



Wells College

2022 Annual Security and Fire Safety Report

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Preparation of the Annual Security Report and Disclosure of Crime Statistics

The Dean of Students Office and Office of Campus Safety publishes this report to inform the Wells College community about campus security policies, initiatives to prevent and respond to crime and emergencies, and the occurrence of crime on campus. This report complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and uses information maintained by the Dean of Students Office and Office of Campus Safety, as well as information provided by other Colleges offices such as Student Affairs, Residence Life, and information provided by Campus Security Authorities, and local law enforcement agencies. Each of these entities provides updated policy information and/or crime data.

This report provides statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings and on property owned, leased or controlled by Wells College. This report also includes institutional policies concerning campus security, such as policies regarding sexual assault, alcohol, and other drugs.

By the deadline imposed by the U.S. Department of Education, the College distributes a notice of the availability of this Annual Security Report/Annual Security and Fire Safety Report to every member of the University community. Anyone, including prospective students and employees, may obtain a paper copy of this report by contacting the Office of Campus Safety at (315) 364-3229.

About the Office of Campus Safety & Working Relationships

Wells College Campus Safety Officers are duly licensed through the New York State Department of State and derive their authority from the New York State General Business Law, Article 7-A, commonly referred to as the Security Guard Act. Campus Safety Officers do not have police or arrest authority but do possess “citizen” arrest powers and have the ability to detain individuals on the property of Wells College pending the release to local law enforcement.

Campus Safety is empowered to enforce Wells College institutional rules and regulations as outlined in the College’s Student Handbook and to investigate and report on any alleged community standards violations. The Office of Campus Safety performs these duties at all “On Campus” and “Non-Campus” locations owned or controlled by Wells College.

Local law enforcement agencies include the Cayuga County Sheriff’s Office and the New York State Police. All required criminal incidents and motor vehicle accidents are reported to these agencies. Wells College is currently developing a memorandum of understanding with the Cayuga County Sheriff’s Office regarding the investigation of alleged criminal offenses. Wells College currently has a memorandum of understanding in place with the Cayuga County Sheriff’s Office for the investigation of Dating Violence, Domestic Violence, Stalking and Sex Offense complaints.

Any complaints of missing students or any violent felony offenses committed on campus, as defined in section 70.02 section one of the New York State Penal Law, are reported to the Cayuga County Sheriff’s Office.

Reporting Crimes and Other Emergencies

Wells College community members are strongly encouraged to report all criminal action promptly and accurately, safety related incidents and emergencies to the Office of Campus Safety, when the victim of a crime elects to, or is unable to, make such report. Campus Safety Officers are available 24 hours a day and always carry a cell phone on them that receives calls made to the Office of Campus Safety. When a complaint is received, Campus Safety Officers will respond promptly to the location of the incident and assess the situation.

Crimes should be reported to the Office of Campus Safety immediately for the inclusion in the annual security and fire safety report and to evaluate the need to issue a “timely warning” or “emergency mass notification” to the campus community.

Campus Safety
(315) 364 – 3229
securityofficers@wells.edu

Crimes can also be reported anonymously by logging into “The Globe” and using the Anonymous Incident report form located under Campus Safety or by visiting:
<https://www.wells.edu/campus-safety>

Crimes can also be reported to the Cayuga County Sheriff’s Office or the New York State Police by dialing 911.

Voluntary, Confidential Reporting

If you would like to report a crime, but do not want to pursue action within the College or criminal justice systems, we ask that you consider filing a voluntary, confidential report. Depending on the circumstances of the crime you are reporting, you may be able to file a report while maintaining your confidentiality. However, the Office of Campus Safety cannot guarantee confidentiality in all cases. The

purpose of a confidential report is to comply with your wish to keep your personal identifying information confidential while taking steps to ensure your safety and the safety of others. Confidential reports allow the College to compile accurate records on the number and types of incidents occurring on campus.

Professional Counselors

Confidential crime reports, which allow a person to maintain their confidentiality, may be made to any counselor or psychologist in the Medical Center.

Wells College encourages professional psychologists assigned to the Medical Center to regularly provide those they counsel, and who are victims or witnesses of crime on campus, written notice of their rights and options. This notification outlines both confidential and non-confidential crime reporting options.

The Medical Center professional psychologists regularly provide crime information anonymously to the Office of Campus Safety. This anonymous reporting option allows those criminal incidents to be included in the daily crime log and the Wells College Annual Security and Fire Safety Report which must be provided to the Department of Education for statistical reporting purposes without disclosing any personally identifying information.

Reporting to Other Campus Security Authorities

In addition to the Office of Campus Safety, crimes can be reported to:

- Title IX Coordinator and Deputy Title IX Coordinator
- Vice President for Academic and Student Affairs
- Campus Security
- Dean of Students and Student Affairs Staff
- Residential Assistants
- Residential Life Coordinator

- Athletics Director
- Coaches and Athletics Staff
- Human Resources
- Student Leaders

Timely Warning Procedures

Timely Warnings will be issued for any Clery reported crime occurring on or off campus that is considered to represent a serious or continuing threat to students or employees.

The purpose of a Timely Warning is to notify the community in a manner that is timely, that a Clery crime has been committed, the perpetrator has not been apprehended and there is a substantial risk to the physical safety of other members of the campus community because of this crime. Timely Warnings withhold names of victims as confidential and provide information that will aid in the prevention of similar occurrences.

The Dean of Students or their designee and Campus Safety Supervisor make the determination that a Timely Warning is necessary, compose the message and issue the message to the community via Wells College email system and other means of communicating with the campus community as appropriate.

Emergency Response and Evacuation Procedures

The Office of Campus Safety will immediately respond to any reports of emergencies on campus. Campus Safety Officers, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of the students or employees, will activate the following emergency response protocols. The Campus Safety Officer will notify the Director of Campus Safety and the Dean of Students of the emergency.

The Dean of Students or their designee and Campus Safety Supervisor will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the emergency mass notification system, unless issuing a notification will, in their professional judgement, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

When the Dean of Students or their designee and Campus Safety Supervisor receive a report of a confirmed emergency or dangerous situation, they will:

- Determine the appropriate segment or segments of the campus community to receive the notification
- Determine the content of the notification
- Initiate the Wells Express Alert notification system, and
- Mobilize the Critical Incident Response Team (CIRT)

Wells College has partnered with Omnilert to implement an emergency notification system.

Emergency Notifications

Omnilert is a patent pending universal notification system that allows designated administrators to send time-sensitive messages to the mobile phones, email, and/or pagers of their subscribers (students, faculty, staff, and others). In the event of an emergency, subscribers can get notified immediately of the situation, wherever they are geographically.

All student and employees of the College may sign up for and modify their notification settings with Omnilert. Email addresses for all students and employees are automatically added to Omnilert, however it is strongly advised that students and employees add their current cell phone number to the system so that they can get immediate notification via text message and phone call when the system is activated.

Once you are currently logged into the Globe by visiting: <http://global.wells.edu/> you may then navigate to this link, or you can access Omnilert directly at <https://wells.omnilert.net>. It is here that you may enter your cell phone information and modify current information.

This system is not only utilized for emergency mass notification of a current emergency on campus but it is also how the College notifies the community if the College must close business during severe weather-related events such as snowstorms.

Evacuation Procedures

When the fire alarm sounds, act immediately:

- Close the windows.
- For protection, put on a coat and wear hard-soled shoes.
- Feel the door for heat to determine that it is safe to enter the corridor.
- Turn off the lights in your room when you leave.
- Close the door to your room when you leave.
- Do not rush. Continued order and quiet is essential.
- Go to your designated assembly area as quickly as possible.
- Do not leave the designated assembly area until cleared to do so, so that you may be accounted for.

Everyone must respond to the alarm and leave the building. Do not use an elevator. Think clearly about all the available exits from the building, in case one exit is blocked, so that you can alter your route without causing delay or panic. If you are in the study or social areas, leave by the nearest exit without returning to your room. If you are not in your room at the time, make sure you are accounted for as soon as possible.

***WHEN THE EVACUATION ALARM SOUNDS
- YOU MUST LEAVE THE BUILDING!***

It is a violation of New York State Law to fail to leave a building when the fire alarm is sounding. Always assume it is a real emergency and leave the building. It is also unlawful for any person to prevent another person from leaving the building when the alarm is sounding. Failure or refusal to evacuate any building when a fire alarm sounds will result in a \$50.00 fine for the first instance an individual fails to evacuate a building, and a \$100.00 fine and referral for disciplinary action for each additional occurrence.

Evacuation Locations

Residence Hall	Primary Evacuation Point	Secondary Evacuation Point
Dodge House	Leach House	Schwartz Athletic Center
Fairlane Apts.	Dodge House	Leach House
Glen Park	Leach House	Dodge House
Leach House	Main Building	Schwartz Athletic Center
Main Building	Sommer Center	Schwartz Athletic Center
Weld House	Main Building	Leach House

In the event of an actual fire or extended fire alarm, individuals living or working in the residence halls shown below will go to their assigned primary evacuation location, unless directed to go to another location by a college official.

Students should locate and report to their Resident Advisor (RA) or other College Official upon arriving at a designated evacuation location. RA's/College Officials will maintain rosters of students arriving at the evacuation point(s) to assist in accounting for the residents/staff of the affected building(s).

What to do if you are trapped by fire:

- If all exits are blocked, go back to your room.
- Keep your door closed.
- Pack the space under the door with towels or other materials to keep smoke out. Open the windows from the top, if possible, to let fresh air in.
- Let people know you are trapped. Wave a towel or pillowcase out the window, yell, or if possible, call 911 or Campus Safety at (315) 364-3229.
- Stay low, on the floor, near the window, and wait for help to arrive.

If notification is necessary for the larger community outside of the Wells College Campus, local law enforcement agencies will be notified so that they can assist with community awareness of the emergency or dangerous situation.

The Dean of Students, or their designee, and Campus Safety Supervisor will ensure that the community receives prompt follow-up information via the Wells Express Alert System when the information becomes available. These follow-up notifications will include when the emergency or dangerous situation has been remediated.

Testing Emergency Response Procedures and Systems

Consistent with New York Education Law, Section 807 - Fire Drills, Wells College will conduct fire drills four (4) times during each academic year in each residence hall to familiarize students with emergency procedures. Fire drills will be conducted four (4) times per academic year in all classroom and administrative buildings. It is imperative that all members of the campus community take fire drills seriously and react accordingly when the alarm sounds.

It is important that all members of the campus community:

- Learn the location of fire exits in your residence hall or your classroom/office building.
- Do not tamper with or damage fire safety equipment.
- Do not assume that an alarm is a fire drill or false alarm.
- Do not congregate in or near walkways or roadways that lead to the building as this may impede emergency response personnel.

The Wells Express Alert System is also tested at least once per semester, twice per year, to ensure that all subscribers receive the alert properly. The Wells Express Alert System test and Fire Drill information documents, for each test, a description of the exercise, the date, time, and whether it was announced or not. This testing information can be viewed at the Office of Campus Safety.

Monitoring and Recording Non-Campus Criminal Activity

Wells College does not have any officially recognized student organizations that have non-campus location or non-campus residential facilities. Wells College, Office of Campus Safety does not provide campus safety services to non-campus locations not owned or controlled by the College. Criminal activity at non-campus locations are monitored by local, county, state and federal law enforcement agencies. These agencies provide Wells College with information of non-campus criminal activity involving students. The Wells College Student handbook is applicable to all students while at non-campus and off campus locations and the College may enforce its policies through judicial sanctions.

Security of and Access to Campus Facilities

It is the policy of the Wells College Office of Campus Safety to provide the members of the college community a safe and secure environment to work and learn by ensuring access to specific buildings is limited to authorized individuals.

Many cultural, social and athletic events held in Wells College facilities are open to the public. Other facilities, such as the Campus Store, library, and Sommer Center are likewise open to the public. Only those who have approval are issued keys to a building.

Residential Buildings

The exterior doors of all residential buildings are secured 24 hours a day while students are in residence. Campus Safety personnel will conduct regular inspections of the residential buildings to ensure the exterior doors are secured. If personnel receive requests to grant access to a residential building from an individual, the individual will be asked to provide identification prior to being allowed access to the specific residential building and the information will be properly documented.

