public space or forum;
 - Severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading images. This example should not be understood to constrain academic freedom in teaching, research, or creative activity, or to limit intellectual and or expressive rights; and/or
 - Letters, notes, or electronic communications containing comments, words, or images described above.
- d. Quid pro quo conduct that does not meet the definition of Title IX Sexual Harassment stated above:
 - Direct propositions of a sexual nature between those for whom a power imbalance, supervisory, or other authority relationship exists;
 - Offering educational or employment benefits in exchange for sexual favors;
 - Making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades, or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose; and/or
 - Making or threatening reprisals after a negative response to sexual advances.

Non-Title IX Sexual Assault

Sexual Assault (i.e., rape, fondling, incest or statutory rape) as defined in the Title IX Sexual Assault definition above that did not reportedly occur in a program or activity of the College in the United States, and attempts to commit such misconduct.

Non-Title IX Domestic Violence

Domestic violence as defined in the Title IX Domestic Violence definition above that did not reportedly occur in a program or activity of the College in the United States.

Non-Title IX Dating Violence

Dating violence as defined in the Title IX Dating Violence definition above that did not reportedly occur in a program or activity of the College in the United States.

Non-Title IX Stalking

Stalking as defined in the Title IX Stalking definition above that did not reportedly occur in a program or activity of the College in the United States, or that otherwise fits within the definition of stalking but does not fall within the Title IX Stalking definition because the reported conduct is not directed at the Complainant on the basis of sex.

Non-Title IX 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), 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.

Non-Title IX Sexual Coercion

Acts constituting sexual coercion are acts that do not fall within the definitions of Title IX Sexual Harassment or Non-Title IX Misconduct stated above and that involve using force, threats, alcohol or drugs, and/or using physical, emotional, or verbal pressure to have sexual contact with someone against their will, or where a person is incapable of giving consent for reasons including, but not limited to, the Complainant's age, the Complainant's incapacitation due to drugs or alcohol, or the Complainant's inability to give consent due to intellectual or other disability. Sexual contact includes kissing, patting, fondling, oral sex, genital touching, and any other sexual behavior that makes the Complainant feel uncomfortable.

Retaliation

Retaliation means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or the May 2020 Title IX regulations or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing regarding Prohibited Conduct (including both Title IX Sexual Harassment and Non-Title IX Misconduct). Retaliation is strictly prohibited. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, constitute retaliation, as do any adverse action taken against a person because they have made a good faith report of Prohibited Conduct or participated in any proceeding under this Policy. Retaliation may include intimidation, threats, coercion, harassment, or adverse employment or educational actions that would discourage a reasonable person from engaging in activity protected under this policy. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance process under this policy does not constitute prohibited retaliation, provided, however, that a determination regarding responsibility is not alone sufficient to establish that any party made a materially false statement in bad faith.

The College will not engage in, and will investigate and address, reports of retaliatory conduct. Retaliation under this policy may be found whether or not the underlying complaint is ultimately found to have merit.

V. Definition of Employee Consensual Relationships

Siena College does not intrude upon private choices regarding personal relationships when these relationships do not violate the policies of the College, cause harm to the safety and wellbeing of members of the campus community, or increase the risk of harm to the safety and wellbeing of members of the campus community.

Should an employee be found in violation of the consensual relationship policy and charges of sexual harassment are made, it shall not be a defense to allege that the relationship was consensual in any proceeding brought under these procedures.

A. With other employees:

Consensual romantic or sexual relationships in which one employee retains a supervisory line or evaluative role over another employee are unethical, create a risk for real or perceived coercion, and are expressly a violation of this policy. Therefore, persons with a supervisory line and/or evaluative responsibilities who are involved in such relationships must bring those relationships to the attention of their supervisor, and will likely result in the necessity to remove the employee from the supervisory and/or evaluative responsibilities.

B. With students:

Unique relationships exist between students and certain employees of the College, such as faculty members, administrators, and staff who serve in such roles as educator, counselor, evaluator, advisor, or who exercise other types of control over students. Given the possibility that abuse of this relationship or the appearance of abuse may occur, the College views it as unacceptable if faculty members or other instructional personnel, administrators, or staff members engage in amorous relationships with students enrolled in their classes or subject to their supervision, control, or authority, even when both parties appear to have consented to the relationship.

VI. Immediate Assistance in Cases of Prohibited Misconduct

Students, faculty, staff, administrators, and visitors at Siena College who experience any form of sexual misconduct on or off-campus (including Siena-sponsored trips and events) are strongly encouraged to immediately report the incident by contacting Siena College's Department of Public Safety (518-783-2376 or 518-783-2999), which is available 24 hours a day, 7 days a week, and/or local law enforcement, by calling 911. In addition, the New York State Police has a dedicated 24-hour hotline: 1- 844-845-7269. An initial choice to use one of these avenues does not preclude a later or simultaneous decision to use one or more of the others. Campus public safety officers can also assist the Complainant with filing a complaint both on and off campus, and in obtaining immediate medical attention, counseling, and other services.

VII. Obtaining Immediate Medical Attention and Emotional Support

Siena College is committed to assisting anyone who experiences Prohibited Misconduct to seek comprehensive medical attention as soon as possible to treat injuries, obtain preventative treatment for sexually transmitted diseases, and preserve evidence, among other things. For sexual assaults in

particular, immediate treatment and the preservation of evidence of the assault are important for many reasons, including facilitating a criminal investigation, in the event the Complainant decides to pursue one. In addition, individuals who have experienced or witnessed Prohibited Conduct are encouraged to seek emotional support as soon as possible, either on or off-campus.

- A. On-campus resources include nurses at Siena's Health Services and counselors in Siena's Counseling Center. Counselors are trained to provide crisis intervention.
- B. For off-campus resources, Siena maintains a list of providers, including rape crisis centers and domestic violence shelters, available throughout the Capital District. This list includes information about St. Peter's Health Partners, which is specially equipped to handle sexual misconduct and trained to gather evidence from such assaults. The SANE program at local hospitals provide medical exams to victims/survivors of sexual assault. As part of this program, an advocate is available to assist and support victims/survivors through the process. ([Community Resources](#))

VIII. Reporting, Confidentiality, Privacy and Choice of Actions in Response to Prohibited Misconduct

Any individual may make a report to College officials and/or law enforcement officials that they have experienced, observed, or have information about Prohibited Conduct.

- A. Options in General:
Victims/Survivors/Complainants have many options that can be pursued simultaneously, including the following:
 - Confidentially disclose a crime or violation to the Counseling Center, Health Services, or the Office of the College Chaplain and Siena College Friars. Confidential resources can share options and advice without any obligation to tell anyone, and will not share information without the consent of the victim/survivor/Complainant.
 - Anonymously disclose a crime or violation to the Public Safety anonymous tip line: www.siena.edu/anonymous. The College may have a duty to investigate anonymous disclosures to the extent possible, based on the information disclosed.
 - Make a report to a College Official/Responsible Employee/Law Enforcement. Victims/Survivors/Complainants have the right of privacy when reporting to College officials/responsible employees, to the extent possible under the circumstances. However, information must be shared with other administrators who have a need to know. Reports to College officials, responsible employees and law enforcement officers serving in such capacity are known as private but not confidential, as described further below.
 - Public Safety (Private, Not Confidential)
 - Local Law Enforcement (Private, Not Confidential)
 - New York State Police (Private, Not Confidential)
 - Title IX Coordinator/EOS (Private, Not Confidential)
 - Deputy Title IX/EOS Coordinators (Private, Not Confidential)
 - Reports to the College's Title IX Coordinator/EOS and/or Deputy Title IX Coordinators may be made by any individual 24 hours per day/7 days per week via email to Lois Goland, Title IX Coordinator/EOS (lgoland@siena.edu, 518-782-6673) or John Bebb, Deputy Coordinator (jbebb@siena.edu, 518-783-2328) or during business hours at the contact information provided above, and to College Public

Safety 24 hours per day/7 days per week at 518-783-2999.

- Individuals with a disability may request accommodations to ensure their full and equal participation in reporting incidents of Prohibited Conduct, as well as the investigatory and adjudicatory process under this policy. Requests for accommodations in connection with the reporting, investigatory and/or adjudicatory process are determined on an individual basis by the Title IX Coordinator/EOS or designee, in consultation with the College's ADA/Section 504 Coordinator as appropriate.

Reports of Prohibited Conduct should be filed with the Title IX Coordinator/EOS or designee, Public Safety, or Deputy Coordinator as soon as possible after the incident(s) occurred or in a timely manner. While Complainants are welcome to file a report or complaint at any time, Complainants are encouraged to come forward as soon as possible because a delay in reporting or making a complaint may impact the effectiveness of the investigation. Delays in reporting may impair the College's ability to investigate due to, but not limited to, fading memories and the availability of witnesses and evidence.

