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Introduction

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

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

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

Compliance Statement

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

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

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

Dear Siena Student,

It is my pleasure to welcome you to Siena College for the 2019 – 2020 academic year. During your time here, I encourage you to take an active role in your education and in our community.

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

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

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

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

Maryellen Gilroy, Ed.D.
Vice President for Student Life
Siena College Mission

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

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

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

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

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

Franciscan Values: DORS

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

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

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

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

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

I. Definitions
When used in this Code:

A. The term College or Institution means Siena College in Loudonville, New York.

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

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

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

C. The term College official means any person employed by the College and authorized by the College to act in a prescribed manner in accordance with the policies, procedures, rules, regulations and guidelines of Siena College.

D. The term registered student organization means a group or association of students that has complied with the requirements for official College recognition and registration.

E. The term student publication means written material published by students and distributed on the College campus or social media associated with the College including, but not limited to, brochures, newspapers and special-interest magazines, websites, blogs, vlogs, social networking sites and platforms (e.g. Facebook, Twitter, LinkedIn), message boards, podcasts, video sharing (e.g. YouTube) and photo sharing (e.g. Instagram).
F. The term College property, College premises or College-related premises mean all property owned, leased or on loan to the College, including, but not limited to, all radio station communications' licensing and equipment and all land, buildings and facilities owned, leased or controlled by the College and/or used during College-related activities.

G. The term College document means any College record, publication, written communication or form.

H. The term College community means collectively students, College officials, and employees of the College, as well as registered guests of or visitors to the College.

I. The term member of the College community means individually any student, College official or employee of the College, or registered guest of or visitor to the College.

J. The term personal property means anything to which a person has legal possession or title.

K. The term common area means a place to which the College community has access. This includes, but is not limited to, hallways, lobbies, entranceways/stoops, other portions of residence halls not constituting rooms or apartments designed for actual residence, and all open areas of the College campus.

L. The term contraband means anything illegal and/or improper to have on College premises. This includes, but is not limited to, drugs, alcohol, weapons, dangerous instruments, prohibited items as outlined in the residence living guidelines and/or unauthorized possession of College-owned property.

II. Student Expectations and Responsibilities

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

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

   The pursuit of knowledge and the free exchange of ideas may cause conflict. It is expected that students will be respectful in the manner in which they disagree. In addition, the College reserves the right to apply reasonable limitations to speakers and other invited guests in light of our Catholic and Franciscan tradition.

   B. Statement of Student Expectations and Responsibilities:
   The student body, along with other members of the Siena College community, has a responsibility to provide, protect and maintain an environment for learning and living. As representatives of the Siena College Student Body, the Student Senate, in the spirit of the Franciscan tradition, provides the following statements of student rights and responsibilities.
These rights allow for any member of the Siena College student body to focus on the primary goal of pursuing an education.

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

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

C. In every community, along with expectations, each individual has responsibilities. As set forth in Siena Life, a Siena College student has the responsibility:
1. to recognize and respect the rights of all other students and members of the Siena College community
2. to treat all members of the campus community with civility, respect and courtesy
3. to refrain from discriminating against other members of the Siena College community on the basis of race, religion, color, sex, age, national and ethnic origin, disability status, marital status, veteran status, sexual orientation, gender identity, predisposing genetic characteristics, domestic violence victim status or any other status or condition protected by applicable federal or state statute
4. to assist the College in maintaining a healthy environment of learning and living, as outlined in Siena Life
5. to cooperate to the best of their ability with all investigations involving violations of the Code of Conduct and/or crimes committed on campus
6. to respect the personal property of the College and members of the Siena College community
7. to become an active learner, fully engaged in both intellectual and human growth
8. to exercise the above mentioned rights and responsibilities in a reasonable manner that will not offend or violate the College’s Franciscan and Catholic traditions; will not violate College policies, procedures, guidelines, rules or regulations; will not disrupt or interfere with the orderly operation of the College; and will not infringe upon the rights of other members of the Siena College community

III. Institutional Authority

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

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

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

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

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

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

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

G. Sex Offender Registry Act (SORA):
In accordance with federal law, the College shall provide a statement advising the campus
community where law enforcement agency information provided by a state under 42 U.S.C.
Section 14071 (j), concerning registered sex offenders, may be obtained, such as the local law
enforcement agency with jurisdiction for the campus. In accordance with the New York State
Sex Offender Registration Act (SORA), law enforcement agencies may disseminate certain
relevant information concerning a sex offender to any entity with vulnerable populations
related to the nature of the offense committed by such sex offenders. The College shall
comply with federal and state law concerning SORA. Should the Vice President for Student Life or designee be informed that a student is listed as part of a sex offender registry, the College reserves the right to take immediate action to temporary suspend the student pending a College administrative hearing. The College also reserves the right to take immediate action to suspend or dismiss the student from the College if the student represents a risk to the health, safety or welfare of the community or to any person or property.

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

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

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

K. Public Order/Health, Safety, and Welfare of the Community:
The College reserves the right to limit access to specific areas of the campus and/or to adjust normal operations or procedures to maintain public order and/or the health, safety and welfare of the College community.

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

A. General Code Violations:

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

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

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

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

   a. engaging in fighting or violent, tumultuous or threatening behavior
   b. making unreasonable noise
   c. using abusive or obscene language, making an obscene or lewd gestures, or using abusive, obscene or lewd chanting in a public place
   d. disrupting any authorized assembly or meeting of persons without permission
   e. obstructing vehicular or pedestrian traffic
   f. creating a hazardous or physically offensive condition (e.g. public urination, breaking glass, etc.)
   g. engaging in conduct that has the intent to harass, demean, annoy or alarm another person (including, but not limited to, initiating communication via phone, mail, electronic mail or other form of written communication, or through social media.

5. Falsely Reporting an Emergency:
Falsely reporting a bomb, fire or other emergency in any building, structure or facility on College premises or at any College-related function by activating a fire alarm or by any other means.

6. Hazing:
Participating in hazing or any other situation that endangers an individual’s mental and/or physical health and/or involves the forced consumption of alcohol and/or drugs. A full description of the hazing policy is located later in this section.

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

   6-person house or suite – 24
   4-person house, suite or room – 16
   3-person room – 12
   2-person room – 8
8. Possession of Dangerous Substances:
Possession of flammable liquids/gases or other dangerous substances such as gasoline, kerosene, propane, butane, and charcoal lighter fluid within buildings. Motors that use such flammable liquids within any building are prohibited. Students and visitors are prohibited from having gas grills on campus property.

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

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

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

10. Reckless Endangerment of Persons:
Behavior or conduct that places any person or persons at risk for harm or injury or potential harm or injury.

11. Smoking & Tobacco Usage:
It is Siena College’s policy to provide a tobacco-free environment in all College facilities and outdoor areas in conformance with applicable statutes including the New York State Clean Indoor Air Act (Public Health Law Article 13-E). Prohibited tobacco use is defined as using tobacco product in any college facility or outdoor area, including, chewing tobacco, and the act of smoking or carrying a lighted cigar, cigarette, pipe, nicotine water, herbal cigarettes, shisha, smoking paraphernalia, e-cigarettes, vaping devices, CBD oil, or any other smoking material or similar device. It is also the policy of Siena College to prohibit the sale of tobacco products on campus.

12. Stalking:
Examples of stalking behavior include, but are not limited to: unwelcome communication that can be face-to-face, phone, text, email, voice messages, written messages, gifts, etc.; pursuing and/or following another person or group; surveillance; trespassing; gaining unauthorized access to personal, medical, financial or any other identifying piece of information without explicit permission; accessing email, phone or other forms of personal communication in order to follow or monitor another's activity. Cyber-stalking is an extension of the physical form of stalking and is unacceptable at any level. Using electronic media such as the Internet, social networking sites, cell phones, or similar devices or mediums to pursue, track, harass, monitor, or make unwanted contact with another person is a violation of the stalking policy.
13. Unauthorized Recording:
   Any unauthorized installation and/or use of any device for listening to, observing, photographing, recording, amplifying, transmitting or broadcasting sounds of any person while on the College premises, when such person has a reasonable expectation of privacy, without the knowing and willing consent of all persons involved, is prohibited. This includes, but is not limited to, taking photographic images of a person dressing or undressing; photographing or videotaping a person’s intimate body parts; video or audio recording during class, meetings or administrative hearings; or creating social media communication or profiles using the name or likeness of another.

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

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

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

B. Drug and Alcohol Policy:
   The problems associated with drug and alcohol abuse are a major concern in this country. As such, the passage of the Drug-Free Schools and Communities Act Amendments has placed requirements on institutions of higher education to develop policies and to provide information to students on drug and alcohol abuse, which Siena College has done herein. This section provides students with the College’s alcohol and drug policy, as well as information on the health risks associated with drug and alcohol abuse. This section also provides information, counseling and rehabilitation services available, and the federal, state and College sanctions that may be imposed for violations. The College collaborates with civil authorities. Violations of the Siena College alcohol and drug policy that are also violations of federal, state or local law may be referred to the appropriate law enforcement agencies. In such situations, cases may proceed concurrently at the College and in the criminal justice system.

1. Medical Marijuana:
   The use, possession, or cultivation of marijuana for medical purposes is not allowed in any Siena College housing or on any other Siena College property; nor is it allowed at any College sponsored event or activity off campus.

   Students’ use of marijuana (and/or any other illegally or falsely obtained drug) on College premises is strictly forbidden and subject to action under the Code of Conduct.
Students may also face criminal sanctions for the unlawful possession, use or sale of marijuana (and/or other illegally or falsely obtained drug) under the NYS Penal Law.

Students who have valid medical marijuana prescriptions may petition the College for a waiver of their requirement to live on campus. Federal laws (including the Controlled Substances Act and the Drug Free Schools and Communities Act) prohibit marijuana use, possession and/or cultivation at educational institutions and on the premises of recipients of federal funds.

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

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

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

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

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

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

Misuse of prescription drugs or any controlled substance.

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

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

a. Alcohol Policy Violations Specifically for Individuals Under the Age of 21:
   i. Possession: Individuals under the age of 21 may not purchase, possess or consume alcohol in accordance with New York state law.
ii. Presence: Students under the age of 21 may not be in a residential room, suite or townhouse where alcohol is visible and/or being consumed. The only exception is the underage student who resides with students of legal drinking age who may be in the presence of alcohol in their assigned residence.

iii. Empty Containers: No empty alcohol containers are allowed for persons under the age of 21, including empty alcohol containers for decorative or keepsake purposes.

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

c. Alcohol Policy Violations – General:
   i. Gift, Sale or Distribution of Alcohol: Gift, sale or distribution of alcohol to anyone under the age of 21 is prohibited. Note: If an individual under 21 years of age is in possession of alcohol in a student room and is not a resident of that room, a charge of “gift, sale or distribution of alcohol” will be brought against the residents of the room. The person who supplied the alcohol may accept responsibility for the “gift, sale or distribution of alcohol” charge if they provided the alcohol.
   
   ii. Communal Source: Kegs, mini-kegs, beer balls and large communal sources of alcohol (trashcan punch, punch bowls, etc.) are prohibited. Sanctions apply to all residents of the space who are present at the time of the infraction or were involved in any way with the planning, purchase, etc. Use of empty beer balls or kegs as decorations or furnishings is prohibited.
iii. Rapid Consumption Devices: Objects used as drinking apparatuses that promote rapid consumption of alcohol such as, but not limited to, funnels, beer bongs, ice block tunnels, and Beirut tables.

iv. “Beer pong” and “water pong” or other simulated devices are prohibited. All residents of the space who are present are responsible.

v. Public Intoxication: Public intoxication is strictly prohibited. The College states that public drunkenness will not be tolerated since intoxicated students act in a manner that is inconsistent with the values of the College, pose a threat to themselves and others and make life unpleasant and difficult for those with whom they live. A judgment as to whether a student is intoxicated may be made on the basis of the following factors related to the use of alcohol, including, but not limited to, whether the student is:

- unable to walk without assistance
- speaking incoherently
- unconscious
- vomiting
- emitting a strong odor of alcohol and/or has bloodshot/ glassy eyes
- behaving in a loud and/or disorderly manner

vi. Alcohol-Related Transports: If a student is found to be intoxicated to the point that medical attention is warranted, they may be transported to a local hospital for evaluation and treatment, if necessary. Further, in alcohol-related situations in which emergency medical attention is necessary, the recipient of medical attention may be referred for an alcohol/drug assessment and be required to comply with the recommendations resulting from this assessment. Any student transported multiple times for alcohol-related treatment may be charged in a formal conduct review action.

The College encourages students who have concerns regarding the immediate health of a student in an intoxicated state to contact the appropriate College authorities.

vii. Guests and Alcohol: Guests are not permitted to bring alcohol on campus, regardless of their age or the age of the host.

d. Alcohol Policy Violations and Events:

i. Dispensing of Alcohol on Campus: No alcoholic beverages may be sold anywhere on the Siena campus or dispensed outdoors or in public areas except under direct supervision of the College’s food service vendor. Strategies such as the sale of tokens, tickets or any article that may be redeemed for alcoholic beverages are the equivalent of paying money and are prohibited.

ii. Events with Alcohol: Events with Alcohol: Alcoholic beverages may not be served at any student event without specific approval of the Director of Student Activities and Leadership Development or designee, to be confirmed in writing. No privately obtained alcoholic beverages may be brought into an organized event. Any organization or group that fails to comply with these regulations may lose its privilege of serving alcoholic beverages at events and/or the right to schedule facility use at Siena. No club or organization may sponsor events off
campus where alcohol may be served with the exception of authorized Senior Class events.

iii. Tailgating: To ensure the College is able to provide a safe, healthy, and welcoming environment for all fans and athletes, alcoholic beverages are prohibited at all on campus athletic and club sports venues, parking lots, and the designated tailgate area. This policy is consistent with the open container policy in the student code of conduct which prohibits students from possessing open containers of alcoholic beverages in common areas of the College and the College’s Facilities Guidelines which prohibits dispensing or consumption of alcoholic beverages in outdoor or public areas except under the direct supervision of the College food service vendor.

iv. Advertising: Advertising for College-sponsored events shall not emphasize the availability of alcoholic beverages and must be pre-approved by the Director of Student Activities and Leadership Development or designee prior to posting. Advertising for off-campus alcohol-related events and/or establishments must be approved by the Director of Student Activities and Leadership Development or designee prior to posting/distribution.

v. Restriction from Campus Events: The College reserves the right to prevent any visibly intoxicated person from entering a campus activity or event and to require persons who appear visibly intoxicated to leave an event/activity.

e. Sanctioning for Alcohol and Drug Policy Violations:
Sanctions are designed to foster an environment that reduces the risks of high risk drinking and promotes responsible behavior while holding individuals accountable for their choices. Hearing officers will take into account prior conduct record, mitigating circumstances, alcohol abuse issues and high risk drinking factors in determining the appropriate in order to best educate the student(s) while maintaining community standards when assigning sanctions.

f. Health Risks Associated with the Use of Illegal Drugs and the Abuse of Alcohol:
Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person’s ability to learn and remember information. Very high doses of alcohol may cause respiratory depression and death. If combined with depressants that affect the central nervous system, much lower doses of alcohol will produce the effects just described. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.
g. Services Available:
The Health Promotion Office, Counseling Center, and Health Services provide students with information on drug and alcohol abuse. In addition, assessment, education and referral services are provided.

C. Theft and Abuse of Property
1. Misuse of College ID:
   Loaning or giving for use, altering in any way and/or duplication of the official College identification card, or the possession and/or use of another individual’s card.

2. Misuse of College Keys/Vehicles/Property:
   Loaning or giving to another person, or knowingly using, making or causing to be made any key or keys for any building, laboratory, facility or room, or any other locked area of the College without the authorization from the appropriate College administrator. Also, the use of College property, including but not limited to, vehicles, College name, logo and/or stationery, without authorization from the appropriate College administrator.

3. Misuse of Documents:
   Forging, transferring, altering or otherwise misusing any student record, identification card, other College identification or driver’s license, possession of another person’s identification or any other document or record.

4. Reckless Endangerment of Property:
   Recklessly engaging in conduct that creates a substantial risk of damage to the property of another person or the College.

5. Theft and/or Possession of Stolen Property:
   Theft, attempted theft, forcible theft or the unauthorized possession of College property or the property of others.

6. Property Damage:
   Unintentional, reckless, or grossly negligent damage to the property of another person or the College. Further, any act that causes the College to pay for cleanup or repair of College premises (e.g., chalking, turning over benches, toilet papering trees, graffiti, spray painting walkways, etc.)

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

2. Furnishing False Information:
   Providing false information to a College office or to any College official. This includes, but is not limited to, any statements or information provided to Public Safety, admissions, the Vice President for Student Life, the Dean of Students and/or Community Living staff.
3. Noncompliance with Requests or Directives:
   Failure to comply with reasonable requests, directives, or orders by authorized College personnel (e.g., Community Living staff, Public Safety officers). This may include, but is not limited to, reasonable requests for students to make and attend appointments in administrative or faculty offices and cooperation at disciplinary investigations and hearings.

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

5. Violation of Sanction:
   Failure to observe the terms and conditions of any imposed sanction.

6. Persistent Violator:
   The College believes that all students should understand and follow the student code of conduct. The student that consistently makes choices that are in conflict with the code exhausts College resources and demonstrates a lack of respect for orderly operations of the College.

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

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

2. Violation of Law:
   Any conduct that would violate federal, state or local law as determined by the College.

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

4. Interference with Mission:
   Conduct that would interfere with the mission and/or Franciscan and Catholic values of the College. These values include, but are not limited to, treating others, self and property with dignity and respect.

5. Adverse Conduct:
   Conduct which would adversely affect the health, welfare and/or safety of the College community, local residents or property, or the name and/or reputation of the College.
6. Retaliation:
   Retaliation against an individual for reporting, assisting someone in making a report or participating in any manner in an investigation or resolution of a violation of the College’s policies.

7. Inappropriate Electronic Communication:
   While the College does not officially monitor electronic communications, inappropriate conduct via electronic communications may be brought to the attention of College as a violation of the Code. This inappropriate conduct may be encountered on electronic communication platforms, including but not limited to, text messages, websites, blogs, vlogs, and social networking sites.

F. Visitation and Guest Policy
At Siena College, hosting visitors of the campus community and guests is a privilege. In keeping with the Franciscan and Catholic identity of the College and our emphasis on respect of the individual. The College’s visitor and guest policies are meant to promote these values, to protect residents and their guests and to safeguard the quality of our life together. The following definitions and regulations of the visitor and guest policies are outlined below.

1. Definitions:
   The following definitions will apply to the various policies for visitation in the Siena residence living communities:
   
   a. Guest: is defined as any person who is not affiliated with the College as a current matriculated student, employee or faculty member.
   b. Visitor: is defined as a Siena College student, staff, faculty or employee who is not an assigned resident of the particular room, suite or townhouse. College officials and employees who are in student rooms for the purposes of fulfilling job responsibilities are not considered visitors.
   c. Commuter students: visiting the residence halls are considered visitors and therefore must abide by the visitation policy. If a commuter students visiting the residence halls with non-students (guests), they are required to register their guests.

2. Visitation and Guest Policy
   a. A student’s right to have a guest/visitor is, in all cases, superseded by the roommates’, suitemates’ or townhouse-mates’ right to uninterrupted use of the room/suite or townhouse. A student hosting a guests and/or visitors must ensure that doing so does not disrupt any roommate’s right to expect to be able to read, study and sleep in their room free from the undue interference of guests/visitors.
   b. The safety of the Siena Community, including guests, is paramount. Therefore, all guests must be registered, even if they do not plan to spend the night. To register a guest, the host must complete a guest registration form available online at www.siena.edu/guestregistrationform. The guest registration form must be completed prior to the arrival of one’s guest. Guests are to be provided with a copy of the form and are expected to keep it in their possession for the duration of their stay.
   c. Students are permitted to host/register a maximum of two guests at any one time. In addition, a student may host overnight guests on a limited and infrequent basis.
d. Any individual guest is limited to one two-night overnight stay on campus per 30 days. For an exception to this limit, a student should seek permission from the Residence Director on duty, who may be contacted via Public Safety.

e. Students may only host overnight guests/visitors of:
   - traditional college age
   - the same sex
   - at least 17 years of age or older (including siblings), unless prior approval provided through designated College program sponsor.

*Family Weekend: students participating in family weekend will be allowed to host siblings (opposite sex) on this weekend in conformance with the registration and approval process required of participating resident students.

Any guests of the opposite sex must either find off-campus accommodations or they may stay with another student of the same sex, who must be identified on the guest registration form.

f. To ensure a safe campus supportive of the College’s mission, the College reserves the right to restrict guests. Students may not be permitted to register/host guests during specified weekends or high-risk time periods, which are determined at the discretion of the Vice President for Student Life. Any such restrictions will be announced in advance. In addition, guests are not permitted during final-exam time periods in order to support student academic success. Guests are also not permitted during Thanksgiving, Christmas, spring break or Easter break. Guests are restricted during summer session housing as designated on the summer housing agreement.

g. Visitation hours and designated 24-hour spaces:
Visitation hours are defined as the time period that students living on campus may host visitors and guests in their individual rooms. Visitation hours apply to the individual residence halls and the individual bedrooms and upstairs of all townhouses.

Visitation hours in all campus residences are:
   - Sunday-Thursday: 9:00 a.m. – 1:00 a.m.
   - Friday and Saturday: 9:00 a.m. – 2:00 a.m.

24-hour visitation is permitted in the lobbies of each residence hall.

h. After visitation hours, students may host visitors of the same gender subject to the approval of all residents of the room, suite or townhouse.

i. Cohabitation is defined as living together. Only assigned residents of a townhouse, suite or room may take up residence/live in the assigned room/suite/townhouse. The College does not permit anyone to live in a room/suite or townhouse except those assigned to that room by the College.

j. Guest vehicles must be registered with the College through the Online Guest Registration system (Friday – Sunday) or by visiting Public Safety (Monday-Thursday). Students who register a guest between Friday and Sunday will have the option to fill out the guest vehicle registration form online. Once the form is properly completed an email will be sent to the guest with the parking permit. Between Monday and Thursday the guest must obtain a temporary parking permit from Public Safety which located in Hines Hall. To obtain a temporary parking permit, guests must provide a copy of the guest registration form, a valid license and vehicle registration. Unregistered vehicles of guests are subject to be towed in accordance with traffic rules and regulations.
k. Guests are not permitted to bring alcohol to campus regardless of their age or the age of their host.

l. Any guest is expected to abide by all College policies and all state or federal laws. Any guest who violates a policy or law may be required to leave the College immediately. The person may be notified in writing that he or she is restricted from College property until further notice.

m. The College reserves the right to take action under the Code of Student Conduct for students found in violation of this Visitor and Guest Policy, particularly, in those cases that involve disruption to roommate or the residential community.

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

Weapons are prohibited on College premises, including, but not limited to, replicas and other firearms. Firearm is defined as any gun from which a shot, readily capable of producing death or physical injury, may be discharged. The definition of firearms also includes rifles, pistols or handguns designated to fire bullets. Weapons also include BBs, pellets and other objects or substances that can be shot out of a device, including paint balls, regardless of the propellant used or if no propellant is used as in starter or blank guns/pistols. Also prohibited are electronic dart or stun guns; knives (including but not limited to hunting, switchblade, gravity, “butterfly”, sport, daggers, cane swords, decorative or throwing knives of any size, or any large blade kitchen knife displayed in public areas); bows and arrows and crossbows; slingshots or similar devices; ammunition; noxious materials, such as aerosol mace (CN or CS type), pepper spray, or any unauthorized hazardous materials or chemicals; other weapons, such as batons, billy clubs, nightsticks, kubatons, blackjacks, slapjacks, slap gloves, brass knuckles, Pilum ballistic knives, “chuka sticks,” “Kung Fu stars,” or other martial arts equipment; explosives and fireworks of any sort or any other weapon described in the New York State Penal Law.

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

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

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

1. Expulsion: Permanent separation of the student from the College. The student will be barred from College premises. Any student who is expelled from the College is required to leave campus within the time specified by the Vice President for Student Life (VPSL), the Dean of Students (DOS) or designee (usually within 24 hours or less). When a

1 See Conduct Related Official Transcript Notations: Sanction#24, P.29
decision involving expulsion from the College is appealed, a student may make a request to the DOS for permission to leave only their belongings in the residence hall until the conclusion of the appeal. A student who is expelled will be barred from campus property and, if found, subject to arrest for trespassing. Students who are expelled from the College are responsible for the total College charges. The College's refund policies regarding early withdrawal do not apply to students expelled for disciplinary reasons.

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

Students who are dismissed must leave campus within 48 hours, or a period of time specified by the College, and may not return unless they have prior written permission from the DOS or designee. A student who is dismissed will be barred from campus property and, if found, subject to arrest for trespassing. Students who are dismissed from the College are responsible for the total College charges. The College’s refund policies regarding early withdrawal do not apply to students dismissed for disciplinary reasons.

3. Suspension: Separation of the student from the College for a specified period of time. The student shall not participate in any College-sponsored activity and will be barred from College premises. Suspension denies the privileges of registration, class attendance, activities, use of College facilities and presence on College property. Conditions for readmission may be established at the time of separation. Any student who is suspended from the College is required to leave campus within the time specified by the VPSL, DOS or designee (usually within 24 hours or less). When a decision involving suspension from the College is appealed, a student may make a request to the DOS for permission to leave only their belongings in the residence hall until the conclusion of the appeal. A student who is suspended will be barred from campus property and, if found, subject to arrest for trespassing. Students who are suspended from the College are responsible for the total College charges. The College’s refund policies regarding early withdrawal do not apply to students suspended for disciplinary reasons.

4. Temporary Suspension from the College: The VPSL, DOS, Associate Dean of Students or designee may impose an immediate temporary suspension from the College and remove the student from campus pending adjudication when the behavior of a student constitutes a danger to their safety or the safety to other persons or property on College premises, or where the student’s behavior presents a threat of disruption or interference with normal campus operations. Students temporarily suspended are restricted from entering campus premises without prior authorization from the VPSL, DOS or designee, or Associate Dean of Students.

2 See Conduct Related Official Transcript Notations: Sanction#24, P.29
5. Withholding Degree: Siena College reserves the right to withhold awarding a degree pending the completion of the process set forth in this Code of Conduct, including the completion of all sanctions imposed, if any.

6. Revocation of Admission and/or Degree: Admission to or a degree awarded from Siena College may be revoked for fraud, misrepresentation, and/or criminal behavior that may place the College community at risk or other violations of the Siena Code of Conduct, or for other serious violations committed by a student.

7. Disciplinary Probation: A probationary status with the College that removes the student from a position of good standing. Further violations of policy and/or violations of the terms of the probation may subject the student to immediate suspension or expulsion from the College. Students placed on disciplinary probation are not eligible to return early to housing or stay over breaks during the term of their probation. While on disciplinary probation the student may also be barred from:
   a. any or all extracurricular activities.
   b. participation in academic programs, such as study-abroad trips.
   c. areas on campus (including residential areas and facilities).
   d. areas on College property except as required by their class schedule.

8. Suspension or Dismissal from Campus Housing: The student is required to remove himself/herself and all their belongings from the residence hall/townhouse. The student shall not reside in any residence facility. The student may also be restricted from visiting and/or attending any social/programming functions in any of the residence areas. This sanction may be temporary or permanent as specified at the time of adjudication. Any student who is suspended or dismissed from campus housing is required to leave the hall/townhouse and remove their belongings within the time specified. Students suspended or dismissed from campus housing are not eligible for any refund of the housing or meal plan fees for that contract period.