Academic/Administrative Buildings

During business hours, Wells College, excluding residential buildings, will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all Wells College facilities is by key, if issued, or by admittance by a Campus Safety Officer. During extended breaks, or between scheduled semesters, admittance to any facility will be limited to individuals who possess keys to specific buildings and to those on established access lists.

All academic/office buildings will be secured and opened according to established schedules. The unlock/lock up schedules for each building

will be reviewed with the faculty and staff of each building to ensure the academic, business, and security needs of the facility are being met.

Security Considerations in the Maintenance of Facilities

Campus lighting is another important part of the Wells College commitment to safety and security. Lighting problems or inefficiencies are immediately reported to Facilities for repair. A comprehensive survey of lighting is conducted annually by members of Campus Safety and Facilities evaluating parking lots, walkways and building exteriors. Members of the student body, faculty and staff are invited to attend and make suggestions for improvement.

Landscaping on campus is maintained by trimming shrubbery and trees to enhance the safety through visibility of walkways, roadways, parking lots and building exteriors. All members of the campus community are encouraged to report all door hardware problems to Facilities or Campus Safety for repair. The maintenance of facilities also encompasses broken windows for which access may be gained along with life safety equipment such as fire detection and suppression systems. The Office of Campus Safety is available 24 hours a day to respond and evaluate any facility condition which is reported as unsafe. The Office of Campus Safety works closely with Facilities to resolve any condition deemed unsafe.

For emergent concerns please contact Campus Safety so that officers may evaluate the concern and request Facilities staff to respond or file a work order for repair for non-emergent issues. If students, faculty or staff would like to complete their own work order request for non-emergent concerns you can do so by logging into the globe single sign on and filling out a SchoolDude work order.

Safety on Campus

Crime Prevention

The Office of Campus Safety takes a proactive approach to preventing crimes and providing crime prevention services. A primary goal of crime prevention programming is to eliminate or minimize the opportunity for criminal activities whenever possible by seeking community involvement and diligence. Following the institutional mission to educate, crime prevention programming encourages students, faculty and staff to be responsible, proactive and aware of their own safety and the safety of others within the campus community. Crime prevention and the safety of others is a responsibility shared by all members of the Wells College community.

Personal Safety

Make it a habit to be cautious around campus, in buildings, and in transit. Campus Safety hopes you will make the following steps part of your daily routine.

Around Campus

- Walk safely: Don't walk alone at night, especially in dark, vacant areas. Avoid shortcuts. If you must walk alone, proceed directly to your destination on well-lit paths. Look alert; be aware of your surroundings.
- Use safety escorts: Campus Safety will transport students at night from any of our parking lots to their residence hall when safety is a concern. Student may use the blue light phone in the lots, or at other locations on campus to call for a ride or walking escort.

Note: Campus emergency response and investigations have priority over escorts and therefore delays are possible.

- Don't travel alone in remote areas during the day and never travel alone at night.
- Carry a whistle or other device that makes noise and keep it ready to use.
- Report suspicious people or circumstances to Campus Safety.
- Carry your cell phone. Pre-program Campus Safety's phone number (315) 364-3229.

In Buildings

- Always leave room doors and windows locked. Draw shades/close curtains at night.
- Never prop open doors outside residence halls or other buildings.
- Don't allow strangers into the residence hall. Sometimes people you don't know will try to enter with you after you open the door. Ask them to use the access phone to have their guest meet them. If they continue into the building, call Campus Safety.
- If you are comfortable doing so, make it your business to ask a stranger in your building if you may be of any assistance. If the answer is hostile, evasive, or otherwise unsatisfactory, call Campus Safety.
- Don't leave valuables visible.
- Lock your door. This is the best deterrent to the casual thief. It takes only about eight seconds for someone to walk into an open room and take something. Even if you are only going to the bathroom or into the room next door, lock your door.
- Keep your keys and ID Card safe. Don't lend your keys or ID Card to anyone; others may not be as careful with them as you are or may forget to lock your room.

Blue Light Emergency Phones

In addition, nine (9) blue light emergency phones have been strategically placed throughout the campus along commonly used walkways and parking lots and outside of every residence hall. These emergency phones dial directly to the Office of Campus Safety and detail the caller's exact location. Members of the community are encouraged to use the blue light phones to report crimes, suspicious conditions, and emergencies.

Safety Services

Safe Ride Program

The safe ride program provides safe transportation for students who may feel unsafe or uncomfortable walking after dark. Students are advised to call the Office of Campus Safety from a safe location and wait there until picked up by a uniformed Campus Safety Officer. Campus Safety considers this to be an important service and will respond to all requests as quickly as possible while also meeting our responsibility to respond to emergency calls as a priority.

Escorts and Medical Transports

Students who require special needs assistance to get around campus due to a medical condition may receive an escort by a member of the Office of Campus Safety.

Missing Student Policy

If anyone has reason to believe that a student who resides in an on-campus housing facility is missing, he or she should immediately notify the Office of Campus Safety at (315) 364-3229. The Office of Campus Safety will respond and conduct a preliminary investigation to verify the report. Upon verification of the report, the Office of Campus Safety will immediately notify the Cayuga County Sheriff's Office.

In addition to registering a general emergency contact, all students may identify one or more

individuals as confidential missing person contacts to be contacted only by authorized officials of the College within 24 hours of the determination that a student is missing. Authorized officials of the College may disclose the confidential missing person contact information only to law enforcement officials and only for the purpose of furthering the missing person investigation. If a missing student is under the age of 18 and is not emancipated, Wells College will notify the student's custodial parent or guardian in addition to notifying any additional contact person designated by the student, within 24 hours of the determination that the student is missing.

To identify a confidential contact(s), students may do so through the Dean of Students Office. The confidential contact should be someone who will be likely to know your location and who you wish to be contacted if you are missing.

Sex Offender Registry

In the State of New York, individuals convicted of certain sex offenses must be registered in the sex offender registry maintained by the New York State Division of Criminal Justice Services. Information about sexual offenders registered in New York State is available from the following source:

New York State Division of Criminal Justice Services online at

http://www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp

Education and Prevention Programs

First-Year Student Orientation

This presentation is provided annually to all incoming first-year and transfer students by Campus Safety personnel. Techniques to provide a safe and secure residence hall by students in conjunction with the Office of Campus Safety are discussed. Students are also made aware of safety and security programs that prevent crime such as blue light phones and their operation; safe rides and what to do when you feel unsafe; and the reporting of criminal activity or suspicious activity to the Office of Campus Safety. Students are also trained about the potential of a serious emergency on campus and what they can expect from a Timely Warning or Emergency Notification.

RA Training

This training is provided annually to student Resident Assistants (RAs) by the Office of Campus Safety. The RAs are trained by Campus Safety personnel on how to protect themselves when handling an incident and procedures for notifying the Office of Campus Safety. This training educates RAs about how to handle incidents that they can manage, as well as emergency response protocols. Among the topics discussed are incident management in conjunction with Campus Safety for several types of crimes, and crime prevention techniques to protect the resident students within their residence halls.

College Policies Governing Alcohol and Other Drugs

Alcohol

Wells College includes among its goals the education of students to think critically, reason wisely, and act humanely as they cultivate meaningful lives. As part of this education,

Wells College promotes informed choices about the consumption of alcohol by all members of the Wells community. Members of the Wells community are subject to all federal, state, county and municipal laws and ordinances as well as College regulations and policies regulating the possession, use, sale, and purchase of alcohol.

For the purposes of this policy, the term “Alcohol” means any beverage or food item containing alcohol intended or prepared for consumption.

New York State Laws Governing Alcohol

Under New York State law it is illegal:

- For a person under the age of 21 to consume alcohol or to possess alcohol with the intent to consume it.
- To sell, deliver, or give away alcoholic beverages to any person actually or apparently under the age of 21.
- To sell, deliver, or give away any alcoholic beverage to any intoxicated person or any person under the influence of alcohol.
- To sell, deliver, or give away any alcoholic beverage to any habitual drunkard known to be such to the person authorized to dispense any alcoholic beverage.
- To sell alcohol, including charging admission at the door of an event where alcohol is distributed free of charge, without an Alcoholic Beverage Control license.
- For any person under the age of 21 to present or offer identification of age which is false, fraudulent, or not his or her own, for the purpose of purchasing alcohol or attempting to purchase alcoholic beverages. It is also illegal for another person to misrepresent the age of someone under 21 for the purpose of helping the person under 21 obtain alcohol.

- To operate a motor vehicle with the blood alcohol content between .05 and .07 percent. This is known as “Driving While Ability Impaired,” or DWAI. “Driving While Intoxicate”(DWI) is defined by a blood alcohol content of .08 percent or greater, and is also illegal.
- For any person under the age of 21 who operates a motor vehicle while having a blood alcohol content of .02 percent or greater (a very low threshold).

Civil Liabilities

Dram Shop Liability

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

Social Host Liability

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

Additional College Policies Governing Alcohol

- A. Students must be 21 years of age or older to consume or possess alcohol on any property owned or operated by Wells College. As the use of alcohol by those of legal drinking age is permitted on campus, the responsibility for complying with all policies and procedures applying to the possession, use, sale, purchase, and service of alcohol on any property owned or operated by Wells College lies solely with each individual community member.
- B. The following actions/activities are prohibited, and are considered violations of the Wells College Alcohol Policy:

- a. The possession or consumption of alcohol by any student under the age of 21 on any property owned or operated by Wells College.
 - i. Any Wells college student who permits an underage guest or other individual they are responsible for to possess or consume alcohol on property owned or operated by Wells College is in violation of the alcohol policy.
 - ii. Any room on campus that is assigned to a student under the age of 21 is considered an “underage room,” therefore, no alcohol should be present in that room, regardless of the age(s) of guest(s) in that room.
 - iii. If one resident assigned to a room is over the age of 21 and any other is not, the following applies:
 1. The resident over the age of 21 may possess and consume alcohol in the room, as long as it is clear that the over 21 year old is the sole person consuming/possessing alcohol. The resident may store alcohol in their own refrigerator. If the residents share a refrigerator, alcohol may not be stored in it, as possession would be unclear.
 2. No one else may consume or possess alcohol in a room where underage individuals are present.
- b. Possession and/or use of false identification for the purpose of obtaining alcohol or gaining access to an establishment that serves alcohol;
- c. Providing alcoholic beverages to any person who is under 21 years of age;
- d. Engaging in activities, whether alcohol is present or not, that promote irresponsible or binge drinking (e.g. drinking games, chugging contests, or any means where alcohol is consumed as part of a competition)

- e. Public intoxication and/or drunken behavior, which result in the destruction of property, or conduct that is disorderly, disruptive, and/or disrespectful to any member of the campus community;
- f. Possession or transportation of open alcohol containers in public areas of the College;
- g. Possession of alcohol is prohibited at any College function in which students are in attendance, including (but not limited to) dances, concerts, athletic events, and dinners, without proper submission of an Event Request Form and Alcohol Exemption Form signed by the appropriate college officials;
- h. The possession or consumption of alcohol on any college owned, leased, or contracted van, bus, or other vehicle.
- i. Possession of large quantities/bulk containers of alcohol, including, but not limited to, beer balls, kegs, and alcoholic punch in excess of one gallon, in any residence hall room, college-owned or operated apartment, or other college property; and all students present in a room or area where large quantities/bulk containers of alcohol are present are in violation of this policy.
- j. Socially irresponsible or illegal alcohol-related conduct that occurs off campus (e.g., off-campus arrest for underage drinking, or alcohol-related conduct, etc.);
- k. All students must be able to show a valid form of identification showing their date of birth at any time they possess or consume alcohol; If proof of age cannot be established, the alcohol may be confiscated and disposed of.
- l. Empty containers of alcohol will be considered the same as full/partially full containers of alcohol and are not allowed in bulk quantities, or in any quantity with students that are not 21 years of age or older.

Capacity

The allowable amount of alcohol allowed in any college-owned or operated residence hall room or apartment by a single student who is of legal drinking age is limited to:

- thirty (30) 12-ounce containers of beer/malted beverage, OR
 - two (2) one-liter bottles of wine, OR
 - one (1) one-liter of distilled spirits, OR
 - a reasonable combination of these types.
- Any alcohol possessed in violation of any provision of this policy may be confiscated and disposed of by Campus Safety personnel or other college officials.