If the accused is an employee of the College, Complainants may also disclose a report to the College's Associate Vice President for Human Resources or designee, and Complainants may request that a private or confidential employee resource assist them in doing so.

B. Confidentiality and Confidential Resources:

May 2020 Title IX regulations contemplate that certain information will generally be treated confidentially, except as qualified by statements in those regulations. For example, the regulations provide that colleges must maintain as confidential any supportive measures provided to a Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the supportive measures. The regulations also provide that institutions must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of the Title IX regulations, including the conduct of any investigation, hearing, or judicial proceeding arising under those regulations.

In accordance with the May 2020 Title IX regulations, the College will not access, consider, disclose, or otherwise use a party's privileged records or require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Confidentiality may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to College officials in a manner consistent with state and federal law, including but not limited to 20 U.S.C. 1092 (F) and 20 U.S.C. 1681 (A). Licensed mental health counselors, medical providers, and pastoral counselors are examples of College employees who may offer confidentiality.

Confidential Resources are encouraged to submit non-identifying information about violations of this policy to Public Safety for the purposes of anonymous statistical reporting under the Clery Act.

Any member of the College community who is not prepared to make a report or who may be unsure how to characterize the incident that occurred, but who still seeks information and support, is encouraged to contact a Confidential Resource.

At Siena College, the following is the list of Confidential Resources:

Counseling Center: 518-783-2342

Health Services: 518-783-2554

Office of the College Chaplain and Siena College Friars: 518-783-2332

These are the only Siena College employees who can offer legally protected confidentiality. These individuals are not required to report any information about an incident to the Title IX Coordinator/EOS or designee without a Complainant's permission. While professional counselors will maintain an individual's confidentiality vis-à-vis the College, they may have reporting or other obligations under New York State law, e.g., mandatory reporting to law enforcement in case of minors, imminent harm to self, or others. An individual who speaks to a professional and/or pastoral counselor in these specific roles must understand that, if the individual wants to maintain confidentiality, the College will be unable to conduct an investigation into particular incidents or pursue disciplinary action against the alleged Respondent.

Confidential resources may assist individuals in receiving other necessary protection and support, such as survivor advocacy, academic support or accommodations, disability, health and mental health services, changes in residence halls, working and course schedules and other Supportive Measures, in coordination with the Dean of Students Office.

Individuals who initially request confidentiality may later decide to file a complaint with the College and/or report the incident to Colonie or State Police, and thus have the incident investigated. These counselors will provide the individual with assistance in contacting the Title IX Coordinator/EOS or designee if the individual wishes to do so.

C. Privacy/Non-Confidential:

Privacy may be offered by an individual when such individual is unable to offer confidentiality under the law, but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with this and other applicable laws, including informing appropriate College officials.

Even College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator/EOS or designee to investigate and/or seek a resolution.

If a Complainant or other individual discloses an incident of Prohibited Conduct to a responsible employee but the Complainant wishes to maintain confidentiality or does not consent to the College's request to initiate an investigation, the Title IX Coordinator/EOS or designee must weigh the request against the College's obligation to provide a safe, non-

discriminatory environment for all members of its community. As noted in the Supportive Measures section below, the College shall assist with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of reporting choices.

D. Duty to Report by Responsible Employees:

“Responsible Employees” have a duty to report incidents of Prohibited Conduct, including all relevant details, to the Title IX Coordinator/EOS or designee. A “responsible employee” is a Siena College employee who has the authority to redress Prohibited Conduct or who has the duty to report incidents of Prohibited Conduct. Such employees will be discreet and will respect a Complainant’s wish for privacy as described in this policy, but they are not permitted under any circumstances to maintain a Complainant’s complete confidentiality.

With the exception of those serving in their role as a confidential resource, Siena has designated all full-time and part-time faculty, administrators, staff, coaches, and community assistants as responsible employees.

Any responsible employee with a duty to report violations of this policy who receives a complaint of Prohibited Conduct or who observes or learns of conduct that is reasonably believed to be in violation of this policy, is required to report the alleged conduct to the Title IX Coordinator/EOS or designee and/or Public Safety who will take appropriate action to address the report.

A responsible employee must report to the Title IX Coordinator/EOS or designee and/or Public Safety all relevant details about the alleged Prohibited Conduct shared by the Complainant or other individual and that the College will need to determine what happened, including the names of the Complainant and alleged Respondent, any witnesses and any additional relevant information, including the date, time, and specific location of the alleged incident.

Managers and supervisory personnel are required to report to the Title IX Coordinator/EOS any instance or allegation of prohibited conduct involving any employee that is disclosed to, observed by, or otherwise known to that employee whether or not the employee is a potential Complainant or Respondent and whether or not the employee has any formal connection to the manager or supervisor.

E. Law Enforcement:

Some or all of the Prohibited Conduct described above is prohibited, in separate ways, by New York State Law and Siena College policy. Thus, offenders may be prosecuted under New York State criminal statutes and also be subject to disciplinary action by the College. The College may choose to pursue disciplinary action while criminal action is pending, or even if criminal justice authorities choose not to prosecute.

The College will assist Complainants in contacting law enforcement and/or other appropriate authorities for the purpose of obtaining orders of protection or other similar relief available through the court system, and will, to the extent that it is able, facilitate the implementation of any on-campus or College program-related restrictions imposed by such orders.

Siena College will investigate Prohibited Conduct in accordance with this policy even if a law enforcement investigation is also occurring. Siena College’s investigative and conduct process will run concurrently with any criminal justice investigation and proceeding except for temporary delays as requested by external law enforcement entities while law

enforcement gathers evidence. Temporary delays should not last more than ten (10) business days except when law enforcement specifically requests and justifies a longer delay.

F. Anonymous Reporting:

If a Complainant self-identifies but asks to remain anonymous during the investigation, the Title IX Coordinator/EOS or designee will consider how to proceed, taking into account the Complainant's wishes, the College's commitment to provide a safe environment, and the Respondent's right to have specific notice of the allegations if the College were to take action that affects the Respondent.

G. Welfare of the Community (Amnesty) Policy:

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

This policy may also be applied, but not limited to: alcohol or drug related incidents, and situations of vandalism and damage. The policy only applies to the College's Student Code of Conduct and has no status in other jurisdictions such as local or state courts.

H. Exception to Obligation to Investigate:

If an individual discloses information through a public awareness event such as candlelight vigils, protests, or other public event, the College is not obligated to begin an investigation based on such information. The College may use the information provided at such an event to inform efforts for additional education and prevention efforts.

IX. Jeanne Clery Act and Timely Warning

A. Jeanne Clery Act:

In concert with our Catholic and Franciscan Mission, Siena College strives to create an environment that is respectful of all and conducive to learning and living. Crimes and acts of violence are not tolerated. In 1990, Congress enacted the Crime Awareness and Campus Security Act (Title II of Public Law 101-542), which amended the Higher Education Act of 1965 (HEA). This act required all postsecondary institutions participating in Title IV student financial aid programs to disclose campus crime statistics and security information. The act has been amended multiple times. The 1998 amendments renamed the law the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (commonly referred to as "the Clery Act") in memory of Jeanne Clery who was slain in her dorm room in 1986. The reauthorization of the Violence Against Women Act (VAWA), signed by President Obama in March 2013, which includes the Campus Sexual Violence Elimination Act (Campus SaVE) amended the Clery Act. All incidents of domestic violence, dating violence, and stalking must now be reported in addition to reporting incidents of sexual assault. These statistics can be found in the Annual Security and Fire Safety Report. The report includes statistics for the previous three years concerning reported crimes and institutional policies addressing campus security. To obtain a copy of this report contact the Director of Public Safety or visit: <https://www.siena.edu/offices/public-safety/campus-crime-statistics/>

B. Timely Warning:

1. In the event a situation arises within the College's Clery Geography that, in the judgment of the Director of Public Safety or designee (who may consult with the Vice President for Student Life, College Counsel and/or Title IX Coordinator/EOS or designee), which may pose a serious or continuing threat to students and employees, a campus-wide "Timely Warning" will be issued. The decision to issue a Timely Warning is made on a case-by-case basis considering the nature of the crime and the continuing danger to the campus community. The warning will be provided to students and employees in a manner that is timely, and that is designed to aid in the prevention of similar occurrences. Timely Warnings will include information about the crime that triggered the Timely Warning but will not include personally identifiable information about the victim of the crime. Timely Warning Notices are generally written and distributed by the Director of Public Safety (or designee) or the Dean of Students' Office and are sent via email to students, faculty, staff, and administrators. A copy of the notice may also be posted on campus buildings.
2. The Director of Public Safety or their designee may issue a "Public Safety Advisory" where the precipitating incident(s) is/are not Clery Crimes and/or do not rise to the level of a "Timely Warning." These Public Safety Advisories may be issued to inform the campus community for their personal safety of ongoing non-Clery crimes, suspicious activity on campus, or crimes that do not fall within Siena's Clery Geography. These "Advisories" may be disseminated to the campus community via email and/or postings on campus buildings.