9. Temporary Suspension from Campus Housing: The DOS or designee, Associate Dean of Students, or Director of Community Living or designee may impose a temporary suspension from College housing pending proper adjudication when the behavior of a resident student significantly detracts from the educational environment of the residence hall/townhouses or constitutes a danger to their safety or the safety to other persons or property in the residence hall/townhouse. Students temporarily suspended are restricted from entering all residence areas during the term of the suspension.

10. Social/Residence Hall Probation: A probationary period for students, during which any additional violations of policy may result in immediate suspension, dismissal and/or restriction from campus housing areas. Commuting students may be restricted from entering the residential areas during the term of probation. Students placed on Residence Hall Probation are not eligible to return early to housing or stay over breaks during the term of their probation.
11. Housing Relocation / Administrative Assignment: Administratively required relocation to another room and/or hall. Administrative assignment of room in lieu of Housing Selection participation.

12. Temporary Housing Relocation: Administratively required relocation to another room and/or hall pending adjudication.

13. Restriction from Privileges: Loss of specified privileges for a defined period of time (restriction from residence facilities, restriction from campus on weekends, co-curricular activities, athletics participation, use of computing services, representing the College, participation in housing lottery, etc.).

14. Student Reprimand: A formal written warning that a student has been in violation of a policy or regulation and that notice of such has been provided to the student.

15. Warning: Written documentation that a student may have been in violation of a policy or regulation and that notice of such has been provided to the student. Any further violations will be handled more stringently.

16. Substance Abuse Assessments: This includes, but is not limited to, substance abuse assessments or counseling through an off campus service provider. The student may be responsible for all costs of the assessment and/or counseling and must adhere to any treatment recommendations. Students must complete the assessment within the specified time frame.

17. Problematic Behavior Assessment: This includes, but is not limited to, behavioral assessment or counseling sessions related to inappropriate conduct or violations of the Code of Conduct through the Counseling Center. The student must adhere to treatment recommendations and complete the assessment within the specified time frame.

18. Educational Dialogues: Alcohol and other drug assessment and education program dialogues designed to help students examine behavior in a judgement-free, supportive environment. This includes, but is not limited to, Alcohol Policy Review, Educational Alcohol Dialogue, BASICS (Brief Alcohol Screen and Intervention for College Students), Safety and Risk Reduction Dialogue and Non-Alcohol Substance Dialogue.

19. Restitution: Compensation for loss or damage. This may take the form of appropriate service and/or monetary or material replacement.

20. Fine: Monetary fee. Generally used to provide programming and/or educational opportunities to the community affected by misconduct.

21. Parental Notification: The Office of the Dean of Students reserves the right to notify parents of students against whom disciplinary action has been taken, with a signed release from the student. In cases of alcohol and/or drug policy violations, the College reserves the right to notify (usually in writing) parents of students under 21 once the case has been adjudicated, regardless of whether the student signed a release form. The College
reserves the right to contact parents and/or legal guardians without student consent in the case of health or safety emergencies. The College is allowed to notify parents without student consent in all instances permitted under the Family Educational Rights and Privacy Act (FERPA).

22. Dispute Resolution Agreement and/or Mediation: The College may offer students mediation or an alternative resolution agreement in cases where deemed appropriate by the designated College official.

23. Discretionary Sanctions: Other sanctions that bear a reasonable relation to the violation for which the student has been sanctioned may be imposed instead of or in addition to those specified above. Discretionary sanctions include, but are not limited to, volunteer services hours, educational reflection assignments and participation in alcohol or drug awareness programs. Discretionary sanctions are administered only with the approval of the Vice-President of Student Life, Dean of Students and/or designee.

24. Conduct Related Official Transcript Notations: As required by New York State Law 129-B, a notation will be added to the official Siena College transcript of students found responsible for a violation of the College’s Code of Conduct (Siena Life) that:
   a. meets the definition of a crime of violence pursuant to the Federal Clery Act established in 20 U.S.C. 1092 (F) (I) (I)-(VII), and,
   b. is sanctioned with suspension, dismissal or expulsion. For a student that is suspended or dismissed, the transcript notation will read: “Suspended after a finding of responsibility for a code of conduct violation” or “Dismissed after a finding of responsibility for a code of conduct violation.”
   c. A student may appeal, seeking removal of a transcript notation, (only for suspensions and dismissals) provided that the notation shall not be removed prior to one year after the conclusion of their sanction. Written appeals must be submitted to the Office of the Dean of Students one year after the conclusion of their sanction. The Dean, in consultation with other College officials, will review and accept or deny the appeal. The student will be notified in writing and, if the appeal is granted, the notation will be removed within ten business days upon receipt of the appeal.
   d. For a student that is expelled, the transcript notation will read: “Expelled after a finding of responsibility for a code of conduct violation”. This notation is permanent and cannot be removed.
   e. For a student that withdraws from the College while such cases are pending and declines to complete the conduct process, the transcript will read: “Withdrawn with conduct charges pending”. This notation will stand until the conduct process is complete.
   f. In all cases, an administrative hold will be placed on the student’s record. The hold will prevent future registrations, distribution of transcripts and/or diplomas and may only be removed with permission of the Office of the Dean of Students.

B. Group: The following actions or sanctions may be imposed upon College-recognized, sponsored or sanctioned student groups, clubs, teams, residence hall floors, wings or townhouses, or other groups of students operating as a collective body as determined by the College. Sanctions may be imposed for violations of the Code of Conduct, guidelines as
outlined in the Siena College Club and Organization Manual and/or college policy, including, but not limited to, hazing and discrimination and harassment policy violations.

1. Group Expulsion: The expulsion of a student organization, club or team denotes the revocation of College recognition and all privileges thereof. An organization that is expelled is excluded from all College programs and services including, but not limited to: student government, funding, advertising the organization and/or displaying the organization name; the inability to participate in recruitment activities; or for organization members to hold positions related to their membership in the suspended organization (e.g., SEB, Student Senate, etc.).

2. Group Suspension: The suspension of a student organization, club or team denotes the revocation of College recognition for a designated period of time and includes, but is not limited to, the loss of College recognition and all privileges thereof, including exclusion from all College programs and services, student government, funding, advertising the organization and/or displaying the organization name. Suspension also means that students are not allowed to participate in or sponsor any activities as an organization including recruitment activities. Organization members are not allowed to hold positions related to their membership in the suspended organization (e.g., Student Events Board, Student Senate, etc.). These conditions are in effect for the duration of the suspension. Any organization that violates its sanctions and/or conditions of suspension may be subject to the loss of College recognition.

3. Temporary Group Suspension: The Vice President for Student Life, the Dean of Students or designee, Associate Dean of Students, or other authorized College official as outlined by policy, guidelines, regulations, terms or conditions may impose an immediate temporary suspension of a student organization, club or team pending investigation and/or adjudication when the conduct of the group constitutes a possible threat to the safety, welfare and/or integrity of the College community.

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

4. Group Disciplinary Action: College-recognized, sponsored or sanctioned student groups, clubs, teams, residence hall wings or floors, or townhouses or other groups of students operating as a collective body as determined by the College are subject to the disciplinary actions outlined in this Code and/or the club manual and may also be subject to the following or other penalties applied:

   a. Limitation of social and other organization privileges or programs
   b. Educational sanctions that include the removal or limitation of funding
   c. Probation
   d. Cancellation of housing license
e. Suspension or expulsion if membership within the group is an element in the violations of the Code of Conduct, the penalty may also include a limitation on membership.

VI. Conduct Review Process

The Office of the Dean of Students is responsible for handling incidents of student and student group misconduct. The Dean of Students (DOS) is the chief student conduct officer for the College and, as such, oversees the student conduct review process. Any question of interpretation regarding the Code of Conduct and/or conduct review procedures shall be referred to the Vice President for Student Life (VPSL), DOS or designee, or Associate Dean of Students for final determination.

A. Academic Matters:
See the academic integrity policy online at https://www.siena.edu/AcademicIntegrity or refer to the Office of the Vice President for Academic Affairs for additional information.

B. Non-Academic Matters:
   1. Definitions:
      a. Complainant – person who filed the complaint/report and/or the administrative officer assigned to serve as complainant in those instances where the report was written by a College staff member in the performance of their duties.
      b. Respondent – a persons accused of a violation that has entered the College’s conduct process.
      c. Administrative hearing officer – an individual hearing officer (Community Living professional staff, Associate Dean of Students, or Dean of Students).
   
   2. Reports of Violations: Any individual may report a violation of the Code of Conduct. Individuals who wish to file a report concerning the behavior of a student, student group or student guest may do so by contacting the offices of Community Living, Public Safety or Dean of Students. Reports made to other offices should be referred to one of the outlined offices/individuals for investigation. All reports alleging misconduct by a student or student group will be reviewed and investigated by the DOS or their designee.

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

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

5. Resolution of Complaints:
   a. Mediation/Dispute Resolution: The DOS or designee may deem it appropriate to offer the parties involved the opportunity to use mediation and/or a dispute resolution agreement. In the event mediation/dispute resolution is offered:
      i. Both parties must agree to attempt mediation or a dispute resolution agreement.
      ii. Either party may elect to end mediation or the dispute resolution process at any time.
      iii. Either party may request to have the case reviewed by the College, in which case the DOS will assign the case to a hearing officer or the Student Conduct Review Board.
      iv. The DOS or designee may suspend disciplinary action in lieu of mediation or dispute resolution.
      v. If mediation or a dispute resolution is successful, all parties must sign a written agreement outlining the resolution agreement to be approved by the DOS.
      vi. Copies of the written agreement will be given to all parties, DOS and any appropriate College officials.
      vii. The signed document will set forth the consequences for either party who fails to meet the terms to which all parties agreed.

   b. Administrative Hearing Overview: When the case is assigned to a hearing officer (Community Living professional staff, Associate Dean of Students, or Dean Of Students):
      i. The hearing officer may further investigate the incident.
      ii. The hearing officer will provide a written notice of the charge of violation(s) of the Code of Conduct to the respondent.
      iii. The hearing officer may enlist a member of the Student Conduct Review Board or another administrative hearing officer to assist during an administrative hearing to evaluate the information presented and determine a finding.
      iv. The respondent may accept responsibility and/or has an opportunity to present any additional evidence deemed pertinent by the hearing officer. Should a student accept responsibility, the respondent and/or hearing officer may refer the case to the Student Conduct Review Board for a recommendation on sanctioning at the discretion of the DOS, or the hearing officer may determine the sanction.
      v. If a student denies responsibility, the hearing officer will render a finding regarding responsibility based on the evidence using a “preponderance of the evidence” standard, which reviews whether it is more likely than not that a violation has or has not occurred. If a student fails to accept or deny responsibility, a plea of deny responsibility will be recorded and the hearing officer will render a finding regarding responsibility based on the evidence.
using a “preponderance of the evidence” standard, which reviews whether it is more likely than not that a violation has or has not occurred.

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

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

7. Student Conduct Review Board Process:
   a. Notice of the hearing date: The Dean of Students (DOS) or designee will provide the respondent and complainant with written notice of the hearing date, time and location. A hearing or appellate board may be comprised of 3 or 5 members at the discretion of the Dean of Students Office. Student board members will constitute the majority of the panel.
   b. When the college is the complainant, the Dean of Students Office will appoint a member of the Community Living staff or the Associate Dean of Students to serve this role. The hearing will proceed even if the respondent and/or complainant fail to appear, and a decision will be rendered based on the evidence presented. Hearings before the Board will normally occur within 5-10 business days after the notice of charges or submitted appeal. The DOS may make exceptions to this time frame. Should students fail to appear for a scheduled hearing, a finding may be made based upon the information available with sanctioning recommendations (if applicable).
   c. Witnesses: Hearings are to occur in a manner that is as efficient as possible. Live witness testimony is preferred; however, written statements are acceptable, provided they have been notarized by a notary public. During the hearing, the chairperson
may exclude irrelevant testimony and/or witnesses for reasons of conduct. Witnesses relevant to the actual incident are permitted; witnesses in support of character are not. Written character statements may be accepted, but may only be reviewed during the sanctioning portion of deliberation at the panel’s discretion.

d. Personal Bias: Hearing panel members are expected to excuse themselves from a hearing if personal bias or conflict of interest would prevent them from rendering an objective decision. Any party may challenge a member on the grounds of personal bias at the beginning of the hearing. It will be the decision by majority vote of the panel to determine if the challenged member should excuse them self from the hearing.

e. Rules of Evidence: Hearings are intended to be informal in nature. Accordingly, formal rules of evidence do not apply. The chairperson is empowered to admit into evidence whatever is deemed as reasonably relevant and material to the issues of the case as well as deny overly redundant evidence.

f. Standard of Evidence: The hearing panel will render a finding regarding responsibility based on the evidence using a standard of “more likely than not.”

g. Representation: Hearings are closed. Respondents and complainants have the right to have an advocate from the Siena community be present during the hearing.

8. Student Conduct Review Board Hearing Procedure:

a. The chair of the hearing panel convenes the hearing and notes the date and time. The chair introduces them self and asks the same of the board members, advocate(s), complainant(s) and respondent(s).

b. The chair reads the opening statement.

c. The chair asks the respondent(s) to respond to the following procedural question: “Do you have any questions regarding the procedure to be used during this hearing?” Any questions are answered at that time. Further questions may be asked at any time after being recognized by the chair.

d. The chair states the alleged violations or grounds for appeal in an abbreviated form. In non-appellate cases, the respondent is asked to either accept responsibility, deny responsibility, or accept responsibility with an explanation for the violation. For appellate cases, the respondent will be asked if they are appealing a decision based on new evidence or disproportionate sanctioning or procedural error.

e. An opening statement from the complainant is entertained.

f. An opening statement from the respondent is entertained.

g. Complainant case presentation

i. Introduction of evidence

ii. Questioning of witnesses called by the complainant:

a. Complainant

b. Respondent

c. Hearing panel members (Note: Hearing panel members may ask questions at any time throughout the hearing after being recognized by the chair)

d. Again, each witness is retained until there are no further questions

h. Respondent case presentation

i. Introduction of evidence
ii. Questioning of witnesses called by respondent:
   a. Respondent
   b. Complainant
   c. Hearing panel members (Note: Hearing panel members may ask questions at any time throughout the hearing after being recognized by the chair)
   d. Again, each witness is retained until there are no further questions.

i. The chair will ask hearing panel members if they have any further questions for the respondent or complainant.
   i. A closing statement from the respondent is entertained.
   ii. A closing statement from the complainant is entertained.
   iii. The hearing panel will then adjourn for deliberation. The complainant(s), respondent(s) and advocate(s) are excused.

j. The hearing panel then deliberates. Deliberations are held in private, with only the hearing panel members and advisor present. Generally, a finding of responsibility is to be made before the prior disciplinary record of the respondent is reviewed, unless the record is necessary to establish the offense. However, there may be exceptions, including, but not limited to, student self-disclosure of record, release of record establishes motive and in alleged violations of sanction or restrictions. Final decisions of all hearings are determined by a majority vote of the hearing panel. The chair must write a detailed rationale for the recommended finding as well as detailed sanction information on a finding form. The finding and sanction are then forwarded to the DOS or VPSL in certain appellate cases who may accept, amend or reject the recommendation.

k. The DOS, VPSL or designee will normally inform the respondent(s) of the outcome in writing within three business days of the conclusion of the hearing. This time frame may be adjusted by the College for unusual circumstances (such as, but not limited to: breaks, illness, weather, etc.)

l. Additional notes:
   i. The hearing panel, at its discretion, reserves the right to reconvene for purposes of hearing from witnesses and/or reviewing additional information. When this occurs, the time frame may be adjusted

m. A hearing for purposes of sanction recommendations may be convened using an abbreviated form of the above procedure.

VII. The Appeal Process

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

A. Cases originally adjudicated by the Office of Community Living will be appealed to the Dean of Students Office, the Student Conduct Review Board or designee. The Student Conduct Review Board will make appeal recommendations to the Dean of Students Office.
B. Cases originally adjudicated by the Dean of Students Office will be appealed to the Vice President for Student Life or the Student Conduct Review Board. The Student Conduct Review Board will make appeal recommendations to the Vice President for Student Life.

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

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

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

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

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

II. Title VII and the Title IX Coordinator and Equal Opportunity Specialist (EOS) Responsibilities
A. Siena College’s Title IX Coordinator/EOS has primary responsibility for coordinating the College’s efforts to comply with and carry out its responsibilities under Title VII and Title IX which prohibits discrimination in all of the College’s programs and activities, as well as
retaliation for the purpose of interfering with any right or privilege secured by Title VII and Title IX.

B. The Title IX Coordinator/EOS oversees the College’s response to reports and complaints that involve possible discrimination and harassment, to monitor outcomes, identify and address any patterns, and assess effects on the campus climate, so the College can address issues that affect the wider College community.

C. An individual should contact the Title IX Coordinator/EOS in order to:
   - Seek information or training about rights and courses of action available to resolve reports or complaints that involve potential violations of this policy
   - Make a report that involves potential violations of this policy
   - Get information about available resources (including confidential resources) and support services relating to discrimination and harassment
   - Ask questions about the College’s policies and procedures related to discrimination and harassment

D. The Title IX Coordinator /EOS at Siena College is:
   Lois Goland, JD
   Sarazen Student Union Room 235
   Siena College
   515 Loudon Road
   Loudonville, NY 12211-1462
   518-782-6673
   lgoland@siena.edu

E. The following individuals serve as Deputy Title IX/EOS Coordinators, Title IX/EOS Investigators or Title IX/EOS Advisors and Educators
   1. Deputy Title IX/EOS Coordinators:
      John Bebb, Senior Deputy Title IX Coordinator
      Associate Dean of Students
      Student Specialist for Compliance/Education and Investigations
      Sarazen Student Union Room 302
      518-783-2328
      jbebb@siena.edu

      Jeanne Obermayer, Deputy for Students
      Student Affairs Compliance Officer
      Assists with Education and Investigations
      Sarazen Student Union Room 302
      518-783-2421
      obermayer@siena.edu
Michelle Barriere, Deputy for Employees
Contract Counsel
Assists with Education and Investigations
Trustco Bank Center
518-783-2403
mbarriere@siena.edu

2. Title IX/EOS Advisors and Educators:
   Jennifer Dorsey, Ph.D.
   Associate Professor of Early American History
   Assists with Education and may serve as an Advisor
   229 Kieran Hall
   518-783-2319
   jdorsey@siena.edu

   Donna McIntosh
   Professor of Social Work
   Assists with Education and may serve as an Advisor
   Rosetti Hall Room 310
   518-783-4261
   mcintosh@siena.edu

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

3. Title IX/EOS Investigators:
   Ron Matos
   Associate Director of Public Safety
   Hines Hall, East Wing, First Floor
   518-783-2376
   rmatos@siena.edu

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

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

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<th>New York State Protected Categories:</th>
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<td>Genetic Information</td>
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<td>Status as Domestic Violence Victim</td>
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<td>Gender Identity</td>
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IV. Legal and Behavioral Definitions of Discrimination and Harassment

A. **Discrimination**: Discrimination is adverse treatment of any staff, faculty, student, and administrator based on the protected class or category of persons to whom they belong, rather than on the basis of their individual merit, with respect to the terms, conditions, or privileges of employment or academic standing.

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

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

B. **Harassment**: Harassment is unwelcome verbal or physical conduct prohibited by law directed toward, or differential treatment of, an employee or student because of their membership in any Federal or New York State protected group or on any other prohibited basis.

Harassment becomes unlawful when:
1. Enduring the offensive conduct becomes a condition of continued employment/academic standing, or
2. The conduct is severe or pervasive enough to create a work/learning environment that a reasonable person would consider intimidating, hostile or abusive.

Examples of harassment based on protected categories include, but are not limited to:
- Racial slurs or epithets
- Treating an individual differently because of the individual’s race, sexual orientation, national origin, sex, religion, or other protected categories
- Unwelcome sexual advances
- Sexual innuendoes, comments, and sexual remarks
- Racial and sexual graffiti
- Telling jokes pertaining to protected categories
- Suggestive, obscene, or insulting sounds
- Posters, email, cartoons, pictures displayed in the work area that creates an offensive and intimidating environment
- Implied or expressed threat of reprisal for refusal to comply with a sexual request
- Patting, pinching, brushing up against another’s body
- Engaging in threatening, intimidating or hostile acts towards an individual because that individual belongs to or is associated with any protected categories
- Electronic transmission of derogatory, demeaning, or hostile materials

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

A hostile work/learning environment may exist when verbal and/or nonverbal behavior in the campus/workplace:
- Occurs because of an individual being a member of a protected class (e.g., sex, race, sexual orientation, age).
- Is unwanted or unwelcome.
- Is severe or pervasive enough to unreasonably impact the employee’s work or student’s learning.

D. **Third Party Harassment**: The individual to whom the harassing conduct is aimed is not the only person who can complain about the harassment. Third parties may complain when the
harassment directed at others adversely affects the other person’s work/learning environment. Third parties may also complain when offensive conduct, even if it is consensual between the parties involved, is creating a hostile work/learning environment for the third party.

V. Definitions

A. Definition of Employee Consensual Relationships

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

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

1. With other employees:

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

2. With students:

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

B. Definition of Complainant

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

C. Definitions of Accused and Respondent

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

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

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

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

F. **Definition of Bystander**
A “bystander” shall mean a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of the College.

G. **Definition of Review Panel**
The review panel consists of faculty, staff and administrators selected from the Siena College community. The review panel makes a determination of responsible or not responsible and makes sanctioning recommendations in formal meeting. These panel members are trained annually in the College’s Discrimination and Harassment Policy and procedures, case review, and adjudication. A review panel member will not participate in a panel meeting should there be a conflict of interest.

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

VII. **Choice of Actions in Response to Discrimination and Harassment**
Options in General: Complainants have many options that can be pursued simultaneously, including one of the following:

A. **Confidentially disclose a violation to the Counseling Center, Health Services, and the Office of the College Chaplain and Siena College Friars.** Confidential resources can share options and advice without any obligation to tell anyone, and will not share information without the consent of the Complainant.

B. **Anonymously disclose a crime or violation to the Public Safety anonymous tip line:** www.siena.edu/anonymous. The College may have a duty to investigate anonymous disclosures to the extent possible, based on the information disclosed.

C. **Submit a Bias Related Incident Report online. (Private, Not Confidential):** www.siena.edu/biasreport

D. **Make a report to a College Official/Responsible Employee:**
Complainants have the right of privacy when reporting to College Officials/Responsible Employees, to the extent possible under the circumstances. However, information must be shared with other administrators who have a need to know. (Private, Not Confidential)

- Public Safety (Private, Not Confidential)
VIII. Reporting

A. Confidentiality and Confidential Resources:
At Siena College, the following is the list of Confidential Resources:
  Counseling Center: 518-783-2342
  Health Services: 518-783-2554
  Office of the College Chaplain and Siena College Friars: 518-783-2332

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

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

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

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

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

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

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

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

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

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

D. **Anonymous Reporting:**

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

E. **Welfare of the Community (Amnesty) Policy:**

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

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

F. **Exception to Obligation to Investigate:**

If an individual discloses information through a public awareness event such as candlelight vigils, protests, or other public event, the College is not obligated to begin an investigation based on such information. The College may use the information provided at such an event to inform efforts for additional education and prevention efforts.
G. Interim Measures:
Upon receipt of a report, the Title IX Coordinator/EOS may provide reasonable and appropriate interim measures designed to preserve the Complainant’s educational experience, the safety of all parties and the broader campus community, maintain the integrity of the investigative and/or resolution process, and deter retaliation. The Title IX Coordinator/EOS may provide interim measures regardless of whether the Complainant seeks formal disciplinary action. The Title IX Coordinator/EOS will work collaboratively with the Dean of Students, Assistant Vice President for Human Resources, and Associate Vice President for Academic Affairs in providing interim measures.

Interim measures may include, but are not limited to:
- Access to counseling services and assistance in arranging an initial appointment.
- Rescheduling of exams and assignments
- Change in class schedule
- Change in work schedule or job assignment
- Change in housing
- Imposition of an on-campus “no contact order,” an administrative remedy designed to curtail contact and communications between two or more individuals
- Providing the Complainant assistance with filing a criminal complaint and seeking an order of protection
- Other remedies that can be used to achieve the goals of this policy, i.e. interim suspension or campus restriction pending the outcome of the investigation/process

IX. Filing a Complaint
A. Investigation By Siena College:
1. All reports and complaints of discrimination and harassment should be filed with the Title IX Coordinator/EOS, Public Safety or Deputy Coordinator as soon as possible after the incident(s) occurred or in a timely manner. While Complainants are welcome to file a report or complaint at any time, Complainants are encouraged to come forward as soon as possible because a delay in reporting or making a complaint may impact the effectiveness of the investigation. Delays in reporting may impair the College’s ability to investigate due to, but not limited to, fading memories and the availability of witnesses and evidence.
2. Complainants and Respondents may use an advisor of their choice (including legal counsel) at each point in these proceedings. The advisor may serve only in an advisory role and may not directly represent either party.
3. Upon receiving information of an alleged violation of this policy, either the Title IX Coordinator/EOS, Public Safety Investigators, a Deputy Coordinator, or a combination of these individuals will conduct an investigation (interview parties, take or receive statements).
4. If the reporting witness or Complainant chooses to pursue action under this policy, s/he shall make a written statement (which can be either written by the Complainant or dictated and ascribed to) regarding the discrimination and harassment complaint.
5. A reporting witness or Complainant may choose to withdraw a complaint and/or involvement from the College process at any time.

B. Complaints Filed By The College:
The Title IX Coordinator/EOS or Deputy Coordinator may file a complaint through these procedures against any individual s/he has a reason to believe has engaged in conduct in violation of this policy where doing so is deemed appropriate. By way of example but not limitation, where it appears that the individual may have engaged in a pattern of conduct in violation of this policy, based upon the number of complaints filed against the individual previously, and resolved through informal intervention.

Additionally, often individuals are reluctant to pursue the remedies provided in this policy even when the individual perceives they have been subjected to conduct prohibited by this policy. Should the Title IX Coordinator/EOS or Deputy Coordinator become aware of conduct potentially in violation of this policy, even if the person potentially subject to such conduct has not reported it or is unwilling to pursue a complaint, the College may conduct an investigation, as appropriate, and take any necessary action. In such cases the Title IX Coordinator/EOS will convene an ad hoc advisory group of three (3) Deputy Coordinators and/or Title IX/EOS Advisors and Educators to review the investigative report. If, after review, the ad hoc advisory group unanimously determines that there is not enough evidence to support a complaint, one will not be filed by the College and the investigation will close. Otherwise, a complaint will be filed by the College.

When the reporting party is not a student or employee, the College will serve as the Complainant throughout the Resolution process.

C. Reporting Retaliation:
Individuals may file a complaint with the Title IX Coordinator/EOS if they have been retaliated against for reporting discrimination, harassment, assisting someone in making such a report, or participating in any manner in an investigation or resolution of a discrimination or harassment complaint. All retaliation complaints will be investigated in accordance with the investigation procedures set forth in this policy and individuals who have been found to have engaged in retaliation will be subject to disciplinary action through the student code of conduct or employee disciplinary procedures.

X. Resolution

A. Informal Resolution:
Individuals may seek an informal resolution to end nonviolent conduct that the person believes violated this policy. These interventions include negotiation, shuttle diplomacy, mediation, and restorative justice. Negotiation, shuttle diplomacy, and mediation will not be used in cases that involve any form of violence.

If the Respondent confirms the allegations and acknowledges responsibility for their actions, the Title IX Coordinator/EOS and/or Deputy Coordinator, in consultation with the Complainant and other designated College officials, will determine the most appropriate course of action.

