2026 Annual Campus

Security and Fire Safety Report

LE MOYNE

Greatness meets Goodness®

Director's Message

Welcome to Le Moyne College. I am sure you will find our campus to be a safe, welcoming and vibrant community. Le Moyne is a private institution founded in 1946. Our campus sits on more than 160 picturesque acres on the east side of Syracuse, New York. Approximately 3,300 full- and part-time undergraduate and graduate students are enrolled at this four-year, liberal arts college.

Campus Security strives every day to the make the campus a safer environment for everyone to live, learn and work. The security department is an organization of dedicated men and women who are service driven and possess a strong desire and willingness to provide the Le Moyne community with the quality safety and security services that you expect, need and deserve. However, we cannot achieve that goal without your help. Safety and security on our campus is a collaborative effort and it takes the entire Le Moyne community working together. By collaborating with each other, reporting criminal activity, sharing thoughts and ideas, applying good judgment, and employing basic crime prevention measures, we can all be assured of the safest possible experience.

I encourage you to review the various services, programs, policies and resources outlined in this report, which is provided to you as part of Le Moyne College's commitment to safety and security on campus and which is in compliance with the Crime Awareness and Campus Security Act. Please help our Campus Security team make our campus community a safer place to learn, live, work and visit.

If you have any security concerns at Le Moyne College, please do not hesitate to contact me at (315) 445-4445 or **security@lemoyne.edu**.

John L Hooker
Director of Security

Campus Security

The Le Moyne College Security Department is dedicated to providing top-level service to the campus community. Day in and day out campus security officers strive to make the campus a safer place. Campus Security is responsible for providing both emergency and non-emergency response on Le Moyne's campus. Campus Security is located in the basement of Nelligan Hall. The department is staffed 24 hours a day, seven days a week by trained, full-time, professional security officers, all of whom are licensed by the state of New York. The staff consists of a director, three sergeants, 14 officers and one administrative assistant.

Campus Security also provides support services tailored to meet the needs of the Le Moyne community. Those services include, but are not limited to:

- providing campus security patrols
- testing all fire prevention equipment and alarms
- providing crime prevention and campus safety presentations
- inspecting buildings for safety compliance
- maintaining a lost and found department
- campus parking registration and enforcement
- assisting campus motorists with minor vehicle problems
- provide on-campus non-emergency medical transports

Reporting Criminal Incidents and Other Emergencies

We encourage every member of the Le Moyne community to promptly report all crimes on campus to Campus Security if the victim of such crime elects to or is unable to make a report. The Dispatch Center is staffed 24 hours a day by trained dispatchers. To report a crime or emergency to Campus Security, **dial 4444 from any campus phone,** or dial **(315) 445-4444.**

Campus Security's distinct telephone number, is labeled on most campus telephones and is included on all security publications and correspondence.

Students and employees may also report any of the criminal offenses listed in the "Reported Crime Statistics" section of this report to any of the College's vice presidents, any dean or director reporting to a vice president, or to any residence hall area director or to any campus security authority with the assurance that any such offenses reported will be included in the subsequent Annual Security and Fire Safety Report, as well as our Clery statistics.

Free on-campus public telephones are located in the lobbies or public areas of most campus buildings.

Le Moyne College does not have a confidential reporting policy, with the exception of reporting sexual misconduct, which can be done confidentially by contacting the Wellness Center for Health and Counseling or by calling the on-campus safe line during the academic year at **(315) 251-SAFE (7233)**.

Blue Light Emergency Phones

The College maintains Code Blue Emergency Telephones throughout the campus. These telephones connect directly to campus security. The campus community is encouraged to utilize these phones to report a criminal incident, a fire or any other type of emergency, or to request an escort from Campus Security.