X. Initial Assessment, Initial Contact with Complainant, Supportive Measures and Emergency Removal/Administrative Leave

- A. Upon receipt of a report of alleged sexual misconduct, the College's Title IX Response Team will conduct an initial assessment within 72 hours. The goal of this assessment is to provide an integrated and coordinated response to reports of Prohibited Conduct. The Title IX Team, led by the Title IX Coordinator/EOS or designee, assists in the review, investigation, and resolution of reports. The team may include the Title IX Coordinator/EOS or designee, Deputy Coordinators, Associate Coordinator and the Director of Public Safety. Depending on the roles of the parties involved in responding to a report, other designees (Dean of Students, College Counsel) may join the team. In all cases, the Title IX Response Team will be limited to a small number of individuals who need to be informed in order to provide an effective and equitable review and timely response to and resolution of reports, while protecting the privacy of parties as fully as possible. Regular members of the Title IX Response Team receive annual training in strategies to protect parties who experience Prohibited Conduct and to promote individual and institutional accountability.

The assessment will consider the nature of the report(s), any witness statements obtained, the safety of the individual and of the campus community, and the Reporting Party's expressed preference for resolution in determining the appropriate course of action to eliminate the conduct at issue, prevent its recurrence, and address its effects.

The College's procedures for determining whether and how to proceed with the offering of supportive measures and/or the initiation of a formal or informal resolution process are outlined below.

B. Initial Communication with a Complainant

If a report alleges conduct that would, if proved, constitute Prohibited Conduct, the Title IX Coordinator/EOS or designee will:

- promptly contact the Complainant to discuss the availability of supportive measures as defined below;
- consider the Complainant’s wishes with respect to supportive measures;
- inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint; and
- explain to the Complainant the process for filing a formal complaint.

C. Supportive Measures

If Prohibited Conduct is reported to College authorities, College personnel will work with the reported Complainant to determine whether supportive measures such as alternative academic, transportation, working and/or living situations and no-contact orders are reasonably available and necessary in their particular case. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to a Complainant or a Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College’s education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College’s educational environment, or deter Prohibited Conduct. The Title IX Coordinator/EOS or designee will work collaboratively with the Dean of Students, Assistant Vice President for Human Resources, and Associate Vice President for Academic Affairs in providing supportive measures.

Interim measures may include, but are not limited to:

- Access to counseling services and assistance in arranging an initial appointment;
- Rescheduling of exams and assignments;
- Change in class schedule;
- Change in work schedule or job assignment;
- Residential accommodations, including but not limited to arranging for new College housing or for a temporary change in College housing;
- Arranging for medical services;
- Imposition of mutual restrictions on contact between the parties, known as a “no contact order”; a no contact order is an administrative remedy designed to curtail contact and communications between two or more individuals; no contact orders are not disciplinary in nature, though violation of no contact orders could result in College discipline;
- Providing the Complainant assistance with filing a criminal complaint and seeking an order of protection;
- Assistance in obtaining a sexual assault nurse examination
- Other academic accommodations, such as extensions of deadlines or other course-related adjustments, course changes or late drops, or other arrangements as appropriate;
- Campus escort services and safety planning steps;
- Leaves of absence;
- Increased security and monitoring of certain areas of campus;

- Referral to resources which can assist with financial aid, visa, or immigration concerns;
- No trespass notices prohibiting the presence of an individual on College property; and
- Other similar measures that can be used to achieve the goals of this policy (e.g., interim suspension or campus restriction pending the outcome of the investigation/process).

The Title IX Coordinator/EOS or designee will decide what supportive measures are reasonably available and necessary. Both the Complainant and the Respondent may appeal the need for, and the terms of, a supportive measure. The appeal must be made within three business days of when the measure was issued, and must be in writing to the Dean of Students Office. If parties wish to revisit the terms of supportive measures that have been provided or request additional supportive measures, they should contact the Title IX Coordinator/EOS or designee. The Title IX Coordinator/EOS or designee is ultimately responsible for coordinating the effective implementation of supportive measures.

All individuals are encouraged to report to the Title IX Coordinator/EOS or designee any concerns about the failure of another person to abide by any restrictions imposed through a supportive measure. In the event of an immediate health or safety concern, individuals should contact 911 immediately. The College will take immediate prompt action to enforce a previously implemented measure, and disciplinary penalties can be imposed for failing to abide by a College-imposed supportive measure.

D. Interim Suspension, Emergency Removal and Administrative Leave

Interim Suspension of Students in Non-Title IX Misconduct Cases

The College may decide at its discretion to suspend a student Respondent on an interim basis, that is, while an investigation is pending, in cases that fall within the definition of Non-Title IX Misconduct outlined above. The determination of whether to impose an interim suspension will be made by the Title IX Coordinator/EOS or designee in consultation with other College officials as appropriate. A Respondent may be suspended on an interim basis when the College has received information which indicates that the Respondent's continued presence on campus will likely have a serious effect on the physical, mental, or emotional health, safety or well-being of another person, when physical safety is seriously threatened, or when the ability of the College to carry out its operations is threatened or impaired. The College may permit written challenges to such decisions at its discretion.

E. Emergency Removal of Students or Employees in Title IX Sexual Harassment Cases

When the College determines that there is an immediate threat to the physical health or safety of any student or other individual arising from reported conduct that falls within the definition of Title IX Sexual Harassment in this policy, the College can remove a student or employee Respondent from its education program or activity (which may include removing an employee Respondent from their employment at the College) and issue any necessary related no-trespass and no-contact orders. The College will make the decision to remove a

Respondent from its education program or activity based on an individualized assessment and risk analysis.

If the College makes such a decision, the Respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal. Specifically, the Respondent shall have forty-eight hours in which to submit a letter to or appear personally or virtually before a College administrator to be designated by an identified high-level official who won't be on the emergency removal team to contest the emergency removal (though a meeting could be scheduled sooner if requested by the Respondent, if practicable).

F. Administrative Leave in Title IX Sexual Harassment Cases

The College always maintains the discretion to place non-student employee Respondents on paid administrative leave during the pendency of an investigation and resolution process conducted under this policy.

The College may also place a non-student employee Respondent on unpaid administrative leave during the pendency of an investigation and resolution process. In those instances in which the College determines that an administrative leave will be unpaid and the Respondent was not offered the opportunity to challenge the suspension without pay before it was imposed through some other process, the Respondent may present a written challenge regarding the need for or the adequacy of the unpaid administrative leave to the Vice President of Finance or their designee. The College may place student-employee Respondents on administrative leave from their employment during the pendency of an investigation and resolution process where deemed appropriate as a supportive measure, under circumstances where it can do so without unreasonably burdening the student-employee Respondent.

G. Initial Determinations of Applicable Procedures, Dismissals, Transfers and Appeals of Such Determinations

When a Complainant requests an investigation, the Title IX Coordinator/EOS or designee will promptly upon receipt of a formal complaint:

1) determine whether the conduct alleged would, if proved, constitute Title IX Sexual Harassment (i.e., Quid Pro Quo Sexual Harassment, Severe, Pervasive and Objectively Offensive Sexual Harassment, Sexual Assault, or sex-based Domestic Violence, Dating Violence or Stalking) as defined in the Title IX Sexual Harassment definition stated above;

2) determine whether the conduct allegedly occurred in College's education program or activity;

3) determine whether the conduct allegedly occurred in the United States; and

4) determine whether at the time the formal complaint was made, the Complainant was participating or attempting to participate in a College program or activity.

If a formal complaint of conduct that would, if proved, satisfy all four of these elements and constitute Title IX Sexual Harassment as defined in this policy is filed by a Complainant or signed by the Title IX Coordinator/EOS or designee, it will be investigated and resolved through the procedures applicable to Title IX Sexual Harassment matters as outlined below.

The College will investigate alleged Title IX Sexual Harassment when a Complainant submits a signed or electronically-submitted formal complaint to the Title IX Coordinator/EOS or designee and requests an investigation. The Title IX Coordinator/EOS or designee may also choose at their discretion to sign a formal complaint and initiate an investigation, even if the Complainant chooses not to do so. Again, if a reporting individual discloses Prohibited Conduct to a responsible employee but wishes to maintain confidentiality or does not consent to the College's request to initiate an investigation, the Title IX Coordinator/EOS or designee must weigh the request against the institution's obligation to provide a safe, non-discriminatory environment for all members of its community.² In cases where the Complainant does not wish to submit a formal complaint but the Title IX Coordinator/EOS or designee decides in their discretion to sign a complaint and initiate an investigation and resolution process, the Title IX Coordinator/EOS or designee will not be a Complainant or otherwise a party to the matter.