If the Complainant is not in agreement with the outcome of the informal intervention process or chooses to end it and proceed to the formal process, if the issue cannot be resolved informally, or if the Title IX Coordinator/EOS or Deputy Coordinator determines that additional inquiry is still appropriate, the Title IX Coordinator/EOS and/or Deputy Coordinator will commence the complaint process. Either party may end the informal resolution process at any time and proceed with the formal process.
B. **Formal Resolution:**
Siena College generally completes investigations within thirty (30) business days, absent extenuating circumstances. In certain circumstances the time frames may need to be extended (e.g., during July and August; students and faculty members are often not available, significant number of witnesses to interview, multiple allegations in a single complaint). However, every effort will be made to resolve cases as expeditiously as possible. The preponderance of evidence or “more likely than not” standard of review will be used during the investigatory process.

The Respondent shall be provided with a notice of complaint describing the date, time, location, and factual allegations, a reference to the specific policy violations alleged together with possible sanctions. Once presented with the notice of complaint, the Respondent has four (4) business days to formally accept or deny responsibility for the alleged behavior in writing. Failure to respond by the deadline will be treated as denial of responsibility and the formal process will proceed as outlined.

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

C. **Investigation Report:**
The Title IX Coordinator/EOS and/or Deputy Coordinator will prepare a written report following the completion of the investigation. Except in certain circumstances, the report should be completed within five (5) business days after the completion of the investigation. The report, at a minimum, must include a:
1. Summary of the complaint.
2. Summary of the response by the individual against whom the complaint was made.
3. Summary of the statements and evidence obtained during the investigation.
4. Summary of prior settlements or substantiated complaints against the Respondent.

D. **Notice of Outcome of Investigation:**
1. The Title IX Coordinator/EOS and/or the Deputy Coordinator will present a written notice of the outcome of the investigation to the Complainant and Respondent. This document shall consist of a summary of allegations, a summary of the evidence in support of the complaint, and specific areas of this policy that the Respondent is alleged to have violated.

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

E. **Acceptance of Responsibility (Student):**
1. If the Respondent accepts responsibility, the Title IX Coordinator/EOS or Deputy Coordinator shall convene a review panel of three (3) to review the case and make
recommendations for sanction (a Respondent’s previous conduct record will be considered in determining sanction) to the Associate Vice President for Student Life or designee. Generally, reviews should convene within fourteen (14) calendar days of when the Respondent accepted responsibility and the investigation is complete except for good cause, or by agreement of the parties. Written notice of the date, time, and location of the review will be provided to the Complainant and Respondent. Within three (3) business days of the completion of the case by a Review Panel, the recommended sanction(s), if any, shall be forwarded to the Associate Vice President for Student Life (AVPSL) or designee who may accept, amend or reject the sanctions. Any sanction takes into account the Respondent’s prior record and any prior complaints, as well as the severity of the incident and the outcome sought by the Complainant.

The Associate Vice President for Student Life (AVPSL) or designee will provide written notice of the outcome and sanction(s) to the Complainant, Respondent and Title IX Coordinator/EOS within seven (7) business days. The AVPSL or designee will make every effort to schedule notice simultaneously to these parties. All sanction(s), except for suspension, dismissal, or expusion from the College will take effect immediately pending appeal. The sanction(s) shall become final five (5) business days after written notice of said findings are provided to the parties unless formal written appeal is submitted to the Title IX Coordinator/EOS. Failure to submit the appeal within five (5) business days waives the right of written appeal.

2. Student Appeal
If the Complainant or Respondent disagrees with the sanction, they may make a formal written appeal to the Title IX Coordinator/EOS. The Complainant and Respondent may submit an additional statement regarding the case within three (3) business days upon notification that either party has submitted an appeal.

The Title IX Coordinator/EOS will convene a new three (3) person panel to review the sanction imposed and make a sanction recommendation to the Vice President for Student Life or designee. The Vice President for Student Life or designee has seven (7) business days to confirm, amend, or reject a recommendation(s). In cases where the Vice President amends or rejects the recommendation(s), the Vice President or designee will include in the file a rationale for the decision not to accept the recommendation(s). The Vice President for Student Life or designee will provide written notice of the outcome of the appeal to the Complainant, Respondent, and Title IX Coordinator/EOS. The Vice President for Student Life or designee will make every effort to schedule notice simultaneously to these parties. The decision of the Vice President for Student Life or designee is final.

F. Acceptance of Responsibility (Faculty, Staff or Administrator):
1. If the Respondent accepts responsibility, the Title IX Coordinator/EOS shall convene a review panel of three (3) to review the case and make recommendations for sanction to the Vice President or designee of the Respondent’s work assignment within three (3) business days of review completion. Generally, reviews should convene within fourteen (14) calendar days of when the Respondent accepted responsibility and the investigation is complete except for good cause, or by agreement of the parties. Written notice of the date, time, and location of the review will be provided to the Complainant and Respondent. Any sanction takes into account the Respondent’s prior record and any prior
complaints, as well as the severity of the incident and the outcome sought by the Complainant.

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

The Vice President or designee of the Respondent’s work assignment will send written notice to the Complainant, Respondent, Human Resources, and Title IX Coordinator/EOS of their decision regarding sanction(s) within seven (7) business days of receipt of the recommended sanctions. The Vice President or designee of the Respondent’s work assignment will make every effort to schedule notice simultaneously to these parties.

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

2. Staff and Administrator Appeal
   If the Complainant or Respondent disagrees with the sanction, they may make a formal written appeal to the Title IX Coordinator/EOS. The Complainant and Respondent may submit an additional statement regarding the case within three (3) business days upon notification that either party has submitted an appeal.

   The Title IX Coordinator/EOS will convene a new three (3) person panel to review the sanction imposed and make a sanction recommendation to a different Vice President as designated by the Title IX Coordinator/EOS within three (3) business days. The Vice President has seven (7) business days to confirm, amend or reject a recommendation(s). The Vice President’s sanction decision is final. The Vice President will provide written notice of the outcome of the appeal to the Complainant, Respondent, and Title IX Coordinator/EOS. The Vice President will make every effort to schedule notice simultaneously to these parties.

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

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

G. Denial of Responsibility:
   If the Respondent denies responsibility, a formal review panel will be convened.

   Formal Review:
Once a Respondent denies responsibility and the investigation is complete, the Title IX Coordinator/EOS will convene a three (3) person Review Panel. The purpose of the review is for the Review Panel to determine whether it is more likely than not that the facts established constitute a violation of this policy. The Panel will examine all testimony and documentary evidence it deems relevant, including the investigation report, where appropriate. Privacy and confidentiality shall be protected to the extent practicable, given the College’s need to administer the process.

- Generally, reviews should convene within fourteen (14) calendar days of when the Respondent denied responsibility and the investigation is complete except for good cause, or by agreement of the parties. Written notice of the date, time, and location of the review will be provided to the Complainant and Respondent.

- The Review Panel will render a finding regarding responsibility based on the evidence using a “preponderance of the evidence” standard, which reviews whether it is more likely than not that a violation of this Policy has or has not occurred. The panel will normally render a finding based upon unanimity. In those instances where unanimity is unavailable, a majority vote may be used to render the decision. A Respondent’s previous conduct record will be considered in determining sanction.

H. Hearing Outcome Notifications:
1. Within three (3) business days of the completion of the case by a Review Panel, the recommended finding(s) and sanction(s), if any, shall be forwarded to the Associate Vice President for Student Life (AVPSL) or designee who may accept, amend, or reject the findings and/or sanctions. The AVPSL or designee will provide written notice of the outcome and sanction(s), if any, to the Complainant, Respondent, and Title IX Coordinator/EOS within seven (7) business days. The AVPSL or designee will make every effort to schedule notice simultaneously to these parties.

2. Student Appeal
All sanction(s), except for suspension, dismissal, or expulsion from the College will take effect immediately pending appeal and shall become final five (5) business days after written notice of said decision is sent to the Respondent unless a formal written appeal is submitted. Failure to submit the appeal within five (5) business days waives the right of written appeal.

Complainant(s) or Respondent(s) may submit an appeal based on the findings. Appeals of the finding(s) of responsibility must be based on procedural error or new information that was not available at the time of the Formal Review, and could not have been produced by a reasonable effort. Complainant(s) and Respondent(s) may also appeal sanction(s) based on grounds that the sanction(s) imposed are disproportionate to the violation of policy that was found to have occurred. The Complainant(s) or Respondent(s) may make a formal appeal in writing to the Title IX Coordinator/EOS. The Complainant(s) and Respondent(s) may submit an additional statement within three (3) business days upon notification that either party has submitted an appeal.
The Title IX Coordinator/EOS will convene a new Review Panel of three (3) to review the case and make a recommendation to the Vice President for Student Life or designee whose decision is final.

The Title IX Coordinator/EOS will provide written notice to the Vice President for Student Life or designee of the findings of the Appellate Review Panel within three (3) business days of receipt of the findings.

The Vice President for Student Life or designee will provide written notice of the outcome of the appeal to the Complainant(s), Respondent(s), and Title IX Coordinator/EOS within seven (7) business days. The Vice President for Student Life or designee will make every effort to schedule notice simultaneously to these parties.

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

I. Hearing Outcome Notification: – Faculty, Staff or Administrator

1. Within three (3) business days of the completion of the review of the case by a Review Panel, the recommended finding(s) and sanction(s), if any, shall be forwarded to the Vice President or designee of the Respondent’s work assignment who may accept, amend, or reject the findings and/or sanctions. The Vice President or designee will provide written notice to the Complainant, Respondent, Human Resources, and Title IX Coordinator/EOS of their decision regarding findings and sanction(s) within seven (7) business days of receipt of the recommended findings and sanctions. The Vice President or designee will make every effort to schedule notice concurrently to these parties.

In cases where the AVPSL or a Vice-President (in the case of a faculty, staff, or administrator) or designees amends or rejects a recommended finding and/or sanction as presented by the Review Panel, the AVPSL or Vice President or designees will include in the file a written notice and rationale for the decision not to accept the recommendation.

2. Staff and Administrators Appeal:
The decision of appropriate Vice President or designee and sanction imposed shall become final five (5) business days after written notice of said decision was sent to the Respondent unless a formal written appeal is submitted to the Title IX Coordinator/EOS along with a copy to the appropriate Vice President or designee. Failure to submit the appeal within five (5) business days waives the right of written appeal.

Complainant(s) or Respondent(s) may submit an appeal based on the findings. Appeals of the finding(s) of responsibility must be based on procedural error or new information that was not available at the time of the Formal Review, and could not have been produced by a reasonable effort. Complainant(s) and Respondent(s) may also appeal sanction(s) based on grounds that the sanction(s) imposed are disproportionate to the violation of policy that was found to have occurred. The Complainant(s) or Respondent(s) may make a formal appeal in writing to the Title IX Coordinator/EOS. The Complainant(s) and Respondent(s) may submit an additional statement within three (3) business days upon notification that either party has submitted an appeal.
The Title IX Coordinator/EOS will convene a new Review Panel of three (3) to review the case and make a recommendation to a different Vice President as designated by the Title IX Coordinator/EOS whose decision is final.

The Title IX Coordinator/EOS will provide written notice to the appropriate Vice President or designee of the findings of the Appellate Review Panel within three (3) business days of receipt of the findings.

The Vice President or designee will provide written notice to the Complainant(s), Respondent(s), Human Resources, and Title IX Coordinator/EOS of their decision regarding findings and sanction(s) within seven (7) business days of receipt of the recommended findings and sanctions. The Vice President or designee will make every effort to schedule notice simultaneously to these parties.

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

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

J. Dispositions/Compliance Monitoring:
The Dean of Students or designee is responsible for monitoring student compliance, if applicable.

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

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

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

K. Dismissal of Tenured Faculty:
In cases where complaints against tenured faculty members are found to have merit and where dismissal is the decision, the Vice President for Academic Affairs shall provide a Notice of Termination to the tenured faculty member which shall be effective two (2) weeks after served or mailed to the Respondent, unless, during the two (2) week time frame, the Respondent submits a written request for a dismissal hearing by the Faculty Grievance Committee.
Upon the submission of a request for a dismissal hearing, the procedures set forth in the Faculty Handbook shall be followed.

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

L. **Records of Complaints/Reports:**

A copy of the investigation report and the final decision shall be maintained by the College and included in the Conduct or Human Resources file of the Respondent only if the determination concludes that the Respondent engaged in prohibited conduct.

Complaints against students will be held in the Respondent’s file in accordance with the policy as stated in the Retention and Release of Student Disciplinary Records.

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

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

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

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

**XI. Annual Reporting**

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

**XII. Resolution Through Other Means**

Complainants and Respondents have the right to seek resolution through other sources, for example, the New York State Division of Human Rights, the Equal Employment Opportunity Commission or Office of Civil Rights of the United States Department of Education (1-800-421-3481).

**XIII. Modifications**

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

Last Modified: May 2019
Hate Crimes and Bias-related Incidents

I. Overview

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

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

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

B. Hate Crime: A person commits a hate crime when he or she commits a specified criminal offense as defined by the New York State Penal Law and either:
   a. intentionally selects the person against whom the offense is committed or is intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the person, regardless of whether the belief or perception is correct
   b. intentionally commits the act or acts constituting the offense in whole or in part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

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

Applicable Laws, Ordinances and Regulations

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

C. Legislative Findings

The legislature finds and determines as follows: criminal acts involving violence, intimidation and destruction of property based upon bias and prejudice have become more prevalent in New York State in recent years. The intolerable truth is that in these crimes, commonly and justly referred to as “hate crimes”, victims are intentionally selected, in whole or in part, because of their race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation. Hate crimes do more than threaten the safety and welfare of all citizens. They inflict on victims incalculable physical and emotional damage and tear at the very fabric of free society. Crimes motivated by invidious hatred toward particular groups not only harm individual victims but send a powerful message of intolerance and discrimination to all members of the group to which the victim belongs. Hate crimes can and do intimidate and disrupt entire communities and vitiate the civility that is essential to healthy democratic
processes. In a democratic society, citizens cannot be required to approve of the beliefs and practices of others, but must never commit criminal acts on account of them. Current law does not adequately recognize the harm to public order and individual safety that hate crimes cause. Therefore, our laws must be strengthened to provide clear recognition of the gravity of hate crimes and the compelling importance of preventing their recurrence. Accordingly, the legislature finds and declares that hate crimes should be prosecuted and punished with appropriate severity.

D. Hate Crimes

1. A person commits a hate crime when he or she commits a specified offense and either:

   a. intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or

   b. intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

2. Proof of race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the defendant, the victim or of both the defendant and the victim does not, by itself, constitute legally sufficient evidence satisfying the people's burden under paragraph (a) or (b) of subdivision one of this section.

3. A “specified offense” is an offense defined by any of the following provisions of this chapter: section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); section 120.10 (assault in the first degree); section 120.12 (aggravated assault upon a person less than eleven years old); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); section 121.12 (strangulation in the second degree); section 121.13 (strangulation in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); subdivision one of section 130.35 (rape in the first degree); subdivision one of section 130.50 (criminal sexual act in the first degree); subdivision one of section 130.65 (sexual abuse in the first degree); paragraph (a) of subdivision one of section 130.67 (aggravated sexual abuse in the second degree); paragraph (a) of subdivision one of section 130.70 (aggravated sexual abuse in the first degree); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.60 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.10 (criminal trespass in the third degree); section 140.15 (criminal trespass in the second degree); section 140.17 (criminal trespass in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the
second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 150.05 (arson in the fourth degree); section 150.10 (arson in the third degree); section 150.15 (arson in the second degree); section 150.20 (arson in the first degree); section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in the second degree); section 155.42 (grand larceny in the first degree); section 160.05 (robbery in the third degree); section 160.10 (robbery in the second degree); section 160.15 (robbery in the first degree); section 240.25 (harassment in the first degree); subdivision one, two or four of section 240.30 (aggravated harassment in the second degree); or any attempt or conspiracy to commit any of the foregoing offenses.

4. For purposes of this section:
   a. the term “age” means sixty years old or more
   b. the term “disability” means a physical or mental impairment that substantially limits a major life activity

E. Sentencing
1. When a person is convicted of a hate crime pursuant to this article, and the specified offense is a violent felony offense, as defined in section 70.02 of this chapter, the hate crime shall be deemed a violent felony offense.
2. When a person is convicted of a hate crime pursuant to this article and the specified offense is a misdemeanor or a class C, D or E felony, the hate crime shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant’s conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.
3. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class B felony:
   a. the maximum term of the indeterminate sentence must be at least six years if the defendant is sentenced pursuant to section 70.00 of this chapter
   b. the term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to section 70.02 of this chapter
   c. the term of the determinate sentence must be at least twelve years if the defendant is sentenced pursuant to section 70.04 of this chapter
   d. the maximum term of the indeterminate sentence must be at least four years if the defendant is sentenced pursuant to section 70.05 of this chapter
   e. the maximum term of the indeterminate sentence or the term of the determinate sentence must be at least ten years if the defendant is sentenced pursuant to section 70.06 of this chapter
4. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class A-1 felony, the minimum period of the indeterminate sentence shall be not less than twenty years.
F. Victims of Bias-related Incidents or Hate Crimes

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

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

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

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

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

3. Penalties:
   
   Siena College considers hate crimes and bias-related incidents as serious. In addition to any criminal sanctions, individuals found responsible for hate crimes or bias-related incidents are subject to sanctioning in accordance with procedures outlined in the Discrimination and Harassment policy or Student Code of Conduct.
G. **Support Services and Counseling:**
All victims of, or witnesses to, bias-related crimes or incidents are encouraged to avail themselves of college counseling resources. Counseling and support services are available at the Counseling Center, Foy Hall, room 110, 518-783-2342. Additionally, staff in the Dean of Students Office, Office of Accessibility Services, Damietta Cross Cultural Center, Residential Life, Chaplain’s Office, and the Title IX/Equal Opportunity Specialist are prepared to help and support students in this situation.
Sexual Misconduct Policy

I. Statement of Basis and Purpose

Siena College is committed to promoting a learning and working environment where sexual misconduct, which includes sexual violence, sexual harassment, and other gender based offenses, is not tolerated. This policy prohibits sexual violence, sexual harassment, and other gender-based offenses in all College programs and activities. Conduct prohibited by this policy also may violate laws enforced through the public criminal justice system. Individuals may decide to utilize both this policy and the public criminal justice system, simultaneously, to address covered conduct. Siena College proceedings that involve alleged violations of this policy will be conducted through a process that is prompt, equitable, fair, impartial, and provides adequate notice and a meaningful opportunity to be heard.

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

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

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

Accordingly, Siena College is committed to:

- Defining conduct that constitutes sexual misconduct
- Providing clear reporting options for all members of our campus and visitors after disclosing a violation of the College’s Sexual Misconduct Policy.
- Promptly responding to and investigating allegations of sexual misconduct, including taking steps to eliminate a hostile environment if one has been created and prevent the recurrence of future incidents of sexual misconduct. The College’s response may include pursuing disciplinary action when appropriate, referring the incident to local authorities when appropriate, and taking action to investigate and address any allegations of retaliation
- Providing ongoing assistance and support to members of our campus who file complaints of sexual misconduct
- Providing awareness and prevention information on sexual misconduct, including disseminating our policies, implementing training and educational programs for all College constituents
For purposes of this policy, sexual misconduct includes sexual violent acts (rape, sexual assault, sexual battery, sexual coercion, sexual exploitation), sexual harassment, and other gender based offenses (dating violence, domestic violence, stalking).

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

A. Siena College’s Title IX Coordinator/EOS has primary responsibility for coordinating the College’s efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all of the College’s programs and activities, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX.

B. The Title IX Coordinator/EOS oversees the College’s response to reports and complaints that involve possible sex discrimination, to monitor outcomes, identify and address any patterns, and assess effects on the campus climate, so the College can address issues that affect the wider College community.

C. **An individual should contact the Title IX Coordinator/EOS in order to:**
   - Seek information or training about rights and courses of action available to resolve reports or complaints that involve potential violations of this policy
   - Make a report that involves potential violations of this policy
   - Get information about available resources (including confidential resources) and support services relating to sex discrimination, including sexual misconduct
   - Ask questions about the College’s policies and procedures related to sex discrimination, including sexual misconduct

D. **The Title IX Coordinator/EOS at Siena College is:**
   Lois Goland, JD  
   Sarazen Student Union Room 235  
   Siena College  
   515 Loudon Road  
   Loudonville, NY 12211-1462  
   518-782-6673  
   lgoland@siena.edu

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

5. **Deputy Title IX/EOS Coordinators:**
   John Bebb, Senior Deputy Title IX Coordinator  
   Associate Dean of Students  
   Student Specialist for Compliance/Education and Investigations  
   Sarazen Student Union Room 302  
   518-783-2328  
   jbeb@siena.edu
Jeanne Obermayer, Deputy for Students
Student Affairs Compliance Officer
Assists with Education and Investigations
Sarazen Student Union Room 302
518-783-2421
obermayer@siena.edu

Michelle Barriere, Deputy for Employees
Contract Counsel
Assists with Education and Investigations
Trustco Bank Center
518-783-2403
mbarriere@siena.edu

6. Assists with Education and Investigations:
Title IX/EOS Advisors and Educators:
Jennifer Dorsey, Ph.D.
Associate Professor of Early American History
Assists with Education and may serve as an Advisor
229 Kiernan Hall
518-783-2319
jdorsey@siena.edu

Donna McIntosh
Professor of Social Work
Assists with Education and may serve as an Advisor
Rosetti Hall Room 310
518-783-4261
mcintosh@siena.edu

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

7. Title IX/EOS Investigators:
Ron Matos
Associate Director of Public Safety
Hines Hall, East Wing, First Floor
518-783-2376
rmatos@siena.edu
III. Terminology

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

Consent will be determined with the following principles in mind:

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol
- Consent may be initially given but withdrawn at any time
- Consent cannot be given when a person is incapacitated (see definition below)
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm
- When consent is withdrawn or can no longer be given, sexual activity must stop

B. Definition of Incapacitated:
Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to fully, knowingly choose to participate in sexual activity. Incapacitation includes impairment due to drugs or alcohol (whether such use is voluntary or involuntary), the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent.

Evaluating incapacitation also requires an assessment of whether a Respondent knew or should have known, that the other individual was incapacitated. A person's responsibility for obtaining consent is not diminished by use of alcohol and or other drugs. Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct.

C. Definition of Sexual Activity:
“Sexual Activity” shall have the same meaning as “sexual act” and “sexual contact” as defined below:

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

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

D. Definition of Complainant and Survivor:
“Complainant” shall mean a student or employee who has reported sexual misconduct. Complainants may also be referred to as survivor or victim throughout this policy. In some instances, the College may serve as the complainant (see “Complaints filed by the College” in Section XI - Filing a Complaint - of this policy).

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

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

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

H. Definition of Bystander:
A “bystander” shall mean a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of the College.

I. Definition of Review Panel:
The review panel consists of faculty, staff, and administrators selected from the Siena College community. The review panel makes a determination of responsible or not responsible and makes sanctioning recommendations in formal hearings. These panel members are trained annually in the College’s Sexual Misconduct policy and procedures, case review, and adjudication. A review panel member will not participate in a panel meeting should there be a conflict of interest.
IV. Definitions and Behavioral Examples of Sexual Violence, Sexual Harassment, and Other Gender Based Offenses

A. Sexual Violence:
1. Sexual Violence acts include, but are not limited to, sexual assault, sexual coercion, and sexual exploitation. Sexual violent acts are physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent for reasons, such as, but not limited to, the victim/survivor’s age, the victim/survivor’s use of drugs or alcohol, or the victim/survivor’s inability to give consent due to intellectual or other disability.

2. Sexual assault is an offense that meets the definition of rape, fondling, incest, or statutory rape as stated in the uniform crime reporting system of the Federal Bureau of Investigation.

3. Rape is 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.

4. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will, or not forcibly or against the person’s will, in instances where the victim is incapable of giving consent.

5. Sexual coercion is the act of using force, threats, alcohol or drugs, and/or using physical, emotional, or verbal pressure to have sexual contact with someone against his or her will, or where a person is incapable of giving consent for reasons including, but not limited to, the victim/survivor’s age, the victim/survivor’s use of drugs or alcohol, or the victim’s inability to give consent due to intellectual or other disability. Sexual contact includes kissing, patting, fondling, oral sex, genital touching, and any other sexual behavior that makes the victim/survivor feel uncomfortable.

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

B. Sexual Harassment:
Sexual harassment is any unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and/or verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment occurs when any of the following conditions are present:

- Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work, or participation in any aspect of a college program or activity; or,
- Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, e.g. it is sufficiently serious, pervasive or
persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both the subjective perspective of the person who experiences such conduct and objective standard of a reasonable person's perception of such conduct. A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to establish the existence of a hostile environment, particularly if the harassment is physical. Conduct which is pervasive or persistent, even if not severe, may also create a hostile environment. Sexual harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender, sex or gender, and/or sex or gender stereotyping, even if those acts do not involve conduct of a sexual nature.

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

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

   a. Physical conduct:
      - Unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements
• Unwanted sexual advances

b. Verbal conduct:
• Making or using derogatory comments, epithets, slurs, or humor

• Intentionally using incorrect pronouns or an incorrect name when a person has clearly stated their preferred name and pronouns

• Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations

• Objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes

c. Visual conduct:
• Leering, making sexual gestures, displaying of suggestive or demeaning objects or pictures, cartoon or posters in a public space or forum

• Severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading images. This example should not be understood to constrain academic freedom in teaching, research, or creative activity, or to limit intellectual and or expressive rights.

• Letters, notes, or electronic communications containing comments, words, or images described above

d. Quid pro quo conduct:
• Direct propositions of a sexual nature between those for whom a power imbalance, supervisory, or other authority relationship exists

• Offering educational or employment benefits in exchange for sexual favors

• Making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades, or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose

• Making or threatening reprisals after a negative response to sexual advances

V. Definition of Employee Consensual Relationships

Siena College does not intrude upon private choices regarding personal relationships when these relationships do not violate the policies of the College, cause harm to the safety and wellbeing of members of the campus community, or increase the risk of harm to the safety and wellbeing of members of the campus community.
Should an employee be found in violation of the consensual relationship policy and charges of sexual harassment are made, it shall not be a defense to allege that the relationship was consensual in any proceeding brought under these procedures.

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

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

VI. Other Gender Based Offenses

A. Dating violence is violence committed by a person who (a) has been in a social relationship of a romantic or intimate nature with the victim and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: length of the relationship, type of relationship, and frequency of interaction between the persons involved in the relationship.

B. Domestic violence is a felony or misdemeanor crime of violence committed by a current or former spouse of the victim/survivor, by a person with whom the victim/survivor shares a child in common, by a person who is cohabitating with or has cohabitated with the victim/survivor as a spouse, by a person similarly situated to a spouse of the victim/survivor under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim/survivor who is protected from the person’s acts under the domestic violence laws of the jurisdiction.

C. Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

* see Appendix I – Behavioral Examples of Other Gender Based Offenses

VII. Immediate Assistance in Cases of Sexual Misconduct

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

VIII. Obtaining Immediate Medical Attention and Emotional Support

Siena College is committed to assisting anyone who experiences sexual misconduct to seek comprehensive medical attention as soon as possible to treat injuries, obtain preventative treatment for sexually transmitted diseases, and preserve evidence, among other things. For rapes in particular, immediate treatment and the preservation of evidence of the assault are important for many reasons, including facilitating a criminal investigation. In addition, individuals who have experienced or witnessed sexual misconduct are encouraged to seek emotional support as soon as possible, either on or off-campus.

A. On-campus resources include nurses at Siena’s Health Services and counselors in Siena’s Counseling Center. Counselors are trained to provide crisis intervention.