Display of Alcohol

Students may not display advertisements or items (i.e. signs, posters, photographs, bottles) that promote illegal drug use and or alcohol products in the public spaces on campus (i.e. hallways, lounges, bathrooms, exterior bedroom doors, exterior windows of residence halls). Alcohol bottles and containers (full or empty) are not permitted as decorations either, and may be confiscated at the discretion of Residence Life and/or Campus Safety.

Being in the Presence of Alcohol

If a student is underage and in the presence of alcohol, but not consuming or possessing alcohol themselves, the student still may be found responsible for violating the alcohol policy.

Drugs

Wells College believes that students have the right to live and work in an environment free from the effects of drugs and drug abuse. Accountability and shared responsibility serve as the overarching principles that shape this policy. In that spirit the policy aims to clarify the responsibilities of community members, define appropriate behaviors, describe the College's response to hazardous, illegal or disruptive

behavior, and inform community members about the resources available for addressing drug-related concerns and problems. In accordance with state and federal laws, Wells College has established these priorities:

- A. To provide an atmosphere free from the manufacture, sale, distribution, use or abuse of illegal or prescription drugs;
- B. To stress safety, and individual accountability for all Wells College students;
- C. To establish clear penalties for violating the College's drug policy; and
- D. To provide students with information about confidential on- and off-campus resources to address issues related to drug use and abuse.

All Wells College students are expected to comply with federal, state, and local laws, to follow the requirements of the College's drug policy and to respect the right to a drug free environment shared by all members of the campus community. Violations of the Wells College Drug Policy or of any of the state laws of New York are subject to disciplinary action.

Federal and New York State Laws Governing Drugs

Existing federal and state laws prohibit the possession, use, manufacture, and distribution of controlled substances. Degree and penalties vary depending upon the type of substance, amount of substance, prior record of individual and age of individual. For more information, please visit the Federal Trafficking Penalties table at <http://www.dea.gov/druginfo/ftp3.shtml>. Penalties for violating state laws can include substantial fines and imprisonment ranging from a few months to life. Violation of federal laws can also result in substantial fines and imprisonment as well as forfeiture of property and denial of federal benefits, including financial aid.

Among the relevant laws are the following:

- Unlawful possession of any controlled substance is a crime.
- Giving another person an illegal drug or prescription controlled substance is the same as selling it.
- The sale (or giving) of any controlled substance is a felony. This statute also includes legally possessed prescription drugs that are controlled substances. Possession of marijuana is against the law; the charges and sanctions vary according to the amount possessed.
- The sale of marijuana is a more serious crime than simple possession.
- Possession of gelatin caps, glassine envelopes, other packaging materials, or scales under circumstances evincing intent to use is a crime.

Wells College is an educational institution. Wells College does not apply sanction of the law, but they do not ignore the law nor stand between the student and the law.

Additional College Policies Governing Drugs

It is a violation of the Wells College Drug Policy for students to:

- A. Possess, manufacture, sell, distribute, use, or participate in the use of illegal drugs. Prohibited drugs include all illegal drugs such as marijuana, cocaine, heroin, LSD and other hallucinogens, designer drugs and prescription drugs or other illegal drugs. [Note: although marijuana (cannabis) was legalized by the New York State Legislature statewide in 2021, it is still illegal to possess or consume it on the College's campus. Under the NYS Clean Air Act, smoking of both tobacco and cannabis is banned at all public and private colleges and universities. Cannabis remains a federal Schedule I drug, and any institution that knowingly permits possession, use, or distribution of

cannabis is at risk of losing its Title IV (federal financial aid) funding.]

- B. The use, possession, or distribution of synthetic cannabinoid (marijuana) products.
- C. Have drug paraphernalia, such as bongs, pipes, or other devices possessed for drug use, in their residence hall rooms or apartments, in their possession, or in any area under their immediate control.
- D. Provide illegal or prescription drugs to another individual or use prescription drugs for purposes other than those for which they are prescribed.
- E. Violate state, federal or local laws concerning drug use, distribution, sale or manufacture.

Education and Counseling Programs for Alcohol and Other Drugs

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

Educational outreach is offered throughout the school year by Residential Education, the Community Medical Center, and various offices and organizations including athletics, and Student Activities. Courses in a variety of disciplines (e.g., biology, chemistry, philosophy) also provide academic discussion of alcohol or other drug use.

The following resources are available to students and/ or employees:

Wells College Employee Assistance Program (EAP)

The Wells College EAP is administered by the Office of Human Resources. All employees, faculty members and their dependents are

eligible to participate in the drug and alcohol abuse programming offered through the EAP. Additional information about the EAP program can be obtained by calling (315) 364-3317 or by visiting the Director of Human Resources and Business Services, Kit Van Orman in Macmillan Hall.

Counseling at the Community Medical Center

The Counseling Center provides free, confidential services for students, including individual and group counseling and outreach and educational programming. The Counseling Center also offers psychological consultation to students. For more information, please call (315) 364-3273

Off Campus Resources

Confidential Help for Alcohol & Drugs, Inc. in Auburn (315) 253-9786

Unity House of Cayuga County, Inc. in Auburn (315) 253-6227

Policies and Procedures Related to Dating Violence, Domestic Violence, Sexual Assault and Stalking

All members of the Wells College (Wells, the College) community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The behavioral expectations outlined in this policy apply to all Wells College community members and non-community members (e.g., visitors to campus). Sexual Misconduct, as defined by Wells College, includes but is not limited to sexual harassment, sexual violence, sexual assault, stalking, domestic violence, and dating violence.

Wells College is committed to maintaining a positive emotional and physical environment in which all students, faculty, staff, administrators, and guests have an equal opportunity to thrive and succeed. The College will not tolerate any

acts of sexual misconduct as outlined in this policy. These acts are consistent with the Wells College mission, Community Standards, Student Code of Conduct, Honor Code, faculty and staff handbooks, state and federal law, and maintaining social responsibility and academic freedom on campus. Any individual who is found to have violated this policy may face disciplinary sanctions, up to and including expulsion or termination of employment.

Wells College encourages prompt reporting of any violation of this policy. All reporting individuals, including employees, have the right to report an incident to the College and/or local law enforcement and/or civil rights enforcement agencies. All reporting individuals also have the right to be assisted by the campus authorities in notifying law enforcement authorities if the reporting individual(s) chooses. All reporting individuals also have the right to decline to notify any authority. All Wells College community members are strongly encouraged to report information regarding any incident of sexual misconduct directly to a Campus Security Authority (CSA). Wells College can only respond to those incidents that come to its attention.

This policy has been developed to reaffirm Wells College's institutional values, define community expectations, provide recourse to all parties, including employees, and provide fair and equitable procedures for determining when this policy has been violated. Retaliation against any person or group who makes a complaint, cooperates with an investigation, or participates in a grievance procedure violates this policy. Retaliation should be reported promptly to the Title IX Coordinator or designee, which may result in disciplinary action.

Scope of Policy

The policy applies to all Wells community members, including students, faculty, administrators, staff, volunteers, vendors, independent contractors, visitors, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business, or

having any official capacity with the College or on College property.

This policy is intended to protect and guide individuals who have been affected by sexual misconduct, whether as a Complainant (the individual(s) who made allegations of sexual misconduct in violation of this policy, a Respondent (the individual(s) accused of engaging in sexual misconduct in violation of this policy, or a third party, and to provide fair and equitable procedures for investigation and resolution for each report made to the College.

This policy applies to conduct occurring on Wells College property, at Wells College' sanctioned events or programs that take place off-campus, including study abroad and internship programs. In addition, off-campus conduct that is likely to have a substantial adverse effect on or may pose a threat of danger to any member of the Wells College community or Wells College may also be covered under this policy. However, the location and character of the activity where the conduct occurred may affect the College's response.

Periodically, students or local organizations host community/campus awareness events (i.e., Take Back the Night, Denim Day), where the College will not act on information shared during the event. Participants will be notified of the event's nature and resources available for reporting, resources, and support. If, however, a disclosure is made that raises a Significant threat to the safety of the campus community, the College may be required to take further action to mitigate such a threat.

A Complainant is encouraged to report misconduct regardless of where the incident occurred or who committed it. Even if the College does not have jurisdiction over the Respondent, the College will take prompt action to provide for the safety and well-being of the Complainant and the broader campus community.

Student Bill of Rights

All students have the right to:

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

Upon a report to the College, all parties are informed, “You have the right to make a report to Campus Safety, Local Law Enforcement, and/or State Police or choose not to report; to report the incident to Wells; to be protected by Wells from retaliation for reporting the incident, and to receive assistance and resources from Wells.”

Prohibited Conduct and Definitions

In accordance with Title IX as interpreted by the Department of Education, the College recognizes the following as conduct violations within the meaning of Title IX, provided that the context and circumstances of the conduct fall within the scope of Title IX.

Wells College will update this policy pursuant to any future changes to the federal Title IX regulations.

Sexual harassment. “Sexual harassment” means conduct on the basis of sex (including sex, gender, sexual orientation, gender identity, and transgender status) that satisfies one or more of the following:

- a. An employee of the College conditioning the provision of aid, benefit, or service of the College on an individual’s participation in unwelcome sexual activity (commonly referred to as a “quid pro quo”).
- b. A reasonable person determines unwelcome conduct to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College’s education program or activity (commonly referred to as a sexual or gender-based “hostile environment”).
- c. Sexual harassment also encompasses “sexual assault”, “dating violence”, “domestic violence”, or “stalking” as defined below.

Sexual assault. “Sexual assault” is a sexual act directed against another person, without the consent of the victim, including instances where

the victim is incapable of giving consent. Sexual assault consists of the following specific acts:

- a. **Rape.** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- b. **Fondling.** The touching of the private body parts (including the genital area, anus, groin, buttocks, or breast) of another person, whether under or over clothing, for sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- c. **Incest.** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. **Statutory Rape.** Non-forcible sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in New York is 17.

Dating violence. “Dating violence” means violence committed by a person on the basis of sex: (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.

Domestic violence. “Domestic violence” means violence on the basis of sex committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under

the domestic or family violence laws of the jurisdiction where the College is located, or 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.

Stalking. “Stalking” is engaging in the course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to: (1) fear for their safety or the safety of others; or (2) suffer substantial emotional distress. Stalking that does not occur on the basis of sex may be addressed under a College Category Violation as described below.

College Category Violations:

For the purpose of College Category violations, the conduct listed below is prohibited even if the conduct occurs off-campus or outside of the United States. These violations are also considered College Category Violations when the Complainant is not participating or seeking to participate in the College’s education program or activity, or otherwise in circumstances over which the College does not have influence or control, including but not limited to when the College academic breaks. The College retains the discretion to not respond to, investigate, or adjudicate circumstances in which no College interest is implicated.

Sexual Harassment: Sexual harassment” means unwelcome, offensive conduct that occurs on the basis of sex, sexual orientation, pregnancy or related condition, self-identified or perceived sex, gender, gender expression, gender identity, gender-stereotyping or the status of being transgender, but that does not constitute sexual harassment as a Title IX Category Violation as defined above. Sexual harassment can be verbal, written, visual, electronic, or physical.

Sexual harassment includes any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when:

- 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.

- Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance. In other words, 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 a subjective and objective standard.

The fact that a person is offended is not alone enough to establish a violation of this policy. The College evaluates complaints based on a "reasonable person" standard, taking into account the totality of the circumstances, including the context of the interaction. Wells College is an academic institution, and freedom of intellectual thought and expression is valued. The College will not construe this policy to prevent or penalize a statement, opinion, theory, or idea offered within the bounds of legitimate, relevant, and responsible teaching, learning, working, or discussion.

Sexual harassment also includes gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

Sexual Harassment:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or subtle and indirect, with an unstated coercive aspect.
- Does NOT have to 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, 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 may be a result of the actions of an organization or group.
- May occur by or against an individual of any sex, gender identity, gender expression or sexual orientation.
- May occur in the classroom, workplace, residential settings, or other settings.
- May be a one-time event or can be part of a pattern of behavior.
- May be committed in the presence of others or when the parties are alone.
- 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 one or more of the following:

- **Physical conduct:**
 - Unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movementsUnwanted sexual advances within the academic or employment context
- **Verbal conduct:**
 - Making or using derogatory comments, epithets, slurs, or humor
 - 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
 - Objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes.