If some but not all of the conduct alleged in the complaint satisfies all four of these elements and a formal complaint is received from a Complainant or signed by the Title IX Coordinator/EOS or designee, the College will address the entire matter through the procedures applicable to Title IX Sexual Harassment matters as outlined below (that is, it will as required by federal regulations follow Title IX Sexual Harassment procedures to address the alleged Title IX Sexual Harassment, and it will, to promote efficiency, choose to follow Title IX Sexual Harassment procedures to address Non-Title IX Misconduct and other non-Title IX alleged misconduct in such mixed cases, so that all related misconduct may be addressed through one investigation and resolution process).

If it appears based upon initial review or upon information gathered during an investigation that the matter does not satisfy and/or no longer satisfies all four of these elements, the College will, as required by the May 2020 Title IX regulations, dismiss the matter for purposes of the Title IX Sexual Harassment process, and will transfer it for handling under the Non-Title IX Prohibited Conduct procedures outlined here or in other College procedures, as deemed appropriate by College. Investigation and resolution of a matter that does not fall within Title IX may be pursued, dismissed altogether, or transferred to another College process, as deemed appropriate in the College's discretion and/or as appropriate under applicable law.

Even if the initial allegations of a matter fall within the definition of Title IX Sexual Harassment, the College may (but is not required to) dismiss a formal complaint or any allegations therein if at any time during the investigation or resolution process:

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

² Should the Title IX Coordinator/EOS or designee become aware of Prohibited Conduct, even if the person potentially subject to such conduct has not reported it or is unwilling to pursue a complaint, the College may conduct an investigation, as appropriate and as permitted by applicable law, and take any necessary action. In such cases the Title IX Coordinator/EOS or designee will convene an ad hoc advisory group of three (3) Deputy Coordinators and/or Title IX/EOS Advisors and Educators to review the investigative report. If, after review, the ad hoc advisory group unanimously determines that there is not enough evidence to support a complaint, the investigation will be closed. Otherwise, a complaint will be filed by the College as deemed appropriate.

If a formal complaint is dismissed by the College under the circumstances described above, the College will simultaneously provide to the parties written notice (by electronic or other means) of the dismissal and the reasons for the dismissal, and notice of the parties' opportunity to appeal such dismissal through the Title IX Sexual Harassment appeal procedures outlined below.

If the Respondent is a student and an employee, the Title IX Coordinator/EOS or designee will determine which procedures apply based upon the facts and circumstances, such as whether the Respondent's status as a student or an employee predominates in the context of the Prohibited Conduct. If a student-employee is found to have engaged in Prohibited Conduct, the student-employee may be subject to sanctions both in connection with their employment, and in connection with their student status, as appropriate under these and other applicable procedures.

In Non-Title IX Misconduct cases, the College will request that the Complainant provide a written complaint regarding the allegations, which may be submitted by the Complainant or dictated to a College official and ascribed to by the Complainant.

H. Notice

If the College initiates an investigation of Title IX Sexual Harassment or Non-Title IX Prohibited Conduct it will provide to the parties a written notice (by electronic or other means) that includes:

- Information about the College's formal and informal resolution processes;
- A statement of the allegations of behavior potentially constituting Prohibited Conduct, including sufficient details known at the time and with sufficient time to prepare a response before any initial post-intake interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Prohibited Conduct, and the date and location of the alleged incident, if known;
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Information regarding the College's presumption of good faith reporting and a summary of the College's false information policy;
- Notification that parties may have an advisor of their choice, who may be, but is not required to be, an attorney. Costs incurred for having such an advisor are parties' responsibility. If parties are unable to procure an advisor of their choice, Siena has trained a number of faculty and staff as advisors. These advisors are available for either party throughout the investigative process and for the purpose of conducting cross examination (under the Title IX regulations) within the hearing process.
- Notification of existing counseling, health and mental health services available on campus and/or in the community;

- Notification that taking any retaliatory action (directly or through others) against any person involved in the investigation is prohibited and will be considered a separate violation of College policy; and
- Notification that parties may inspect and review evidence during the investigation and resolution process, as provided below.

If in the course of an investigation the College decides to investigate allegations about any party that are not included in the notice described above, it will provide notice of the additional allegations to the parties whose identities are known.

If at any point a student or employee Respondent chooses, after having received formal notice of the allegations and after having confirmed in writing that they understand and are choosing to waive their rights under the formal procedures provided otherwise in this policy, to accept responsibility for the conduct as described in such notice, then the formal investigation process will be ended with a finding of responsibility and the matter will proceed to the sanctioning phase, as described in the applicable sanctioning section below. Both parties will receive notice that a finding of responsibility has been made in this matter, and will receive notice of the sanction(s). Both the Complainant and the Respondent may appeal the sanction(s) on the ground that the sanction(s) imposed are disproportionate to the violation of policy, under the appeals procedures outlined below.

I. Consolidation of Formal Complaints

The College may consolidate formal complaints as to allegations of Title IX Sexual Harassment and/or Non-Title IX Misconduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of such Prohibited Conduct arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

J. Investigations

If an investigation is to be conducted, the Title IX Coordinator/EOS or designee will appoint an investigator or investigators (referred to in the singular here for convenience), who will conduct the investigation. Investigators may be College employees or third-party contractors, as determined at the College’s discretion. The College will provide notice to the parties of the identities of the investigators. If a party believes that an investigator has a bias against or for Complainants or Respondents generally or them particularly as a party, or a conflict of interest, the party may submit a written objection to the Title IX Coordinator/EOS or designee within three (3) business days that outlines the basis for their objection to the investigator’s service. The Title IX Coordinator/EOS or designee will make a decision on such objections, and will appoint any alternate investigator, and follow this process as necessary, until an investigator is selected to conduct the investigation.

To the extent permitted by law, the Complainant and Respondent will be afforded the same rights and opportunities throughout the investigation and adjudication process, including the opportunity to recommend witnesses and submit evidence. However, investigation logistics, including but not limited to the sequence of interviews, the decision to interview particular

witnesses, and the decision to allow or consider evidence offered by the parties, are within the discretion of the investigator.

The Complainant and Respondent will be asked to identify, preserve and submit all evidence pertaining to the matter under investigation, and to identify witnesses they believe may have relevant testimony to share. The investigator is not required to consider the evidence submitted or interview any particular witness, even if identified by one of the parties.

Complainants and Respondents are entitled to the same opportunities to have an advisor of their choice present at any interviews, meetings, or proceedings that they are attending related to the investigation and adjudication process under this policy. The advisor may advise the Complainant or Respondent privately, but cannot act as a speaking advocate at a meeting. An investigator or other College representative may terminate meetings, and/or proceed with the investigation or adjudication based on otherwise-available information, if an advisor is disruptive or otherwise refuses to comply with the requirements of this policy. While each party may have an advisor of choice, they may not compel any specific person to serve as their advisor. The College's faculty and/or staff may be available to serve as advisors, but none are required to do so.

The College will endeavor to complete the investigation portion of the process within 90 business days of issuing a notice of investigation as described above, but this may be extended at the College's discretion due to factors such as the complexity of the matter, the availability of witnesses, requests by law enforcement agency for a temporary delay in the investigation process, College breaks, and other legitimate reasons.

A Complainant may choose to withdraw a complaint and/or involvement from the College process at any time. In such circumstances, the College will determine whether or not to sign and file a complaint and continue with the investigation in its discretion, weighing the Complainant's choosing to withdraw the complaint against the College's obligation to provide a safe, non-discriminatory environment for all members of its community.

K. Reporting Retaliation:

Individuals may file a complaint with the Title IX Coordinator/EOS or designee if they have been retaliated against for reporting sexual misconduct, assisting someone in making such a report, or participating in any manner in an investigation or resolution of a sexual misconduct complaint. Individuals may file a complaint with the Title IX Coordinator/EOS or designee if they have been subjected to retaliation as defined above. Student retaliation complaints will be referred to the Dean of Students or designee who will adjudicate them pursuant to the Student Code of Conduct. All employee retaliation complaints will be referred to the Office of Human Resources who will adjudicate them pursuant to the applicable employee handbook.

XI. Resolution

The preponderance of evidence or "more likely than not" standard of review will be used during the formal resolution process.

General Investigation-Related Provision

- Parties' equal opportunity to present witnesses may include evidence from fact and

- expert witnesses; and
- Parties are not restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence; and
- Parties whose participation is invited or expected will receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

Preliminary Investigative Report

In both Title IX Sexual Harassment matters and Non-Title IX Prohibited Conduct matters, when the investigator has gathered all of the information that they determine should be gathered for purposes as an initial matter, the investigator and/or the Title IX Coordinator/EOS or designee will prepare a preliminary investigative report. The preliminary investigative report will summarize relevant evidence but will not contain any recommendations regarding whether the Respondent violated this policy or any other College policy at issue.