These phones are located in the following areas:

- Parking Lot-C
- Panasci Family Chapel – Westside walkway
- Grewen Hall – Lower level near Den entrance
- W. Carroll Coyne Center for the Performing Arts – East side
- Henninger Athletic Center – Rear
- Le Moyne Plaza – Front
- Le Moyne Heights – Front
- Mitchell Hall – Front
- Between St. Mary's Hall & Harrison Hall
- Recreation – Front
- Parking Lot – AAA

Le Moyne Security and Local Law Enforcement

Le Moyne College Campus Security officers are all New York state-certified security guards, as defined in Article 7A of the NYS General Business Law. Although they do not possess arrest power, they are officials of the College that have the authority to issue parking tickets, conduct investigations, ask persons for identification, and determine whether individuals have lawful business on the Le Moyne campus. Criminal incidents are often referred to local law enforcement that have jurisdiction on the campus. Campus Security maintains a highly professional working relationship with the City of Syracuse Police Department, Town of DeWitt Police Department, Onondaga County Sheriff's Office, and New York State Police. Additionally, the College has memorandums of understanding (MOU's) in place with the City of Syracuse Police Department, Town of DeWitt Police Department and Onondaga County Sheriff's Office and New York State Police. Meetings are held both on a formal and informal basis and crime-related reports and statistics are routinely exchanged.

Campus Security maintains telephone communications with the Onondaga County 911 Center, which is responsible for dispatching all law enforcement, fire and emergency medical services responding to the Le Moyne College campus. Campus Security has two-way radio contact with all officers and with Physical Plant employees at the College. Additional assistance and support can be obtained quickly.

Informing the Campus Community of Criminal Activity

Ongoing efforts are made to advise members of the campus community about campus crime and crime-related problems. These efforts include:

1) **Annual Report:** A comprehensive annual report of crime-related information is compiled, published and widely distributed. This annual report is available on the Web to all interested parties.
2) **Campus Newspaper:** The weekly student newspaper, *The Dolphin,* publishes

incidents that occurred the preceding week. If a serious or unusual incident has occurred, a special article is usually printed in the campus newspaper.

3) **Special Alerts:** If circumstances warrant, special crime alerts will be announced either selectively or throughout campus as outlined under the timely warnings guidelines and/or Heights Alert.
4) **Crime Log:** Campus Security also maintains a campus wide crime log which is located at the Security Office located on the lower level of Nelligan Hall. The crime log is open for public inspection Monday - Friday from 8:00 a.m. - 4:00 p.m.

EMERGENCY NOTIFICATIONS – HEIGHTS ALERT

The College, in partnership with RAVE, has implemented an Emergency Notification System in the event of a serious incident which poses an immediate threat to the health and safety of the Le Moyne community. The HEIGHTS ALERT is administered by Campus Security and the Marketing and Communications Team and is designed to provide Le Moyne students, faculty and staff with rapid notification in the event of an emergency in progress. Serious incidents which may pose an immediate threat to the campus community can be criminal in nature; weather, health and personal safety situations. Any of these incidents may necessitate the need for an emergency notification.

When activated, HEIGHTS ALERT will deliver a text message and email message to all registered users, as well as telephone voice messaging to registered cell phones and campus telephones. Additionally, the Desktop Notification System will temporarily display an emergency message to faculty, staff and instructor station computers. The message will include a brief description of the emergency and instructions about what to do.

The Heights Alert System also has an emergency outdoor warning system which is located on top of Grewen Hall. This audible system has the ability to play both emergency tones, and audible messages.

After the initial HEIGHTS ALERT message, more detailed information will be provided if necessary through various means including, but not limited to, additional HEIGHTS ALERT messages, College email, telephone and local television.

In order to receive HEIGHTS ALERT text messages, you must be registered. **To register your mobile phone, log in to getrave.com/login/lemoyne, enter your Le Moyne credentials and follow the prompts.**

This system is tested yearly.

TIMELY WARNINGS

The College strives to aid in the prevention of crime and keep the campus community better informed about safety and security concerns. The College will issue timely warnings to the campus community for all Clery Act crimes that occur at Le Moyne College or within Le Moyne's Clery Act geography, that are reported to campus security authorities or local police agencies; and are considered by the institution to represent a serious or continuing threat to students or employees.

The Le Moyne College Security Department is responsible for reviewing all Clery Act crimes reported to them by Campus Security authorities and local police agencies in order to determine if they represent a serious or continuing threat to students or employees, which would warrant a timely warning to the campus community.

The decision to send a timely warning will be made by the Director of Security or their designee. The decision to issue a timely warning is decided on a case by case basis, after reviewing all the facts, to include, the type of crime, number of occurrences (in some circumstances), length of time between occurrences, continuing danger to the campus community and possible risk of compromising law enforcement efforts.