- **Visual conduct:**
 - Leering, making sexual gestures, displaying suggestive objects or pictures, cartoons or posters in a public space or forum if deemed severe, persistent, or pervasive by a reasonable party.
 - Severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading sexually oriented images that lack pedagogical value.
- **Written conduct:**
 - Letters, notes, or electronic communications containing comments, words, or images described above.
- **Quid pro quo conduct:**
 - Direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists.
 - Offering employment benefits in exchange for sexual favors.
 - Submitting sexual advances on 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.
 - Making or threatening reprisals after a negative response to sexual advances.

Sexual Assault:

Sexual assault is a sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent, but that does not constitute sexual assault as a Title IX Category Violation as defined above because of the context in which it occurs (for example because the Complainant was not in the United States at the time of the alleged conduct, because the

Complainant was not participating in or seeking to participate in the College’s education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College’s education program or activity). Sexual assault consists of the following specific acts:

- **Non-consensual sexual intercourse** is any sexual penetration (anal, oral, or vaginal), however slight, with any body part (e.g., penis, tongue, finger, hand) or object, by a person upon another person that is without affirmative consent. Non-consensual sexual acts can include the following:
 - **Rape** is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - **Statutory Rape** is non-forcible sexual intercourse with a person who is under the statutory age of consent. In New York, the statutory age of consent is 17 years old.
 - **Non-Consensual Sexual Contact/fondling** is any intentional sexual touching, however slight, with the private parts of another (including over clothing), causing another to touch one’s intimate parts or disrobing or exposure without permission. Private parts may include the breasts, anus, genital area, buttocks, or groin.

Sexual Exploitation:

Sexual Exploitation occurs when, without affirmative consent, an individual takes sexual advantage of another. Examples of sexual exploitation include, but are not limited to, surreptitiously observing another individual’s nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved; non-consensual sharing or streaming of

images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved; exposing one's genitals or inducing another to expose their genitals in non-consensual circumstances; knowingly exposing another individual to a sexually transmitted disease or virus without their knowledge; acts of incest; and inducing incapacitation to make another person vulnerable to non-consensual sexual activity.

Domestic Violence:

Domestic violence refers to physical violence, threats of violence or acts of physical intimidation between spouses, former spouses or intimate partners, cohabitating romantic partners or individuals who were formerly cohabitating romantic partners, individuals who share a child in common, individuals who are similarly situated to spouses and/or individuals who are protected from the other person's acts under the domestic or family violence laws of the jurisdiction in which the act of violence occurs, if the conduct does not constitute domestic violence as a Title IX Category Violation as defined above because of the context in which it occurs (for example because the Complainant was not in the United States at the time of the alleged conduct, because the Complainant was not participating in or seeking to participate in the College's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College's education program or activity).

Dating Violence:

Dating violence refers to a pattern of violent behavior (including, but not limited to, sexual or physical abuse or the threat of such abuse) that is committed by a person who is or has been in a social relationship with a romantic or intimate

nature with the victim if the conduct does not constitute domestic violence as a Title IX Category Violation as defined above because of the context in which it occurs (for example because the Complainant was not in the United States at the time of the alleged conduct, because the Complainant was not participating in or seeking to participate in the College's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College's education program or activity). The existence of such a relationship is determined based on the Complainant's statement and considering the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Stalking:

"Stalking" is engaging in the course of conduct directed at a specific person that would cause a reasonable person to (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress but that does not constitute stalking as a Title IX Category Violation as defined above because of the basis on which it occurs or the context in which it occurs (for example because the Complainant was not in the United States at the time of the alleged conduct, because the Complainant was not participating in or seeking to participate in the College's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College's education program or activity).

Retaliation:

Retaliation consists of acts or attempts to retaliate or seek retribution against the Complainant, Respondent, or any individual or group of individuals involved in reporting the complaint, responding to a complaint, or

participating in the investigation and/or resolution of an allegation of sexual misconduct. Retaliation can be committed by any individual or group, not just a Respondent or Complainant. Retaliation can take many forms, including threats, intimidation, pressuring, continued abuse, violence, or other forms of harm to others. An act of retaliation may be anything that would tend to discourage an individual from reporting sexual misconduct, pursuing an informal or formal complaint, or participating in an investigation or adjudication as a party or a witness. A person who acts in good faith is protected from retaliation. The fact that a statement is not determined to be proven or established following investigation and adjudication does not mean that the statement lacks good faith; a person may provide inaccurate information believing it is accurate, which is still good faith. If a person makes a statement knowing it is false, they have acted without good faith.

Prohibited Relationships by Persons in Authority:

Sexual or intimate relationships in which one party maintains a direct supervisory or evaluative role over the other party are prohibited. This includes all sexual or other intimate relationships between students and their employers, supervisors, professors, coaches, advisors, or other College employees. Similarly, College employees (faculty and staff) who supervise or otherwise hold positions of authority over others are prohibited from having a sexual or other intimate relationship with an individual under their supervision.

Power Differential:

The College does not wish to interfere with private choices regarding personal relationships when these relationships do not impede the goals and policies of the

College. However, faculty, administrators, and others who educate, supervise, evaluate, employ, counsel, coach, or otherwise guide students should understand the fundamentally asymmetrical nature of their relationship with students or subordinates. Intimate or sexual relationships where there is a differential in power or authority produce risks for every member of our community and undermine the professionalism of faculty and supervisors. In either context, the unequal position of the parties presents an inherent element of risk and may raise sexual harassment concerns if one person in the relationship has the actual or apparent authority to supervise, evaluate, counsel, coach, or otherwise make decisions or recommendations as to the other person in connection with their employment or education at the College.

Sexual relations between persons occupying asymmetrical positions of power, even when both consent, raise suspicions that the person in authority has violated standards of professional conduct and potentially subject the person in authority to charges of sexual harassment based on changes in the perspective of the individuals as to the consensual nature of the relationship. Similarly, these relationships may impact third parties based on perceived or actual favoritism or special treatment based on the relationship.

Therefore, persons with direct supervisory or evaluative responsibilities who contemplate beginning or are involved in such relationships are required to promptly: 1) discontinue any supervising role or relationship over the other person; and 2) report the circumstances to their own supervisor. Failure to fully or timely comply with these requirements is a violation of this policy, and the person in authority could be subject to disciplinary action, up to

and including dismissal from employment by the College.

Any individual may file a complaint alleging harassment or discrimination, including an aggrieved party outside the relationship affected by the perceived harassment or discrimination. Retaliation against persons who report concerns about consensual relationships is prohibited and constitutes a violation of this policy.

Risk Reduction Tips

With no intention to victim-blame, and with recognition that only those individuals who commit sexual misconduct are responsible for these actions, the suggestions below are provided to assist in reducing a student's risk of experiencing a non-consensual sex act.

- If you have sexual limits, make them known as early as possible
- Tell a sexual aggressor "NO" clearly and firmly
- Try to remove yourself from the physical presence of a sexual aggressor
- Find someone nearby and ask for help
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol and drugs lower your sexual inhibitions and may make you vulnerable to someone who views someone under the influence as a sexual opportunity

Take care of your friends and ask that they take care of you.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct.

- Clearly communicate your intentions to your sexual partner and give them a

chance to clearly relate their intentions to you

- Understand and respect personal boundaries
- Don't make assumptions about: consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension, and communicate. You may be misreading your partner. You must respect all timelines and boundaries for that your partner has.
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

Education and Prevention Programs

Wells College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

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

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- identify domestic violence, dating violence, sexual assault, and stalking as prohibited conduct;
- educate about state law definitions of domestic violence, dating violence, sexual assault, stalking, and consent;
- educate about the VAWA definitions of domestic violence, dating violence, sexual assault, stalking and consent;
- educate about the definitions of domestic violence, dating violence, sexual assault, stalking, and consent established in the Colleges' policies and applied in the Colleges' on-campus disciplinary process;
- provide descriptions of safe and positive options for bystander intervention;
- provide information on risk reduction; and
- provide an overview of information contained in the Annual Security Report in compliance with the Clery Act.
- Provide information on reporting options and institutional procedures when a crime is reported.

Primary Prevention Programs and Ongoing Prevention Programs

Wells College (the College) promotes awareness and education in its programs and academic curriculum. The College creates many activities in October for domestic violence awareness month and in April for Sexual Assault Awareness month, such as Denim Day.

Wells College utilizes Vector Solutions to provide onboarding training for faculty and staff about Title IX and workplace sexual harassment.

Student-athletes receive training on Title IX annually as required by the NCAA.

Many courses at Wells College include topics such as sex/gender discrimination built into their curriculum. Wells 100, a course that all Wells College students must complete, has a section in its syllabus about Title IX and sexual assault.

Wells College has a standing contract with Mindell, a confidential resource to assist students that may have undergone trauma related to sexual assault, sexual violence, and other forms of discrimination based on sex. <https://www.mindwellcenter.com/> Additionally, Wells College has a counselor available through the Community Medical Center, which is strategically located just off the perimeter of the campus, within short walking distance.

Wells College also has a Confidential counseling service via the Sexual Assault Victims Advocacy Resource (SAVAR) program via Cayuga Counseling Services. A representative from SAVAR has regular 'office hours' at Wells College and provides another means of prevention, awareness, and counseling regarding sexual assault on college campuses. A SAVAR representative is present throughout Wells College's orientation to present information on awareness and prevention of sexual assault.

During orientation, a representative from the College presents training sessions on Title IX.

Wells College shares information with the campus community about bystander intervention, affirmative consent, and the College's amnesty policy for upstanders. In 2022-23, Wells College will develop a comprehensive Bystander Intervention Program by partnering with Green Dot.

Reporting Sexual Misconduct

Wells College encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual misconduct. This is the best practice to ensure evidence preservation and begin a timely investigative and remedial response.

A medical provider can provide emergency and/or follow-up medical services. The medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (including prevention of sexually transmitted illnesses and pregnancy), and second, to properly collect and preserve evidence. There is a limited window of time (within 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any course of action. However, the decision to seek timely medical attention and gather evidence will preserve the full range of options to seek resolution under this policy or through the pursuit of criminal prosecution.

In order to best preserve their legal options in the future, individuals should consider not altering, disposing of, or destroying any physical evidence of sexual misconduct.

If there is suspicion that a drink may have been drugged, inform a medical assistance provider and/or law enforcement as soon as possible so they can attempt to collect possible evidence (e.g., from the drink, through urine or blood sample). Individuals can preserve evidence of electronic communications by saving them and/or by taking screen shots of text messages, instant messages, social networking pages, or

other electronic communications, and by keeping pictures, logs, or copies of documents that relate to the incident and/or perpetrator. An individual who has been sexually assaulted and wishes to preserve evidence should, if possible, not shower, bathe, douche, smoke, brush teeth, eat, drink, use the bathroom, or change clothes or bedding before going to the hospital or seeking medical attention. If the individual who has been sexually assaulted decides to change clothes or bedding, and wishes to preserve evidence, they should not wash the clothes worn or bedding used during the assault, and should bring them to a hospital, medical facility, or the police in a non-plastic (e.g. paper) bag.

Wells College encourages all individuals to make a report to the College and local law enforcement. Reporting options are not mutually exclusive. Both internal and criminal reports may be pursued simultaneously.

Making a report means telling a designated non-confidential, on-campus College Resource or Campus Security Authority (see above) what happened—in person, by telephone, in writing, or by electronic communication. Once a report is received, the Complainant will receive medical treatment options, counseling support services, the right to request a campus No Contact Order, reporting options to campus security and local law enforcement, Wells College Sexual Misconduct policy, and the Student Bill of Rights.

A Complainant has the right to request action against a Respondent or not pursue any particular course of action, nor does a Complainant need to know how to "label" what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. The College provides support to assist each individual in making these important decisions, and the College will consider the Complainant's wishes in deciding how to proceed. In this process, the College will balance the individual's interest with its obligation to provide a safe, non-discriminatory environment for the campus community.

Reporting Considerations

Anonymous Reporting: Any individual may make an anonymous report concerning an act of sexual misconduct. Individuals may report the incident without disclosing their name, identifying the Respondent, or requesting any action. Depending on the extent of information available about the incident or the individuals involved, the College's ability to respond to an anonymous report may be limited. The Anonymous Reporting Form can be found [here](#). The Title IX Coordinator/Deputy Title IX Coordinator will receive the anonymous report and determine any appropriate steps, including individual or community remedies as appropriate, and in consultation with the Director of Campus Safety, comply with all Clery Act obligations.