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

IX. Choice of Actions in Response to Sexual Misconduct

A. Options in General:
Victims/Survivors have many options that can be pursued simultaneously, including one of the following:

- Confidentially disclose a crime or violation to the Counseling Center, Health Services, and the Office of the College Chaplain and Siena College Friars. Confidential resources can share options and advice without any obligation to tell anyone, and will not share information without the consent of the victim/survivor.
- Anonymously disclose a crime or violation to the Public Safety anonymous tip line: www.siena.edu/anonymous. The College may have a duty to investigate anonymous disclosures to the extent possible, based on the information disclosed.
- Make a report to a College Official/Responsible Employee. Victims/Survivors have the right of privacy when reporting to College officials/responsible employees, to the extent possible under the circumstances. However information must be shared with other administrators who have a need to know. (Private, Not Confidential)
- Public Safety (Private, Not Confidential)
- Local Law Enforcement (Private, Not Confidential)
- New York State Police (Private, Not Confidential)
- Title IX Coordinator/EOS (Private, Not Confidential)
- Deputy Title IX/EOS Coordinators (Private, Not Confidential)
B. Confidentiality and Confidential Resources:
Confidentiality may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to College officials in a manner consistent with state and federal law, including but not limited to 20 U.S.C. 1092 (F) and 20 U.S.C. 1681 (A). Licensed mental health counselors, medical providers, and pastoral counselors are examples of College employees who may offer confidentiality.

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

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

At Siena College, the following is the list of Confidential Resources:
   Counseling Center:  518-783-2342
   Health Services:  518-783-2554
   Office of the College Chaplain and Siena College Friars:  518-783-2332

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

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

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

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

C. Privacy/Non-Confidential:
Privacy may be offered by an individual when such individual is unable to offer confidentiality under the law, but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with this and other applicable laws, including informing appropriate College officials.
Even College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator/EOS to investigate and/or seek a resolution.

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

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

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

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

E. Law Enforcement:
Sexual misconduct is prohibited, in separate ways, by New York State Law and Siena College policy. Thus, offenders may be prosecuted under New York State criminal statutes and subject to disciplinary action by the College. The College may choose to pursue disciplinary action while criminal action is pending, or even if criminal justice authorities choose not to prosecute.

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

In the case of reported sexual misconduct, a law enforcement investigation does not relieve the College of its independent obligation to investigate the report, as specified by Title IX of the Education Amendments of 1972 (“Title IX”). Siena College’s investigative and conduct process will run concurrently with a criminal justice investigation and proceeding except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten (10) days except when law enforcement specifically requests and justifies a longer delay.
F. **Anonymous Reporting:**
If a Complainant self-identifies but asks to remain anonymous during the investigation, the Title IX Coordinator/EOS will consider how to proceed, taking into account the Complainant’s wishes, the College’s commitment to provide a safe environment, and the Respondent’s right to have specific notice of the allegations if the College were to take action that affects the Respondent.

G. **Welfare of the Community (Amnesty) Policy:**
The health and safety of every student at Siena College is of utmost importance. Siena College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, sexual assault, discrimination, or harassment occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Siena College strongly encourages students to report domestic violence, dating violence, stalking, sexual assault, discrimination, or harassment to College 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, sexual assault, discrimination, or harassment to College officials or law enforcement will not be subject to Siena’s code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, sexual assault, discrimination, or harassment.

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

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

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**X. Jeanne Clery Act and Timely Warning**

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

B. **Timely Warning:**

1. In the event a situation arises within the College’s Clery Geography that, in the judgment of the Director of Public Safety or designee (who may consult with the Vice President for Student Life, Dean of Students and/or Title IX Coordinator/EOS), which may pose a serious or continuing threat to students and employees, a campus-wide “Timely Warning” will be issued. The decision to issue a Timely Warning is made on a case-by-case basis considering the nature of the crime and the continuing danger to the campus community. The warning will be provided to students and employees in a manner that is timely, and that will aid in the prevention of similar occurrences. Timely Warnings will include information about the crime that triggered the Timely Warning but will not include personally identifiable information about the victim of the crime. Timely Warning Notices are generally written and distributed by the Director of Public Safety (or designee) or the Dean of Students’ Office and are sent via email to students, faculty, staff, and administrators. A copy of the notice may also be posted on campus buildings.

2. The Director of Public Safety or his designee may issue a “Public Safety Advisory” where the precipitating incident(s) is/are not Clery Crimes and do not rise to the level of a “Timely Warning”. These Public Safety Advisories may be issued to inform the campus community for their personal safety of ongoing non-Clery crimes, suspicious activity on campus, or crimes that do not fall within Siena’s Clery Geography. These “Advisories” may be disseminated to the campus community via email and/or postings on campus buildings.

XI. **Initial Review**

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

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

At the conclusion of the assessment, the Title IX Response Team may refer the report for informal resolution. Informal resolution does not involve disciplinary action against a responding party. Alternatively, the Title IX Team may refer the matter for formal resolution.
Formal resolution begins with an investigation. Considering the best interest of the College community, the College may proceed with an investigation without the consent from the potential Complainant, but will, to the extent practicable under the circumstances, maintain the privacy and anonymity of the potential Complainant. The goal of the investigation is to gather all relevant facts and determine if there is sufficient information to refer the report to an adjudication or grievance process in order to determine responsibility and impose disciplinary action if appropriate.

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

Interim measures may include, but are not limited to:
- Access to counseling services and assistance in arranging an initial appointment.
- Rescheduling of exams and assignments
- Change in class schedule
- Change in work schedule or job assignment
- Change in housing
- Arranging for medical services
- Imposition of an on-campus “no contact order,” an administrative remedy designed to curtail contact and communications between two or more individuals
- Providing the Complainant assistance with filing a criminal complaint and seeking an order of protection
- Other remedies that can be used to achieve the goals of this policy, i.e. interim suspension or campus restriction pending the outcome of the investigation/process

Both the complainant and the respondent may appeal the need for, and the terms of, an interim measure. The appeal must be within three days of the issue of the measure and must be in writing to the Dean of Students Office.

C. Investigation by Siena College:
1. All reports and complaints of sexual misconduct should be filed with the Title IX Coordinator/EOS, Public Safety, or Deputy Coordinator as soon as possible after the incident(s) occurred or in a timely manner. While Complainants are welcome to file a report or complaint at any time, Complainants are encouraged to come forward as soon as possible because a delay in reporting or making a complaint may impact the effectiveness of the investigation. Delays in reporting may impair the College’s ability to investigate due to, but not limited to, fading memories and the availability of witnesses and evidence.
2. Complainants and Respondents may use an advisor of their choice (including legal counsel) at each point in the Sexual Misconduct procedure. The advisor may serve only in an advisory role and may not directly represent either party.
3. Upon receiving information of an alleged violation of this policy, either the Title IX Coordinator/EOS, Public Safety Investigators, a Deputy Coordinator, or a combination of these individuals will meet with the Complainant, Respondent, and/or reporting witness and conduct an investigation (interview parties, take or receive statements).

4. If the reporting witness or Complainant chooses to pursue action under this policy, s/he shall make a written statement (which can be either written by the Complainant or dictated and ascribed to) regarding the Sexual Misconduct complaint.

5. A reporting witness or Complainant may choose to withdraw a complaint and/or involvement from the college process at any time.

D. Complaints Filed by the College:
The Title IX Coordinator/EOS or Deputy Coordinator (in consultation with the Title IX Response Team) may file a complaint through these procedures against any individual s/he has a reason to believe has engaged in conduct in violation of this policy where doing so is deemed appropriate. By way of example but not limitation, where it appears that the individual may have engaged in a pattern of conduct in violation of this policy, based upon the number of complaints filed against the individual previously, and resolved through informal intervention.

Additionally, often individuals are reluctant to pursue the remedies provided in this policy even when the individual perceives they have been subjected to conduct prohibited by this policy. Should the Title IX Coordinator/EOS or Deputy Coordinator become aware of conduct potentially in violation of this policy, even if the person potentially subject to such conduct has not reported it or is unwilling to pursue a complaint, the College may conduct an investigation, as appropriate, and take any necessary action. In such cases the Title IX Coordinator/EOS will convene an ad hoc advisory group of three (3) Deputy Coordinators and/or Title IX/EOS Advisors and Educators to review the investigative report. If, after review, the ad hoc advisory group unanimously determines that there is not enough evidence to support a complaint, one will not be filed by the College and the investigation will close. Otherwise, a complaint will be filed by the College.

When the reporting party is not a student or employee, the College will serve as the Complainant throughout the Resolution process.

E. Reporting Retaliation:
Individuals may file a complaint with the Title IX Coordinator/EOS if they have been retaliated against for reporting sexual misconduct, assisting someone in making such a report, or participating in any manner in an investigation or resolution of a sexual misconduct complaint. All retaliation complaints will be investigated in accordance with the investigation procedures set forth in this policy and individuals who have been found to have engaged in retaliation will be subject to disciplinary action through the student code of conduct or employee disciplinary procedures.

XII. Resolution

A. Informal Resolution:
Individuals may seek an informal resolution to end nonviolent conduct that the person believes violated this policy. These interventions include negotiation, shuttle diplomacy,
mediation, and restorative justice. Negotiation and mediation will not be used in cases that involve sexual misconduct or any other form of violence.

If the Respondent confirms the allegations and acknowledges responsibility for their actions, the Title IX Coordinator/EOS and/or Deputy Coordinator, in consultation with the Complainant and other designated College officials, will determine the most appropriate course of action.

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

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

The Respondent shall be provided with a notice of complaint describing the date, time, location, and factual allegations, a reference to the specific policy violations alleged together with possible sanctions. Once presented with the notice of complaint, the Respondent has four (4) business days to formally accept or deny responsibility for the alleged behavior in writing. Failure to respond by the deadline will be treated as denial of responsibility and the formal process will proceed as outlined.

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

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

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

D. Notice of Outcome of Investigation:
1. The Title IX Coordinator/EOS and/or the Deputy Coordinator will present a written notice of the outcome of the investigation to the Complainant and Respondent. This document shall consist of a summary of allegations, a summary of the evidence in support of the complaint, and specific areas/of this policy of which the Respondent is alleged to have violated.
2. Following a notice of outcome of the investigation, the Complainant and their advisor and the Respondent and their advisor may review a redacted copy of the investigation report. Following this review the Complainant and/or Respondent may provide an additional written response to be included in the materials for informal or formal resolution. Both the Complainant and Respondent may also submit a written impact statement to the Title IX Coordinator/EOS to be reviewed prior to deliberation of sanctions, if any. The Complainant and Respondent have ten (10) business days upon notification of the investigative report’s completion to review and submit a written response and impact statement.

E. Acceptance of Responsibility (Student):
1. If the Respondent accepts responsibility, the Title IX Coordinator/EOS or Deputy Coordinator shall convene a review panel of three (3) to review the case and make recommendations for sanction to the Associate Vice President for Student Life or designee (a Respondent’s previous conduct record will be considered in determining sanction). Generally, reviews should convene within fourteen (14) calendar days of when the Respondent accepted responsibility and the investigation is complete except for good cause, or by agreement of the parties. Written notice of the date, time, and location of the review will be provided to the Complainant and Respondent.

Within three (3) business days of the completion of the case by a Review Panel, the recommended sanction(s), if any, shall be forwarded to the Associate Vice President for Student Life (AVPSL) or designee who may accept, amend, or reject the sanctions. The Respondent and Complainant are insured their right to exclude their own prior sexual history with persons other than the other party in the conduct process, or their own mental health diagnosis and/or treatment, from use in the review process prior to adjudication. Any sanction takes into account the Respondent’s prior record and any prior complaints involving similar allegations as well as the severity of the incident and the outcome sought by the Complainant.

Student Respondents may have sanctions administered, including but not limited to: expulsion, dismissal, suspension, withholding degree, revocation of admission and/or a degree, disciplinary probation, suspension or dismissal from College housing, social/residence hall probation, housing relocation, restriction from privileges, student reprimand, warning, or discretionary sanctions. This may also include restriction from contact with the Complainant or restriction from parts of, or the entire campus. Student Respondents who are sanctioned with expulsion, suspension, or dismissal from college may be subject to a notation on their official college transcript as required by law.

The Associate Vice President for Student Life (AVPSL) or designee will provide written notice of the outcome and sanction(s) to the Complainant, Respondent, and Title IX Coordinator/EOS within seven (7) business days. The AVPSL or designee will make every effort to schedule notice simultaneously to these parties. All sanction(s), except for suspension, dismissal, or expulsion from the College will take effect immediately pending appeal. The sanction(s) shall become final five (5) business days after written notice of said findings was provided to the parties unless formal written appeal is submitted to the Title IX Coordinator/EOS. Failure to submit the appeal within five (5) business days waives the right of written appeal.
2. Student Appeal

If the Complainant or Respondent disagrees with the sanction, they may make a formal written appeal to the Title IX Coordinator/EOS. The Complainant and Respondent may submit an additional statement regarding the case within three (3) business days upon notification that either party has submitted an appeal.

The Title IX Coordinator/EOS will convene a new three (3) person panel to review the sanction(s) imposed and make a sanction(s) recommendation to the Vice President for Student Life or designee. The Vice President for Student Life or designee has seven (7) business days to confirm, amend or reject a recommendation(s). In cases where the Vice President or designee amends or rejects the sanction(s), the Vice President or designee will include in the file a rationale for the decision not to accept the recommendation(s). The Vice President for Student Life or designee will provide written notice of the outcome of the appeal to the Complainant, Respondent, and Title IX Coordinator/EOS. The Vice President for Student Life or designee will make every effort to schedule notice simultaneously to these parties. The decision of the Vice President for Student Life or designee is final.

F. Acceptance of Responsibility (Faculty, Staff or Administrator):

1. If the Respondent accepts responsibility, the Title IX Coordinator/EOS shall convene a review panel of three (3) to review the case and make recommendations for sanction(s) to the Vice President or designee of the Respondent’s work assignment within three (3) business days of review completion. Generally, reviews should convene within fourteen (14) calendar days of when the Respondent accepted responsibility and the investigation is complete except for good cause, or by agreement of the parties. Written notice of the date, time, and location of the review will be provided to the Complainant and Respondent. Any sanction takes into account the Respondent’s prior record and any prior complaints as well as the severity of the incident and the outcome sought by the Complainant.

Faculty, staff, or administrator Respondents may have sanctions administered that include, but are not limited to: the Respondent’s participation in counseling or individualized training as a corrective action; prohibition of the Respondent from participating in grading, honors, and recommendations; reappointment and promotion decisions or other evaluations of the Complainant; letter of reprimand; restriction of the Respondent’s access to College resources, such as salary increase for a specific period; or suspension or dismissal from employment at the College.

In cases where the Vice President or designee amends or rejects a recommendation, the Vice President or designee will include in the file a rationale for the decision not to accept the recommendation. The Vice President or designee will provide written notice to the Complainant, Respondent, Human Resources, and Title IX Coordinator/EOS of their decision regarding sanction(s) within seven (7) business days of receipt of the recommended sanction(s). The Vice President or designee will make every effort to schedule notice simultaneously to these parties.

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

2. **Staff and Administrator Appeal**
   If the Complainant or Respondent disagrees with the sanction, they may make a formal written appeal to the Title IX Coordinator/EOS. The Complainant and Respondent may submit an additional statement regarding the case within three (3) business days upon notification that either party has submitted an appeal.

   The Title IX Coordinator/EOS will convene a new three (3) person panel to review the sanction imposed and make a sanction recommendation to a different Vice President as designated by the Title IX Coordinator/EOS within 3 business days. The Vice President has seven (7) business days to confirm, amend or reject a recommendation(s). The Vice President’s sanction decision is final. The Vice President will provide written notice of the outcome of the appeal to the Complainant, Respondent, and Title IX Coordinator/EOS. The Vice President will make every effort to schedule notice simultaneously to these parties.

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

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

G. **Denial of Responsibility:**
   If the Respondent denies responsibility, a formal review panel will be convened.

   **Formal Review**
   Once a Respondent denies responsibility and the investigation is complete, the Title IX Coordinator/EOS will convene a three (3) person Review Panel. The purpose of the review is for the Review Panel to determine whether it is more likely than not that the facts established constitute a violation of this policy. The Panel will examine all testimony and documentary evidence it deems relevant, including the investigation report, where appropriate. Privacy and confidentiality shall be protected to the extent practicable, given the College’s need to administer the process.

   - Generally, reviews should convene within fourteen (14) calendar days of when the Respondent denied responsibility and the investigation is complete except for good cause, or by agreement of the parties. Written notice of the date, time, and location of the review will be provided to the Complainant and Respondent.
   - The Review Panel will render a finding regarding responsibility based on the evidence using a “preponderance of the evidence” standard, which reviews whether it is more likely than not that a violation of this Policy has or has not occurred. The panel will normally render a finding based upon unanimity. In those instances where unanimity is unavailable, a majority vote may be used to render the decision.
The Respondent and Complainant are insured their right to exclude their own prior sexual history with persons other than the other party in the conduct process, or their own mental health diagnosis and/or treatment, from admittance in the College disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the adjudication stage that determines sanction and a Respondent’s previous conduct record will be considered in determining sanction.

For information on possible sanctions, Student Respondents may refer to Section E: Acceptance of Responsibility (Student); Faculty, Staff and Administrators may refer to Section F: Acceptance of Responsibility (Faculty, Staff or Administrator)

H. Hearing Outcome Notifications – Students:

1. Within three (3) business days of the completion of the case by a Review Panel, the recommended finding(s) and sanction(s), if any, shall be forwarded to the Associate Vice President for Student Life (AVPSL) or designee who may accept, amend, or reject the findings and/or sanctions. The AVPSL or designee will provide written notice of the outcome and sanction(s), if any, to the Complainant, Respondent, and Title IX Coordinator/EOS within seven (7) business days. The AVPSL or designee will make every effort to schedule notice simultaneously to these parties.

2. Student Appeal

All sanction(s), except for suspension, dismissal, or expulsion from the College will take effect immediately pending appeal and shall become final five (5) business days after written notice of said decision was sent to the Respondent unless a formal written appeal is submitted. Failure to submit the appeal within five (5) business days waives the right of written appeal.

Complainant(s) or Respondent(s) may submit an appeal based on the findings. Appeals of the finding(s) of responsibility must be based on procedural error or new information that was not available at the time of the Formal Review, and could not have been produced by a reasonable effort. Complainant(s) and Respondent(s) may also appeal sanction(s) based on grounds that the sanction(s) imposed are disproportionate to the violation of policy that was found to have occurred. The Complainant(s) or Respondent(s) may make a formal appeal in writing to the Title IX Coordinator/EOS. The Complainant(s) and Respondent(s) may submit an additional statement within three (3) business days upon notification that either party has submitted an appeal.

The Title IX Coordinator/EOS will convene a new Review Panel of three (3) to review the case and make a recommendation to the Vice President for Student Life or designee whose decision is final.

The Title IX Coordinator/EOS will provide written notice to the Vice President for Student Life or designee of the findings of the Appellate Review Panel within three (3) business days of receipt of the findings.

The Vice President for Student Life or designee will provide written notice of the outcome of the appeal to the Complainant(s), Respondent(s), and Title IX Coordinator/EOS within seven (7) business days. The Vice President for Student Life or designee will make every effort to schedule notice simultaneously to these parties.
In cases where the Vice President for Student Life or designee amends or rejects a recommendation, they will include in the file a rationale for the decision not to accept the recommendation.

I. Hearing Outcome - Faculty, staff, or administrator:

1. Within three (3) business days of the completion of the review of the case by a Review Panel, the recommended finding(s) and sanction(s), if any, shall be forwarded to the Vice President or designee of the Respondent’s work assignment who may accept, amend, or reject the findings and/or sanctions. The Vice President or designee will provide written notice to the Complainant, Respondent, Human Resources, and Title IX Coordinator/EOS of their decision regarding findings and sanction(s) within seven (7) business days of receipt of the recommended findings and sanctions. The Vice President or designee will make every effort to schedule notice simultaneously to these parties.

In cases where the Vice President or designee amends or rejects a recommended finding and/or sanction as presented by the Review Panel, the Vice President or designee will include in the file a written notice and rationale for the decision not to accept the recommendation.

2. Staff and Administrators Appeal

The decision of appropriate Vice President or designee and sanction imposed shall become final five (5) business days after written notice of said decision was sent to the Respondent unless a formal written appeal is submitted to the Title IX Coordinator/EOS. Failure to submit the appeal within five (5) business days waives the right of written appeal.

Complainant(s) or Respondent(s) may submit an appeal based on the findings. Appeals of the finding(s) of responsibility must be based on procedural error or new information that was not available at the time of the Formal Review, and could not have been produced by a reasonable effort. Complainant(s) and Respondent(s) may also appeal sanction(s) based on grounds that the sanction(s) imposed are disproportionate to the violation of policy that was found to have occurred. The Complainant(s) or Respondent(s) may make a formal appeal in writing to the Title IX Coordinator/EOS. The Complainant(s) and Respondent(s) may submit an additional statement within three (3) business days upon notification that either party has submitted an appeal.

The Title IX Coordinator/EOS will convene a new Review Panel of three (3) to review the case and make a recommendation to a different Vice President as designated by the Title IX Coordinator/EOS whose decision is final.

The Title IX Coordinator/EOS will provide written notice to the appropriate Vice President of the findings of the Appellate Review Panel within three (3) business days of receipt of the findings.

The Vice President will provide written notice to the Complainant(s), Respondent(s), Human Resources, and Title IX Coordinator/EOS of their decision regarding findings and sanction(s) within seven (7) business days of receipt of the recommended findings and sanctions. The Vice President or designee will make every effort to schedule notice simultaneously to these parties.
In cases where the Vice President amends or rejects a recommendation, they will include in the file a rationale for the decision not to accept the recommendation.

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

J. Dispositions/Compliance Monitoring:
   The Dean of Students or designee is responsible for monitoring student compliance, if applicable.

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

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

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

K. Dismissal of Tenured Faculty:
   In cases where complaints against tenured faculty members are found to have merit and where dismissal is the decision, the Vice President for Academic Affairs shall provide a Notice of Termination to the tenured faculty member which shall be effective two (2) weeks after served or mailed to the Respondent, unless, during the two (2) week time frame, the Respondent submits a written request for a dismissal hearing by the Faculty Grievance Committee.

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

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

L. Records of Complaints/Reports:
   A copy of the investigation report and the final decision shall be maintained by the College and included in the Conduct or Human Resources file of the Respondent only if the determination concludes that the Respondent engaged in prohibited conduct.

   Complaints against students will be held in the Respondent’s file in accordance with the policy as stated in the Retention and Release of Student Disciplinary Records.

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

   The Title IX Coordinator/EOS shall keep a record of all reports and complaints made under the Sexual Misconduct policy, regardless of the outcome.
All documents prepared and maintained pursuant to the Sexual Misconduct Policy and Procedures shall conform to all applicable governing law.

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

XIII. Annual Reporting

The Title IX Coordinator/EOS shall provide the President of the College and the Cabinet with an annual confidential report, detailing the number and disposition of different types of incidents, allegations, reports, and complaints of sexual misconduct that have come to their attention each year. Information that could identify Complainants, or Respondents against whom no finding has been made, shall not be included. A summary may be provided to the College community so long as confidentiality of individuals’ identities is not breached. The President shall determine the propriety of a report to the entire College community. In addition, the Title IX Coordinator/EOS shall file a report annually of the aggregate data to the New York State Department of Education as required by New York State law.

XIV. Resolution Through Other Means

Complainants and Respondents have the right to seek resolution through other sources, for example, the New York State Division of Human Rights, the Equal Employment Opportunity Commission, or Office of Civil Rights of the United States Department of Education (1-800-421-3481).

XV. Modifications

Final policy changes that are material to the policy and procedure are to be approved by the President, President’s Cabinet, and Board of Trustees. However, modifications to the policy concerning changes in personnel shall only require approval of the President and the President’s Cabinet.

Last Modified: May 2019

Appendix I: Behavioral Examples of Other Gender Based Offenses

A. Dating Violence:
Dating violence is a pattern of coercive behaviors that serves to exercise control and power in an intimate relationship. The coercive and abusive behaviors can be physical, sexual, psychological, verbal, and/or emotional. Relationship abuse can occur between current or former intimate partners who have dated, lived together, currently reside together on or off-campus, or who otherwise connected through a past or existing relationship.

B. Dating violence can occur in other-sex and same-sex relationships as well as in transgender relationships:
Coercive and abusive behavior includes, but is not limited to: attempting to cause or causing bodily injury by hitting, slapping, punching, hair pulling, kicking, and/or other forms of unwanted physical contact that causes harm; knowingly restricting the movements of another person; isolating or confining a person for a period of time; controlling or monitoring behavior; being verbally and/or emotionally abusive; exhibiting extreme possessiveness or jealousy.

C. Domestic Violence:
Domestic violence includes, but is not limited to: attempting to cause or causing bodily injury by hitting, slapping, punching, hair pulling, kicking, and/or other forms of unwanted physical contact that causes harm; knowingly restricting the movements of another person; isolating or confining a person for a period of time; controlling or monitoring behavior; being verbally and/or emotionally abusive; exhibiting extreme possessiveness or jealousy.

D. Stalking:
Examples of stalking behavior include, but are not limited to: unwelcome communication that can be face-to-face, phone, text, email, voice messages, written messages, gifts, etc.; pursuing and/or following another person or group; surveillance; trespassing; gaining unauthorized access to personal, medical, financial or any other identifying piece of information without explicit permission; accessing email, phone or other forms of personal communication in order to follow or monitor another's activity.

Cyber-stalking is an extension of the physical form of stalking and is unacceptable at any level. Using electronic media such as the Internet, social networking sites, cell phones, or similar devices or mediums to pursue, track, harass, monitor, or make unwanted contact with another person is a violation of the stalking policy.

Appendix II: Student Bill of Rights

A. Student Bill of Rights:
Siena College is committed to maintaining a community environment that fosters respect for the dignity and worth of each individual. The dignity of the individual should never be violated in any way, and the College community views with seriousness offenses against any person. Siena College is committed to providing options, support, and assistance to victims/survivors of sexual misconduct, sexual harassment, domestic violence, dating violence, and/or stalking so that they can continue to participate in college-wide and campus programs, activities, and employment. Siena College is committed to addressing reports of sexual misconduct, sexual harassment, domestic violence, dating violence, and/or stalking in a prompt, fair, equitable, and impartial manner. All victims/survivors of these crimes and violations have the following rights regardless of whether the crime or violation occurs on campus, off-campus, or while studying abroad.

The rights listed below are afforded to all students reporting sexual violence, as well as all students accused of sexual misconduct, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, status as a domestic violence victim, or criminal conviction.