Timely warnings are not just issued for violent crimes, but may also include property crimes and threats to persons. All Le Moyne College students and employees are provided with a Le Moyne email account. Email is the primary method the College will utilize to deliver a timely warning. In the event the email system is not functioning or additional notification methods are necessary, printed flyers will be posted in residence halls and campus buildings and a timely warning could be posted in the campus newspaper, *The Dolphin*.

Concerns often arise concerning the confidentiality of the information released in a timely warning that would identify the individual. The College makes every effort to exclude personally identifiable information from the timely warning. However, an institution may, in an emergency situation, include personally identifiable information.

Le Moyne College is not required to provide a timely warning for Clery Act crimes reported to a pastoral counselor or professional counselor. A pastoral counselor is 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. A professional counselor is a person whose official responsibilities include providing mental health counseling to members of the institutions community and who is functioning within the scope of the counselor's license or certification.

Crime Prevention/Safety

It is the philosophy of Le Moyne College to prevent crimes rather than react to them after they have occurred. One way to accomplish this is through the crime prevention program at the College. This program is designed to eliminate or minimize criminal opportunities whenever possible, and to encourage students and employees to be responsible for their safety as well as that of others.

Campus security offers a variety of prevention and safety programs throughout the year to include incoming freshmen, upper class students, student groups/organizations and employees. Programs such as active shooter training, emergency preparedness, personal safety and residence hall safety are offered throughout the year. To schedule a program email security@lemoyne.edu. The following is a listing of the crime/safety prevention programs and other safety initiatives at Le Moyne College:

1) **Crime Prevention Programs:** Campus Security offers crime prevention and campus safety awareness presentations to the entire Le Moyne Community, including resident students, student government, recognized student clubs & organizations and faculty and staff. To request a crime prevention program email Campus Security at security@lemoyne.edu or call (315) 445-4444.
2) **Blue Light Emergency Telephones:** These emergency telephones are strategically located throughout the campus and are distinguished by the overhead blue light. Blue light telephones ring directly into the Campus Security dispatch center.
3) **Security Surveys:** Comprehensive inspections of exterior lighting, exterior doors and grounds are conducted by the director of Campus Security each year.

4) **Video Monitoring:** Campus Security monitors and records residence hall entrances, student parking lots and other campus facilities by means of closed-circuit television cameras.

5) **Sexual Assault, Education and Prevention:** In cooperation with Student Development, the Office of Campus Life and Leadership and the Wellness Center for Health and Counseling, a multitude of programs and presentations are made available each year to the members of the campus community to promote healthy behavior and their awareness of sexual assault, domestic violence, dating violence and stalking.

6) **Operation 'lock-out'**: A program to better educate students on the importance of locking their room. Resident advisors and area directors (RAs/ADs) lock the doors of students who have left their room doors open and hang a flier on the doorknob about keeping their room secure. This program is administered by campus life and leadership staff.

7) **Enhanced Telephone System:** All calls received by Campus Security from a College phone, Emergency Blue Light Telephone and Elevator Emergency phones are immediately identified in security by extension and/or location.

8) **Le Moyne SAFE App:** The Le Moyne SAFE mobile app is a free app that provides the campus community with a variety of safety resources, such as one-touch dialing for Campus Safety & Security or 9-1-1, the ability to report tips, access to support resources, access to Mobile BlueLight, and the ability to remotely track friends and colleagues as they walk between locations on campus.

   The Le Moyne SAFE mobile app may be downloaded for free from the App Store or Google Play.

Bias Related Incidents & Hate Crimes

In accordance with its Jesuit and Catholic mission, Le Moyne College welcomes and respects the fundamental dignity of students, faculty and staff from all backgrounds and identities, strives to create a community that does the same, and facilitates the education and development of students as men and women for and with others. Bias-related incidents, hate crimes, and bullying in all forms are unacceptable and antithetical to these goals as they send a powerful message of intolerance and discrimination, disrupt the community and educational environment, and erode standards of civility.

BIAS INCIDENTS

Le Moyne College defines a bias-related incident 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, non-threatening name calling and using degrading language or slurs that are directed toward a person because of his or her membership or perceived membership in a protected class and that create a hostile environment for that person.