Non-Confidential Reporting: Any individual may self-report or report an incident that they have observed. The report will be sent directly to the Title IX Coordinator who will then initial the College Response. You can find that form [here](#).

Timeliness and Location of Incident: Complainants and third-party witnesses are encouraged to report sexual misconduct as soon as possible to maximize the College's ability to respond promptly and effectively. The College does not, however, limit the time frame for reporting. Suppose the Respondent is not a member of the Wells community. In that case, the College will still seek to meet its obligation pursuant to this policy by taking steps to end sexual misconduct, prevent its recurrence, and address its effects. Still, its ability to take disciplinary action against the Respondent may be limited.

An incident does not have to occur on campus to be reported to the College. Off-campus conduct likely to substantially affect the Complainant's on-campus life and activities or pose a threat or danger to members of the Wells community may also be addressed under this policy.

Amnesty Policy: The health and safety of every student at Wells College is of utmost importance. Wells recognizes that students who have been

drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Wells strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking or sexual assault to Wells officials or law enforcement will not be subject to the Wells code of conduct for violations of the alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking or, sexual assault.

Coordination with Law Enforcement: Wells College supports Complainants in pursuing criminal action for incidents of sexual misconduct that may also be crimes under New York law. The College will, upon request, assist a Complainant in making a criminal report and cooperate with law enforcement agencies if a Complainant decides to pursue the criminal process to the extent permitted by law. The Cayuga County Sheriff can be reached at 315-253-1222 or 911, and can assist in filing a criminal complaint and securing an appropriate examination, including by a Sexual Assault Nurse Examiner.

The NYS Police Sexual Assault Hotline, which can be reached at 1(844) 845-7269, may also assist in reporting an incident to law enforcement.

This policy's definitions and burden of proof differ from New York criminal law. A Complainant may seek recourses under this policy and/or pursue criminal action. Neither law enforcement's determination of whether to prosecute an accused nor the outcome of any criminal prosecution are determinative of whether a violation of this policy has occurred.

Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

Any internal College investigation and/or hearing process will be conducted concurrently with any investigation and/or proceeding conducted by law enforcement authorities. Local law enforcement authorities may request temporary delays in the College's internal process to gather evidence. Any requested temporary delay shall not last more than ten (10) business days, except when local law enforcement authorities specifically request and justify a longer delay. The College will cooperate with any criminal proceeding as permitted by law. The Title IX Coordinator and other College officials listed above can assist individuals in reporting a crime to local law enforcement.

Additionally, orders of protection and other forms of legal protection may be available to individuals who have experienced or are threatened with violence by a Wells College community member or another individual(s). In appropriate circumstances, an order of protection may be available that restricts the a Respondent's right to enter or remain on College property. Wells College will abide by a lawfully issued order of protection. Campus Safety or other College officials will, upon request, provide reasonable assistance to any member of the College community in obtaining an order of protection or, if outside of New York State, an equivalent protective or restraining order, including providing that individual with:

- a copy of an order of protection or equivalent when received by the College and providing that person with an opportunity to meet or speak with a College representative, or other appropriate individuals, who can explain the order and answer questions about it, including information from the order about the other person's responsibility to stay away from the protected person or persons;
- an explanation of the consequences for violating these orders, including but not

limited to arrest, additional conduct charges, and interim suspension.

- assistance in contacting local law enforcement to effect an arrest for violating such an order of protection.

False Reports: The College will not tolerate intentional false reporting of incidents. The College takes the accuracy of information very seriously as a charge of sexual misconduct may have severe consequences. A good-faith complaint that results in a finding of not responsible is not considered a false or fabricated accusation of sexual misconduct. However, when a Complainant or third-party witness is found to have intentionally fabricated allegations or given false information with malicious intent or in bad faith, that individual may be subject to disciplinary action. It is a violation of the Code of Student Conduct, faculty and student handbooks, and the Wells College Honor Code to make an intentionally false report of any policy violation. It may also violate state criminal statutes and civil defamation laws.

Supportive Measures, Remedies and Accommodations

Upon receipt of a report, Wells College will implement reasonable and appropriate supportive measures to eliminate any unsafe or hostile environment and protect all parties involved. Wells College will make reasonable efforts to communicate with the parties to ensure that, to the extent feasible, all safety, emotional, and physical well-being concerns are addressed. Supportive measures may be imposed regardless of whether the Complainant or the College seeks formal disciplinary action (a formal resolution). All individuals are encouraged to report concerns about the failure of another individual to abide by any restrictions imposed by supportive measures. The College will take immediate and responsive action to enforce a previously implemented supportive measure.

Written statements about rights and reporting options, resources, and support measures are provided to any victim of sexual misconduct within the college's campus community.

Once a report is made, the Complainant will be contacted by the Title IX Coordinator or designee and offered individualized support as more fully described below. A report that triggers supportive measures need not be a formal complaint, and it may be made by a third party (i.e., someone other than the Complainant). Once the Respondent is informed of a report or a formal complaint, the Respondent will be contacted by the Title IX Coordinator and offered individualized support as more fully described below.

Supportive Measures are intended to restore or preserve, to the extent practicable, equal access to the College's educational programs and activities and protect all parties' safety without unreasonably burdening the other party or parties. As federal regulation requires, these supportive measures must be non-disciplinary and non-punitive to the parties. Supportive measures may include, but are not limited to:

- Mutual No Contact orders and, possibly, in rare cases, one-way no-contact orders.
- Changes or adjustments in academics such as the extension of deadlines or other course-related adjustments or allowing a withdrawal from a course or to transfer sections (with the agreement of the appropriate faculty) without penalty.
- Rescheduling of exams and assignments (with the agreement of the appropriate faculty).
- Providing alternative course completion options (with the agreement of the appropriate faculty).
- Providing academic support services, such as tutoring.
- Changes to housing, transportation, and campus working situations if a party and reasonably available request those changes.
- Arranging to dissolve a Housing Contract and pro-rate a refund in accordance with campus housing policies.
- Access to campus escorts or other reasonable security or monitoring measures.

- Access to counseling services and assistance in setting up an initial appointment, both on and off-campus.
- Any other remedy that could be tailored to the involved parties to achieve the goals of this policy.

The Title IX Coordinator is responsible for coordinating the implementation of supportive measures, including coordinating with the various College departments and offices that may be involved. All supportive measures are offered free of charge.

Suppose a party's request for a supportive measure is denied. In that case, the party will be afforded an opportunity to have the denial promptly reviewed to assess whether the supportive measure is reasonable under the circumstances. In addition, each party will, upon request, be afforded the opportunity for a prompt review of the need for supportive measures that have been implemented, including the potential modification of these measures, to the extent that the party is affected by the measure(s) being reviewed. Each party will be allowed to submit evidence in support of, or in opposition to, the request to the extent that the supportive measures under review affect that party. Information about how to request a review will be included in written communication outlining the supportive measures offered and any that were requested by the party but denied. The Title IX Coordinator and the Sexual Misconduct Team will respond to such review requests as promptly as possible, but generally no later than three business days after the request and the parties submit any evidence. The Title IX Coordinator may modify the supportive measures on a temporary basis while the parties are submitting their information and responses.

Emergency Removal:

In some cases, the College may undertake an emergency removal of a student Respondent to protect the safety of the College community, which may include contacting local law enforcement to address imminent safety concerns. When a report of sexual misconduct poses a substantial and immediate threat of harm

to the physical safety or well-being of an individual or the campus community, the College may place a student or group on emergency removal. Emergency Removals also apply to Wells College employees.

Emergency removal is not a substitute for determining a Respondent's responsibility for sexual misconduct allegations; instead, emergency removal is to address imminent threats posed to any person's physical health or safety that may arise out of sexual misconduct allegations. Prior to removing an individual or group through the emergency removal process, the College will undertake an individualized safety and risk analysis. In such cases, the individual or organization may be denied access to campus, campus facilities, and/or all other College activities or privileges for which the student might otherwise be eligible, as the College deems appropriate. After determining a student Respondent is an immediate threat to an individual's physical health or safety, the Title IX Coordinator will provide written notice of the emergency removal to both the Complainant(s) and Respondent(s). This notice will contain:

- The date the removal is set to begin, and detail of the restrictions applied,
- The reason for the emergency removal,
- The consequences of non-compliance.

When the accused is not a student but a community member, they are subject to emergency removal and/or other measures per applicable collective bargaining agreements and College employment policies and procedures.

Disability Accommodation:

A Complainant or Respondent with a disability who requires an accommodation during an investigation, hearing, or any other phase of the process is responsible for disclosing the need for accommodation to the Title IX Coordinator. The Title IX Coordinator may consult with the Coordinator of Accessibility and Learning Support in deciding whether to grant a disability accommodation request.

Employees can contact Human Resources to request a reasonable accommodation.

Resources

Treating all College community members with dignity, care, and respect is of utmost importance to Wells College. Campus community members are expected to understand and respect one another's boundaries. Students are encouraged to take care of their friends and ask that they take care of you. Any individual who experiences or is affected by sexual misconduct, whether as a Complainant, a Respondent, or a third party, will be referred to support and counseling services and other resources.

Wells College encourages all community members to make a prompt report of any incident of sexual harassment, sexual violence, stalking, domestic violence, or dating violence to local law enforcement and the College. The College recognizes that deciding whether or not to make a report to either Wells College or law enforcement and choosing how to proceed can be difficult. All individuals are encouraged to seek the support of campus and community resources regardless of where the incident occurred. These resources can advise individuals that if you have sexual limits, it is best to make them known as early as possible in any encounter. These trained professionals can also guide either party if a report and/or resolution under this policy is pursued.

As detailed below, there are a number of resources available both on and off-campus. There are confidential resources, which by law cannot share information without the consent of the individual seeking assistance. There are also various College resources that will be discreet and private but are not considered confidential. Even College offices and employees who cannot guarantee confidentiality will maintain a Complainant's privacy to the extent possible in furtherance of this policy. The information provided to non-confidential resources will be relayed only on a "need to know basis," including sharing information as required by law.

Confidential Resources:

The confidential resources listed below will not share information with the College or anyone else without the individual's permission. These confidential resources can provide assistance and information regarding medical assistance and treatment (including information about sexually transmitted infections and sexual assault forensic examinations) and resources available through the New York State Office of Victim Services. The On-Campus health and counseling services noted below are generally available to students free of charge.

On-Campus Confidential Resources:

Community Medical Center:

The Community Medical Center is open five days a week, 8 a.m. to 6 p.m. Counselors are available during these times and can assist and support individuals needing a confidential resource. (315) 364-3273

Mindwell:

Mindwell is a company that offers several in-person and virtual resources about trauma and mental health. Wells College has contracted with Mindwell and a Mindwell counselor is available twenty hours each week during the spring and fall semesters.

Off-Campus Confidential Resources:

SAVAR:

Sexual Assault Victim's Advocate Resource (SAVAR), Rape/Crisis Hotline. SAVAR offers services to survivors of all forms of sexual and provides a 24-hour hotline with certified rape crisis counselors and advocates. They will answer any questions, help sort out feelings, refer individuals to appropriate resources, and accompany individuals through the process of reporting a sexual assault if they should wish to do so and with seeking appropriate treatment.

Main Office

(315) 364-9795

17 East Genesee Street, Auburn, NY 13021

Sexual Assault Hotline

(315) 252-2112

NYS Domestic Violence Hotline

1(800) 253-3358

NYS Office of Victim Services

1(800) 247-8035

You Are Not Alone (YANA) Campaign

1-833-400-YANA (9262)

M-F (8:00 Am - 5:00 PM, live chat 24/7,

<https://opdv.ny.gov/survivors-victims>

Confidential Medical Resources:

A medical provider can provide emergency and/or follow-up medical services. The medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (including prevention of sexually transmitted illnesses and pregnancy), and second, to properly collect and preserve evidence. There is a limited window of time (usually within 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any particular course of action. However, the decision to seek timely medical attention and gather evidence will preserve the full range of options to seek resolution under this policy or through the pursuit of criminal prosecution. All hospitals in the state of New York are required to provide care for victims of sexual assault in the Emergency Department.