- The College will provide each party with an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised, including the evidence upon which College does not intend to rely in reaching a determination regarding responsibility and/or which the investigator does not deem relevant, and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Such evidence will not include un-redacted privileged records or information that may have been gathered or received during the investigation, absent written consent from the party holding the privilege.
- The College will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy.
- Parties and advisors are not permitted to download, print or copy such evidence subject to inspection and review, and are not permitted to re-disclose such evidence without the College's permission. Parties and advisors will be required to sign an acknowledgment form indicating that they understand these prohibitions. Violations of these prohibitions may subject parties to College discipline under applicable conduct codes.

Review and Response to Preliminary Investigation Report

At the conclusion of the investigation, the investigator will prepare a preliminary investigation report that fairly summarizes the relevant evidence and outlines the contested and uncontested information. The preliminary investigation report will not include any findings. In both Title IX Sexual Harassment and Non-Title IX Prohibited Conduct matters, the Complainant and the Respondent will have an opportunity to review the preliminary investigative report and provide written responses to the report.

The investigator will provide each party and their advisor, if any, with an opportunity to review the preliminary investigation report with electronic access to the evidence file. The evidence file includes any evidence obtained as part of the investigation that is directly related to the allegations, including evidence upon which the investigator does not intend to rely as well as inculpatory and exculpatory

evidence obtained from a party or other source.

During the review period, the parties will have an opportunity to meet with the investigator; submit additional comments and information to the investigator; identify any additional witnesses or evidence for the investigator to pursue; and submit any further questions that they believe should be directed by the investigator to another party or to any witness.

The parties will have ten (10) business days to review and submit an optional written response including any challenges to the relevance of evidence, to the investigator. Any response submitted will become part of the evidence file and will be made available to the other party. The investigator will consider any response(s) submitted prior to completing the final investigative report. In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the investigator during the designated review and response period will **not** be considered in the determination of responsibility for a violation of the Policy, and will **not** be considered by the hearing officer.

Final Investigative Report

Final Investigative Report Generally

In both Title IX Sexual Harassment matters and Non-Title IX Prohibited Conduct matters, after considering any written response submitted by either party, or after the ten (10) business day comment period has lapsed without receiving a written response or responses, the investigator will address any relevant issues identified by the Complainant and/or the Respondent, and as appropriate, pursue any additional investigative steps as needed. The final investigative report will be reviewed by the Title IX Coordinator/EOS or designee before it is issued. Final investigative reports will be provided simultaneously to the parties and their advisors, if any. The College will give each party an opportunity to review the other party's written response, if any.

Additionally:

- The final investigative report created by the investigator and/or Title IX Coordinator/EOS or designee will fairly summarize relevant evidence and include as exhibits evidentiary materials as deemed appropriate by the investigator;
- At least ten (10) business days prior to the hearing referenced below, the College will send to each party and the party's advisor, if any, the final investigative report and exhibits in an electronic format or a hard copy, for their review and written response;
- Any written response a party wishes to provide must be submitted to the Title IX Coordinator/EOS or designee within ten (10) business days of receiving the final investigative report and exhibits; and
- The final investigative report and the parties' written responses, if any, will be provided to the hearing officer in advance of the hearing.

A. Hearings

Hearing and Resolution Provisions Applicable Only to Title IX Sexual Harassment Matters

Hearings

Live hearings, conducted via Zoom, will be provided in Title IX Sexual Harassment matters, as required by the May 2020 Title IX regulations.

Hearing Officers

Hearings will be presided over by a hearing officer, who will make the decision by a preponderance of the evidence as to whether or not the Respondent violated the policy provisions at issue. The hearing officer has broad authority to determine the process, timing and conduct of a hearing. For example, the hearing officer will determine the order of presentation, timing and overall duration of the hearing, what information and evidence will be heard, what information and questions are relevant to the determination of the matter, and what cross-examination questions will or will not be permitted.

Hearing officers will be appointed by the Title IX Coordinator/EOS or designee. In selecting a hearing officer for a particular matter, the Title IX Coordinator/EOS or designee will take care to select an individual who does not have a conflict of interest or bias against Complainants or Respondents generally or an individual Complainant or Respondent. The College will notify the parties of the identity of the hearing officer in advance of the hearing, and parties may, within three (3) business days of such notice, object to the service of the hearing officer by providing a written statement (which may be transmitted electronically) as to why the party believes that the hearing officer has a conflict of interest or bias. The Title IX Coordinator/EOS or designee will make decisions regarding such objections and the appointment of an alternate hearing officer, as necessary.

Advisors

Each party may have an advisor of their choice present at a hearing for the limited purpose of conducting cross-examination on behalf of that party. Advisors may be, but are not required to be, attorneys. If a party does not have an advisor of their choice present at a hearing, the College will without fee or charge to the party provide an advisor of the College's choice, again for the limited purpose of conducting cross-examination on behalf of that party. No later than ten (10) business days before the hearing, parties should inform the Title IX Coordinator/EOS or designee of the identity of any advisor of choice who will accompany them to the hearing, so that the College will know whether or not it needs to arrange for the presence of a College-provided advisor.

At a time and manner deemed appropriate by the hearing officer, the advisor for each party will be permitted to ask the other party and any witnesses all relevant cross-examination questions and follow-up questions, including those challenging credibility. Except for that limited role, advisors may not participate actively in the hearing and may not speak or otherwise communicate on the part of the party that the advisor is advising. However, the advisor may consult privately in a non-disruptive manner with their advisee during and/or at a recess in the hearing. Scheduling accommodations generally will not be made for advisors if they unduly delay the process. The College reserves the right to take appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation as determined in the sole discretion of the hearing officer, which may include exclusion of the advisor from the hearing and the appointment of an alternate College-provided advisor.

Requests for Appearance of Witnesses

If a party wishes to have an individual appear at the hearing as a witness, they must provide notice of the identity of the proposed witness and a brief description of the subject matter of the witnesses' testimony to the Title IX Coordinator/EOS or designee at least ten (10) business days before the date of the

hearing. The Title IX Coordinator/EOS or designee, in consultation with the hearing officer as necessary, will determine whether the witness is likely to have information that is relevant to the hearing, and if it is determined that the witness is likely to have relevant information, the Title IX Coordinator/EOS or designee will inform the witness that their presence at the hearing is required (to the extent that the College has jurisdiction to require the presence of the witness) or requested.

Conduct of Hearings and Relevance

At or before the hearing, the hearing officer will receive a copy of the final investigative report, any attachments thereto, and copies of the parties' written responses to the final investigative report, if any, which will be part of the information of record to be considered by the hearing officer.

Hearings will ordinarily begin with introductory remarks by the hearing officer. The College policy does not allow for opening and closing statements. Following introductory remarks, the hearing officer will ask relevant initial questions of the parties as deemed appropriate. During this portion of the hearing, advisors may confer privately and in a non-disruptive manner with their advisee, but they are not allowed to address the hearing officer or anyone else present at the hearing.

After the hearing officer has asked their initial questions of the parties, the hearing officer will permit each party's advisor to ask the other party all relevant questions and follow-up questions, including those challenging credibility.

Subject to the discretion of the hearing officer, questioning of witnesses will generally follow a similar process, whereby the hearing officer will pose relevant questions to each witness, then the parties' advisors will be permitted to ask relevant questions of witnesses.

In accordance with May 2020 Title IX regulations, such cross-examination by advisors will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the hearing officer will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Advisors are not permitted to object to hearing officer decisions regarding relevance during a hearing.

Regarding the evidence subject to inspection and review that was provided to the parties and their advisors under the Title IX Sexual Harassment matter-specific investigation procedures outlined above, all such evidence will be made available at the hearing via a shared Zoom screen, and each party and/or their advisor will have an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Information protected under a legally recognized privilege (such as, for example, privileged communications between a party and their physician, psychiatrist, psychologist, or other recognized

professional or paraprofessional acting in a treatment capacity, or privileged communications between a party and their attorney), is not relevant unless the person holding the privilege has waived the privilege.

If a party or witness does not submit to cross-examination at the live Zoom hearing, the hearing officer will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live Zoom hearing or refusal to answer cross-examination or other questions.

Formal rules of evidence do not apply to hearings under these procedures. The hearing officer will accept, consider and give weight to information as deemed appropriate at the discretion of the hearing officer.

In addition, before the hearing begins, both the Complainant and the Respondent may provide to the Title IX Coordinator/EOS or designee, in person or via email, a written impact/mitigation statement that addresses how the alleged Prohibited Conduct has impacted them and/or that addresses any mitigating factors that should be considered in the event that the Respondent is found responsible for the alleged conduct at issue. The impact statement will only be considered by the hearing officer and sanctioning officer if there is a finding of responsibility.