You can report a bias related incident in person by visiting the Office of Cultural and Social Engagement in Reilly Hall 344, or by phone at (315) 445-4577. You may also report a bias incident online at: **https://www.lemoyne.edu/compliance-accreditation-information/bias-incident-reporting/**. Bias incidents may also be reported

to the Department of Campus Safety and Security by visiting their office on the lower level of Nelligan Hall or by phone at (315) 445-4444.

HATE CRIMES

What is a hate crime? Hate crime, also known as bias crime, is criminal activity motivated, in whole or in part, by the perpetrator's bias against another individual or group based on a belief or perception, regardless if that belief or perception is correct, on another's race, gender, religion, national origin, sexual orientation, gender identity, ethnicity or disability.

The College, in compliance with current regulations, reports as hate crimes any occurrences of criminal homicide, rape, fondling, incest, statutory rape, robbery, aggravated assault, simple assault, burglary, larceny, motor vehicle theft, arson, intimidation and destruction/damage/vandalism of property and any other crime involving bodily injury that manifests evidence that the victim was intentionally selected because of the perpetrator's bias (race, gender, religion, national origin, sexual orientation, gender identity, ethnicity or disability) that have been reported to local law enforcement or a Campus Security authority.

Not only are hate crimes a violation of Le Moyne's community standards, but they are also prohibited under the New York State Penal Law, Article 485. Penalties for a person convicted of a hate crime are serious and range from fines to lengthy prison sentences.

THE CLERY ACT REPORTS EIGHT CATEGORIES OF BIAS OUTLINED BELOW:

RACE. A preformed negative attitude toward a group of persons who possess common physical characteristics (i.e., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (i.e., Asian, blacks, whites).

GENDER. A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

Religion. A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (i.e., Catholics, Jews, Protestants, atheists).

SEXUAL ORIENTATION. A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (i.e., gays, lesbians, heterosexual).

GENDER IDENTITY. A performed negative opinion or attitude toward a group of persons based on their innate, deeply felt psychological identification as a man, women or some other gender, which may or may not correspond to the sex assigned to them at birth.

ETHNICITY. A preformed negative opinion or attitude toward a person or group of persons whose members identify with each other, through a common heritage, often consisting of a common language, common culture and/or ideology that stresses common ancestry.

NATIONAL ORIGIN. A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

DISABILITY. A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

WHY REPORT A BIAS-RELATED INCIDENT OR HATE CRIME

While bias-related incidents sometimes target specific individuals, they often violate an entire group or community. Le Moyne College is committed to being an inclusive community; therefore, any act that may pose a threat to our community is taken seriously. When a bias-related incident does target specific individuals because of their race, religion, ethnic origin, sexual orientation, or other protected characteristic, even those individuals not directly targeted may feel at risk. Bias-related incidents harm our community and can create hostile living and learning environments.

There are times when no one knows who committed a bias-related act. However, it is important that anyone who sees evidence of a bias-related incident report it. Whether it is graffiti or markings on property, or interactions between individuals, collecting accurate data about hate and bias-related incidents on campus aids the College in understanding the climate of our community, designing services and programs for the campus, and responding with quick and effective interventions to these incidents.

Reporting the incident may lead to an investigation, and if either a witness or the investigation identifies the person responsible, the College can hold that person accountable for their actions.

You can report a bias related incident online at this link: lemoyne.edu/bias or by calling the Bias Response Team at **(315) 445-6150**, you may also file a report in person in the Office of Diversity, Equity, Inclusion and Belonging located in Reilly Hall 344 or in person at Campus Security located in the lower level of Nelligan Hall or by calling security at **(315) 445-4444**.

Le Moyne College Main Campus Hate Crime Statistics:

2025: No hate crimes were reported that met Clery Act requirements.
2024: No hate crimes were reported that met Clery Act requirements.
2023: No hate crimes were reported that met Clery Act requirements.

REPORTED CRIME STATISTICS

Le Moyne College believes an informed community is a safety-conscious community. The following statistics for 2023, 2024 and 2025 are based on specific crimes that have been reported to Campus Security, other College officials including Campus Security Authorities (CSA) and local law enforcement. If you have any questions regarding Le Moyne's crime statistics, contact Campus Security at (315) 445-4444 (from on campus, dial 4444); fax: (315) 445-6021 or email: security@lemoyne.edu.