Hospitals in the Area:

Auburn Community Hospital

(315) 255-7011

17 Lansing Street, Auburn, NY 13021

Cayuga Medical Center

(607) 274-4011

101 Dates Drive, Ithaca, NY 14850

Cayuga Medical Center provides a SANE (Sexual Assault Nurse Examiner) for examinations. This program employs a team approach to assist survivors of sexual assault, sexual abuse, and

rape with medical, emotional, and legal needs. With the survivor's consent, a team of nurses, sexual assault counselors/advocates, doctors, and law enforcement work together to support the survivor.

New York State Department of Health designated Sexual Assault Forensic Examiner (SAFE) hospitals to provide specialized care to victims of sexual assault.

The goals of the SAFE program are to:

1. Provide timely, compassionate, patient-centered care in a private setting that provides emotional support and reduces further trauma to the patient.
2. Provide quality medical care to the patient who reports sexual assault, including evaluation, treatment, referral, and follow-up.
3. Ensure the quality of collection, documentation, preservation, and custody of physical evidence by utilizing a trained, and New York State Department of Health certified sexual assault forensic examiner to perform the exam.
4. Utilize an interdisciplinary approach by working with rape crisis centers and other service providers, law enforcement, and prosecutors' offices to effectively meet the needs of the sexual assault victim and the community.
5. Provide expert testimony when needed if the patient chooses to report the crime to law enforcement.
6. Improve and standardize data regarding the incidence of sexual assault victims seeking treatment in hospital emergency departments.

The hospital and the Rape Crisis Program will not report the crime to the police unless the individual wants the crime reported. Reporting is an individual's choice. An individual can also refuse any step of the evidence collection process. This is also their choice.

The hospital will not release evidence to the police without the individual's written consent

and will hold the evidence for 30 calendar days if they decide to make a police report later.

Non-Confidential Campus Resources:

Community members may contact the below non-confidential campus resources for information about the College's policies and procedure, and information and access to support and resources. Our Campus Security Authorities (CSA) are trained to receive notification of alleged sexual misconduct and to initiate the College's responsive to those reports. CSA's and the departments listed below are trained on an ongoing basis to support individuals affected by sexual misconduct, consistent with the College's commitment to a safe and healthy educational environment. While not bound by confidentiality, these resources will maintain the privacy of information from any party who is covered by this policy.

Non-confidential, on-campus College resources, also referred to as Campus Security Authorities, and departmental resources include the following individuals/departments:

- Title IX Coordinator and Deputy Title IX Coordinator
- Vice President of Academic and Student Affairs
- Campus Security
- Dean of Students and Student Affairs Staff
- Residential Assistants
- Coordinators of Residence Life & Service Learning
- Athletics Director
- Coaches and Athletics Staff
- Human Resources Staff
- Student Leaders
 - Student Leaders include but are not limited to the following:
 - Collegiate
 - Presidents of Wells College's student clubs and organizations
 - Captains of sports teams
 - Resident Advisors

Each Resident Advisor receives extensive information about Title IX and sexual misconduct.

Privacy vs. Confidentiality

Wells College is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. All College employees who are involved in response to reported sexual misconduct receive specific instruction and training about respecting and safeguarding private information. Throughout the process, every effort will be made to protect the privacy of all individuals involved in a manner consistent with the need for a thorough review of a report and its resolution. Students, faculty, and staff should be aware, however, that privacy and confidentiality have distinct meanings under this policy.

Privacy: Privacy generally means that information related to a report of sexual misconduct will only be shared with a limited number of individuals and only those on a “need to know” basis. The use of this information will be limited to College employees to assist in the active review, investigation, and/or resolution of a report. The College’s employees who cannot guarantee confidentiality will maintain an individual’s privacy to the greatest extent possible. The information provided to non-confidential resources will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution. Reported information will not be made public and will only be shared as necessary to comply with the law and/or institutional policy.

Confidentiality: Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual. These campus and community professionals include our mental health providers, rape crisis counselors at the local Sexual Assault Victims Awareness Resource (SAVAR), the Medical Center, local hospitals, and clergy. To see a complete list of confidential sources, please see the resources section of this policy. These confidential resources are prohibited from

breaking confidentiality unless there is an imminent threat of harm to self or others.

There are extremely limited exceptions to the rule that confidentiality will be maintained by anyone listed as a confidential source. For example, if abuse of a minor under the age of eighteen is suspected, it must be reported to Child Protective Services and/or local law enforcement.

A student may also seek assistance from a medical provider. In general, the disclosure of private information contained in a provider’s medical records is protected by the Health Insurance Portability and Accountability Act (HIPAA). In the context of sexual misconduct, however, medical providers are required to notify law enforcement if a patient tells personnel that they have experienced sexual assault, and either a weapon was used, or child abuse is suspected. All evidence collected will be kept for up to 30 calendar days, and there is requirement to file a legal report unless desired. The patient has the right to request that an advocate be present at the hospital or clinic.

Request for Confidentiality: The College shall weigh a request for confidentiality and respond to such a request. Suppose a reporting individual discloses an incident to a non-confidential College employee but wishes to maintain confidentiality or does not consent to the institution’s request to initiate an investigation. In that case, the Title IX Coordinator and the Sexual Misconduct Team will weigh the request against the institution’s obligation to provide a safe, non-discriminatory environment for all members of its community. The institution will assist with academics, housing, transportation, employment, and other reasonable and available accommodations regardless of reporting choices. Wells College will take all reasonable steps to investigate and respond to a report consistent with the request for confidentiality or request not to pursue an investigation. Declining consent to an investigation will be honored unless the

College determines in good faith that failure to investigate does not adequately mitigate a potential risk of harm to the Complainant or other community member. In making this determination, Wells College may consider the seriousness of the conduct, the respective ages of the parties, and the roles of the Complainant and Respondent, whether there have been other complaints or reports of retaliation, sexual harassment, or sexual misconduct against the Respondent, and the rights of the Respondent to receive a notice and relevant information before disciplinary action is sought. The College will notify the Complainant should it be in the best interest of the Complainant and community to move forward with an investigation and take actions as necessary to protect and assist the Complainant about the course of action that will be taken, which may include the College seeking disciplinary action against a Respondent. Alternatively, the course of action may also include an informal resolution that does not involve formal disciplinary action against a Respondent or revealing the Complainant's identity.

Options for Resolution

Upon receipt of a report, the College's Title IX Coordinator or designee will discuss with the Complainant(s), the option for filing a formal complaint with the College. The Title IX Coordinator and the Sexual Misconduct Team will also conduct an initial assessment of the report. The goal of this assessment is to provide an integrated and coordinated response to reports of sexual misconduct. The assessment will consider the nature of the report, the safety of the individual and of the campus community, and the expressed preference for resolution.

After the assessment, if the Complainant files a formal complaint, the College may choose to offer an informal resolution or refer the matter for investigation and adjudication in consultation with the parties. When a Complainant declines to sign a formal complaint or does not wish to

participate in the investigation and adjudication process, or the Complainant's identity is unknown, and the Title IX Coordinator determines there is sufficient cause to file a formal complaint, the Title IX Coordinator may file a formal complaint. In such cases, the Title IX Coordinator, or designee is considered the Complainant under this policy. The initial steps for the resolution of a report made to the College will involve the same stages: an initial assessment, investigation, and either informal resolution or a formal adjudication process.

Filing a Complaint:

A formal complaint is necessary to initiate the College's grievance process, meaning an investigation and adjudication process. A formal complaint must be in written form and must be signed by the Complainant.

The Title IX Coordinator will consider the wishes of the Complainant not to proceed with the investigation and adjudication process. However, the Title IX Coordinator may file a formal complaint if the Title IX Coordinator determines that the allegations are such that it is important for the campus community that a complaint proceed despite the wishes of the Complainant. In making this determination, the Title IX Coordinator and the Sexual Misconduct Team will consider, among other factors:

- the risk that the alleged perpetrator will commit additional acts of sexual misconduct or other violence, which may be assessed by evaluating;
- whether there have been other complaints about the same alleged perpetrator;
- whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
- whether the alleged perpetrator threatened further sexual violence or

other violence against the victim or others;

- whether multiple perpetrators committed the sexual violence, whether the sexual violence was perpetrated with a weapon;
- whether the victim is a minor;
- whether the college possesses other means to obtain relevant evidence of the prohibited conduct (e.g., security cameras or personnel, physical evidence);
- whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

Additionally, where the Respondent is not enrolled at the College and is not employed by the College, the College may decline to process the complaint through the Grievance Process. The College will take the steps it deems appropriate under these circumstances.

Mandatory Dismissal of Title IX Category Charges:

The Title IX Coordinator and the Sexual Misconduct Team will review a formal complaint filed by a Complainant. To comply with Title IX regulations, the Title IX Coordinator must "dismiss" the Title IX Category violation(s) if it is apparent that the allegations are not within the scope of Title IX. This may occur when the conduct alleged would not constitute sexual harassment as defined in Title IX Category violations, even if proved, and/or did not occur in the College's education program or activity.

- Notice of dismissal of the Title IX Category violation(s) will be in writing and issued the Complainant and Respondent simultaneously. The Title IX Coordinator may determine at any point in the process that facts have emerged

that require the dismissal of a Title IX Category violation.

- A decision to dismiss a Title IX Category violation is immediately appealable by the Complainant, pursuant to the appeal process set forth in this policy. Even if Title IX Category violations are subject to dismissal, the College may continue to process the allegations as College Category violations, assuming that the allegations, if true, would constitute College Category violations.

Discretionary Dismissal of Title IX Category Charges:

- The Title IX Coordinator may, but is not required to, dismiss formal complaints in the following circumstances:
- When the Complainant withdraws a formal complaint.
- When the Respondent is no longer enrolled in or employed by the College.
- Where specific circumstances prevent the College from gathering evidence (such as where a Complainant refuses to cooperate but does not withdraw a formal complaint).
- The decision to dismiss or not to dismiss a charge under these circumstances will depend on the totality of the situation.

Informal Resolution:

In some cases, an informal resolution may be appropriate. An Informal Resolution is a voluntary process in which a trained facilitator assists the parties in resolving the allegations made by a Complainant. Informal resolution is a remedies-based, non-judicial approach designed to eliminate any hostile environment without taking formal disciplinary action against a Respondent. The Informal Resolution process is not available if the Respondent in a sexual misconduct complaint is a faculty or staff member of the College and the Complainant is a

student. Where the Title IX Coordinator concludes that informal resolution may be appropriate, the Title IX Coordinator will offer the Informal Resolution to the parties after a Complainant files a formal complaint. Both parties must consent to use the Informal Resolution process. Either party participating in an Informal Resolution may terminate the process at any time, and the complaint may then be considered to be adjudicated under a formal grievance and hearing process.

During an Informal Resolution process, Supportive Measures are available to both parties in the same manner as they would if the formal complaint were proceeding under the formal grievance and hearing process. A written notice will be given to both parties before entering an Informal Resolution process, and both parties must consent to the process in writing. No party should feel intimidated, coerced, or threatened to participate in an Informal Resolution process or to withdraw from an Informal Resolution process. The facilitator of the process will be screened to ensure they are free from conflicts of interest and bias. The facilitator's role is to conduct the Informal Resolution process in an impartial way that does not favor one party over the other.

The facilitator will schedule one or more meetings with the parties. The facilitator will assist the parties in communicating information and opinions to the facilitator and each other regarding the allegations to find common ground and a resolution of the allegation(s) that is satisfactory to both parties. The facilitator may meet separately with each party to explore the party's views about the allegations and desired outcome of the process. Either party can elect to have any meeting occur so that the parties are in different rooms and the facilitator "shuttles" between the parties.

For the Informal Resolution process to have the best chance for success, the parties should be free

to express themselves. As a result, the facilitator will keep the information received from both parties during the Informal Resolution private. In addition, the facilitator will not be available as a witness in any hearing that may occur should either party terminate the Informal Resolution process before a resolution. This is in keeping with the concept that the facilitator is impartial and only facilitates the interaction between the two parties and is not listening or taking notes for any purpose other than assisting the parties. In addition, the parties may not disclose information shared by the other party during the process of the hearing. This privacy protection does not apply to information learned outside the Informal Resolution process through the investigation or otherwise.

The College will not compel a Complainant or Respondent to engage in informal resolution or to directly confront the other party during the informal resolution process. The decision to pursue an informal resolution will be made when the College has sufficient information about the nature and scope of the conduct, which may occur at any time. An Advisor may assist both Complainants and Respondents during an informal resolution.