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

Options in General: Victims/survivors have many options that can be pursued simultaneously, including one of the following:

- Receive resources, such as counseling and medical attention on or off-campus
- Confidently disclose a crime or violation to a Counselor in the Counseling Center, Health Services, or the College Chaplain. Confidential resources can share options and advice without any obligation to tell anyone, and will not share information without the consent of the victim/survivor.
- Anonymously disclose a crime or violation to the Public Safety anonymous tip line. The College does have a duty to investigate anonymous disclosures to the extent possible, based on the information disclosed.
- Make a report with privacy (Victims/Survivors have the right of privacy when reporting to College officials, to the extent possible under the circumstances. However, information must be shared with other members of the community if there is a need to know.) to:
  o Any employee with the authority to address complaints, all Faculty, Staff, and Administrators, including the Title IX Coordinator/EOS, Dean of Students Office, Community Living Staff, or a Human Resources employee;
  o Public Safety
Appendix III : Resources

Important Resources for Victim/Survivors:

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<thead>
<tr>
<th>On-Campus</th>
<th>Off-Campus</th>
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<tbody>
<tr>
<td>Public Safety 24-hour emergency: 518-783-2999 (non-emergency: 518-783-2376) (private, non-confidential)</td>
<td>Police 24-hour: 911</td>
</tr>
<tr>
<td>Title IX Coordinator/EOS: 518-782-6673 (private, non-confidential)</td>
<td>Albany County Crime Victims and Sexual Violence Center crisis hotline: 518-447-7716 (main number: 518-447-7100)</td>
</tr>
<tr>
<td>Counseling Center: 518-783-2342 (confidential)</td>
<td>St. Peter’s Health Partners Sexual Assault &amp; Crime Victims Assistance Program 24 Hour Hotline: 518-271-3257</td>
</tr>
<tr>
<td>Health Services: 518-783-2554 (confidential)</td>
<td>In Our Own Voices – LGBT Domestic Violence Support Line: 518-432-4341</td>
</tr>
<tr>
<td>College Chaplain: 518-783-2332 (confidential)</td>
<td>New York State Police Dedicated 24-hour hotline: 1-844-845-7269</td>
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Important Resources for Respondents On-Campus:

Public Safety 24-hour emergency: 518-783-2999 (non-emergency: 518-783-2376) (private, non-confidential)
Title IX Coordinator/EOS: 518-782-6673 (private, non-confidential)
Counseling Center: 518-783-2342 (confidential)
College Chaplain: 518-783-2332 (confidential)
Health and Wellness

I. Health Requirements

A. Health Insurance: All full-time students are required to have health insurance. Information about the student health insurance plan offered at Siena is available through the student health office. Students who are already enrolled in a health insurance and/or prescription plan must complete the waiver process on-line.

B. Statement of Intent: The Siena College Health Services will comply with, uphold and enforce relevant provisions of the New York State Public Health law, Article 21, Title VI, and Section 2165 and 2167, as it pertains to this College. Siena College is committed to providing a safe and healthy environment for its students with regard to communicable diseases, including measles, mumps, rubella, tuberculosis, pertussis (whooping cough), and meningitis. The College recognizes and accepts its responsibility under applicable state law and considers recommendations from the American College Health Association and U.S. Centers for Disease Control and Prevention.

C. Health Services Definition of Full/Part-Time Students:
   1. A part-time student is any person enrolled in a minimum of six but fewer than 12 credit hours per semester.
   2. A full-time student is any person enrolled in 12 or more credit hours per semester and a graduate student enrolled in 9 or more credit hours.

D. Specific Requirements:
   1. All full-time students are required to submit a completed Siena College health record. The physical exam must be performed within 1 year of admission for new students and students that have been readmitted to the college after an absence of two years or more.
   2. Full-time and part-time students born after January 1, 1957 are required to provide proof of immunity to measles, mumps, rubella, meningitis, tetanus/diphtheria/pertussis at the time of registration. Documentation of tuberculosis screening is also required regardless of age. Please Note: Nursing students will need to comply with both Siena College and clinical agency health requirements.
      a. Measles (rubeola): Proof of immunity shall consist of one of the following: two immunizations given after 1967, at least 30 days apart, on or after the first birthday; evidence of the disease documented by a physician (MD or DO); or documentation of an adequate immune titer.
      b. Mumps (infectious parotitis): Proof of immunity shall consist of one of the following: one immunization given after 1967, on or after the first birthday; evidence of the disease documented by a physician (MD or DO); or documentation of an adequate immune titer.
      c. Rubella (German measles): Proof of immunity shall consist of one of the following: one immunization given after 1967, on or after the first birthday; evidence of the disease documented by a physician (MD or DO); or documentation of an adequate immune titer.
      d. Meningitis: Proof of one vaccination at age 16 years or older and within the last 5 years.
e. Tetanus/Diptheria/Pertussis: Proof of recent vaccination with combined tetanus/diphtheria/pertussis toxoid within 10 years.

f. Tuberculosis: Proof of tuberculosis screening performed within the past six months or a chest x-ray ruling out active tuberculosis. Positive skin tests will require a referral to the chest clinic of the local county Public Health Department (see section on enforcement within this policy).

3. Students seeking religious exemption from these requirements must comply with applicable state regulations. Students under 18 years of age must submit a written statement signed by their parents or guardian stating that they hold genuine and sincere religious beliefs contrary to the practice of immunization. Students 18 years or older must submit a statement themselves to qualify for religious exemption. This statement must describe the beliefs in sufficient detail to permit the College to determine that the beliefs are religious in nature (not philosophical) and sincerely and genuinely held and that the student was counseled about the risks/benefits of vaccination by a clinician. Students that qualify for religious exemption will be required to leave the campus in the event of an outbreak of one or more of these diseases and will remain away from campus until 21 days after the outbreak is over.

4. Students seeking medical exemptions from this requirement must submit medical documentation indicating the reasons for exemption and signed by a licensed medical provider. Medical exemptions from this requirement may be granted at the discretion of the Health Service Director for reasons such as pregnancy, history of anaphylaxis, immune-compromised conditions, or other relevant disease states. Non-immunized students will, at the discretion of the Health Service Director, be required to leave the college in the event of an outbreak of one or more of these diseases and will remain away until 21 days after the outbreak is over.

5. All students (as defined above) must provide health information on the appropriate form and submit it to Siena Health Service. The Health Service will maintain the records while the student is in continuous attendance at the College.

6. Any individual enrolled in 5 credit hours per semester or less, or any part-time student at Siena who enrolls full-time in the future must, at that time, submit a completed Siena College Health Record and meet all other requirements of a full-time student as set forth in this policy. Any individual enrolled in 5 credit hours per semester or less at Siena who enrolls part-time in the future must, at that time, meet all the requirements of a part-time students as set forth in this policy.

E. Enforcement of Policy:

1. Students who fail to comply with this policy, including but not limited to any failure to supply complete health or immunization records to the College by the established dates are subject to fines, cancellation of registration and/or a “health hold” for future registrations.

2. Students who fail to comply with this policy within 30 days of the beginning of the first term for which they register will not be permitted to attend class and will have their registration put on hold for subsequent semesters. Students living in the residence halls will be removed from housing until all required health record requirements are met. They may be reinstated upon full compliance and taken off registration “hold”.

3. Students with positive tuberculin tests, including those who have had BCG vaccination, are required to report to the Albany County Health Department Chest Clinic or the Health
Department in their county of residence. Failure to comply with health department directives will result in the penalties listed in the preceding paragraph.

F. Compliance and Reporting:
1. Siena College complies with the requirement to submit yearly reports of immunization statistics including reports of diagnosis of communicable disease, as they occur, as required by NYS Department of Health regulations.
2. Student immunization records contain medical information and will be maintained in a confidential manner. Access to these records will be limited to personnel whose job duties require information from these records. No records can be released without the student’s written consent or for a student under the age of eighteen, the consent of a parent or guardian. All medical records will be stored for seven years.

II. Counseling Center: Scope of Care

A. Overview of Services:
Siena College Counseling Center services are free and confidential.* The Counseling Center also provides consultations for students to faculty, staff, and families regarding the mental health of Siena students.

*The information shared in a psychotherapy relationship is treated with the deepest respect. The Counseling Center is committed to keeping records and information that is shared confidential. Only in situations where safety is a concern and there is imminent risk of harm can information be shared, and in these situations only for the purpose of insuring safety; or in situations where the College must comply with a judicial order, or lawfully issued subpoena or is related to legal action involving the College and the student.

B. Reasons Students Visit the Counseling Center:
The most common reasons for visiting the Counseling Center include:
   a. Anxiety
   b. Depressed mood
   c. Grief
   d. Relationship problems with family, peers, or romantic partners
   e. Substance Abuse
   f. Suicidal thoughts
   g. Traumatic experiences

C. Goals for Visiting the Counseling Center:
Common goals include:
   a. Symptom reduction
   b. Learning coping strategies or developing healthy habits
   c. Changing problematic behaviors
   d. Receive support
   e. Assessment

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

E. Frequency and Length of Appointments:
The intake appointment (i.e., first appointment) will be approximately 60 minutes in length, and the follow-up biweekly sessions will be approximately 45 minutes in length. Missed appointments without 24 hour notice are counted toward the annual 10 session limit. Students with repeated missed appointments without 24-hours-notice may be referred to the community.

F. Assessment of Treatment Progress:
Students will be asked to complete a brief computerized assessment before each appointment. This assessment will track how you are doing on your most pressing concerns on an appointment by appointment basis. Your therapist will review this assessment with you at every meeting and will also ask you how you feel you are doing in counseling.

G. Psychiatric Services:
Siena College contracts with external providers to provide medication management. These providers are available free of charge. The cost to purchase medications will vary depending on the student’s insurance plan. Stipulations for seeing the psychiatry providers include:
   a. No prescriptions for ADHD / ADD medications or benzodiazepines.
   b. Student must be engaged in concurrent counseling at the Counseling Center to be eligible for psychiatric services.
   c. Students with repeated missed psychiatric appointments may be referred to the community.

H. Services Not Provided:
The Counseling Center is not able to provide some services. We can refer students to community providers for these services, if requested. These services include:
   a. ADD / ADHD Evaluations
   b. Autism spectrum evaluations
   c. Learning disability assessments
   d. Disability evaluations for housing

I. Other Beneficial Resources:
Please refer to the resources below at the college for questions on any of the following questions:
   a. Housing Accommodations https://www.siena.edu/policies-procedures/special-accommodations-policy/
   b. Lab / Bloodwork https://www.siena.edu/offices/health-services/
   c. Learning or other disability accommodations https://www.siena.edu/offices/accessibility/
III. Refusing Medical Treatment

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

IV. Medical Leave of Absence Policy

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

A. Voluntary Medical Leave:
1. A student may request voluntary medical leave if the student has a medical or psychological condition that necessitates their absence from the College.
2. The student must submit documentation of the nature of the medical condition to the health care professionals at Health Services or Counseling Center for review. Students may be required to sign a Release of Information Form to allow the appropriate College officials to speak to the treating physician or licensed mental health professional.
3. Approval for the request for voluntary medical leave will be made by the Director of Health Services or Director of the Counseling Center and notification of such approval is provided to the Dean of Students office.
4. The Dean of Students office will place the student on medical leave and notify the student’s instructors, the Director of Community Living and Academic Affairs that the student is on medical leave.
5. If the student chooses not to return to the College, the Dean of Students or designee will withdraw the student for medical reasons and review this process, as well as potential return timelines, with the student and their family.

B. Involuntary Medical Leave:
1. A determination of involuntary medical leave will be based upon an individualized assessment of safety or public health reasons, including communicable disease or when the student is at risk to self or to the community. The Director of Health Services or Director of the Counseling Center will determine if a student should be placed on involuntary medical leave and provide a recommendation to the Dean of Students office.
The Dean of Students, or designee, will place a student on medical leave and notify the student’s instructors, the Director of Community Living and Academic Affairs that the student is on medical leave. A student may be placed on involuntary medical leave, including but not limited to, the following situations:

a. It has been determined by Health Services clinician (NP or MD) that the student requires more intensive medical care than can be provided in an ambulatory setting.
b. The student has a medical condition that requires isolation from the College community for safety or public health reasons, such as a communicable disease or if the student is at risk to self or others.
c. The student refuses care or to follow reasonable guidelines for self-care, such that failure to do so places the student’s life or others at risk.
d. The student is admitted to a medical or psychiatric treatment facility.*

2. Siena College will place the student on medical leave, effective immediately, and the student’s parent(s), guardian, or emergency contact will be notified of the student’s situation.

3. Students on involuntary medical leave may not attend any classes or return to campus housing during the term of the medical leave.

4. Students on involuntary medical leave must leave campus and remain off campus until they are cleared to return by the Dean of Students, or their designee, in consultation with Siena College Health Services or Siena College Counseling Center. If arrangements for safe transportation home are required and the parents or guardians themselves are unable to come to campus within a specified period, they must make arrangements for their child to leave campus within a specified time frame that provides for the safety of their son/daughter between the time s/he leaves campus and reaches an off-campus, agreed upon location for the student to stay while on medical leave.

5. The Dean of Students Office will notify the student’s instructors, the Director of Community Living and Academic Affairs that the student is on medical leave.

6. The student is responsible to coordinate follow-up medical care for physical or mental health concerns, if advised to do so by Health Services or Counseling Center professionals.

7. If the student chooses not to return to the College, the Dean of Students or designee will withdraw the student for medical reasons and review this process, as well as potential return timelines, with the student and their family.

*A student, who is assessed at Samaritan Hospital, the CDPC Crisis Intervention Unit or other medical/psychiatric facility due to a mental health crisis and released without hospitalization, is recommended to meet with the Dean of Students or designee on the next business day following the crisis to develop a support plan. At that meeting, the student will be provided with recommendations aimed at best supporting the student and address any behaviors associated with the event that may have violated the student Code of Conduct. A common component for support includes a referral to the Counseling Center. Students are strongly encouraged to sign a release of information form with their treatment facility and the Counseling Center to facilitate continuity of care.

2) Process for Return/Readmission from Medical Leave:
1. The Dean of Students or designee, in consultation with Health Services or Counseling Center professionals, will make the final decision as to whether the student will be permitted to return from medical leave.

2. The student may be required to submit documentation from their provider in which the provider recommends that the student resume college studies and stating any other pertinent medical information, including specifying any accommodation requested of the College. If the student was admitted for inpatient treatment, they may be asked to submit to Health Services or the Counseling Center a copy of the discharge plan, as well as a signed release of information form to allow the appropriate College officials to speak to the primary provider.

3. The College will review the recommendations of the primary provider and determine if the recommendations regarding further care can be accommodated.

4. Under certain circumstances, a student may be required to meet with the Dean of Students or designee prior to being permitted to return to the College to discuss the terms of the students return, and if appropriate, discuss continuing treatment plan for the student (e.g. a student admitted for inpatient treatment at medical or psychiatric treatment facility). The Dean of Students or designee may also address any behaviors associated with related incidents that may have violated the Student Code of Conduct.

5. It is the student’s responsibility to contact their instructors to make arrangements for any missed class assignments or exams.

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

V. Death in the Family

Students or parents reporting a death in a student’s family should be referred to the Vice President of Academic Affairs (academicaffairs@siena.edu) which will notify the student’s faculty of the dates of the absences(s).

The Vice President for Academic Affairs Office will also copy Community Living, SASE, and SKIPs plus the student on the email.

VI. Special Accommodations Due to a Disability

A. The Office of Accessibility is devoted to ensuring equal educational opportunities and a responsive campus environment. The office ensures that students with disabilities receive accommodations that allow them equal access to all Siena College programs and the opportunity to realize and develop self-advocacy skills.

B. Accommodations will be granted to students who have registered and provided documentation of their disability to the Office of Accessibility. Although we encourage students to register early, they may register at any time. Accommodations, however, are not retroactive. To register, students must complete registration and release forms and submit proper documentation of their disability. To ensure appropriate accommodations, documentation should be current (normally within three years) and demonstrate how the disability limits participation in courses, programs, services and activities. Documentation, forwarded from the student’s high school, certified psychologist, licensed or otherwise properly credentialed professional, should provide information for both establishing a disability and identifying possible accommodations. Students are encouraged to meet with the Director to discuss an individualized accommodation plan. All documentation and personal
information are held in strict confidence unless authorized for release by the student in writing.

C. The Office of Accessibility Services offers the following services:
   1. Accommodations
   2. Alternative testing arrangements, including extended time
   3. Advocacy
   4. Note-taking assistance
   5. Informal counseling
   6. Alternate text materials and textbooks
   7. Other accommodations tailored to specific needs

D. Special Accommodations Request:
   1. As per the American Disabilities Act, a student with a physical or mental impairment that substantially limits a major life activity may request accommodations through the College. Medically related accommodations for housing, meals, air conditioning, parking, etc. are coordinated through Siena College's Health Services Office. The Office of Accessibility also coordinates accommodation requests for service animals and emotional support animals.
   2. Accommodations are determined individually so that each student can participate in and benefit from the College's programs, services, and activities, provided that such accommodations would not:
      a. Fundamentally alter the nature or operation of the College’s academic programs, services, or activities
      b. Cause undue burden to the College
      c. Pose a direct threat to the health or safety of others.
   3. To be considered for an accommodation, students must complete the appropriate accommodation request form and submit it to Health Services or the Office of Accessibility. These forms can be found at www.siena.edu/healthservices or by contacting these offices. Students with special requests due to a medical condition are strongly encouraged to make the College aware of these needs as early as possible. For housing accommodations, new students should provide all required documentation by June 30th for fall semester and by December 1st for spring semester requests. Returning students should provide all required documentation by February 1st for fall semester requests and by December 1st for spring semester requests. Please be aware that after the posted deadlines, certain types of accommodations may no longer be available for the upcoming semester.
   4. Students may contact the Title IX Coordinator/Equal Opportunity Specialist should they wish to discuss or file a complaint about any aspect of Siena’s operations/policies/procedures or about the actions of any student, visitor or employee of the College. The Title IX Coordinator/EOS also serves as the individual to contact should a student wish to appeal a decision by Health Services, the Counseling Center or the Office of Accessibility related to an accommodation.
   5. Important Contact Information:
      a. Director of Health Services (518) 783-2554
      b. Director of Accessibility Services (518) 783-4239
      c. Director of the Counseling Center (518) 783 -2342
VII. Food Allergy Policy and Accommodations for Students

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

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

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

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

1. Students must contact the Director of Health Services to request the following form: Meal Plan Modification Due to Medical Circumstances.
2. Students must provide current and appropriate medical documentation to support their request for a meal plan accommodation that is completed by the student’s physician.
3. Students will be required to meet with the Director of Dining Services and Registered Dietitian to discuss their needs and learn of the food options available to them. At this meeting the following will be discussed:
   a. Diet history of foods that can and cannot be tolerated
   b. All of the food options and allergy-alternative food products
   c. Introduction to the dining hall staff that will be working with student
4. Students will be asked to sign a general release so information related to their food allergies can be shared with others, including, but not limited to: Director of Office of Accessibility Services, Director of Dining Services, Registered Dietitian, coaches, Dean of Students, Community Living staff and Public Safety.
5. Upon receipt of the signed release, the Director of Health Services will inform the Director of Office of Accessibility Services and the Director of Dining Services about the request.
6. Students will be required to meet with the Director of Dining Services and Registered Dietitian to discuss their needs and learn of the food options available to them. At this meeting the following will be discussed:
   d. Diet history of foods that can and cannot be tolerated
   e. All of the food options and allergy-alternative food products
   f. Introduction to the dining hall staff that will be working with student
7. The Director of Health Services, in conjunction with the Director of Office of Accessibility Services, will be informed of the outcome of this meeting with the Director of Dining Services and the Registered Dietitian. They will develop an individualized plan for each student. This plan will outline the College’s responsibility and student’s responsibility for safely managing food allergies while attending classes or functions or residing on campus. Items on these plans will include ways to notify individual about allergic reactions and access emergency responder at the College. The student, Director of Health Services and Director of Office of Accessibility Services will sign the individualized plan. Copies of the plan will be provided to the Director of Dining Services and to the Dean of Students.

8. Students with food allergies must update any changes in their medical condition with the Director of Health Services in a timely manner. The Director of Health Services will also notify the Director of Office of Accessibility Services and the Director of Dining Services of the modifications in medical conditions.

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

D. Responsibilities of Students with Food Allergies Students will:
1. Carry with them and use an Epi-Pen in an event of an allergic reaction. Students are responsible for ensuring their Epi-Pens have not expired.
2. Recognize symptoms of an allergic reaction, know how and when to tell someone and how to access emergency services at the College.
3. Notify roommates about their food allergies.
4. Adhere to the procedures outlined in this policy regarding notification to the College, including meeting with the Director of Dining Services and the Registered Dietitian.
5. Ask managers rather than servers of dining facilities about food contents, ingredients and nutrition facts or any general dietary need.
6. Avoid unsafe foods or any food item for which the content is unknown.
7. Familiarize themselves with the daily menus and signs posted regarding allergens.
8. Students may contact the Title IX Coordinator/Equal Opportunity Specialist should they wish to discuss or file a complaint about any aspect of Siena’s operations/policies/procedures or about the actions of any student, visitor or employee of the College. The Title IX Coordinator/EOS also serves as the individual to contact should a student wish to appeal a decision by Health Services, the Counseling Center or the Office of Accessibility related to an accommodation.

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

VIII. **Service and Emotional Support Animal Policy**

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

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

IX. **Service Animal Policy**

   Siena College recognizes and supports the assistance a trained service animal can provide a student or an employee with a disability.

   A. **Definition:** The term “service animal” is defined as any dog that is trained to work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Service animals are typically those guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. Other animals, whether wild or domestic, do not qualify as service animals. Dogs that are not trained to perform tasks that mitigate the effects of a disability, including dogs that are used purely for emotional support, are not service animals. Examples of service animals include:

   1. **Guide dog:** A dog that is trained to serve as a travel tool for individuals who are blind or have impaired vision.
   2. **Hearing dog:** A dog that has been trained to alert deaf persons or those with significant hearing loss, to sounds such as knocks on doors, fire alarms, phone ringing, etc.
   3. **Service dog:** A dog that has been trained to assist a person with a mobility or health impairment. Duties include carrying, fetching, opening doors, ringing doorbells, activating elevator buttons, steadying a person while walking, assisting a person to get up after a fall, etc.
   4. **Sig (signal) dog:** A dog trained to assist a person with autism. The dog makes the person aware of certain movements of him/her, which may appear distracting to others and are
common to those with autism. They may provide assistance similar to that given to a person who is blind or deaf.

5. Seizure response dog: A dog trained to assist persons with seizure disorders. Some dogs are trained to predict seizures and provide advance warning.

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

C. Service Animal Accommodation Request Process:

1. The Office of Accessibility must be informed of any individual, student or employee, if an individual plans to or has a service animal on campus.

2. Licensing: If the animal is residing on campus it is the owners/handlers responsibility to comply with the Town of Colonie’s licensing policy. Requirements include current vaccination against rabies at the time of application.

3. Students will be expected to apply for a license with the Town of Colonie even if the animal is registered with another municipality. There is no fee associated with this process for a service animal.

4. Health: The animal should be in good health, well-groomed and care should be taken for flea and odor control. Consideration of others should be taken when providing maintenance and hygiene of the animal.

5. Service animals will be permitted in all areas of the College facilities where students are allowed to go, including programs and activities. The College may ask an individual with a disability to remove a service animal if the animal is out of control and the handler does not take appropriate action to control it, or the animal is not housebroken. In such situations, the College will give the individual with the disability the opportunity to remedy the control deficiencies in order to continue to participate in a service, program or activity on campus.

6. The student or employee will assume full responsibility for the care and management of his or her own service animal. This will include, but is not limited to, providing food, water and shelter; managing the animal’s behavior on campus and in the community; maintaining health and wellness; and disposing animal waste in an appropriate manner.

7. The service animal must be harnessed at all times and the handler/partner must be in full control of the animal when it is working.

D. Conflicting Disabilities: It is likely that persons at the College may have a disability that precipitates an allergic reaction to animals. Persons who have asthma/allergy/medical reaction to the animal are directed to make their complaint to the appropriate offices (Office of Accessibility for student complaints and the Office of Human Resources for employee complaints). The person making the complaint must provide verifiable medical documentation to support their claim. In consultation with the Director of Health Services, action will be taken to consider the needs of both persons to resolve the problem as efficiently and effectively as possible.

E. Service Animals in Residence Halls:
1. If the student resides on campus, the service animal may be off leash in the student’s residence room when not working.

2. The guidelines for conflicting disabilities may apply in the residence halls. If there is an allergy/animal conflict within a residence hall that cannot be resolved agreeably, then the Office of Community Living in consultation with the Office of Accessibility will collaborate on a solution. It should be noted that if the first person that has been permitted into the residence hall uses a service animal and a second person with severe allergies then arrives, the first person cannot be removed to accommodate the second person.

F. Complaints:
If there is any complaint regarding the animal and its behavior, Public Safety, the Vice President for Student Life, or designee, or the Office of Human Resources (in the case of an employee), should contact the student or staff member and, in collaboration with the Office of Accessibility Director, inform the student or employee of the policies regarding service animals.

X. Emotional Support Animal Policy

A. Definition: An Emotional Support Animal (ESA) is any animal that does not meet the definition of “Service Animal” outlined in Siena College policy, but provides emotional support that alleviates one or more symptoms or effects of a residential student’s disability.

B. Qualifications and Process:
1. With advance approval, a student with a disability may have an ESA in their residence hall as an accommodation. The ESA must stay within the confines of the residence hall and grounds immediately surrounding the hall. Only animals that do not pose a direct threat to the health or safety of others, would not cause substantial physical damage to College property or the property of others, or do not fundamentally alter housing operations will be allowed.

2. Though a request may be made to the Director of the Office of Accessibility at any time, requests supported by appropriate documentation need to be made at least two weeks prior to the animal’s arrival on campus, so that the College can review the request thoroughly.

3. The request must be supported by documentation from a licensed mental health professional (e.g., psychologist, psychiatrist, social worker) or otherwise qualified medical professional (e.g., a physician or physician’s assistant) who is providing ongoing treatment for the condition that causes the disability. The documentation must include the information requested on the College’s Request for Information Re: Emotional Support Animal form. That form requires the student and their treating professional to provide, in general, information about:
   a. The student’s physical or mental impairment and how it substantially limits one or more major life activities;
   b. The proposed ESA; and
   c. Why, in light of the student’s disability, the ESA is necessary to provide the student an equal opportunity to use and enjoy College housing.
   d. More detailed requests for information under these sub-headings are outlined on the Request for Accommodation Re: Emotional Support Animal form.
4. Prior to approval, the student must provide a physical description of the animal, and must agree that if their request to reside with an ESA is granted, they will comply with all of the terms and conditions of the College’s Emotional Support Animal Agreement, which include the “Responsibilities of the Owner” specified below.

5. The request will be reviewed by a committee that is composed of representatives from Community Living, the Counseling Center, the Dean of Students Office, and the Office of Accessibility. In some circumstances, a student may need to sign a release for a Counseling Center representative to speak directly with their mental health provider.

6. It is the responsibility of the student to contact the Dean of Students or the Title IX Coordinator & Equal Opportunity Specialist should they wish to discuss or file a complaint about any aspect of Siena’s policies/procedures or about the actions of any student, visitor or employee of the College.

C. Responsibilities of the Owner:
Owners granted the accommodation of an ESA in their residence hall unit shall be subject to the following rules, in addition to any other College rules not specifically related to ESAs. The owner must:

1. Keep the Animal in Residence Hall Unit. An ESA must be contained within the owner’s privately assigned individual living accommodations except to the extent the owner is taking the animal out for natural relief. When the animal is outside the private individual living accommodations, it must be in an animal carrier or controlled by a leash or harness. ESAs are not allowed in any College facilities other than the housing to which the resident is assigned.

2. Keep the Animal under Control. The ESA must be properly housed and restrained or otherwise under the dominion and control of the owner at all times. No owner shall permit the animal to go loose or run at large. If an animal is found running at large, the animal is subject to capture and confinement and immediate removal from College housing.

3. Abide by Laws and Policies. The owner must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals. It is the owner’s responsibility to know and understand these ordinances, laws, and regulations. The College has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate and license. Additionally, the owner must abide by all equally applicable residential policies, such as ensuring that the animal does not unduly interfere with the routine activities of the residence or cause difficulties for individuals who reside there.

4. Ensure the Animal is Well Cared-For. The owner is required to ensure the animal is well cared for at all times. Any evidence of mistreatment, abuse, neglect, or leaving the animal unattended for unreasonably long periods of time may result in immediate removal of the animal and/or discipline for the responsible individual pursuant to the College Student Code of Conduct and/or any housing-related sanctions. College personnel will not provide care or food for any animal including, but not limited to, removing the animal during emergency evacuation for events such as a fire or fire alarm. Emergency personnel will determine whether to remove the animal and may not be held responsible for the care of, damage to, or loss of the animal. Additionally, ESAs may not be left overnight in College housing to be cared for by any individual other than the owner. If the owner is to be absent from their residence hall overnight or longer, the animal must accompany the
owner. The owner is responsible for ensuring that the animal is contained, as appropriate, when the owner is not present during the day while attending classes or other activities.