Campus Crime Statistics

TYPE OF OFFENSE	YEAR	ON CAMPUS	RESIDENTIAL FACILITY	NON-CAMPUS	PUBLIC PROPERTY
Criminal Homicide					
Murder and	2025	0	0	0	0
Nonnegligent Manslaughter	2024	0	0	0	0
	2023	0	0	0	0
Negligent Manslaughter	2025	0	0	0	0
	2024	0	0	0	0
	2023	0	0	0	0
Sex Offenses					
Rape	2025	0	0	1	0
	2024	0	0	0	0
	2023	2	2	0	0
Fondling	2025	1	1	0	0
	2024	0	0	0	0
	2023	2	2	0	0
Incest	2025	0	0	0	0
	2024	0	0	0	0
	2023	0	0	0	0
Statutory Rape	2025	0	0	0	0
	2024	0	0	0	0
	2023	0	0	0	0
VAWA Offenses					
Domestic Violence					
	2025	0	0	0	0
	2024	0	0	0	0
	2023	0	0	0	0
Dating Violence					
	2025	2	2	0	0
	2024	0	0	0	0
	2023	0	0	0	0
Stalking					
	2025	0	0	0	0
	2024	2	2	0	0
	2023	3	3	0	0
Other Offenses					
Robbery					
	2025	0	0	0	0
	2024	0	0	0	0
	2023	0	0	0	1
Aggravated Assault					
	2025	0	0	0	0
	2024	0	0	0	0
	2023	0	0	0	0
Burglary					
	2025	1	0	0	0
	2024	4	4	0	0
	2023	0	0	0	0

Campus Crime Statistics (continued)

Motor Vehicle Theft				
2025	0	0	0	1
2024	3	0	0	1
2023	3	0	0	0
Arson				
2025	0	0	0	0
2024	0	0	0	0
2023	0	0	0	0

OTHER OFFENSES – ARRESTS	ON CAMPUS	RESIDENTIAL FACILITY	NON-CAMPUS	PUBLIC PROPERTY
Liquor Law Violations				
2025	0	0	0	0
2024	0	0	0	0
2023	0	0	0	0
Drug Violations				
2025	0	0	0	0
2024	0	0	0	0
2023	0	0	0	0
Illegal Weapons Possession				
2025	0	0	0	0
2024	0	0	0	0
2023	0	0	0	0

OTHER OFFENSES – REFERRALS/ REFERRALS/DISCIPLINARY ACTIONS	ON CAMPUS	RESIDENTIAL FACILITY	NON-CAMPUS	PUBLIC PROPERTY
Liquor Law Violations				
2025	120	120	0	0
2024	91	91	0	0
2023	114	114	0	0
Drug Violations				
2025	35	35	0	0
2024	16	16	0	0
2023	23	23	0	0
Illegal Weapons Possession				
2025	1	1	0	0
2024	0	0	0	0
2023	0	0	0	0

INCIDENTS OF HAZING	ON CAMPUS	RESIDENTIAL FACILITY	NON-CAMPUS	PUBLIC PROPERTY
Hazing				
2025	0	0	0	0
2024	N/A	N/A	N/A	N/A
2023	N/A	N/A	N/A	N/A