Record of Hearings

The College will create an audio or audiovisual recording and/or transcript, of any live hearing, and will make it available to the parties for inspection and review in the event of an appeal by either party.

Determinations Regarding Responsibility

Within ten (10) business days after the hearing, the hearing officer (and if necessary the sanctioning officer, as provided below) will prepare and issue a written determination regarding responsibility and sanctions. In determining responsibility, the hearing officer will apply the preponderance of the evidence standard. The written determination will include:

- Identification of the section(s) of the College's Title IX Sexual Harassment policy definition alleged to have been violated;
- A description of the procedural steps taken from the receipt of the complaint through the determination, including but not limited to, as applicable, any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of definitions of sexual harassment in the College's Title IX Sexual Harassment Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility and, where necessary and in collaboration with the sanctioning officer, a statement regarding any sanctions and the rationale therefor;
- The hearing officer's non-binding recommendations regarding sanctions, if applicable; and
- Identification of the College's procedures and permissible bases for the Complainant and Respondent to appeal (as outlined below).

The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

The determination will also notify the parties whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the Complainant, but will not provide details about any such remedies.

If sanctions are necessary, they will be assigned in accordance with the Sanctions section below. The parties will receive notice simultaneously of the written determination regarding responsibility and, if necessary, any sanctions as determined through the procedures outlined below.

Resolution and Other Provisions Applicable Only to Non-Title IX Misconduct Matters

Hearings

Live hearings, conducted via Zoom, will be provided in Non-Title IX Misconduct matters.

Hearing Officers

Hearings will be presided over by a hearing officer, who will make the decision by a preponderance of the evidence as to whether or not the Respondent violated the policy provisions at issue. The hearing officer has broad authority to determine the process, timing and conduct of a hearing. For example, the hearing officer will determine the order of presentation, timing and overall duration of the hearing, what information and evidence will be heard, what information and questions are relevant to the determination of the matter, and the nature and substance of any questions asked of parties and/or witnesses.

Hearing officers will be appointed by the Title IX Coordinator/EOS or designee. In selecting a hearing officer for a particular matter, the Title IX Coordinator/EOS or designee will take care to select an individual who does not have a conflict of interest or bias against Complainants or Respondents generally or an individual Complainant or Respondent. The College will notify the parties of the identity of the hearing officer in advance of the hearing, and parties may, within three (3) business days of such notice, object to the service of the hearing officer by providing a written statement (which may be transmitted electronically) as to why the party believes that the hearing officer has a conflict of interest or bias. The Title IX Coordinator/EOS or designee will make decisions regarding such objections and the appointment of an alternate hearing officer, as necessary.

Advisors

Each party may have an advisor of their choice present at a hearing. Advisors may not participate actively in the hearing and may not speak or otherwise communicate on the part of the party that the advisor is advising. However, the advisor may consult privately in a non-disruptive manner with their advisee during and/or at a recess in the hearing. Scheduling accommodations generally will not be made for advisors if they unduly delay the process. The College reserves the right to take appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation as determined in the sole discretion of the hearing officer, which may include exclusion of the advisor from the hearing and the alternate appointment of a College-provided advisor.

Requests for Appearance of Witnesses

If a party wishes to have an individual appear at the hearing as a witness, they must provide notice of the identity of the proposed witness and a brief description of the subject matter of the witnesses' testimony

to the Title IX Coordinator/EOS or designee at least ten (10) business days before the date of the hearing. The Title IX Coordinator/EOS or designee, in consultation with the hearing officer as necessary, will determine whether the witness is likely to have information that is relevant to the hearing, and if it is determined that the witness is likely to have relevant information, the Title IX Coordinator/EOS or designee will inform the witness that their presence at the hearing is required (to the extent that the College has jurisdiction to require the presence of the witness) or requested.

Conduct of Hearings

At or before the hearing, the hearing officer will receive a copy of the final investigative report, any attachments thereto, and copies of the parties' written responses to the final investigative report, if any, which will be part of the information of record to be considered by the hearing officer.

Hearings will ordinarily begin with introductory remarks by the hearing officer. The College policy does not allow for opening and closing statements. Following introductory remarks, the hearing officer will ask relevant initial questions of the parties as deemed appropriate. During this portion of the hearing, advisors may confer privately and in a non-disruptive manner with their advisee, but they are not allowed to address the hearing officer or anyone else present at the hearing.

After the hearing officer has asked their initial questions of the parties, the hearing officer will permit each party to submit to the hearing officer proposed questions that they would like the hearing officer to pose to the other party. The hearing officer may at their discretion pose, rephrase, or decline to pose any and all such proposed questions. Subject to the discretion of the hearing officer, questioning of witnesses will generally follow a similar process, whereby the hearing officer will pose relevant questions to each witness, then the parties may submit to the hearing officer proposed questions that they would like the hearing officer to pose to each witness. The hearing officer may at their discretion pose, rephrase, or decline to pose any and all such proposed questions. No direct cross-examination of parties or witnesses by parties or their advisors will be permitted.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Information protected under a legally recognized privilege (such as, for example, privileged communications between a party and their physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a treatment capacity, or privileged communications between a party and their attorney), is not relevant unless the person holding the privilege has waived the privilege.

Formal rules of evidence do not apply to hearings under these procedures. The hearing officer will accept, consider and give weight to information as deemed appropriate at the discretion of the hearing officer.

In addition, before the hearing begins, both the Complainant and the Respondent may provide to the Title IX Coordinator/EOS or designee, in person or via email, a written impact/mitigation statement that addresses how the alleged Prohibited Conduct has impacted them and/or that addresses any mitigating factors that should be considered in the event that the Respondent is found responsible for the alleged conduct at issue. The impact statement will only be considered by the hearing officer and sanctioning officer if there is a finding of responsibility.

Record of Hearings

The College will create an audio or audiovisual recording and/or transcript, of any live hearing, and will make it available to the parties for inspection and review in the event of an appeal by either party.

Determinations Regarding Responsibility

Within ten (10) business days after the hearing, the hearing officer (and if necessary the sanctioning officer, as provided below) will prepare and issue a written determination regarding responsibility and sanctions. In determining responsibility, the hearing officer will apply the preponderance of the evidence standard. The written determination will include:

- Identification of the section(s) of the College's Non-Title IX Misconduct policy definition alleged to have been violated;
- A description of the procedural steps taken from the receipt of the complaint through the determination, including but not limited to, as applicable, any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of definitions of sexual harassment in the College's Non-Title IX Misconduct Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility and, where necessary and in collaboration with the sanctioning officer, a statement regarding any sanctions and the rationale therefor;
- The hearing officer's non-binding recommendations regarding sanctions, if applicable; and
- Identification of the College's procedures and permissible bases for the Complainant and Respondent to appeal (as outlined below).

The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

If sanctions are necessary, they will be assigned in accordance with the Sanctions section below. The parties will receive notice simultaneously of the written determination and, if necessary, any sanctions as determined through the procedures outlined below.

B. Sanctions: Student Respondent Cases (Title IX and Non-Title IX Misconduct)

If the hearing officer determines that a student Respondent is responsible for a violation of this policy, the Title IX Coordinator/EOS or designee shall notify the Associate Vice President for Student Life or designee to determine sanctions.

Complainants are insured their right to exclude their own prior sexual history with persons other than the other party in the Title IX process, or their own mental health diagnosis and/or treatment, from use in the review process prior to adjudication. Any sanction takes into account the Respondent's prior record and any prior complaints involving similar allegations as well as the severity of the incident and the outcome sought by the Complainant.

The hearing officer and sanctioning officer will consider impact statements submitted from both parties at this juncture. Student Respondents may have sanctions administered, including but not limited to: expulsion, dismissal, suspension, withholding degree, revocation of admission and/or a degree, disciplinary probation, suspension or dismissal from College housing, social/residence hall probation, housing relocation, restriction from privileges, student reprimand, warning, or discretionary sanctions. This may also include restriction from contact with the Complainant or restriction from parts of, or the entire campus. Student Respondents who are sanctioned with expulsion, suspension, or dismissal from college may be subject to a notation on their official college transcript as required by law.

All sanction(s), except for suspension, dismissal, or expulsion from the College will take effect immediately pending appeal. The sanction(s) shall become final six (6) business days after written notice of said findings was provided to the parties unless a formal written appeal is submitted to the Title IX Coordinator/EOS or designee. Failure to submit an appeal within five (5) business days waives the right of written appeal.

C. Sanctions: Staff, Administrator and Faculty Respondent Cases (Title IX and Non-Title IX Misconduct)

If a staff, administrator or faculty Respondent is found responsible for a violation of this policy, the Title IX Coordinator/EOS or designee shall notify the Vice President or designee of the Respondent's work assignment to determine sanctions. Any sanction takes into account the Respondent's prior record and any prior complaints as well as the severity of the incident and the outcome sought by the Complainant. The hearing officer and sanctioning officer will consider impact statements submitted from both parties at this juncture.