A resolution is reached only if both parties agree. The College encourages terms of resolution that meet the parties' needs. The facilitator will not impose an outcome, although they may assist the parties in suggesting resolutions that appear to meet their needs. If there is no agreement on a resolution, the complaint may be returned to the formal grievance and hearing process outlined in this policy. Any investigation of the allegations in the formal complaint will resume/begin, and the formal grievance process will proceed from there.

A party may terminate the informal process at any time before the final written resolution is signed. If the parties reach a resolution, the facilitator will

draft a document reflecting the agreement between the parties that becomes final once both parties sign it. This written and signed resolution indicates that the complaint has been resolved under this policy without requiring further investigation or pursuing the formal grievance and hearing process. After a written resolution has been finalized, the College will keep a record of the parties' written consent to the Informal Resolution process and the written resolution for at least seven (7) years.

Investigation:

Where a formal complaint has been filed, and in the absence of an informal resolution, the College will appoint an investigator to investigate the allegations in the formal complaint.

The College may appoint any qualified investigator, who may be a person internal or external to the

College. The College also may appoint more than one investigator. The investigation is an impartial fact-finding process. Any investigator chosen to conduct the investigation must be impartial and free of any conflict of interest. The Complainant and Respondent will be provided with notice of the appointed investigator's name and an opportunity not more than three (3) business days after the notice to raise an objection to the investigator based on any alleged conflict of interest. If an objection is raised, the Title IX Coordinator will determine whether a conflict of interest exists and necessitates the replacement of the investigator.

The Complainant and Respondent will receive a Notice of Investigation referencing the violation(s) of this policy alleged to have been committed and the range of possible disciplinary sanctions and remedies following any determination of responsibility. The notice of investigation will also include, to the extent known:

- The identities of the involved parties.
- The date, time, location, and factual allegations concerning the alleged violation.
- The policy provisions that were allegedly violated.
- A description of the investigation and adjudication process.
- Potential sanctions.
- The right to an advisor of their choice, who may be, but is not required to be, an attorney.
- Their right to inspect and review evidence in accordance with this policy.
- Notice that knowingly making false statements or knowingly submitting false information is prohibited under the Code of Student Conduct and faculty and staff handbook.
- Notice that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process.

In the course of the investigation, the College may decide to investigate allegations not included in the notice initially provided to the parties. In that case, the Title IX Coordinator or designee will notify the parties of the additional allegations.

The investigator(s) will investigate in a manner appropriate in light of the circumstances of the case and usually begins with an interview with the Complainant, relevant witnesses, and the Respondent. The interviews will be supplemented by gathering any physical, documentary, or other evidence. As part of the investigation, the College will provide an opportunity for the parties to present witnesses and other evidence. The investigation is designed to provide a fair and reliable gathering of the facts. The investigation must be thorough, impartial, and equitable, and all individuals will be treated with appropriate sensitivity and

respect. As described in the Privacy and Confidentiality sections, the investigation will be conducted in a manner that is respectful of individual privacy concerns to the extent possible. The Complainant and Respondent will be provided with advance written notice of the date, time, location, participants, and purpose of any meeting or interview in which they are invited to or expected to participate. The Complainant and the Respondent will be given an equal opportunity to present information. This includes the opportunity to present facts or expert witnesses, and other evidence that the party believes tends to prove or disprove the allegations. However, at all times, the burden of gathering evidence remains with the College. The investigator may decline to interview any witness or to gather information the investigator finds to be not relevant or otherwise excludable (e.g., sexual history of the Complainant with a person other than the Respondent, materials subject to a recognized privilege, medical records in the absence of a release by the subject of the records, etc.). The investigator will determine the order and method of investigation.

The Complainant and Respondent may be accompanied by an advisor of their choice, who may be an attorney, and at their own expense, if the advisor is a paid advisor. The Complainant and Respondent are expected to speak for themselves, and advisors must not obstruct the process or otherwise be disruptive to the interview or meeting. The College does not appoint an advisor for a party during the investigation phase of the process but will highly recommend that the parties do identify an advisor or to have a Wells College appointed advisor. In addition, any unauthorized audio or video recording is prohibited during investigation meetings or interviews.

The Title IX Coordinator may determine that cases where the allegations arise out of the same facts, should be consolidated for the investigation and/or adjudication. Instances where complaints may be consolidated including but are not limited

to cross-complaints filed by the parties against each other, multiple complaints by a single Complainant against a Respondent, or multiple complaints by a single Complainant against multiple Respondents.

Wells College uses the preponderance of the evidence standard in the investigation and adjudication of all formal complaints of sexual misconduct. During the initial consultation with complainants and respondents and several times throughout the informal or formal resolution, as outlined in the Wells College Sexual Misconduct Policy, all parties are informed of their right to a prompt, fair and equitable procedures. In addition, the Title IX Bill of Rights is placed conspicuous places in every building on the Wells College campus.

All parties involved in efforts to investigate and adjudicate matters related to sexual misconduct receive extensive training before they can assume their role in the process. Training includes but is not limited to, the Association of Title IX Administrators (ATIXA) and the State University of New York (SUNY) Institute of Student Conduct.

Opportunity for Inspection and Review of Evidence:

The Complainant and Respondent will be provided an equal opportunity to inspect and review any evidence obtained in the investigation directly related to the allegations gathered in the investigation, regardless of whether the information will be relied on in reaching a determination. Prior to the conclusion of the investigative report, the Complainant and Respondent and each party's advisor of choice, if any, will be provided a copy (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform) of the evidence, some of which may be subject to redaction as required by law. The Complainant and Respondent will be provided

with at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. The investigator will determine if additional investigation is necessary and, if so, will complete any further investigative steps.

Evidence pertaining to Title IX is kept by the Title IX Coordinator for seven (7) years as required by law. All other evidence pertaining to other forms of sexual misconduct is required by law to be kept for five (5) years.

Investigative Report:

At the conclusion of the investigation, the investigator(s) will prepare a written report summarizing the investigation. The investigator(s) need not include information in the investigative report that the investigator determines is not relevant or otherwise excludable. The investigator will submit the investigative report to the Title IX Coordinator. At least ten (10) days prior to a hearing to determine whether there is responsibility for the allegations, the Complainant and Respondent and each party's advisor, if any, will be provided a copy of the investigative report (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform), subject to redaction as required by law.

Investigation Timeframe:

The College will seek to complete the investigation within sixty (60) calendar days of receiving a formal complaint. Still, this time frame may be extended depending on the complexity of the circumstances of each case, College breaks, and availability of parties to participate, among other factors that may place the completion of the investigation outside of the timeframe.

Sanctions:

Sanctions include but are not limited to the following:

- **Withholding Degree and/or Diploma:** The College may withhold a student's degree and/or diploma for a specified period of time and/or deny a student participation in commencement activities.
- **Other Actions:** In addition to or in place of the above sanctions, the Hearing Panel may assign any other sanctions as deemed appropriate, including but not limited to the following:
 - o Mandated counseling, so the Respondent has the opportunity to gain more insight into his/her/their behavior.
- A No-Contact Order (including but not limited to continuation of a no-contact directive imposed as a supportive measure) prohibiting contact with one or more identified persons, in person or through telephonic, electronic, written, or other means. A No-Contact Order may include additional restrictions and terms.
- Requiring the Respondent to write a letter of apology.
- Restitution for damage to or misappropriation of property, personal injury, and other related costs.
- Ban from certain areas/events on campus or the campus as a whole.
- Loss, revocation, or restriction of housing privileges (e.g., exclusion from specified locations or alteration of status in the housing lottery or other selection system).
- Monetary fines.

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

Transcript Notation: For those crimes of violence that Wells College is required by federal law to include in its Annual Security Report, the transcripts of students found responsible after an investigation and appeal, if any, shall include the following notation:

- Suspended after a finding of responsibility for a code of conduct violation;
- Expelled after a finding of responsibility for a code of conduct violation; or
- Withdrew with conduct charges pending.

Transcript notations for suspensions may be removed at the discretion of the College, but no earlier than one (1) year after the conclusion of the suspension. Transcript notations for expulsion will not be removed.

The transcript of any Respondent who withdraws from the College while such conduct charges are pending, and declines to complete the disciplinary process, will include the notation: “Withdrew with conduct charges pending.”

Annual Fire Safety Report

The Higher Education Opportunity Act (HEOA) includes various provisions related to fire safety and requires institutions with on-campus housing to publish annually a fire safety report that provides statistics for all on-campus residence facilities.

The report must detail such information as the number of fires, deaths, injuries, fire drills, fire related property damage, and the type of fire detection systems in each building. In addition, each institution must maintain a log of all campus student housing fires, including the nature, date, time, and general location of each fire.

Residential Life and Fire Safety

Wells College has undertaken an aggressive review and restructure of its fire safety program,

including policies and procedures for conducting fire and evacuation drills, the inventory and maintenance of fire detection and suppression systems, and in-service training for students, faculty, and staff. Campus Safety personnel work in close partnership with Residence Life staff on life and fire safety training basics to include evacuation planning and procedures, fire behavior, malicious activation of fire alarms, and assessing living areas for fire safety.

Daily Campus Fire Log

In compliance with federal law, the Office of Campus Safety maintains a daily campus fire log listing all campus student housing fires, including the nature, date, time, and general location of each fire that occurred on campus within any of the College-provided student residential facilities.

The daily fire log is available for public inspection during normal business hours at the Office of Campus Safety.

Prohibited Items On-Campus

Prohibited Electrical Appliances:

For the safety of all residents, use and/or possession of these items will NOT be allowed in any of the student rooms or public areas within the residence halls:

- Air conditioners, unless required and approved as part of a medical accommodation (either floor or window models)
- Extension cords
- Power strips without surge protectors
- Electric, propane or kerosene space heaters
- Foreman Grills® or any open-element cooking appliance
- Toasters, ovens, toaster ovens or hot plates, or any items with exposed heating elements.
- Incense or plug-in air fresheners
- Candles and candle warmers
- Sun lamps or any lamps with plastic shades (e.g., “octopus” lights)
- Non-UL-approved decorative lighting, including holiday lighting, rope lights

- Refrigerators exceeding 5 cubic feet
- Electric or candle potpourri pots
- Electric coils
- Lava lamps, halogen lamps or other high-intensity lamps
- Electric blankets
- Wireless routers
- Bed risers with built-in outlets

Prohibited Practices

For the safety of all residents, the following practices and decorations are not allowed:

- Cooking can only take place in designated kitchens within the hall or apartment.
- Posters or wall decorations can only cover 30% of each residence hall room wall.
- Posters and decorations can only cover 30% or less of residence hall rooms doors, both interior and exterior sides.
- Nothing can be hanging from the ceiling, including tapestries, lighting, etc.
- Nothing can hang from pipes or the sprinkler system in the halls.
- Nothing can be hanging from the door or door frame, including streamers, lighting, decorations, etc.
- No items are allowed to cover, drape, or hang over the bed(s) in a residence hall room.
- Tapestries or other large fabric items (such as flags) are not allowed on the walls of the residence hall rooms.
- Items are not allowed to cover smoke detectors, heat detectors or overhead

lights.

- Doors to the residence halls and rooms must be able to always open fully.
- Residence hall common areas, hallways and lobbies must be always clear and unobstructed.
- Students are not permitted on the roof, balcony, fire escapes or window ledges.
- All exit doors must be always unobstructed.

Students may possess crock pots, slow cookers, and rice cookers; however, these items may only be used in the designated kitchen areas in the residence halls or apartment buildings. Cooking with these appliances is prohibited in any residence hall or apartment room.

Students will comply with all College rules and regulations and municipal laws and ordinances, including building code regulations; shall exercise ordinary care to avoid fire hazards and occurrences; and shall not obstruct any of the walkways, hallways, or surrounding premises.

Firefighting, detection, sprinklers, and alarm equipment are provided for the protection of all residents and are not to be used or tampered with except in the case of a fire. Misuse of this equipment is a violation of College regulations and New York State civil statutes. Severe criminal penalties are imposed by New York law for activating a fire alarm falsely.