Le Moyne Downtown Syracuse Campus Crime Statistics

TYPE OF OFFENSE	YEAR	ON CAMPUS	RESIDENTIAL FACILITY	NON-CAMPUS	PUBLIC PROPERTY
Criminal Homicide					
Murder and	2025	0	0	0	0
Nonnegligent Manslaughter	2024	0	0	0	0
	2023	0	0	0	0
Negligent Manslaughter	2025	0	0	0	0
	2024	0	0	0	0
	2023	0	0	0	0
Sex Offenses					
Rape	2025	0	0	0	0
	2024	0	0	0	0
	2023	0	0	0	0
Fondling	2025	0	0	0	0
	2024	0	0	0	0
	2023	0	0	0	0
Incest	2025	0	0	0	0
	2024	0	0	0	0
	2023	0	0	0	0
Statutory Rape	2025	0	0	0	0
	2024	0	0	0	0
	2023	0	0	0	0
VAWA Offenses					
Domestic Violence					
	2025	0	0	0	0
	2024	0	0	0	0
	2023	0	0	0	0
Dating Violence					
	2025	0	0	0	0
	2024	0	0	0	0
	2023	0	0	0	0
Stalking					
	2025	0	0	0	0
	2024	0	0	0	0
	2023	0	0	0	0
Other Offenses					
Robbery					
	2025	0	0	0	0
	2024	0	0	0	0
	2023	0	0	0	0
Aggravated Assault					
	2025	0	0	0	0
	2024	0	0	0	0
	2023	0	0	0	0
Burglary					
	2025	0	0	0	0
	2024	0	0	0	0
	2023	0	0	0	0

Downtown Syracuse Campus Crime Statistics (continued)

Motor Vehicle Theft				
2025	0	0	0	0
2024	0	0	0	0
2023	0	0	0	0
Arson				
2025	0	0	0	0
2024	0	0	0	0
2023	0	0	0	0

OTHER OFFENSES – ARRESTS	ON CAMPUS	RESIDENTIAL FACILITY	NON-CAMPUS	PUBLIC PROPERTY
Liquor Law Violations				
2025	0	0	0	0
2024	0	0	0	0
2023	0	0	0	0
Drug Violations				
2025	0	0	0	0
2024	0	0	0	0
2023	0	0	0	0
Illegal Weapons Possession				
2025	0	0	0	0
2024	0	0	0	0
2023	0	0	0	0

OTHER OFFENSES – REFERRALS/ DISCIPLINARY ACTIONS	ON CAMPUS	RESIDENTIAL FACILITY	NON-CAMPUS	PUBLIC PROPERTY
Liquor Law Violations				
2025	0	0	0	0
2024	0	0	0	0
2023	0	0	0	0
Drug Violations				
2025	0	0	0	0
2024	0	0	0	0
2023	0	0	0	0
Illegal Weapons Possession				
2025	0	0	0	0
2024	0	0	0	0
2023	0	0	0	0

INCIDENTS OF HAZING	ON CAMPUS	RESIDENTIAL FACILITY	NON-CAMPUS	PUBLIC PROPERTY
Hazing				
2025	0	0	0	0
2024	N/A	N/A	N/A	N/A
2023	N/A	N/A	N/A	N/A

Le Moyne College Downtown Syracuse Campus Hate Crime Statistics:

2025: No hate crimes were reported that met Clery Act requirements.
2024: No hate crimes were reported that met Clery Act requirements.
2023: No hate crimes were reported that met Clery Act requirements.

DEFINITIONS FOR CLERY ACT REPORTED STATISTICS

The following definitions are used to report crimes listed in accordance with the Federal Bureau of Investigation Uniform Crime Reporting Guidelines.

MURDER AND NON-NEGLIGENT MANSLAUGHTER: The willful (non-negligent) killing of one human being by another.

NEGLIGENT MANSLAUGHTER: The killing of another person through gross negligence.

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

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

BURGLARY: The unlawful entry of a structure to commit a felony or a theft.

MOTOR VEHICLE THEFT: The theft or attempted theft of a motor vehicle.

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

ILLEGAL WEAPONS POSSESSION VIOLATIONS: The violations of laws and ordinances dealing with weapons offenses.

DRUG ABUSE VIOLATIONS: Violations of federal, state and local laws relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs or marijuana.

LIQUOR LAW VIOLATIONS: The violations of state laws or local ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor, maintaining unlawful drinking places, furnishing liquor to a minor; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned.

DEFINITIONS FOR CLERY ACT REPORTED SEX OFFENSES STATISTICS

SEXUAL ASSAULT (SEX OFFENSES): Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

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

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

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

STATUTORY RAPE: Sexual intercourse with a person who is under the statutory age of consent.

GEOGRAPHICAL LOCATION DEFINITIONS

The definitions outlined below for Clery Act geography locations of on-campus, public property and non-campus are excerpts taken from the Department of Education's The Handbook for Campus Safety and Security Reporting 2016 Edition.