Faculty, staff, or administrator Respondents may have sanctions administered that include, but are not limited to: the Respondent's participation in counseling or individualized training as a corrective action; prohibition of the Respondent from participating in grading, honors, and recommendations; reappointment and promotion decisions or other evaluations of the Complainant; letter of reprimand; restriction of the Respondent's access to College resources, such as salary increase for a specific period; or suspension or dismissal from employment at the College. For a faculty Respondent, notice of suspension and/or termination shall be made pursuant to the applicable provisions of the Faculty Handbook.

The sanction(s) shall become final six (6) business days after written notice of said findings was provided to the parties unless formal written appeal is submitted to the Title IX Coordinator/EOS or designee. Failure to submit the appeal within five (5) business days waives the right of written appeal.

D. Appeals: Student Respondent Cases (Title IX and Non-Title IX Misconduct)

Each party to a case falling under this policy has a right to appeal the Title IX Coordinator/EOS or designee's dismissal of a formal complaint for Title IX purposes or a determination regarding responsibility and/or sanctions on the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator/EOS or designee, investigator(s), or hearing officer(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; and/or
- The sanction(s) imposed are disproportionate to the violation of policy.

The Complainant and Respondent may submit an additional statement regarding the case within three (3) business days upon notification that either party has submitted an appeal.

The Title IX Coordinator/EOS or designee will convene an appeal panel to review an appeal. The appeal panel will, within (7) business days, make a decision on the appeal. The appeal panel may confirm, amend or reject actions taken by the College earlier in the process, and as necessary, send the matter back to other College officials as appropriate to correct any issues that affected the outcome of the matter. The parties will be provided simultaneously with notice of the appeal panel's decision and the rationale therefor.

E. Staff and Administrator Respondent Case Appeals (Title IX and Non-Title IX Misconduct)

Each party to a case falling under this policy has a right to appeal the Title IX Coordinator/EOS or designee's dismissal of a formal complaint for Title IX purposes or a determination regarding responsibility and/or sanctions on the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator/EOS or designee, investigator(s), or hearing officer(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; and/or
- The sanction(s) imposed are disproportionate to the violation of policy.

The Complainant and Respondent may submit an additional statement regarding the case within three (3) business days upon notification that either party has submitted an appeal.

The Title IX Coordinator/EOS or designee will convene an appeal panel to review the appeal. The appeal panel will, within (7) business days, make a decision on the appeal. The appeal panel may confirm, amend or reject actions taken by the College earlier in the process, and as necessary, send the matter back to other College officials as appropriate to correct any issues that affected the outcome of the matter. The parties will be provided simultaneously with notice of the appeal panel's decision and the rationale therefor.

F. Faculty Appeal (Title IX and Non-Title IX Misconduct)

Each party to a case falling under this policy has a right to appeal the Title IX Coordinator/EOS or designee's dismissal of a formal complaint for Title IX purposes or a determination regarding responsibility and/or sanctions on the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator/EOS or designee, investigator(s), or hearing officer(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; and/or

- The sanction(s) imposed are disproportionate to the violation of policy.

The Complainant and Respondent may submit an additional statement regarding the case within three (3) business days upon notification that either party has submitted an appeal.

The Title IX Coordinator/EOS or designee will convene an appeal panel to review the appeal. The appeal panel will, within (7) business days, make a decision on the appeal. The appeal panel may confirm, amend or reject actions taken by the College earlier in the process, and as necessary, send the matter back to other College officials as appropriate to correct any issues that affected the outcome of the matter. The parties will be provided simultaneously with notice of the appeal panel's decision and the rationale therefor.

Further, in faculty Respondent cases, a faculty member may be entitled to proceedings before the Faculty Grievance Committee through procedures outlined in the Faculty Handbook.

G. Dispositions/Compliance Monitoring:

The Dean of Students or designee is responsible for monitoring student compliance, if applicable.

Written notification of findings that trigger monitoring responsibilities shall be provided to the person responsible for monitoring compliance. Other parties may be notified, as deemed necessary, to ensure compliance.

Failure to observe the terms and/or conditions of any informal resolution or sanctions imposed in formal resolutions constitutes grounds for new action under either the procedures outlined in this policy or those identified for addressing matters of student misconduct.

The Deputy Coordinator, in consultation with the Title IX Coordinator/EOS or designee, the Complainant and/or person responsible for monitoring compliance, will determine which procedures shall be applied for investigation and response.

H. Records of Complaints/Reports:

A copy of the investigation report and the final decision shall be maintained by the College and included in the Student Conduct or Human Resources file of the Respondent only if the determination concludes that the Respondent engaged in prohibited conduct.

Complaints against students will be held in the Respondent's file in accordance with the policy as stated in the Retention and Release of Student Disciplinary Records.

No record of a complaint is kept in the Complainant's Human Resources file or student file unless the investigation concludes that the complaint was knowingly false and malicious.

The Title IX Coordinator/EOS or designee shall keep a record of all reports and complaints made under the Sexual Misconduct policy, regardless of the outcome.

All documents prepared and maintained pursuant to the Sexual Misconduct Policy and Procedures shall conform to all applicable governing law.

Record retention and release by the College shall be in conformance with applicable law and regulations, including those established by the 2020 Title IX regulations.

XII. Informal Resolution (Title IX and Non-Title IX Sexual Misconduct)

At any time after a formal complaint has been filed and before a hearing commences, the parties may seek

to resolve a report of Prohibited Conduct through informal resolution, an administrative process.

Participation in informal resolution is entirely voluntary; the Title IX Coordinator/EOS or designee will neither pressure nor compel either party to participate in the process or to agree to any specific terms and the process itself does not involve any in-person or face-to-face meetings between the parties. The informal process can be engaged only by mutual agreement by both parties and with the approval of the Title IX Coordinator/EOS or designee before or at any time during the investigation of the complaint. All parties must agree in writing to participate before the informal process can commence.

In every case, the Title IX Coordinator/EOS or designee has discretion to determine whether the matter is appropriate for informal resolution and to determine the appropriate terms. Before the Title IX Coordinator/EOS or designee approves the informal resolution process or the terms of any informal resolution, the Title IX Coordinator/EOS or designee will determine that they have sufficient information about the matter to make these decisions.

The parties are strongly encouraged, although not required, to consult with their advisors and any support persons during the entire informal resolution process.

If the process is terminated for any reason, the matter will be re-evaluated for resolution pursuant to the formal complaint resolution process under these procedures.

The Title IX Coordinator/EOS or designee will oversee the informal resolution process and have access to all College records in the matter, including any records or reports prepared during an investigation.

The Title IX Coordinator/EOS or designee will consult separately with both parties and recommend to the parties the terms of a potential informal resolution agreement. Such terms may include, but are not limited to, any sanctions or remedies that could be recommended by a hearing officer after a hearing under these proceedings.

Both parties must agree to the terms before an informal resolution agreement becomes effective.

At any time before a written agreement is effective (see below), the Complainant or the Respondent may withdraw from the informal resolution process, and the Title IX Coordinator/EOS or designee may also, at their discretion, terminate the process.

If the Respondent agrees to an informal resolution that provides for a suspension, withdrawal, or dismissal (i.e. expulsion) from the College, there will be a transcript notation consistent with College policy and New York State's Enough is Enough Law. The Title IX Coordinator/EOS or designee cannot advise any party as to whether they should pursue, agree, or reject an agreement or proposed remedy, stipulation, or sanction therein.

If both parties are satisfied with the Title IX Coordinator/EOS or designee's recommendation, the matter will be resolved with a written agreement, signed by both parties and the Title IX Coordinator/EOS or designee, with the Title IX Coordinator/EOS or designee to coordinate implementation.

Once a party has returned the signed agreement to the Title IX Coordinator/EOS or designee, the party has two (2) business days to reconsider and withdraw from the agreement by notifying the Title IX Coordinator/EOS or designee in person or in writing.

Within the two (2) business days, if either party withdraws from the agreement, the matter would be returned for resolution of the formal complaint.

After the two (2) business days, if neither party withdraws, the terms of the agreement will become

effective and the Title IX Coordinator/EOS or designee will promptly notify both parties in writing that the agreement is final.

Once the agreement is effective, the parties may not appeal the agreement and the Complainant may not seek to refile the formal complaint absent new allegations of misconduct. The parties are expected to honor and comply with the terms of the informal resolution. Noncompliance by a student may be subject to proceedings under the Student Code of Conduct. Noncompliance by employees will be adjudicated by the Office of Human Resources pursuant to the applicable employee handbook. A written copy of the agreement involving students will be provided to the Dean of Students Office, agreements involving employees will be provided to the Office of Human Resources. The Title IX Office will maintain a copy for record keeping, pattern tracking, and sharing with College personnel as needed for implementation.