5. Be Responsible for Property Damage. The owner is required to clean up after and properly dispose of the animal’s waste in a safe and sanitary manner and, when provided, must use animal relief areas designated by the College. An individual with a disability may be charged for any damage caused by his or her ESA beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. The owner's living accommodations may also be inspected for fleas, ticks or other pests if deemed necessary. If fleas, ticks or other pests are detected through inspection, the owner will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls. The College will have the right to bill the owner’s account for unmet obligations under this provision.

6. Notify the Office of Accessibility if ESA is No Longer Needed.

7. An ESA is allowed in College housing for only so long as it is necessary because of the owner’s disability. The owner must notify the College’s Office of Accessibility if the ESA is no longer needed or is no longer in residence. If an owner wishes to replace an ESA, the owner must, at a minimum, provide with respect to the proposed replacement ESA the information about proposed ESAs that is requested on the Information About the Proposed ESA portion of the Request for Information Re: Emotional Support Animal form; the Office of Accessibility will determine on a case-by-case basis what other information and related documentation needs to be provided with respect to a proposed replacement ESA. The committee referenced above will determine whether to approve or deny a request for a replacement ESA.

D. Remove the Animal if Directed by the College:

1. The College reserves the right to direct the student to remove the animal from campus if:
   a. The animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others, including College property;
   b. The animal’s presence results in a fundamental alteration of a College program;
   c. The owner does not comply with the Responsibilities of the Owner set forth above and/or an Emotional Support Animal Agreement signed by the owner; and/or
   d. The animal or its presence creates an unmanageable disturbance or interference with the College community.

2. Violations of this policy will be referred to the Dean of Students Office.

XI. Philosophy on Sexual Intimacy

A. Introduction:
As a community guided by our Franciscan and Catholic teachings, the College seeks to encourage and support a diverse community of belonging that is characterized by respectful relationships. Our traditions hold that sexual intimacy is most properly expressed as part of an all-encompassing union of life and love within the covenant of marriage. The College’s philosophy is guided by reverence for human dignity, understanding that sexual activity profoundly impacts an individual on a biological, psychological and spiritual level and the value of the fundamental goodness and sanctity of human sexuality. Acts of sexual intimacy outside of marriage are an incomplete expression of love and are contrary to the values and mission of the College.
Because of the values of the College as a Franciscan and Catholic institution, the College does not provide materials, dispense or distribute contraceptive methods or items that encourage termination of pregnancy. The College maintains programming and services related to healthy relationships, sexual health and education. We are committed to educating students and facilitating discussions around these issues.

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

1. Siena College Health Services (an affiliate of St. Peter's Health Partners) – Our staff of nurse practitioners, nurses, physician assistants and a physician provide confidential conversations and services related to a broad range of health related concerns. These services include gynecologic exams, evaluation and treatment of sexually transmitted infections and pregnancy testing. Referral services are available to a variety of physician specialists on an as needed basis.

2. Counseling Center – the center provides confidential counseling services free of charge to support the personal, emotional and physiological management of relationships, sexual health and sexual intimacy.

3. Campus Ministry – the Office of the College Chaplain and Friars-in-Residence are available for confidential discussions related to matters such as sexual health, healthy relationships and sexual intimacy.

4. Office of the Vice President for Student Life/Dean of Students – available for conversations about policy, education or other concerns related to the College’s approach to promoting healthy choices, self-respect and respect for others.

5. Sr. Thea Bowman Women's Center- provides programming, peer education and trainings related to health and wellness, including healthy relationship and sexual violence prevention workshops.
Residential Facilities, Living Guidelines and Procedures

I. Facilities

A. Furnishings:
1. College owned furnishings are to remain in the room/suite/townhouse at all times and cannot be placed or used outside.
2. Students are not allowed to bring personal furniture to campus unless it is clearly labeled as being flame retardant.
3. Furniture cannot be removed from MacClosky Townhouses, Snyder Hall, Padua Hall, Hines Hall, or Ryan Hall.
4. For some residential areas (Cushing Village, Hennepin Hall, and Plassmann Hall), as availability allows, furniture requests to have specific items removed from the room/suite/townhouse may be made only with the prior approval of the Residence Director by completing a furniture request form online within the first week of each semester.
5. Students who use College furniture or fixtures placed in their rooms for other than the intended use assume responsibility should an accident or injury occur.
6. For safety reasons, students may not bring their own loft kits.
7. Students wishing to have their bed bunked or lofted may contact their Residence Director to request this within the first week of each semester. Students are unable to use a personal (non-College issued) mattress unless approved by the Health Services office for documented medical needs.
8. Students who bring personal outdoor furniture (lawn chairs, etc.) cannot leave these items unattended. Unattended furniture will be removed and discarded by College staff.
9. For Townhouse residents, outdoor furniture can be left on the townhouse stoop provided it does not block entry/exits.
10. Please reference the section on Residence Hall/Townhouse Safety and Security for additional information on acceptable and prohibited furnishings relating to safety issues.

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

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

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

E. Communal-Area Damage:
1. Students are responsible for preserving the condition of their wing, floor and building or townhouse, as well as the surrounding area.
2. Students with information about who is responsible for acts of vandalism/damage are expected to report these actions to Community Living, Public Safety and/or the Dean of Students. Students may report information anonymously through Public Safety’s Anonymous Tip/Complaint Form located at http://www.siena.edu/anonymous.
3. When the College is unable to determine who is responsible for communal-area-damage, the costs will be equally distributed among all residents living on the wing/floor/building/area. These charges may not be appealed.
F. **Snow Removal:**
Shovels are available in all residence hall offices and in Public Safety for student’s personal use. Townhouse residents are responsible for snow removal from the entranceway, steps (where applicable), and the pathway leading to a primary pathway. All residents of the MacClosky Square and Cushing Village Townhouses are provided with a shovel that is to be used for clearing stoops and entrances.

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

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

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

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

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

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

2. Students must submit a vacation housing request form online, provide written verification when requested, and be approved for occupancy during times when the campus and residence halls are closed. During these break periods, there will be no student staff members on duty.

3. Support services customarily provided by these staff members will not be available to students. Food service may have limited hours/availability depending on the vacation period.

4. Students who are currently on residence hall or disciplinary probation are not eligible for housing during breaks. Early arrivals for the fall and spring semesters are not permitted except for extraordinary circumstances and upon advanced approval from the Office of Community Living.

5. Students authorized to reside in campus housing during non-license periods (e.g. prior to and following the license period or during breaks) may be charged an additional fee and are not permitted to host guests. Anyone who arrives prior to the posted opening times in the housing agreement will not be admitted to the residence facility and/or will be charged a $75.00 per-night unauthorized occupancy charge and/or face disciplinary action.

6. If damage occurs in a residential area during the break period, the students staying in that area may be held responsible.

C. **Winter Recess:**
   Residential facilities will be completely closed during a portion of the winter break. Students authorized to return early during the winter break must be approved through the Office of Community Living.

D. **Summer Housing:**
   Students are not required to live on campus during the summer. Summer housing is only available for a specific, defined period. Information regarding summer housing availability changes from year to year. For the most up to date information, please visit the Community Living website or email housing@siena.edu

E. **Housing Assignments:**
   1. The Office of Community Living coordinates the housing assignments for all new and returning students. All housing assignments are based on single-sex housing per residence hall room, suite, and townhouse.
   2. Transgender Student Housing Policy
      a. Siena College strives to maintain a safe and inclusive community where individuals are respected and differences are celebrated.
      b. Students who identify as transgender are asked to discuss their housing options, room assignments and/or the living environment at Siena College with the Director of Community Living or designee. Typically, we assign students within the College’s same sex housing practice. We will assist transgender students with their residential placements on a case by case basis, including access to housing consistent with their gender identity. We encourage students to discuss housing options as soon as possible while the widest range of options is still available.
3. New Residential Students  
   a. New resident students will complete their housing application, which includes the Housing License Agreement, meal plan selection, and lifestyle and roommate preferences before arriving on campus.  
   b. Specific deadlines and processes are communicated to the student’s Siena email account.  

4. Returning Residential Students  
   a. Returning resident students may select from available housing for the upcoming academic year through the selection process held in the spring semester. Specific information regarding the lottery process will be available online in the spring semester prior to room selection.  
   b. Students must be registered for a minimum of 12 credits in order to maintain a housing assignment unless approved by the Director of Community Living  
   c. Any student not at the minimum credit level by July and January may jeopardize their housing space for the upcoming semester.  
   d. The order for determining priority is via random assignment based on the student's class status.  

5. Study Abroad Students  
   Student residents who are studying abroad or enrolled in off campus, short term study programs during the housing selection process will receive a housing selection time based on criteria noted above and may designate a proxy for the selection if the student is concerned about internet connectivity while abroad.  

6. Living with Others  
   a. For some, living with one or more roommates is a new experience. Sharing a room/suite/townhouse with another person or persons requires communication, cooperation, and compromise.  
   b. Students should discuss these expectations to form a starting point for communicating concerns and general agreements.  
   c. To a large extent, the relationship between roommates is dependent upon mutual consideration of the feelings and needs of the other person. This mutual consideration affords all roommates the expectation: 
      i. to be able to live, study and sleep free from undue interference in a room  
      ii. that roommates will respect each other’s personal belongings  
      iii. to be able to live in a clean environment  
      iv. to have free access to one’s room and facilities without pressure from a roommate  
      v. of being respectful of another person's privacy  
      vi. to be able to host guests in compliance with College policies at agreed-upon times, and with the expectation that guests are to respect the rights of the host’s roommate(s) and other resident students  
      vii. of being free from fear or intimidation, physical and/or emotional harm of being able to refuse requests without having to feel guilty or selfish
viii. that any and all disagreements will be discussed with openness and mutual respect, and that it is acceptable to involve a Community Living staff member when necessary

7. Students are encouraged to see their Community Assistant or Residence Director if they feel their roommate is infringing upon their rights and attempts to resolve the situation are not working.

8. Room Change
Students may request a room change from their Residence Director or the Associate Director of Community Living. Room changes will be considered provided space is available. Any room changes occurring without the prior approval of the Community Living Professional Staff may result in the room change being cancelled and the student relocated back to their original assignment.

III. Residence Hall and Townhouse Safety

A. Student ID/Saint Card:
Students are expected to carry their Saint Card ID at all times for access and identification. For security and safety reasons, ID cards must not be lent or given to other parties.

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

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

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

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

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

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

- U.L. approved power strips
- Portable hair dryers/curlers with automatic shutoff
- Lamps (except halogen)
- Electric kettles and hot pots with automatic shutoff
- Coffee/tea makers with automatic shutoff
- Irons with automatic shutoff
- Refrigerators (2 cu. ft. or 4 cu. ft. only) or Microfridge — as approved by the College vendor
- Fish (in five-gallon aquariums or smaller)
- Interior battery-operated string lights
- One set of interior LED, Underwriters Laboratory (UL) approved (plug in) string lights per resident
- Microwave ovens (limit of one per room with maximum wattage of 900 watts)
H. Prohibited Items: Décor, Furnishings and Appliances:

- Personal Furniture - No personal furniture (couches, futons, chairs, etc.) is allowed in College housing unless manufactured and clearly labeled by the manufacturer as being flame retardant
- Hot plates, slow cookers, rice cookers, heating coils, personal sandwich makers, grills (George Foreman, etc.), waffle makers and any other cooking/heating device with exposed heating element/surface (except in the townhouses)
- Toasters and toaster ovens (except in Townhouses)
- Space heaters
- Appliances with exposed heating elements
- Deep fryers (grease)
- Commercial-type popcorn makers
- Air conditioners (unless authorized by Health Services for a medical condition and installed by Facilities)
- Irons without automatic shutoff
- Curling irons without automatic shutoff
- Smoke/fog machines
- Multi plug adaptors, non-U.L. approved power strips, extension cords or any type and/or power strips plugged into another power strip
- Motorized exercise equipment, such as treadmills
- Curtains/window treatments (the College has installed blinds in all residential spaces to ensure privacy)
- Personal bed lofts, (only College installed lofts are permitted)
- Waterbeds or other liquid-filled furniture
- Personal (non-College issued) mattresses
- Halogen lamps (floor or desk)
- Candles (with or without wicks) and incense (used and unused). If discovered, candles are confiscated by College officials and disposed of immediately.
- Bed or furnishings placed in such a way as to require residents to stand on the furnishings to open or close the window or impede emergency access/egress
- Live greens (Christmas trees, cut greens, wreaths), evergreen decorations
- Decorative or string lights (e.g., rope lights, string lights, holiday lights) are prohibited, with the exception of battery-operated or LED lights in good working condition (no frayed or bare wires, cracked sockets, loose connections or damaged insulation).
- Large or bulky paper or fabric decorations (tapestries, large flags, sheets, etc.) hanging from ceiling, walls or windows are not permitted nor are items, other than those originally provided by the College, that divide a room or take up a significant amount of space (such as room dividers, bars, etc.)
- Animals (other than fish in five-gallon aquariums or smaller)
- Items placed on or over smoke/heat detectors, sprinkler piping or heads. No item may obstruct airflow or water disbursement for fire safety equipment.
- Items too close to sprinkler heads (18” minimum clearance required) no item may obstruct airflow or water disbursement for fire safety equipment
- Multiple electrical connectors (other than breaker-equipped outlet strips)
• Splicing electrical extension cords into lighting or other fixtures
• Hookahs
• Fireworks
• Flammable liquids (gasoline, kerosene, charcoal lighter fluid, etc.) and machines that use them
• Propane and gas grills
• Butane and butane torches
• Inflatable or plastic pools or any other object used to hold large quantities of sand or liquids
When used properly, the following additional items may be used in the townhouses only:
• Toaster ovens
• Personal sandwich makers and grills (e.g., George Foreman grills)
• Charcoal grills, provided they are operated at least 10 feet from combustible construction and balconies and only charcoal is burned (no open fires).

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

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

A. Responsibility:
Students are responsible for what occurs in their room/suite/townhouse, whether or not they are present, if the responsible parties cannot be identified.

B. Solicitation in the Residential Facilities:
Soliciting or canvassing, political or otherwise, by outside agencies other than those approved by the Director of Community Living and/or the Director of Student Activities and Leadership Development or designee is prohibited. (See Solicitation Policy for further information).

C. Student Fundraisers/Drives:
Students or student groups wishing to conduct a fundraiser/drive in the residential areas must get advance permission from the Director of Community Living. To respect the privacy of resident students, students/groups may not go door to door in residence areas and must operate out of the lobby/lounge area. Furthermore, students/groups must follow all College/Community Living guidelines while fundraising.

D. Bicycles:
Bicycles must be kept in student rooms, outside in bicycle racks, or in designated bicycle storage rooms Fire and safety regulations prohibit bicycles in stairwells, corridors, entrances and exits. Bicycles stored in unauthorized locations will be removed by the Public Safety Department.

E. Roofs/Attics:
Students, visitors, and guests are not permitted on any roof or attic of any college building.

F. Hall Sports:
No sports may be played in residence hall hallways because of potential injury or damage to fire safety systems, lights, etc., and the noise associated with such activities.

G. Littering and Trash:
1. Students are responsible for taking their trash to the appropriate trash room/bin for their residential building/area.
2. Trash bins located in public bathrooms are not the appropriate disposal area for room trash.
3. Removal of garbage found on stoops and in hallways will be billed to the residents of that particular area.
4. Broken glass around residential areas poses a significant safety risk. The cleanup cost for glass removal will be billed to residents of that area.

H. Sprinkler System/Fire Safety Equipment:
Hanging from or leaning on the sprinkler system piping and/or tampering with any fire safety equipment (e.g. pull boxes, Stopper II covers, smoke or heat detectors, fire-alarm speakers in suites, fire extinguishers, exit signs, etc.) is strictly prohibited.
I. Department of Public Safety

A. The Public Safety Department is open 365 days per year, 24 hours a day. If calling from a cellular phone or from an off-campus location, the department may be reached by calling 518-783-2376. In the event of an emergency, Public Safety can be contacted in the following ways:

1. The department operates an internal 911 emergency telephone system on campus. This number may be called from any landline telephone on campus.
2. If using a cellular phone during an emergency, students should call 518-783-2999. This number rings in on the campus 911 emergency telephone line. Students are strongly encouraged to program this number into their cell phone address book.
3. Emergency call boxes are located throughout campus. These boxes are highly visible and all have a blue light to mark their locations.
4. Several direct-dial telephones also are located throughout campus. These phones automatically dial the Public Safety office when the receiver is lifted.
5. Emergency (blue) buttons have been installed in the Morrell Science Center and a 24-hour computer lab in the library. These buttons are connected to the building alarm system and send an alarm to the security dispatcher, who will then dispatch an officer to that location.

B. Emergency Preparedness: Siena College’s Emergency Response Plan has been established to provide advance planning for emergencies that affect the overall operation of the campus. The College tests the emergency communication and notification systems each semester. Please familiarize yourself with the emergency information page at www.siena.edu/emergencyinfo, which provides basic what-to-do information in case of an emergency. The following is a list of the systems in place for emergency notifications to faculty, staff and students.

1. Siena Alert: This notification system enables College officials to send urgent text alerts to cell phones with text message capability, e-mail accounts and pagers. Students are responsible for individually subscribing to the Siena Alert system and for any charges their service providers may impose for delivering the text messages. Students are strongly encouraged to register for Siena Alert at www.siena.edu/sienaalert.
2. Emergency Call Boxes: There are 36 emergency call boxes with a constant blue light located throughout the College property. Each call box is equipped with a yellow strobe light and siren/speaker. In the event of an emergency, the siren and strobe will activate. A message will follow to alert the campus that there is an emergency and detail what action should be taken by the listener.
3. Siena Website: In the event of a major emergency, the College home page (www.siena.edu) will provide critical information and updates to the community. In the event of an emergency that does not interfere with the overall operation of the College, information and updates will be posted in the campus alerts box located on the emergency information Web page (www.siena.edu/emergencyinfo).
4. Public Address Systems: PA systems are located in all residence halls and the majority of classroom buildings.
5. Campus Gates: In the event of an emergency that requires limited access to campus as instructed by the law enforcement agency in charge, the gates to the campus will be
closed and the Welcome Booth will be staffed with Public Safety personnel to provide direction.

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

II. Crime Reporting /Confidential Crime/Incident Reports

A. Reporting a Crime:
Community members, students, faculty, staff, and guests are strongly encouraged to accurately and promptly report all crimes and Public Safety related incidents to the Siena College Department of Public Safety as soon as possible. In addition, they are also encouraged to accurately and promptly report all crimes to the appropriate law enforcement agencies. Reporting crimes to the Department of Public Safety and local law enforcement agencies is encouraged when the victim of such crime elects to, or is unable to, make such a report.

B. The Department of Public Safety, along with the College, will make every effort to safeguard any personally identifiable information. However, the College may be required to share information, but will only do so, when it is necessary or as required by law; therefore, we cannot guarantee confidentiality and/or your anonymity in all cases, but will take extra measures to protect your privacy. A report allows the college to investigate the incident, conduct any follow up actions, and help reduce risk and improve your safety as well as the safety others. With this information, Siena can also keep an accurate record of the number of incidents, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the College.

C. To report a crime or an emergency on the campus of Siena College:
1. Call Public Safety at extension 911 from any phone on campus, from outside the Siena phone system, call 518-783-2999.
2. To report a non-emergency security or Public Safety related matter, call Public Safety at extension 2376 or, from outside the Siena phone system, 518-783-2376.
3. In response to a reported crime or emergency, dispatchers are available at these respective telephone numbers 24 hours a day to answer your call. In response to a call, Siena Public Safety will take the required action, dispatching an officer or asking the victim or witness to report to Public Safety to file an incident report.
4. If assistance is required from the Town of Colonie Police Department or Colonie Fire/EMS, Public Safety will contact the appropriate unit.

5. Incidents may also be reported directly to the Colonie Police by calling 518-783-2811 for non-emergency calls. Call 911 from cell phone or a non-campus phone line for emergencies. Please note, direct 911 calls to Colonie police from on-campus will generally result in the police department calling Public Safety to meet them and guide them onto campus to the correct location.

6. Any community member may also report a crime by using any of the emergency call (blue light) boxes located in strategic areas around campus. The emergency call box locations are identifiable by blue lights displayed above the boxes.

7. Crimes may also be reported anonymously to Public Safety. Use the anonymous tip page on the Public Safety website or go directly to www.siena.edu/anonymous.

8. Crimes may be also reported confidentially as outlined in the following section.

9. Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings or around Residential Halls should be reported to Public Safety.

D. When a crime is reported, the victim will be provided information about reporting options: including notifying the victim of their right to notify police, to have a staff member assist them with notifying the police if they so desire and that the victim has the right not to inform the police. Public Safety incident reports and any related investigatory reports will be forwarded to the appropriate College officials.

E. Information about on-campus and off campus resources is provided later in this report. The information is made available to provide Siena community members with specific contact information in the event they become the victim of a crime. Even though victims may reach out to various resources, individuals should still report crimes to the Department of Public Safety to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

F. Campus Security Authorities:

1. The Clery Act identifies Campus Security Authorities as an official of the institution who has significant responsibility for student and campus activities. This individual has the authority and the duty to take action or respond to particular issues on behalf of the institution. Examples of individuals who meet the criteria of a CSA include but are not limited to, Dean of Students, Director of Athletics, team coaches and faculty advisors to a student group/organization.

2. Campus Security Authorities (CSA) are required to report crime statistics. Under the Clery Act, a crime is “reported” when it is brought to the attention of a Campus Security Authority (CSA) or local law enforcement personnel by a victim, witness, other third party or the offender regardless of one’s involvement with the crime or affiliation with the institution. If a CSA receives the crime information and believes it was provided in good faith, he or she should document it as a crime report. In “good faith” means there is a reasonable basis for believing that the information is not simply rumor or hearsay. That is, there is little or no reason to doubt the validity of the information.

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

III. Voluntary Confidential Reporting

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

IV. Voluntary Private Reporting

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

V. Disclosure of Crime Statistics

A. In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (formerly The Student Right to Know and Campus Security Act of 1990), Siena College’s Public Safety Department compiles annual crime statistics for the College. The department is also responsible for timely warning notifications of crime on campus to the campus community.

B. Notice of crime on campus is made in several ways. Daily crime reports are received by the Public Safety Department. These reports can be received either through direct reporting from a crime victim, crimes observed while on patrol by Public Safety staff, through mandated
reporters (as specified by the Clery Act), or from police departments that may respond to incidents on or adjacent to campus. On a daily basis, the reports received are evaluated. In instances where a specific threat may still exist to the community or where an ongoing course of conduct may be observed, an immediate notice to the community may be called for. Such notices are called “security alerts.” When called for, these notices are made in many ways, including via e-mail, voice mail and printed flyers. A daily crime report also is prepared based on the previous day’s events. The daily crime report is posted on the Public Safety Website (www.siena.edu/publicsafety) and also is available at the department’s office.

C. The Assistant Vice President for Student Life/Director of Public Safety also prepares a statistical annual crime report. This report is based on all the College’s reported crime. The report is available in a printed format, is located on the department’s Website (www.siena.edu/publicsafety), and may be found on the U.S. Department of Education’s Website. Notice of the report is sent to all students, faculty and staff of the College. The printed report also is available upon request.

D. It is important to note that a Public Safety report is not necessary for crimes to be included in the College’s annual crime statistics. Statistics for the annual report are also compiled from student life sexual assault tracking forms (anonymous reports), Residence Directors and resident assistants’ incident reports, information from mandated reporters and anonymous crime report forms. Whenever possible, crime statistics from local police departments for crimes committed adjacent to campus are also included. The student life sexual assault tracking form and the Public Safety anonymous crime reporting form are both anonymous and designed to encourage victims or witnesses to report crimes on a voluntary, confidential basis.

VI. Campus Public Safety Advisory Committee

A. In compliance with Article 129-a of the New York State Education Law, Siena College’s Public Safety Advisory Committee is comprised of faculty, professional staff and students. Chaired by the Assistant Vice President for Student Life/Director of Public Safety, the committee meets at least twice a semester to review current campus security policies and procedures and make recommendations for their improvement. It shall specifically review current policies and procedures for:

1. educating the campus community, including security personnel and those persons who advise or supervise students, about sexual assault pursuant to section sixty-four hundred thirty-two of this article; b. educating the campus community about personal safety and crime prevention;
2. reporting sexual assaults and dealing with victims during investigations;
3. referring complaints to appropriate authorities;
4. counseling victims; and
5. responding to inquiries from concerned persons.

VII. Emergency Information/Emergency College Closing

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

A. When inclement weather approaches, students need to use their best judgment when traveling to and from campus. If students are unable to make it to class, e-mail your Professor as soon as possible.

1. Before the storm: Siena personnel will monitor weather reports about the approaching storm and how it might affect various classes, campus events and any changes to parking on campus. A “pre-storm message” from the “WeatherAlert” e-mail address can be expected.

2. During the storm: Siena personnel will continue to assess campus conditions and external roads and then make a decision for “closure” or “late opening.”

3. Public notification: Information about classes and campus status will be sent/posted to the following no later than 6 a.m., if possible:
   a. School Closing Network (Local TV/Radio)
   b. Siena College website, www.siena.edu
   c. Outgoing phone message on 518-783-4299
   d. E-mail to campus personnel, including students
   e. If a text message is required to be sent via the SienaAlert System, Public Safety sends that text message.

B. If the storm occurs during work/class day, items 1 through 3 will be followed, with a decision to “close early” or “cancel evening classes/other events” no later than 2 p.m., if possible. The order for posting that decision is:
   1. E-mail to campus personnel, including students School Closings Network (Local TV/Radio)
   2. Siena College website, www.siena.edu
   3. Outgoing phone message on 518-783-4299
   4. After the storm: Facilities Management will send out information on rotation parking requirements.

IX. Missing Student Notification Policy and Procedures

A. If a member of the Siena community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify Public Safety at 518-783-2999. Siena College Public Safety will generate a report and initiate an investigation.

B. Special Note for Students Living on Campus: In addition to registering a general emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by Siena College in the event the student is determined to be missing for a full 24 hours or as soon as it is determined that a student is missing. If a student has identified such an individual, Siena will notify that individual no later than 24 hours after the student is determined to be missing. A student who wishes to identify a confidential emergency contact can do so through the Banner Self-Service system. A student’s confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of an investigation.

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

A. Working diligently in an effort to protect the safety and security of Siena’s students, employees and community is a priority of the College, but it is a shared responsibility of the College, staff, students, and his or her parents(s), guardian, and/or emergency contact. Each individual is held responsible and accountable for his or her behavior and choices and is expected to bring behaviors that are in conflict with this effort to the attention of the College.

B. Siena’s commitment to sustaining a safe environment is based on the belief that no member of our community should have to pursue his or her educational or vocational goals in an intimidating or fearful environment. This means that the College will use its best efforts to respond appropriately to each threat of violence or act of violence brought to its attention no matter the status of the person making the report. All threats by any member of our community, or an outsider who makes a threat against someone in our community, should be reported immediately to Public Safety.