ON-CAMPUS: building or property owned or controlled by the institution within the same reasonably contiguous geographic area of the institution, and used in direct support of the educational purposes, such as academic buildings, parking areas and other nonresidential property.

PUBLIC PROPERTY: public property that is near the institution and is adjacent to a facility owned or controlled by the institution, such as sidewalks, streets and public parking facilities.

NON-CAMPUS: any building or property owned or controlled by a student organization or by the institution, other than a branch campus, that is not within the same reasonably contiguous geographic area.

RESIDENTIAL FACILITY: includes on-campus dormitories, apartment style housing and College owned residential houses used for student housing. NOTE: statistics reported in this category are a subset of those reported in the "On-Campus" category.

Drug Policy

Le Moyne College complies with federal, state and local laws. As an academic institution, the College's goal is to address the problem of illegal drug use, preferably in a manner that educates rather than punishes. However, Le Moyne College is subject to the same laws – local, state and federal – that govern all citizens, including those concerning the use, sale, and possession of drugs. Illegal actions involving drugs are also in violation of College regulations. Therefore, any member of the College community engaging in such illegal action will be subject to disciplinary sanctions up to and including suspension and dismissal. Individuals cannot be protected by the College from the possible additional legal consequences of their acts.

The issues surrounding drug use/abuse are complex. There are a large number of chemical agents that fit into the category of drugs. There is substantial evidence concerning the effects and dangers of drugs, especially the hallucinogenic variety. In any event, the College asserts strong disapproval of drug use for two compelling reasons: First, the major medical professions of the world have made it clear that many of the pharmacological agents that are commonly referred to as drugs and narcotics are detrimental to health, physiological or psychological. Second, drug use is expressly prohibited by state and federal statutes.

The personal and legal risks for students are not to be taken lightly. Illicit drug use is a danger to the quality of an educational environment since it disrupts the community life of the students. It is with this concern for the emotional and physical health of students that Le Moyne states this policy on drug use.

Le Moyne College prohibits the unlawful possession, use, sale or distribution of illicit drugs by its students, employees or guests on its property or as a part of any of its activities. The possession, use, sale or distribution of drug paraphernalia is also strictly forbidden. Such substances and/or objects will be permanently confiscated. This policy applies to all full-time and part-time students taking one or more classes; and to all full-time and part-time temporary employees, including faculty, administration,

all exempt and non-exempt staff, student employees and interns and to all guests of the College.

The Student handbook details offenses and discipline for students, including sanctions under College procedures such as fines, probation, suspension or dismissal from the College.

Alcohol Policy

As an institution of higher education in the Jesuit tradition, Le Moyne College is dedicated to excellence, the pursuit of knowledge and the education of responsible men and women. Therefore, it is appropriate that the College establish policies that reflect institutional values and aid in the promotion of a healthy Le Moyne community. Part of the College's mission is to prepare students to make sound decisions affecting both their personal lives as well as social policy, and to fashion values for living in a dynamic and complex world. The College urges all students to act in good judgment and seek help immediately if needed for oneself or a friend. Although this does not absolve any student from the consequences of breaking College policy, seeking assistance may be looked on favorably in the student conduct process. Consistent with this mission, the College hereby adopts and publishes the alcohol and other drugs policies intended to promote the responsible and legal use of alcoholic beverages and to educate students on the liability of persons who use, serve or make alcoholic beverages/other drugs available. All students and their guests are expected to abide by the policies stated here.

Possession or consumption of alcohol by any person less than 21 years of age on the Le Moyne College campus is a violation of New York State law. Any student under 21 years of age who misrepresents her/his age in an effort to obtain alcohol is in violation of the law. No person may sell, deliver or provide any alcoholic beverage to a student under the age of 21.

Le Moyne College is subject to the same local and state laws that govern all citizens, including those concerning the possession, use, sale and distribution of alcohol. Acts that violate these laws are in direct conflict with College regulations. Therefore, any member of the Le Moyne community engaging in such illegal action will be subject to disciplinary sanctions up to and including dismissal from the College. Furthermore, individuals cannot and will not be protected by the College from legal charges brought against them as a result of their actions.