If the process is terminated and the matter resolved pursuant to the formal complaint resolution process, neither the Title IX Coordinator/EOS or designee nor the parties will disclose to the hearing officer or appeal panel either the fact that the parties had participated in the informal resolution process or any information learned during the process.

While the parties are exploring informal resolution, the investigation will pause for up to ten (10) business days which may be extended by agreement from both parties, and the time spent pursuing resolution in this way will not count toward the investigation time limit.

As a necessary precondition of an informal resolution, the Respondent **must** accept responsibility for all or part of the alleged prohibited conduct and may be required to submit a letter of apology to Complainant. The parties will then have an opportunity to negotiate with Title IX Coordinator/EOS or designee what they believe the appropriate sanction should be. In support of their position, parties will submit impact/mitigation information they believe the Title IX Coordinator/EOS or designee should consider in evaluating any sanction. The Title IX Coordinator/EOS or designee has the discretion to propose other terms for the resolution that may be appropriate to address the prohibited conduct for which the Respondent has accepted responsibility.

Regardless of whether Respondent accepts all or part of the alleged prohibited conduct, the agreement must adequately address the rights and concerns of the Complainant, and Respondent, and the overall intent of the College to stop, remedy and prevent sexual and gender-based misconduct as outlined in the College's Title IX policy or related policies.

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

- Implementing agreed upon measures or sanctions, such as:
 - No contact orders
 - Counseling and/or professional assessment
 - Voluntary personal leave
 - Change in student housing
 - Change in on-campus work schedule or job assignment
 - Change in class schedule or other academic measures (in conjunction with and approval by the appropriate faculty or academic office)
 - Community service
 - One-time or recurring meetings with an appropriate administrator
 - Other specific measures or restrictions, such as
 - Schedules for when certain buildings/facilities/services can be accessed
 - Schedules for when certain off-campus buildings, establishments, and other locations can be accessed
 - Limitations on participating in clubs, activities, sports teams, or other College programs

- Reimbursement for lost or damaged property
- Increasing monitoring or security at specific locations
- Other sanctions as stated in the Title IX policy
- Any other remedy that can be tailored to the parties to achieve the goals of the Policy.

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

If the Complainant is not in agreement with the outcome of the informal resolution process or chooses to end it and proceed to the formal process, if the issue cannot be resolved informally, or if the Title IX Coordinator/EOS or designee determines that additional inquiry is still appropriate, the Title IX Coordinator/EOS or designee will commence the complaint process. Either party may end the informal resolution process at any time and proceed with the formal process.

The College will not offer to facilitate an informal resolution process in any matter (Title IX Sexual Harassment or Non-Title IX Misconduct) that involves allegations that an employee sexually harassed a student. Any agreement reached is under the purview of Siena College and does not affect or preclude any party's ability to pursue a complaint with law enforcement or another external entity.

XIII. Annual Reporting

The Title IX Coordinator/EOS or designee shall provide the President of the College and the Cabinet with an annual confidential report, detailing the number and disposition of different types of incidents, allegations, reports, and complaints of sexual misconduct that have come to their attention each year. Information that could identify Complainants, or Respondents against whom no finding has been made, shall not be included. A summary may be provided to the College community so long as confidentiality of individuals' identities is not breached. The President shall determine the propriety of a report to the entire College community. In addition, the Title IX Coordinator/EOS or designee shall file a report annually of the aggregate data to the New York State Department of Education as required by New York State law.

XIV. Resolution Through Other Means

Complainants and Respondents have the right to seek resolution through other sources, for example, the New York State Division of Human Rights (DHR sexual harassment hotline **1(800) HARASS3**), the Equal Employment Opportunity Commission, or Office of Civil Rights of the United States Department of Education (1-800-421-3481).

XV. Revocation by Operation of Law

If any portion of the Title IX Final Rule is stayed or held invalid by a court of law, then the invalidated elements of this policy will be deemed revoked as of the publication date of the opinion or order.

XVI. Modifications

Final substantive policy changes are to be approved by the President, President's Cabinet, and Board of Trustees. However, modifications to the policy concerning changes in personnel and routine procedural changes shall only require approval of the President and the President's Cabinet.

Last Modified: June 2023 (pending Board approval)

Appendix I: Student Bill of Rights

The following rights are in accordance with New York law, and are incorporated into the policies above in student cases as applicable. In the application of the College's Sexual Misconduct and Interpersonal Violence policy, no provision of the policy should be interpreted so as to be inconsistent with the Student Bill of Rights as defined in New York law.

A. Student Bill of Rights:

Siena College is committed to maintaining a community environment that fosters respect for the dignity and worth of each individual. The dignity of the individual should never be violated in any way, and the College community views with seriousness offenses against any person. Siena College is committed to providing options, support, and assistance to victims/survivors of sexual misconduct, sexual harassment, domestic violence, dating violence, and/or stalking so that they can continue to participate in college-wide and campus programs, activities, and employment. Siena College is committed to addressing reports of sexual misconduct, sexual harassment, domestic violence, dating violence, and/or stalking in a prompt, fair, equitable, and impartial manner. All victims/survivors of these crimes and violations have the following rights regardless of whether the crime or violation occurs on campus, off-campus, or while studying abroad.

The rights listed below are afforded to all students reporting sexual violence, as well as all students accused of sexual misconduct, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, status as a domestic violence victim, or criminal conviction.

Students have the right to:

1. Make a report to the Campus Title IX Coordinator/EOS or designee and/or Campus Public Safety and/or local law enforcement and/or state police.
2. Have disclosures of domestic violence, dating violence, stalking, and sexual violence treated seriously;
3. Make decision about whether or not to disclose a crime or violation and participate in the conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard; Respondents are presumed not responsible until the grievance process has concluded;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and/or the Respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused or Respondent throughout the conduct process including during all meetings and hearings related to such process;

11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or conduct process of the institution.
12. Be provided with a written copy of the College’s policy and procedures regarding sexual misconduct.

Victims/Survivors/Complainants have many options that can be pursued simultaneously, including the following:

- Receive resources, such as counseling and medical attention on or off-campus.
- Confidentially disclose a crime or violation to a Counselor in the Counseling Center, Health Services, or the College Chaplain. Confidential resources can share options and advice without any obligation to tell anyone, and will not share information without the consent of the victim/survivor.
- Anonymously disclose a crime or violation to the Public Safety anonymous tip line. The College does have a duty to investigate anonymous disclosures to the extent possible, based on the information disclosed.
- Make a report with privacy (Victims/Survivors/Complainants have the right of privacy when reporting to College officials, to the extent possible under the circumstances. However, information must be shared with other members of the community if there is a need to know.) to:
 - Any employee with the authority to address complaints, all Faculty, Staff, and Administrators, including the Title IX Coordinator/EOS or designee, Dean of Students Office, Community Living Staff, or a Human Resources employee;
 - Public Safety

Appendix II: Resources

Important Resources for Victim/Survivors:

On-Campus	Off-Campus
Public Safety 24-hour emergency: 518-783-2999 (non-emergency: 518-783-2376) (private, non-confidential)	Police 24-hour: 911
Title IX Coordinator/EOS: 518-782-6673 (private, non-confidential)	Albany County Crime Victims and Sexual Violence Center crisis hotline: 518-447-7716 (main number: 518-447-7100)

Counseling Center: 518-783-2342 (confidential)	St. Peter's Health Partners Sexual Assault & Crime Victims Assistance Program 24 Hour Hotline: 518-271-3257
Health Services: 518-783-2554 (confidential)	In Our Own Voices – LGBT Domestic Violence Support Line: 518-432-4341
College Chaplain: 518-783-2332 (confidential)	New York State Police Campus Sexual Assault Victims Unit Dedicated 24-hour hotline: 1-844-845-7269
Anonymous Tip Line: www.siena.edu/anonymous	Equinox Inc. Domestic Violence Services crisis hotline: 518-432-7865 (main number: 518-434-6135)

Important Resources for Respondents On-Campus:

Public Safety 24-hour emergency: 518-783-2999 (non-emergency: 518-783-2376) (private, non-confidential)

Title IX Coordinator/EOS: 518-782-6673 (private, non-confidential)

Counseling Center: 518-783-2342 (confidential)

College Chaplain: 518-783-2332 (confidential)



Office of TITLE IX/EEO Phone
518-782-6673
Fax 518-782-6673

Siena College Complaint Form for Reporting Sexual Harassment

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to Lois Goland, Title IX Coordinator/EOS, via email at lgoland@siena.edu or in person at the Title IX/EOS office, Sarazen Student Union, room 235. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, Siena will collect the information required and investigate pursuant to its Sexual Misconduct & Interpersonal Violence policy.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

Email Phone In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name: _____ Title: _____

Work Address: _____ Work Phone: _____

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____ Date: _____