XI. Traffic/Parking Rules and Regulations

A. General Information:
1. All parking on campus is by permit. Permits must be obtained through the Department of Public Safety. Students are never considered visitors or employees for the purpose of parking.
2. The College reserves the right to boot or remove any vehicle from campus when that vehicle is found in violation of the Siena College Rules and Regulations.
3. Personal vehicles owned by other than Siena College are not covered by Siena’s Insurance policies. The college cannot assume responsibility for loss, damage or theft of property from the personal vehicles that are parked on campus.
4. Resident Freshman students are students attending their first year of college. A student elevated to sophomore academic status anytime during their first year at Siena will still be considered a freshman for the purpose of parking.
5. Disabled or Abandoned Vehicles are not allowed to park on Siena property. These vehicles may be removed at the owner’s expense.

B. Motor Vehicle Registration:
1. All persons parking a vehicle on campus must register their vehicle with the Public Safety Department. The cost of the permit will be charged directly to the student’s account.
2. Upon presentation of a State Department of Motor Vehicle Registration, Siena Saint Card and completion of the online registration form, a campus parking permit will be issued. The permit must be affixed to the driver’s side, rear most side window and must be visible at all times. Faculty, Staff and Guests must affix their hangtag to the rear view mirror.
3. Improper display or not affixing the permit to the vehicle will subject the registrant to a fine.
4. Registering the vehicle of another person not authorized to have a vehicle on campus will subject both parties to a $100 fine and the loss of vehicle privileges on campus.
5. Permits are not transferable from one person to another or from one student vehicle to another. Should a permit be observed on a vehicle other than the one for which it was issued, the vehicle will be considered unregistered. The vehicle and will be subject to being issued a ticket, booted and or towed from campus at the owner’s expense.
6. Permits issued to Faculty/Staff are transferable between vehicles but not from one person to another. Faculty/Staff permits given to another person will be confiscated and destroyed.

C. Permits:
1. Each student who qualifies for a parking permit will be issued one permit per vehicle which is non-transferable. A temporary permit will not be issued for successive days unless there are extenuating circumstances as determined by the Director of Public Safety.
2. Any person found in possession of a stolen faculty/staff hangtag will be referred (if student) to the Dean of Students for disciplinary action. In cases where Faculty/Staff is found in possession of a stolen faculty/staff permit, that employee will be referred per the college’s employee or faculty handbooks for disciplinary action.
   a. Resident Parking Permits
      A Resident Student purchasing a Siena College Parking Permit will be issued a “Resident Student” parking permit. Vehicles bearing “Resident Student” parking permits may park in designated parking lots as indicated in Section 3, Lot designations of this booklet
   b. Commuter Parking Permits
      Any commuting student purchasing a Siena College parking permit will be issued a “Commuter Student” parking permit. Commuter Students are allowed to park in Lots, B, F, G, H, and U.

D. Resident Freshman Permits:
1. Resident Freshman are prohibited from having a vehicle on campus.
2. Due to the limited amount of parking on campus, Resident Freshman are not allowed to have a vehicle on campus. All Resident Freshman Students must obtain prior authorization from Public Safety to have a vehicle on campus even if it is for a limited time. Temporary Parking Permits will not be issued to Resident Freshman without prior approval from Public Safety. Failure to receive permission will result in a $100 fine and may subject the student to denial of their request. Any parking tickets received during the time period that the car was on campus without approval may not be appealed.
   Exceptions to his policy may be requested in writing to the Director of Public Safety.
3. The two exceptions to this policy are for Medical and Employment reasons only.
   a. Medical Exemption:
      i. All Resident Freshman Students must obtain prior authorization from Public Safety to have a vehicle on campus even if it is for a limited time. Resident Freshman may request a parking permit based on medical requirements. Students with a current or pre-existing medical condition that are under the treatment of a physician may request a Medical Parking Permit Request form.
      ii. The form may be obtained from the Public Safety Office as well as the Website. This form must be completed by the attending physician and returned to Public Safety and Health Services for review. The Director of Health Services will review the documentation and forward a recommendation to the Director of Public Safety. If the request is approved, the student will be required to present a receipt for treatment or a valid script from the medical practitioner on a
monthly basis. Freshman granted an exception will only be permitted to park in Lot “U” in spaces marked with white lines.

b. Employment Exemption:
   i. All Resident Freshman Students must obtain prior authorization from Public Safety to have a vehicle on campus even if it is for a limited time. Resident Freshman with the need to maintain employment may request a parking permit. The criteria for this exception include a minimum of 20 hours per week of regularly scheduled employment within 25 miles of the campus. The college does not accept sporadic or under-the-table employment as sufficient for an exception. Resident freshman students requesting this exception must present the following to the Director of Public Safety in writing: A letter from the student requesting the permit, the reason for the request, and the specific days and hours the student will work. A letter from the employer on company letterhead stationery, stating the hours and days scheduled. If the exception is approved, the student must provide proof of continued employment on a monthly basis. The student must submit copies of pay stubs from company paychecks by the fifth of each month. Failure to submit documentation on the fifth of the month will result in the loss of the exception and forfeiture of the parking permit. If cancelled, the permit must be promptly surrendered to the Public Safety Department or a $100 fine will be imposed and levied on the student’s account. Freshman granted an exception will only be permitted to park in Lot “U” in spaces marked with white lines.
   ii. Resident Freshman must submit the request and required documents by the 15th of October for the fall semester and the 15th of March for the spring semester. Students who submit an application after this date may be refused authorization and each request will be reviewed on a case by case basis as extenuating circumstances may exist.
   iii. NOTE: Freshmen permits may be denied or revoked by the Director of Public Safety if the student is in violation of the Siena Code of Conduct. Freshman permits may be suspended for the remainder of the semester for any freshman student who has received three tickets for violations of the College’s Traffic Rules and Regulations.

E. Temporary Permits for Resident Freshman:
Resident Freshman must obtain prior authorization to have a vehicle on campus even if it is for a limited time. Temporary parking permits will not be issued to Resident Freshman without prior approval from the Director of Public Safety. Temporary permits for Resident Freshman are only for medical and employment reasons, and only two Temporary Permits will be granted to freshmen during an academic year. Failure to receive permission will result in a fine of $100 and may subject the student to denial of their future requests for a Freshman Parking Permit. Any parking tickets received during the time period that vehicle was on campus without prior approval may not be appealed. Freshman granted an exception will only be permitted to park in Lot “U” in spaces marked with white lines.
F. **Employee Parking Permits:**
Faculty/Staff will be issued one hangtag parking permit. This permit is transferable and should be used for any vehicle used by the faculty/staff member on campus. The Hangtag must be displayed from the vehicle’s rear view mirror at all times while parked on campus. In the event the hangtag is lost or stolen, a new tag may be purchased from the college for $50. In the event the hangtag is left in another vehicle, a temporary permit will be issued for the day.

G. **Temporary Parking Permits for Upperclassmen:**
Parking Permits for Upper Class Students and Non-Resident Students may be obtained from the Department of Public Safety. Guests may receive permits that will be valid for up to 48 hours. Any guest who arrives after 6:00 p.m. on a Friday will be issued a temporary parking permit that expires at 6:00 p.m. on Sunday. Temporary permits may be obtained from the Department of Public Safety, 24 hours a day, 7 days a week. Temporary Parking Permits are issued to upper class students, visitors and non-resident students who demonstrate need and who would otherwise be entitled to possess a regular parking permit. People visiting students must be accompanied by their host when obtaining a Temporary Parking Permit. Hosts will be held responsible for all parking tickets received by their guests during their stay.

H. **Guest Parking Permits:**
Any guest who arrives Monday through Friday and needs to obtain a Temporary Parking Permit from the Department of Public Safety can do so 24 hours a day, 7 days a week at no cost. Online Guest Permits are available when registering a guest and is valid for weekends only (Friday at 6pm until Sunday at 6pm).

Guest permits are valid for Lots F-G-H-U only and between white lines ONLY.

I. **Handicap Parking Permits:**
All motor vehicle operators must obtain a Siena Handicap Parking Permit if they have the need to use handicap parking on campus. These permits may be obtained from the Public Safety Department. All operators who are requesting a Siena permit must first obtain a handicap parking permit from either the State, City or Town. If an operator possess either a state issued handicap permit or handicap license plates, they must still obtain a Siena Handicap Permit. Vehicles parked on campus bearing handicap license plates or a hang tag issued by a City, Town or Village, must be registered to the operator of the motor vehicle. Requests for handicap parking permits must be accompanied by documentation from a registered physician whose care the operator of the motor vehicle is under. Vehicles bearing proper handicap permit issued by the college may park in a designated handicap parking space. These spaces are marked with blue lines. In some cases a discharge area may be visible. Diagonal blue lines indicate discharge areas. The discharge area is not a parking space. Vehicles found in discharge areas or in handicap Parking Spaces without displaying a handicap permit issued by the college will be issued a ticket for parking in a handicapped space and may be towed from campus at the owner’s expense.

J. **MAC Members Parking Permits:**
MAC members may park in Lots F or U.

K. **Parking by Lot Designations:**
1. Resident Student Parking ONLY – (Designated by White Lines)
Malloy Circle – The parallel parking spaces to the rear of Cushing Village Lot “C” - Located at the New Hall

Clare Circle – The parking area surrounding MacClosky Square Chapel Road – Spaces south of the Chapel

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

Lot “Q” – Located on the west side of Padua road, across from Padua Hall Lot “R” – Located on the south side of Padua Hall

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

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

2. Commuter Student Parking, Visitor, and Resident overflow (Designated by White Lines)
Lot “B” – The lot in the rear of Cushing Village Lot “F” – The lot adjacent to the baseball field

Lot “G” – Located on the north side of the Morrell Science Center, excluding faculty and staff spots (Designated by Yellow Lines)

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

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

3. Resident Freshmen with Special Permission
Resident Freshmen who have received permission to have a vehicle on campus may only park in Lot “U” in spaces designated by white lines.

4. Faculty and Staff Parking - (Designated by Yellow Lines)
Lot “A” – Located to the rear of the St. Francis House on Malloy Circle Lot “C” – Located in front of the New Hall

Lot “D” – located on the north side of the New Hall

Lot “E” – The spaces outside the Clare Center and on Francis Drive Lot “F” – The spaces located to the rear of the Morrell Science Center

Lot “G” – Located to the rear of Roger Bacon, in designated spaces, along the eastside of the sidewalk to the town houses

Lot “K” – Located between the Maintenance Building and the tree line directly in front of that building, and on the west side of the Maintenance Building

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

Lot “M” – Located at the front of Siena Hall, all spaces in front of that Building. Lot “O” – Located at the rear of Hines Hall at the Handicap Entrance
Lot “P” – Located at the rear of Hines Hall south of the East Wing

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

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

Chapel Road – The spaces north of the Chapel

5. Long Term Parking - Lot "G"
The "Long Term Parking Area" is designated as Lot “G” which is located on the north side of the Morrell Science Center. Any student, faculty or staff member, or any other person leaving campus for an extended period of time (i.e. A sports team trip, a family emergency, winter recess, a long weekend, vacation, etc.) who intends to leave their vehicle on campus should be aware of our emergency vehicle removal procedures. When leaving campus, vehicles left behind must be moved to Lot “G.”

L. Additional Lot Restrictions:
1. Parking spaces are color coded. White lined spaces are for Students and Visitors. Yellow lined spaces are for faculty and staff. Students and employees must park between the proper colored lines for their designation. Spaces lined in Blue are for vehicles bearing valid Siena Handicap Permits and/or plates. Parking tickets for violations will be issued based on the line colors even in the event there is no sign posting such regulations.
2. Parking Lot “L” located on the west side of Foy Hall is reserved for Faculty and Staff parking. However from 5:00 p.m. until Midnight Commuter Students may park in this lot.
3. Lots “O”, “P”, and the portion of Padua Rd. from the entry to Lot “P” north are Restricted Areas including the Service Rd. and the parking area adjacent to Lonnstrom Dining Hall (Saga). A red line painted on Padua Rd. and 2 signs which state, “No student vehicles beyond this point” identifies the Restricted Area. No student vehicle is permitted north of the red line and any student vehicles in that area will be ticketed and/or booted.

M. Violations:
1. Improper Display – Not affixing the Parking Permit to one’s vehicle, placing the permit in the wrong location.
2. Unregistered Vehicle – All vehicles parked on campus are required to be registered with the Department of Public Safety.
3. Abandoned/Inoperable Vehicles – All motor vehicles on campus must be in running order and bear a valid State license plate issued to that vehicle. Vehicles in violation of this regulation will be considered abandoned and will be towed from campus at the owner’s expense.
4. Failing to Halt at a Stop Sign – Failure to come to a complete stop at a Stop Sign.
5. Failure to Move Vehicle from Closed Lot - Failure to move a vehicle from a lot which has been closed for a special event
6. Speeding – The maximum speed permitted on campus is 15 M.P.H.
7. Failure to Yield the Right of Way – Failure to yield the right of way at a Yield Sign.
8. One Way/Wrong way on one way – On roadways marked for one-way traffic, vehicles shall be driven only in the direction designated.
9. Improper Lot – Parking a vehicle in a parking lot, space or area not authorized by the parking permit issued to that vehicle.

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

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

12. Parked/Driving on Townhouse Pathways – Based on the seriousness and potential harm to pedestrians a separate violation for this action has been written. This violation carries a larger fine.

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

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

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

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

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

18. Driving Under the Influence of Alcohol and Drugs
   a. No person shall operate a motor vehicle on Siena College property while the person’s ability to operate such motor vehicle is impaired by the consumption of alcohol or drugs.
   b. If in the judgment of a member of the College’s Public Safety Staff, an operator of a motor vehicle being operated on campus, has consumed alcohol or drugs, the operator will be documented and a report will be forwarded to the Dean of Students.
   c. If the operator of a vehicle is involved in an accident, and the Public Safety Staff suspects the driver may be under the influence of drugs or alcohol, the Police may be contacted to further investigate the incident.
   d. Forged Permit/Improper Use of a Permit – No person shall affix a permit to their vehicle that is either forged or is not the permit assigned to that vehicle.

19. Compliance with Public Safety Personnel
    No person shall fail or refuse to comply with the request or directions of Public Safety personnel or any other person empowered to regulate traffic. Refusal to comply with such
requests or directions may result in disciplinary action and or the loss of vehicle privileges on campus. It may also cause vehicle to be ticketed and towed immediately at the owner’s expense.

N. **Traffic Enforcement:**
1. Public Safety personnel continuously patrol the campus and issue tickets for violations of the Siena College Traffic Rules and Regulations. A traffic ticket will indicate the violation and the amount of the fine. Fines will be charged to the person’s Siena College account. Fines may only be paid at the Business Affairs Office. New York State requires the College to charge tax on all fines.
2. NOTE: The College reserves the right to boot or remove any vehicle from campus when that vehicle is found in violation of the Siena College Traffic Rules and Regulations regardless of their fine status.
3. Persistent Violator: Any individual whose vehicle has been ticketed six times, will be declared a Persistent Violator. Persistent Violators receiving a seventh ticket or subsequent tickets, in addition to the ticket, will have their vehicle booted and/or towed from campus. Any vehicle that obtains three or more tickets for being unregistered will be booted. The fines and tow charges for their vehicle will be the responsibility of the operator/owner of the vehicle. People who have been declared Persistent Violators will remain such for the remainder of the current Academic Year regardless of the status of their parking fines (paid or unpaid). When the next Academic Year commences all former Persistent Violators will have their records cleared and will start the year without carrying forward the Persistent Violator designation.

O. **Ticket Appeal Procedure:**
1. Persons who have received tickets may appeal the violation to the Traffic Appeals Committee. The committee is comprised of Faculty, Staff and Students.
2. All Student appeals must be appealed online through their Web for Students Account. Once logged in there; Choose the option "Outstanding Citations"
   a. A list of tickets will appear that have been written to the account
   b. Select the button for the ticket you wish to appeal
   c. Type in your comments on the grounds for which you are appealing the ticket
   d. You will then receive an acknowledgement of the appeal
   e. You can then track the status of your appeal to see if it was granted or denied
3. All Staff and Faculty appeals must be in writing and forms are available on the Public Safety website or at the Public Safety Department. Completed appeal forms should be submitted to the Public Safety Department. An email will be sent to you advising you of the committee's decision.
4. All decisions of the Committee are final. NOTE: Appeals must be submitted to the Committee within 60 calendar days from the date of the cited violation. Appeals received after the 60 days will not be considered by the Committee.

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

Q. Emergency Vehicle Removal:
Any student, faculty or staff member, or any other person leaving campus for an extended period of time (i.e. A sports team trip, a family emergency, winter recess, a long weekend, vacation, etc.) who intends to leave their vehicle on campus should be aware of our emergency vehicle removal procedures. These procedures dictate that at times we must clear certain areas, such as but not limited to parking lots and roadways. Abandoned vehicles, vehicles left behind by those leaving campus, disabled vehicles and even legally parked vehicles may need to be removed under circumstances beyond our control. Snow removal, construction needs, parking lot closures, repair problems and emergencies will dictate the removal of these vehicles. In all instances an attempt to notify vehicle owners will be made by on-campus means. This may include e-mail, public announcements, flyers and telephone messages when practical. When leaving campus, vehicles left behind must be moved to the "Long Term Parking Area, Lot “G" which is located on the north side of the Morrell Science Center. Vehicles left in other lots WILL BE TOWED when necessary to remove snow, with the person responsible for the vehicle being billed for the tow charges. At no time can anyone leave their vehicle parked on campus for the entire summer. If you are not enrolled in summer courses then your vehicle must be removed at the end of the academic year. If you are enrolled in courses or employed by the college, then you may have a vehicle on campus during those times. The towing of vehicles for these emergencies is infrequent but all persons should be aware that these situations could occur. The College accepts no responsibility for fees charged by towing companies for vehicle removal. All vehicles parked on campus are parked at the owner/operator's risk.
General Policies

I. Computing-Use Policy
Please refer to the following link for the most up to date computing and ITS policies.
https://www.siena.edu/ITSPolicies

The following link contains many policies here at Siena for all departments.
https://www.siena.edu/Policies

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

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

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

D. Election:
The Student Body shall have the power to elect voting members of the Student Senate.

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

F. Voting:
Only elected members of Senate may exercise a vote. No appointed member of the Senate, excluding appointed members appointed to seats normally elected, is eligible to vote. Appointed members appointed to normally electable seats shall have the ability to exercise a vote. The Senate President may only vote in the event of a tie.
G. **Meetings:**
1. The Student Senate shall meet at least once a week while classes are in session. All regular meetings shall be announced and open to the public.
2. Minutes of each meeting shall be made public
3. A quorum shall consist of a simple majority of the voting members

H. **Powers of the Senate:**
1. To review and approve of all actions of the Student Senate committees by a simple majority vote of the entire Student Senate.
2. To approve the charters of student clubs and organizations. The Senate reserves the right to suspend the charter of any student organization that does not comply with the regulations as set forth by the Student Senate.
3. To take all actions that shall be necessary and proper for carrying out the will of the Student Body

I. **The Executive Board:**
1. Authority
   The Executive power of the Student body shall rest in the Executive Board of the Student Senate whose duties are expressed in the Student Senate By-Laws.
2. Election
   The Student Body shall have the power to elect the voting members of the Executive Board.
3. Composition
   The Executive Board shall consist of the elected President, Vice President, Secretary and Treasurer and the appointed positions specified in the Student Senate By Laws

J. **Committees of the Senate:**
1. Designation
   a. All committees shall either be a Standing Committee, Executive Committee, or an Ad Hoc Committee. Standing Committees of the Senate shall be the Academics, Service and Support, and Campus Improvement.
   b. Executive Committees are all other committees of the Student Senate.
   c. Ad Hoc Committees are temporary committees formed for a specific reason by the Senate President.

K. **The Student Events Board:**
1. Purpose
   The Student Events Board shall be the primary programming board for the Siena College Student Body and shall be considered a student organization subject to the provisions set forth in this Constitution.

L. **The Class Councils:**
1. Authority
   The decision making power of each of the four classes shall reside in and be exercised by the Class Council in each class.
2. Election
   The Student Body Shall have the power to elect members of the Class Councils.
3. Composition
   A Class Council shall consist of a President, Vice President, Secretary, and Treasurer except in the case of the Senior Class Council.
4. Membership
The composition of the four classes shall be defined in accordance with the Siena College Course Catalog.

M. Commuter Council:
1. Authority
   The decision making power of each of the commuters shall reside in and be exercised by their respective council.
2. Election
   All non-resident matriculated students shall have the power to elect members of the Commuter Council.
3. Composition
   The Commuter Life Council shall consist of an elected President, Vice President, Secretary Treasurer and Press Secretary.
4. Membership
   The composition of the commuter population shall be all matriculated non-resident students.

N. Special Requirements to Hold Office:
1. All Offices
   All candidates for an office must be a member of the constituency which that office represents. No student will be eligible for an office that intends to graduate before the completion of the full term of office.

O. Removal from Office:
1. Constitutional Officer: Voting Members of the Senate, Executive Board, Class, Commuter Council, Budget Allocation Committee, Elected members of SEB, SCR
   a. Charges of impeachment must include egregious transgressions of one's responsibilities of one's office.
   b. Any voting member of the Senate may bring a charge of impeachment. Such a charge must detail alleged impeachable conduct and must be delivered in writing to the Chair of the Student Conduct Review Board (SCRB) in order for an impeachment hearing to be convened. False charges of impeachment shall be grounds of impeachment for the accusing party. After a charge of impeachment is brought, a simple majority of the Senate must vote for a charge of impeachment to move forward in the process.
   c. Following the impeachment of any constitutional officer, there shall be a hearing conducted by the Student Conduct Review Board (SCRB), who will then make a recommendation to the Student Senate. The Student Senate will then hear the recommendation made by SCR and vote as to the charges of impeachment. A majority vote is necessary for expulsion from office.
2. Appointed Student Representatives
   Student representatives appointed by the Student Senate may be removed at the discretion of the Student Senate by a two-thirds majority vote of the entire Senate.
3. Recall
   The Student Body reserves the right to recall from office any member of the Student Senate or its subsidiary bodies. A recall petition, signed by no less than forty percent of those members’ constituents, shall be submitted to the Student Senate, who will prepare
ballots. A special election must be held within ten class days of the submission of said petition. Only the constituents of the member in question may vote, with a two-thirds majority of the votes cast required to recall.

P. Senate and Council Vacancies:
1. President and Vice President
   A vacancy in the office of the President shall be succeeded by the Vice President. When the Vice President fills the vacancy in the office of President, he or she shall then appoint a new Vice President with full voting rights, subject to the approval by a two-thirds majority vote of the entire Senate.
2. Other Officers
   Vacancies in all other constitutional offices shall be filled by appointment by the respective President, subject to a two-thirds majority vote of the entire Senate.

Q. Senate By-Laws:
   By-laws shall be amended to this Constitution and enforced under it.

R. Amending the Constitution:
1. Amendments
   Additions or modifications to this Constitution shall be appended to it and enforced under it.
2. Originating in the Senate
   A proposed amendment may originate in the Student Senate. Approval by a two-thirds majority vote of the entire Senate shall cause the proposed amendment to be submitted to the Student Body. A special election for the entire student body must then be held within ten class days. Approval by a two-thirds majority of the voting student body is necessary for the proposed amendment to take effect as part of this Constitution.
3. Originating From the Student Body
   A proposed amendment may originate in the Student Body through an initiative petition. The initiative petition, containing the full text of the proposal and signatures of not less than twenty-five percent of the entire Student Body shall be submitted to the Senate. A special election must be held within ten class days of the submission of said petition to the Senate and must be passed by a two-thirds majority of the voting Student Body.

S. Implementation:
1. Ratification and Adoption
   Following approval by a two-thirds majority vote of the entire Senate, and a two-thirds majority of the voting Student Body, this Constitution shall be declared adopted.
2. Section Two- Effective Date
   This Constitution, having been adopted, shall take effect by November 17, 2018 and shall supersede any and all previous Student Body Constitutions.

T. Done in convention by the Constitutional Review Committee and forwarded to the Senate on November 9, 2018.
1. Tara Polchinski, Executive Assistant
2. Committee members:
   Mikayla Cote, Student Senate Vice President
   Matt Bird, Student Senate Chief of Staff
   Elijah Sullivan, Student Senate Parliamentarian
   Zach Coderre, Class of 2020 President
Nicholas Murabito, Student Senate
Karla Perez, Class of 2020 Treasurer
3. Advisor: Karen Keis
4. Agreed to by the Siena College Student Senate and Ratified on November 13, 2018
5. Agreed to by the Siena College Student Body and Ratified on November 15, 2018

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

IV. Hazing Policy
A. New York State Law and Siena College policy prohibit hazing. New York State Penal Law provides as follows:
  1. 120.17 Hazing in the first degree: A person is guilty of hazing in the first degree when in the course of another person’s initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury. Hazing in the first degree is a Class A misdemeanor. (Note: punishable by up to one (1) year imprisonment or fine up to $1,000 or both).
  2. 120.18 Hazing in the second degree: A person is guilty of hazing in the second degree when in the course of another person’s initiation or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person. Hazing in the second degree is a violation. (Note: punishable by up to 15 days imprisonment or fine up to $250 or both).
B. In addition, Siena College considers hazing as any action or situation created by an individual, group, organization or athletic team, intentionally or unintentionally, whether on or off College premises, to produce mental or physical discomfort, embarrassment, harassment, ridicules, or in any way demean the dignity of another human being. Examples may include, but are not limited to, the following: forced consumption of alcohol; paddling in
any form; creation of excess fatigue; “kidnapping”; physical and/or psychological shock; engaging in public stunts, morally degrading or humiliating games; forcing or encouraging someone to wear signs with inappropriate language/slogans; forcing or encouraging someone to sing lewd songs; shaving of heads; and any other activities or behavior inconsistent with the law and/or College policies.

C. No individual or group may haze another at any time including as it relates to initiation into or the affiliation with any organization, group or athletic team. Initiations, however explained, or activities that imply, force, encourage, condone or allow students to misuse alcohol or other drugs, or violate the law, or commit unethical, immoral or inappropriate behavior are forbidden. The planning or preparation to engage in hazing activity is also a violation of this policy.

D. Hazing of any kind is strictly prohibited by the College and subject to sanction. All members of the College community are expected to report to College officials hazing activity of any kind of which they have knowledge or information. Reports of hazing can be made to the vice president for student life Dean of Students, Associate Dean of Students, Assistant Vice President for Student Life/Director of Public Safety, Director of Athletics or Director of Student Activities and Leadership Development. Upon investigation, the matter may be referred to the vice president for student life for adjudication through the College’s established student conduct review procedures. In addition, the matter may be referred to outside law enforcement agencies.

E. Members, prospective members or participants who fail to report an act or contemplated act of hazing of which they have knowledge or information may also be found in violation of this policy. If an individual student faces a charge of violating this policy, the matter will be referred to the College’s student conduct review procedures and, if found responsible, he or she will be subject to the full range of sanctions, which may include expulsion from the College.

F. If a College-recognized organization (e.g., a club) faces a charge of violating this policy, it will be charged as an individual would be under such procedures, and sanctions will be determined at the discretion of the College. Sanctions may include the loss or suspension of college recognition and/or re-recognition on certain conditions, in addition to the charges and sanctions directed to individual members.

G. If members of a College-sponsored activity or program (e.g., an athletic team) are charged and found responsible for violating this policy through the student conduct review procedures, the College will impose appropriate sanctions, which may include, but are not limited to, the full range of student status sanctions (including expulsion), removal or suspension from the program, forfeiture of games or limitation of activities, and/or other sanctions as deemed appropriate by the College.

H. It is the right of every Siena student to be free from the humiliation and danger of hazing. Hazing does not build strong organizations, teams, groups or tradition. Rather, it is a means of abuse and humiliation. To express concerns or complaints about hazing, or questions about this policy, contact the vice president for student life, Dean of Students, Associate Dean of Students, Assistant Vice President for Student Life/Director of Public Safety, Director of Athletics or Director of Student Activities and Leadership Development.