On-Campus Student Housing Facility Safety Systems

Important specific to fire safety/detection systems and fire suppression systems for each on-campus student housing facility in the chart below:

Residential Facility	Fire Alarm System	Smoke & Heat Detection	Sprinkler System	Fire Extinguishers	Evacuation Plans Posted	Number of Evacuation Drills Each Calendar Year
Dodge House	Yes	Yes	No	Yes	Yes	4
Glen Park	Yes	Yes	Yes	Yes	Yes	4
Leach House	Yes	Yes	No	Yes	Yes	4
Main Building	Yes	Yes	Yes	Yes	Yes	4
Weld House	Yes	Yes	No	Yes	Yes	4
Fairlane Apartments	Yes	Yes	No	Yes	Yes	4

Reporting a Fire

All fires, whether active or extinguished must be report to the Office of Campus Safety immediately. The Office of Campus Safety maintains the Daily Fire Log and it is essential that all fires on campus are recording properly.

minor fire in Main Hall in a bathroom on 12/5/2021 that was resolved without incident or damage and a minor caused by cooking in Glen Park on 12/26/2021 that was resolved without incident or damages.

2019 On-Campus Student Residence Building Fires

There were no reported fires in 2019.

2020 On-Campus Student Residence Building Fires

There was one reported fire in 2020: a minor fire at the Wells College golf course on Nov. 6, 2020, that was resolved without incident or damage.

2021 On-Campus Student Residence Building Fires

There were 3 reported fires in 2021: a minor fire in Main Hall in a bathroom on 11/21/2021 that was resolved without incident or damages; a

Hate Crimes and Bias Related Incidents

In keeping with the Wells College Mission Statement, Honor Code and Community Standards Statement, we strive to provide an educational, working and living environment free from discrimination, harassment, intolerance and hate.

A bias incident is characterized as a behavior or act—verbal, written or physical—which is personally directed against or targets an individual or group based on perceived or actual characteristics such as race, color, religious belief, sex, marital status, sexual orientation, gender identity or expression, national or ethnic origin, disability, veteran status or age. Behavior reflecting bias may constitute a violation of Wells College policy, as outlined above.

The Student Handbook contains policies that govern how we work and live together at Wells College. Specifically, the following policies expressly prohibit intolerance and bias:

- Computer, Internet and Electronic Communications Policy
- Harassment Policy
- Student Conduct Code

Reporting a Bias Incident or Hate Crime

Students, faculty and staff may report a bias incident or hate crime to the Dean of Students, Office of Campus Safety, or the Office of Human Resources. There is an option to anonymously report a bias-related incident online by going to the campus safety section of The Globe: global.wells.edu For additional information, please contact the Office of Campus Safety at 315.364.3229.

Response Protocol

All reports of an alleged bias incident or hate crime should be documented in writing.

When documenting the incident:

- Provide a detailed account of the incident, including date, time and location;
- Relate to the best of your ability the specific content of the words, gestures, or other behavior;
- Identify the alleged perpetrator, if known to you and/or provide a detailed description;
- List all witnesses and contact information;
- Attach written information (i.e. e-mails, letters or notes); contact the Office of Campus Safety to take photographs of visual evidence or information;
- include other pertinent information that will assist the college in response

1. All reports of an alleged bias incident or hate crime will be forwarded to the Bias Incident Response Team (BIRT).
2. The Dean of Students or their designee and/or the manager of human resources will respond immediately to the needs of the affected party or parties and notify members of the campus community as appropriate and/or as required by federal law. For incidents that affect the immediate health and safety of the campus community, the critical incident response protocol will be activated and followed as outlined.
3. The Office of Campus safety, in consultation with the dean of student's staff and/or the Human Resources office, will conduct an investigation.
4. Coordinated campus responses may include, but are not limited to:
 - a. Identification of and referral of affected parties and/or offenders to appropriate support resources and services on or off campus;

- b. Disciplinary action as outlined in the student handbook, employee handbook and/or faculty manual;
- c. Informal resolutions such as mediation, facilitated dialogue between parties, discussions in residence halls or staff meetings; and/or
- d. Educational awareness programs for the community.

Efforts will be made to protect the identity of individuals involved and to maintain the level of privacy requested by the reporting party. Persons reporting an incident may self-identify or remain anonymous. Anonymous reporting, however, may impact the college's ability to respond or pursue appropriate action against the alleged perpetrators.

BIRT members receive confidential information on a need to know basis, evaluate the facts and circumstances of the reported incident, and assist in creating and implementing an appropriate campus response and action plan. Faculty committees, administrators and staff, and student groups are consulted as necessary in the development of a response and action plan. BIRT keeps the campus community appropriately informed as the college works toward resolution of the reported bias incident.

The purpose of the Bias Incident Response Team is to:

1. respond to bias incidents in a timely and coordinated manner;
2. be proactive in Wells College's response to bias incidents; and
3. engage bias constructively as an opportunity for learning and transformation of individuals and the community.

The Office of Campus Safety, the Dean of Students Office and the Office of Human Resources will maintain a historical record of documented bias incident and hate crime reports

that occur on campus or at college sponsored events or programs. The Crime Awareness and Campus Security Act of 1990 requires the College to publish statistics in certain types of crimes, including Hate Crimes.

Hate Crime Statistics

The College reports hate crimes under Clery for the following categories of bias:

- Race
- Gender
- Gender Identity
- Religion
- Ethnicity
- National Origin
- Sexual Orientation
- Disability

For Clery reporting purposes hate crimes include any of the offenses listed below:

- Murder and Non-negligent manslaughter
- Sex Offenses (Rape, Fondling, Incest, Statutory Rape)
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Larceny-theft
- Simple assault
- Intimidation
- Destruction/damage/vandalism of property

Wells College Hate Crime Statistics:

2019: No reported hate crimes

2020: There was one (1) report of intimidation.

2021: No reported hate crimes

The Annual Security Report

In accordance with the federal Student Right-to-Know Act, Wells College annually provides statistics for crimes reported to the Office of Campus Safety, local law enforcement agencies and individuals on campus identified as campus security authorities. Written requests for crime statistical information are made on an annual basis to the appropriate local law enforcement agencies as well as all campus security authorities.

All gathered statistical information is compiled and reported to the College's community via the annual security report which is prepared by the Office of Campus Safety and posted on the College's website on or before October 1 each year. A notice of the availability of the annual security report is emailed annually to every student and employee and a direct link to the report is included in the email. Printed copies of the annual security report are available by request from the Office of Campus Safety by calling (315) 364-3229. The U.S. Department of Education requires that colleges and universities submit their crime statistics to a website so that the information is available to all who are interested and have internet access. The address for the Department of Education crime statistics website is:
<http://ope.ed.gov/security/>

The College does not publish the name of crime victims nor house identifiable information regarding victims in the Daily Crime Log or online. The annual security report includes criminal incidents for the past three years and covers twelve crime statistical categories listed by location.

Crime Location Definitions

On campus includes any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institutions educational purposes, including residence halls, and Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes.

On-campus Student Housing Facility includes any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus.

Public property includes all public property including thoroughfares, streets, sidewalks and parking facilities that is within the campus, or immediately adjacent to and accessible from the campus.

Non-campus buildings or property is: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institutions educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Crime Definitions

Campus Safety is required to provide definitions of each of the offenses that appear in the annual statistical report. The following definitions are excerpted from the FBI's Uniform Crime Reporting Handbook, which colleges and

universities are required to use for the purpose of classifying crimes.

Murder and Non-negligent Manslaughter: the willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence: the killing of another person through gross negligence.

Sexual Assault (Sex Offenses): “Sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

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

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

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

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

Aggravated Assault: an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary: the unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft: the theft or attempted theft of a motor vehicle.

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

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

Liquor Law Violations: the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

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

Domestic Violence:

1. Felony or misdemeanor crimes of violence committed—
 - a. By a current or former spouse or intimate partner of the victim;
 - b. By a person with whom the victim shares a child in common;
 - c. By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - d. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - e. By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
2. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Dating Violence: violence committed by a person

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim and
2. The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

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.

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

Stalking:

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

For the purposes of this definition—

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

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

[See Criminal Offenses and Liquor Law, Drugs and Weapons Violations statistical tables on the following pages.]

Wells College Campus Safety

Crime Statistics	On-Campus (Total)			Student Housing			Non-Campus Property			Public Property		
	2019	2020	2021	2019	2020	2021	2019	2020	2021	2019	2020	2021
Crime Classification												
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	1	0	0	1	0	0	0	0	0	0
Fondling	0	0	1	0	0	1	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	1	0	0	0	0	0	0	0	0	0
Burglary	1	3	1	0	0	1	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Unfounded Crimes	0	0	0	0	0	0	0	0	0	0	0	0

Arrest and Judicial Referrals	On-Campus (Total)			Student Housing			Non-Campus Property			Public Property		
	2019	2020	2021	2019	2020	2021	2019	2020	2021	2019	2020	2021
<u>Arrests</u>												
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0	0	0	0
<u>Judicial Referrals</u>												
Liquor Law Violations	0	4	4	0	4	4	0	0	0	0	0	0
Drug Law Violations	0	1	19	0	1	19	0	0	0	0	0	0
Illegal Weapons Possession	0	1	1	0	1	0	0	0	0	0	0	0

VAWA Offenses	On-Campus (Total)			Student Housing			Non-Campus Property			Public Property		
	2019	2020	2021	2019	2020	2021	2019	2020	2021	2019	2020	2021
Dating Violence	0	1	0	0	1		0	0	0	0	0	0
Domestic Violence	0	0	0	0	0		0	0	0	0	0	0
Stalking	0	0	0	0	0		0	0	0	0	0	0

Clery Hate Crime Statistics

2021 On-Campus								
Clery Act Reportable Offenses	Race	Gender	Religion	Sexuality	Ethnicity	Disability	National Origin	Gender Identity
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Any Other Crime Involving	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0
Intimidation	0	0	0	1	0	0	0	0
Larceny	0	0	0	0	0	0	0	0
Destruction of Property	0	0	0	0	0	0	0	0

2020 On-Campus								
Clery Act Reportable Offenses	Race	Gender	Religion	Sexuality	Ethnicity	Disability	National Origin	Gender Identity
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Any Other Crime Involving	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0
Intimidation	0	0	0	1	0	0	0	0
Larceny	0	0	0	0	0	0	0	0
Destruction of Property	0	0	0	0	0	0	0	0

2019 On-Campus								
Clery Act Reportable Offenses	Race	Gender	Religion	Sexuality	Ethnicity	Disability	National Origin	Gender Identity
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Any Other Crime Involving	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0
Destruction of Property	0	0	0	0	0	0	0	0

2021 Non-Campus								
Clery Act Reportable Offenses	Race	Gender	Religion	Sexuality	Ethnicity	Disability	National Origin	Gender Identity
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Any Other Crime Involving	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0
Destruction of Property	0	0	0	0	0	0	0	0

2020 Non-Campus								
Clery Act Reportable Offenses	Race	Gender	Religion	Sexuality	Ethnicity	Disability	National Origin	Gender Identity
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Any Other Crime Involving	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0
Intimidation	0	0	0	1	0	0	0	0
Larceny	0	0	0	0	0	0	0	0
Destruction of Property	0	0	0	0	0	0	0	0

2019 Non-Campus								
Clery Act Reportable Offenses	Race	Gender	Religion	Sexuality	Ethnicity	Disability	National Origin	Gender Identity
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Any Other Crime Involving	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0
Destruction of Property	0	0	0	0	0	0	0	0

2021 Public Property								
Clery Act Reportable Offenses	Race	Gender	Religion	Sexuality	Ethnicity	Disability	National Origin	Gender Identity
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Any Other Crime Involving	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0
Intimidation	0	0	0	1	0	0	0	0
Larceny	0	0	0	0	0	0	0	0
Destruction of Property	0	0	0	0	0	0	0	0

2020 Public Property								
Clery Act Reportable Offenses	Race	Gender	Religion	Sexuality	Ethnicity	Disability	National Origin	Gender Identity
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Any Other Crime Involving	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0
Intimidation	0	0	0	1	0	0	0	0
Larceny	0	0	0	0	0	0	0	0
Destruction of Property	0	0	0	0	0	0	0	0

2019 Public Property								
Clery Act Reportable Offenses	Race	Gender	Religion	Sexuality	Ethnicity	Disability	National Origin	Gender Identity
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0
Any Other Crime Involving	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0
Destruction of Property	0	0	0	0	0	0	0	0