V. Official Communication of College Business

A. Siena College recognizes many forms of communication for official College business. Administrators and faculty may use written documentation, telephone conversations, e-mail and Web documents as formal forms of communication. Official College business includes all actions of the College including, but not limited to, providing general information, course information, disciplinary notice and general administrative functions of the College.
B. E-mail accounts to all students and campus mailboxes to resident students; these are recognized as official document and notification addresses for College communications, as well as local or permanent addresses for commuting students.

VI. Posting Policy

A. Except as expressly permitted in this section, no printed material may be on, attached to, or written on any structure or natural feature of the College facility, such as the sides, doors, windows of buildings, the surface of light posts, monuments, sculptures, waste receptacles, trees, rocks, benches, free-standing signs or statues. No printed materials may be placed on vehicles except by members of the Siena Public Safety staff for official notices.

B. Sites available to members of the campus community include all departmental bulletin boards located in office and classroom areas. Posting is only allowed on bulletin boards, not on walls or other areas. Permission from the department or administrative unit is required. Chalking is prohibited.

C. Residence halls and townhouses: Prior permission/approval of the Director of Community Living is required. Materials to be approved are to be left with the Office of Community Living a minimum of three business days prior to the requested posting date. If approved, Community Living will coordinate the distribution.

D. Sarazen Student Union: Prior permission/approval of the Student Activities and Leadership Development Office is required. Materials to be approved must be dropped off in Sarazen Student Union Room 310 at least three days prior to the requested posting date. Student Activities and Leadership Development will post two copies in the Sarazen Student Union for you and can bring up to 35 copies to Community Living to have them distributes amongst the residence halls.

E. Material authorized for posting will be limited to that which complements the mission of the College, reflects a responsible expression of an opinion or idea, and will not result in a disruption or interference with the orderly operation of the College. Material that is threatening, harassing or sexually explicit is prohibited. In cases where there is some question of whether material meets these guidelines, the Director of Student Activities in consultation with the vice president for student life or designee, may request the individual or group to modify their content before approval for posting is authorized.

F. Non-College Organizations:

1. Non-college organizations may not post or distribute materials on campus without the express permission of the Student Activities and Leadership Development office.

2. Upon approval, all materials will be stamped as such and will include the date materials must be removed. Posting is not allowed on painted surfaces, wood or glass.

3. Non-college organizations will be limited to a maximum of 10 flyers posted on campus per event.

4. Only those requests that complement the mission of the College will be approved.

5. Program planners are responsible for removing posters at the conclusion of the event.

6. Sites available for posting to the general public include Sarazen Student Union, Marcelle Athletic Complex and Lonnstrom Dining Hall.

7. Non-college organizations are prohibited from posting in campus academic buildings. Postings approved by the Director of Student Activities and Leadership Development may be submitted to the Director of Community Living for permission to distribute in the residence halls and townhouses. If approved, Community Living will coordinate the distribution of the materials.
VII. Preferred Name Policy

A. At Siena, diversity is an invitation to celebrate the uniqueness of each individual, as well as the cultural differences that enrich us all. Siena strives to ensure that individuals from all backgrounds and perspectives are served equitably. The diversity that students, staff and faculty bring to the College are viewed as a resource, strength and benefit to the College as a whole.

B. Siena recognizes that some students prefer to identify themselves by a first name other than their legal name. Last names can be changed only with a legal name change. Under Siena’s Preferred Name policy, any student may choose to identify a preferred first name, in addition to their legal name. The College acknowledges that a preferred name should be used whenever possible in the course of College related systems and documents, except where the use of the legal name is required by college business or legal need.

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

<table>
<thead>
<tr>
<th>Preferred Name Will Appear:</th>
<th>Legal Name Will Appear:</th>
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<tbody>
<tr>
<td>Online directory</td>
<td>Financial Aid and Billing Records and Communication</td>
</tr>
<tr>
<td>Class rosters</td>
<td>Official and Unofficial Transcripts</td>
</tr>
<tr>
<td>Blackboard</td>
<td>Paychecks and Paystubs</td>
</tr>
<tr>
<td>Faculty Advisee Lists</td>
<td>Public Safety Records</td>
</tr>
<tr>
<td>Degree Audit</td>
<td>Registrar’s Office Records (i.e. permanent student file records)</td>
</tr>
<tr>
<td>Housing License Contracts</td>
<td>Student Health Services</td>
</tr>
<tr>
<td>Library Records</td>
<td>Study Abroad and Study Away (i.e. travel documents, signature documents)</td>
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<tr>
<td>Diploma</td>
<td>Some official forms or correspondence from the College</td>
</tr>
<tr>
<td>Community Living Rosters</td>
<td>Other official documentation which requires the use of an individual’s legal name</td>
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<tr>
<td>Saint ID card</td>
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<td>Email display name</td>
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D. Procedures to Request Preferred Name:
1. Students who choose to use a preferred name should submit the Preferred Name Request Form to the Office of the Dean of Students. Once the request is approved, the preferred name will be displayed in the applicable areas above within ten business days. Approved students can obtain a new SAINT ID card with the preferred name after this processing period by request at the Business Services counter in the Sarazen Student Union, Room 229.

2. The Office of the Dean of Students has the authority to deny any request for a preferred name or remove a preferred name, especially in cases where the preferred name was created for the purpose of avoiding legal obligation or misrepresentation; names which are not administratively possible to implement (such as symbols or images); or names deemed inappropriate, offensive or derogatory. Preferred name requests may also be denied due to multiple requests from the same person.

3. In the rare circumstance when a denial is made, the student may appeal the decision in writing within five business days to the Dean of Students. The Dean of Students will convene an appeal committee comprising the following representatives or their designee: Associate Vice-President of Student Life, Associate Vice President of Academic Affairs, Title IX Coordinator/EOS, and Director of the Damietta Cross-Cultural Center to consider the appeal. The committee will make a formal recommendation to the Dean of Students regarding approval of the preferred name request.

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

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

VIII. Smoking / Tobacco Free Campus Policy
A. Purpose:
To ensure that all Siena College facilities and properties are tobacco-free in an effort to provide Siena College’s faculty, staff, administrators, students and visitors with a healthy, respectful working and learning environment. This policy applies to all: students, employees, including faculty, administrators and staff; volunteers, visitors and other individuals in or on any College facilities or outdoor area.
B. Definitions:
1. Tobacco Use: The act of using any tobacco product in any College facility or outdoor area, including, chewing tobacco, and the act of smoking or carrying a lighted cigar, cigarette, pipe or any other smoking material or device (i.e. e-cigarette, vaporizer (vape), hookah, THC oils).
2. Tobacco Free: The prohibited use of any tobacco product in any College facility or outdoor area, including, chewing tobacco, and the act of smoking or carrying a lighted cigar, cigarette, pipe or any other smoking material or device (i.e. e-cigarette, vaporizer (vape), hookah, THC oils).
3. Personal Owned Vehicle: Personal owned and rented vehicles for personal, non-College use only.
4. College Facilities: Any facility or property that is owned, leased, used or occupied by Siena College including but not limited to: private offices, lounges, dining areas, recreational facilities, residence halls, storage areas, service shops, garages, tunnels, sidewalks, facilities operations areas, athletic facilities, all College vehicles (owned or leased), and personal owned and rented vehicles when used to transport Siena College faculty, staff or students on any College-related business, academic or student life activities.
5. Outdoor Areas: All Siena College owned property to include owned and leased property; outdoor areas consisting of all roads, parking lots, sidewalks, athletic fields, lawn areas and any College facility entrance or egress.

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

D. Procedure:
1. Tobacco use is prohibited in all of Siena College’s facilities and outdoor areas. Organizers of public events on campus are responsible for communicating this policy to attendees.
2. Responsibilities/Enforcement: Enforcement should not be punitive, but rather consist of policy reminders and guidance for minor offenders. Faculty, staff, administrators and students are expected to remind individuals who they see violate the policy, in a professional and courteous manner, that Siena College is a tobacco-free campus. The College reserves the right to initiate disciplinary actions, which may include counseling, verbal and written warnings and education or other appropriate disciplinary actions in accordance with the student handbook, Siena Life, for students and the faculty, staff and
administrator handbooks. If an individual is a member of the Siena community and refuses to comply, they should be reported to the following:

a. Human Resources (for Faculty, Administrators, Staff)
b. Dean of Students Office (for students)

3. If an individual is a visitor on campus and refuses to comply, a report should be made to the event organizer and/or Public Safety.

4. While the College recognizes the difficulty this policy may cause for some of the community, it is incumbent on the College to enforce the policy as stated. This will be done in a reasonable and equitable manner.

IX. Solicitation and Vendor Policy

A. Commercial solicitation (any solicitation involving an exchange of goods and/or money) is permitted on campus as outlined in this policy. Siena College permits commercial solicitation on campus by the following, provided the appropriate approval process, as outlined below, has been completed:

1. clubs and organizations that are recognized by the Student Senate
2. authorized representatives of College offices and departments (e.g., Admissions, Development and External Affairs, Community Living, Franciscan Center for Service and Advocacy, Chaplain’s Office, Sr. Thea Bowman Center for Women, Damietta Cross-Cultural Center, athletic teams, and academic departments including class project groups, honor societies, and other academic organizations)
3. student-owned businesses
4. outside vendors

B. General Guidelines:

1. No door-to-door sales may take place within the residence halls. The only exception can be Community Living sponsored activities within the respective hall, as approved by the Residence Hall Director or designee.
2. No sales are to occur out of one’s residence hall room/suite or townhouse or living area.
3. No soliciting of items generally prohibited on campus or prohibited in residential facilities.
4. Soliciting or canvassing, political or otherwise by outside agencies other than those approved by the Director of Student Activities and Leadership Development or designee is prohibited. Siena College does not permit credit-card companies to market on campus, nor are any student groups or organizations permitted to utilize credit-card offers for fundraising purposes.
5. If the sale of merchandise is in competition with a contracted campus services (i.e. AVI Dining Services, Bookstore, Athletics, etc.), approval must be obtained from the impacted area.
6. Applicable New York State sales tax must be collected in all sales on campus.
7. In accordance with Siena Life, and the Catholic and Franciscan values inherent in the mission of the institutions, goods sold on campus should uphold the respect and dignity of the self, property, and others. In addition:

a. Merchandise and/or services may not be sexually explicit.
b. Merchandise and/or services may not contain derogatory statements or images about gender, race, religion, ethnicity, or sexual orientation.
c. Merchandise and/or services may not contain negative statements about the Catholic Church, its institutions and/or parishioners.
d. Merchandise and/or services may not contain profanity.
e. Merchandise and/or services may not violate any existing trademark, trade name, brand or copyrights (i.e. clothing, purses, copied CD’s, DVD’s, etc.).
f. Merchandise and/or services may not contain Siena College logos and images, unless approval is granted by the Siena College Office of Strategic Communications and Integrated Marketing.
g. Preference is given to Fair Trade merchandise.

C. **Guidelines for Clubs and Organizations Recognized by the Student Senate:**
1. All sales of items and services must be approved by the Student Senate, prior to the start of any sales or advertising pertaining to the sale.
2. A club or organization wishing to hold a sale in a residence hall must receive approval from the Director of Community Living or designee, prior to going to the Student Senate for approval.
3. Sales taking place in lobbies of college buildings, other than residence halls, must reserve the space through the Campus Scheduler. Fundraisers must be approved by the Student Senate before a space reservation can be made.
4. An organization wishing to sponsor a sale or fundraising event must submit a completed request form to the Treasurer of the Student Senate. The proposal should include the following:
   a. Description of what is being sold
   b. Prices of the merchandise
   c. Where the fundraising event will be held
   d. If the sale of merchandise will be in competition with contracted services (e.g. AVI Dining Services, Bookstore, Athletics, etc.). If it is, approval must be obtained from the impacted area.
   e. What service this will provide to the students of Siena College
   f. Signature of the club’s advisor or coach
5. All t-shirt and merchandise designs must be approved by both the club advisor/coach and the Director of Student Activities and Leadership Development.
6. Use of all College logos and images must be approved by the Director of Student Activities and Leadership Development, or designee, under the advisement of the Office of Strategic Communications and Integrated Marketing.

D. **Guidelines for Authorized Student Representatives of College Offices and Departments (i.e. Admissions, Development and External Affairs, Community Living, Franciscan Center for Service and Advocacy, Chaplain’s Office. Sr. Thea Bowman Center for Women, Damietta Cross-Cultural Center, athletic teams, and academic departments including class project groups, honor societies and other academic organizations).**
1. Authorized representatives of College Offices and Departments are required to submit completed fundraising request forms to the Treasurer of the Student Senate. This form should be submitted prior to the start of any sale or advertising pertaining to the sale. The proposal should include all elements, as reported in the Guidelines for Clubs and Organizations Recognized by the Student Senate section. Student representatives are requested to comply with this process for the purpose of coordinating campus events.
2. All sales initiatives must be reviewed and approved by the administrator, faculty, or staff member responsible for the student representative(s).
3. Groups must reserve campus spaces through the Campus Scheduler.
4. Authorized Student Representative wishing to hold a sale in a residence hall lobby must receive approval from the Director of Community Living, or designee.

X. **Speakers’ Policy**

A. **Brief Overview of the Policy:**
The Siena College Speakers’ Policy sets forth the guidelines for bringing in outside speakers and performers to campus.

B. **Reason for Policy:**
This policy ensures protection of discourse and that adequate preparation, review, and notice are undertaken in selecting and approving outside speakers/performers.

C. **Scope of the Policy:** Entities or Individuals affected by this policy
All members of the Siena College community as well as outside attendees at events are subject to this policy.

D. **The Official Policy:**
1. As a liberal arts college, Siena seeks to foster the rigorous intellectual development of its students through a lively exchange of ideas both inside and outside the classroom. As a Catholic college, Siena has the responsibility to promote disciplined reflection on the Catholic intellectual tradition and constructive engagement of that tradition with diverse ideas and perspectives. As a Franciscan college, Siena strives to embody the vision of St. Francis of Assisi by sustaining a community wherein each member is treated as a brother or sister, and mutual relations are characterized by courtesy, humility, kindness, and respect.

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

2. To this end, the following guidelines should be observed when various constituencies of the College invite outside speakers or sponsor events:
   
a. As an academic institution, the College has an obligation to promote the free discussion of serious issues which may be controversial in nature. Presentations that have academic or artistic merit, including those that may be deliberately provocative, are acceptable. Presentations that are gratuitously offensive or overtly
and insistently contemptuous of the values and sensibilities of the Siena College community are not.

b. All speakers/performers must be sponsored by a College office, department, official College committee or officially recognized student club or organization. Any proposed speaker/performer must be approved by the divisional vice president in writing prior to contracting. The generic Speaker Review Form or a customized divisional alternative must be completed by the sponsor and submitted to the divisional Vice President for approval. The Vice President may convene an ad hoc advisory/review group to assess the risks associated with the proposed speaker. The VP may assign any of these duties to their designee(s). For any speaker outside of the academic or student divisions, the College Risk Officer will work to identify the appropriate VP and their designee who will oversee compliance with the policy in that case. The College Risk Officer will provide guidance to the owner as necessary.

c. Departments and offices should act within their area of expertise and mission in sponsoring or co-sponsoring speakers or events.

d. It should be made clear that sponsorship of the speaker or the event does not imply an endorsement by Siena College of the views expressed by that speaker or that event.

e. Sponsors are encouraged to contact Public Safety no later than at the time of contracting with the speaker/performer for events with more than fifty (50) anticipated attendees to coordinate parking, accessibility, safety, VIPs, etc. The VP or designee(s) may require consultation with Public Safety if they determine that:

i. the complexity of the event requires the involvement of more than one campus administrative unit;

ii. that the event is likely to significantly affect campus safety and security;

iii. the event has a substantial likelihood of interfering with other campus functions or activities;

iv. or if the event is a dance or concert, regardless of how many attendees

f. Sponsors are to contact Marketing and Communications prior to the time of contracting with the speaker/performer to assess feasibility of advertising and marketing of the event.

g. Attendees may not engage in loud outbursts, profane, vulgar, inflammatory, threatening, abusive or disparaging language or other disruptive conduct or behavior. Persons who do so may be asked to leave and/or subject to disciplinary action.

h. In extremely rare circumstances, the College may determine that a presentation or event should be modified in format, postponed, or even cancelled. Such decision must involve open and respectful consultation with members of the Siena community including the event’s sponsor and must be guided by the principle that the remedy for controversial speech is more speech. Rather than restricting legitimate academic and artistic expression, the conversation could be broadened by providing an open forum after a speaker’s presentation in which multiple viewpoints and voices can be heard; the deliberate inclusion of qualified speakers who can articulate alternative perspectives on the contentious issue; or the sponsorship of speakers who hold opposing views over the course of a semester or academic year.
Ultimately, however, the President of the College will have final authority in making these decisions.

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

**XI. Student Internal Complaint Policy**

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

B. Students uncertain about how to proceed may consult the Associate Vice President for Student Life who shall identify the appropriate contact person. The student may also seek support from a Human Resources representative, who may act as an ombudsman to facilitate and/or mediate the process.

C. If the complaint involves an incident of sexual misconduct or discriminatory based harassment, then the person to whom the student reported the complaint must refer the complaint to the Title IX Coordinator/Equal Opportunity Specialist to be reviewed under Siena College’s Discrimination and Harassment Policy or Sexual Misconduct Policy. If the Title IX Coordinator/Equal Opportunity Specialist determines that the College’s Discrimination and Harassment Policy or Sexual Misconduct Policy does not apply, the complaint shall be referred back to the supervisor or administrator receiving the complaint. If the complaint involves an assigned grade, the student should refer to the procedures for “Appeal of Assigned Grades” in the College Catalog.

D. In all instances, a student must be assured that no adverse action will be taken against the student for making a complaint. However, if a student intentionally furnishes false information, they may be referred to the Dean of Students office.

E. **Procedures:**
1. **Informal Resolution:**
   a. Students wishing to pursue an internal complaint informally shall first contact and meet with either the supervisor of the individual or administrator responsible for the operation/policy/procedure. This is usually the Director/Department Head or Academic Dean. They will informally investigate the complaint, normally within seven to ten business days, and meet with the respondent to provide a letter of finding. The student may also request that the matter be resolved later, for example, after they have completed a course.
b. If the supervisor or administrator finds that the complaint is justified, the supervisor or administrator will address the situation and, if applicable, see that it is corrected pursuant to the applicable procedure. Any corrective or disciplinary action for respondents will be made in consultation with the Office of Human Resources. The supervisor or administrator may also determine that the complaint is unfounded.

c. With either outcome, the supervisor or administrator will meet with the student and inform them of the result, to the extent possible, keeping in mind that employee disciplinary matters are confidential.

d. If either the respondent or student is not satisfied with the informal resolution, either party may end the informal resolution process and the internal complaint will be resolved through the formal process.

2. Formal Resolution:
   a. Filing of a Written Complaint: The formal complaint must be filed in writing with either the supervisor of the individual or administrator responsible for the operation/policy/procedure. This is usually the Director/Department Head or Academic Dean.
   b. In their written complaint, the complainant must include the following:
      i. A description of the facts supporting their complaint
      ii. Any supporting documentation/evidence
      iii. A description of the redress being sought
      iv. The name, contact information and signature of the student initiating the complaint
   c. The supervisor or administrator will investigate the incident, normally within seven to ten business days, and meet with the respondent to provide a letter of finding. The student may also request that the matter be resolved later, for example, after they have completed a course.
   d. If the supervisor or administrator finds that the complaint is justified, the supervisor or administrator will address the situation and, if applicable, see that it is corrected pursuant to the applicable procedure. Any corrective or disciplinary action for respondents will be made in consultation with the Office of Human Resources. The supervisor or administrator may also determine that the complaint is unfounded.
   e. With either outcome, the supervisor or administrator will meet with the student and inform them in writing of the findings, keeping in mind that employee disciplinary matters are confidential.

3. Student Appeal:
   a. Students have five business days from the date of the letter of finding to submit an appeal to the investigating supervisor or administrator’s supervisor. This is usually an Assistant/Associate Vice President or Vice President.
   b. All appeals must be in writing, submitted by the student, and must specify the grounds for the appeal. The College does not accept appeals submitted by others (including parents and attorneys on behalf of a student); the student must file their own appeal.
   c. The student will be notified in writing of the decision within seven business days, keeping in mind that employee disciplinary matters are confidential. The appeal decision is final.
4. **Respondent Appeal:**
   a. A respondent has five business days from the date of the letter of finding to submit an appeal to the investigating supervisor or administrator’s supervisor. This is usually the Assistant/Associate Vice President or Vice President.
   b. All appeals must be in writing and must specify the grounds for the appeal.
   c. If an applicable appellate review process applies, such process shall be followed. Otherwise, appellate review shall be provided in consultation with the Office of Human Resources. The supervisor will meet with the respondent to provide written notification of the decision within seven business days. Any corrective or disciplinary action for respondents will be made in consultation with the Office of Human Resources. The appeal decision is final.

5. All documentation regarding a complaint against an individual employee and the resolution will be forwarded and stored in the Office of Human Resources.

6. The College reserves the right to extend the timelines set forth above if it determines that circumstances warrant such extension.

7. If a circumstance occurs in which the parameters of this policy do not apply (e.g. an appeal to a direct report of a Vice President) a Human Resources representative will designate an individual to resolve the complaint.

### XII. Student Records

**Overview**

A. **Family Educational Rights and Privacy Act:** The Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. § 1232g and 34 CFR Part 99, governs students’ access to and confidentiality of their education records maintained by Siena College. The College notifies students annually of their rights under FERPA. Students have the right to file a written complaint with the Office of Family Compliance at the U.S. Department of Education if they believe the College failed to comply with FERPA.

B. **Education Records Defined:** Education records are any records (in handwriting, print, tapes, film, computer or other medium) that are directly related to a student and maintained by the College or by a party acting for the College. They are not: 1) records that are kept in the sole possession of the maker, such as a faculty member, who makes the record for a personal memory aid and does not share the record with anyone other than a temporary substitute for him or her; 2) records created and maintained by the College’s Public Safety department for law enforcement purposes; 3) employment records; 4) records made or maintained by medical professionals if the records are used only for treatment of a student and made available only to those persons for providing the treatment; or 5) alumni records which contain information about a student after she/he is no longer in attendance at the College.

C. **Student Access to Records:** Records available for student inspection are those that fall under the definition of education records and generally include academic, financial aid and disciplinary records. References, ratings and/or observations completed before 1-1-75 are not available to students. Students do not have the right to inspect any financial data and income tax forms submitted in confidence by their parents in connection with an application for, or receipt of, financial aid. Concerning a record that contains information relating to more than one student, student access is limited to the portion of the record that pertains only to him/herself. Requests to inspect education records should be made in writing to the specific College office maintaining it. The records, files and/or data will be made available no later than 45 days from the time the written request is received. Materials will be reproduced at a cost of $.50 per page for records and $5.00 for a transcript.
D. Amendment of Education Records: A student may request in writing an amendment to their education record that they believe to be inaccurate, misleading or otherwise in violation of their privacy rights. If, upon review of the student’s request and record, the College determines that the amendment is not warranted, the student will be advised accordingly and given the right to a hearing conducted by an administrative officer of the College who does not have a direct interest in the outcome. At the conclusion of the hearing, the College will either amend the record and inform the student in writing of the amendment, or decide that the education record as written should stand. If the College determines that the record should not be changed, the student will be given the right to place a statement in the record commenting on the contested information and/or why they disagree with the College’s decision.

E. Disclosure of Education Records: Siena College will disclose information from a student’s education records only with the student’s prior written consent. The College will not need to obtain the student’s consent if FERPA allows the records to be released without it. Student consent will not be required if the disclosure is:

1. To other school officials whom the College has determined to have legitimate educational interests. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support-staff position. These people include health or medical staff; a person elected to the Board of Trustees; a person employed by or under contract with the College to perform a special task such as an attorney, auditor, or outside vendor; a person who is employed by the College’s Public Safety department; and a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if they are performing a task that is specified in their job description or contract agreement; performing a task related to the student’s education; providing a task related to the discipline of a student; providing a service or benefit relating to a student or student’s family, such as health care, counseling, job placement or financial aid; or maintaining the safety and security of the College.

2. To authorized officials, such as officials of other schools in which the student seeks to enroll, certain federal, state and local officials, or specified officials for audit or evaluation purposes

3. To accrediting organizations or organizations conducting certain studies for or on behalf of the College

4. In connection with a student’s application for, or receipt of, financial aid

5. In the case of an emergency, if the knowledge of such information is necessary to protect the health and safety of the student or other persons

6. To comply with a judicial order or lawfully issued subpoena or is related to legal action involving the College and the student

7. In connection with certain disciplinary actions

8. To parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1986. The College may, but is not required to, disclose information to parents of a dependent student. However, the College will not do so upon evidence that there is a court order, state statute or legally binding document relating to such matters as divorce, separation or custody that specifically revokes their rights as a parent. The College does not have an obligation to disclose any financial information about one parent to another.

F. Conduct Related Official Transcript Notations: A notation will be added to the official Siena College transcript of students found responsible for a violation of the College’s Code of Conduct (Siena Life) that:
1. meets the definition of a crime of violence pursuant to the Federal Clery Act established in 20 U.S.C. 1092 (F) (1) (I)-(VII), and,
2. is sanctioned with suspension, dismissal or expulsion.
   a. For a student that is suspended or dismissed, the transcript notation will read:
      i. “Suspended after a finding of responsibility for a code of conduct violation” or “Dismissed after a finding of responsibility for a code of conduct violation.”
      ii. A student may appeal, seeking removal of a transcript notation, (only for suspensions and dismissals) provided that the notation shall not be removed prior to one year after the conclusion of their sanction. Written appeals must be submitted to the Office of the Dean of Students one year after the conclusion of their sanction. The Dean, in consultation with other College officials, will review and accept or deny the appeal. The student will be notified in writing and, if the appeal is granted, the notation will be removed within ten business days upon receipt of the appeal.
   b. For a student that is expelled, the transcript notation will read: “Expelled after a finding of responsibility for a code of conduct violation”. This notation is permanent and cannot be removed.
   c. For a student that withdraws from the College while such cases are pending and declines to complete the conduct process, the transcript will read: “Withdrawn with conduct charges pending”. This notation will stand until the conduct process is complete.
3. In all cases, an administrative hold will be placed on the student’s record. The hold will prevent future registrations, distribution of transcripts and/or diplomas and may only be removed with permission of the Office of the Dean of Students.

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

H. Student Disciplinary Records Retention:
1. The Dean of Students Office maintains disciplinary records and a disciplinary tracking system, which may include, but not be limited to, the respondent’s name and related information, description of the incident, parties involved, Code violations, sanctions, and other data deemed relevant. Such information will be maintained in accordance with the provisions of FERPA. Disciplinary records will be made available to hearing boards and College officials designated in the student conduct review process as necessary.

2. Student disciplinary records are maintained by the College for a period of seven years from the date of the last incident, with the exception of those cases which resulted in suspension, dismissal or expulsion from the College (which are kept permanently) or for which an outstanding hold is still on a student account.

I. Student Disciplinary Records – Release of Information Form:

1. If a student wishes the Dean of Students Office to release information regarding his or her disciplinary records to a third party, she/he must submit written authorization to the College. Upon receiving the student’s written authorization, the College will release only information that resulted in disciplinary probation, dismissal from college housing, dismissal from college, involuntary termination/administrative withdrawal, suspension or expulsion. Please note that the Public Safety Department may release any conduct information that it maintains on a student, since law enforcement records created and maintained by a law enforcement unit for law enforcement purposes are not considered education records.

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

XIII. Drug and Alcohol Policy for Employees

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

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

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

https://www.siena.edu/DrugPolicy