Hazing Policy

I. INTRODUCTION

Hazing is abusive, degrading, psychologically damaging, and may be life-threatening. It is unacceptable in all forms and has no place in the Le Moyne community. Student groups, organizations, and athletic teams are important contributors to a vibrant and positive campus life and are expected to act in accordance with the Student Code of Conduct and to treat others with respect. Hazing by individuals and student organizations is prohibited in any form both on campus and off campus.

II. DEFINITIONS

Hazing

Any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that:

- Is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
- Causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury. The following are non-exhaustive examples of conduct that causes or creates such a risk:
  - Whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
  - Causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
  - Causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
  - Causing, coercing, or otherwise inducing another person to perform sexual acts;
  - Any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
  - Any activity against another person that includes a criminal violation of applicable local, New York State, Tribal, or Federal law; and
  - Any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

This definition is compliant with New York State law. Under New York State Penal Law, a person may be charged with hazing if, during another person's initiation into or affiliation with any organization, they intentionally or recklessly engage in conduct that creates a substantial risk of and/or causes physical injury to another person. A criminal charge of hazing may result in a violation or misdemeanor.

In the case of students participating in a student organization unrecognized by the campus that contains two or more members that are students enrolled at the campus, such individual students may be subject to a charge or charges of hazing on an individual basis.

Student Organization

An organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

III. REPORTING INCIDENTS OF HAZING

Le Moyne encourages the reporting of incidents of hazing and takes every such report seriously. It will investigate all reports diligently and thoroughly in accordance with the Student Code of Conduct. Individuals found responsible for committing, soliciting, encouraging, directing, aiding, or recklessly permitting hazing to occur will be subject to disciplinary sanction that could include suspension or expulsion.

Any person may report hazing in person, by mail, by telephone or by electronic mail, using the contact information listed for Security or by using an online form.

Campus Safety and Security Director

Phone (315) 445-4444

Email: security@lemoyne.edu

Le Moyne College Office of Community Standards

Campus Center, Second Floor

(315) 445-4590

IV. PRIVATE AND CONFIDENTIAL REPORTING

Le Moyne will respect the privacy of reporters to the extent possible. The information you provide to a non-confidential resource will be relayed only as necessary to investigate and/or seek a resolution and/or to comply with other appropriate Le Moyne policies and procedures, and any federal, state and/or local laws, rules and regulations. Le Moyne limits the disclosure as much as possible, even if the institution determines that the request for confidentiality cannot be honored.

Offices and officials who are confidential resources will not report to law enforcement or college officials without a complainant/reporting party's permission, except for extreme circumstances, such as a health and/or safety emergency Le Moyne offices that are considered confidential are as follows:

- Health & Wellness Offices
- Campus Ministers and clergy acting in a pastoral capacity

Amnesty Related to Hazing Reports

Le Moyne recognizes that students are sometimes reluctant to report hazing activity, due to a fear of potential consequences for their own conduct. For this reason, the College has adopted an amnesty policy which states that a student who acts in good faith to report activity that may fall within the definition of hazing and/or a victim who cooperates fully as a witness in the investigation and disciplinary process may not be subject to student conduct sanctions related to their own participation in hazing behavior and other behavior including related to alcohol and/or drug violations as determined by the College in its sole discretion.

In the event amnesty is granted for self-reported behaviors, if evidence is presented that the student has continued to engage in hazing behaviors or has knowledge of hazing activity that was not reported, they may be held accountable for past behavior. Students who choose to report and request amnesty for their own conduct should know that amnesty does not apply to any criminal or civil action that may be taken by any law enforcement agencies.

Retaliation

No person may intimidate, threaten, coerce or discriminate against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Hazing Policy and Procedure. Complaints alleging retaliation may be filed with the Office of Community Standards and/or Human Resources. Any reports of retaliation involving an employee covered by a Collective Bargaining Agreement will be addressed through the appropriate processes.

V. INVESTIGATION PROCESS

After a report is received, Le Moyne College Campus Safety Office and Office of Community Standards will quickly review the submission and determine the next appropriate actions. If a report is criminal in nature, local law enforcement will be contacted. Le Moyne will also conduct its own investigation to prevent a recurrence of the alleged hazing and to determine if there are potential violations of Community Standards and/or any other applicable processes depending upon the nature of the complaint.

After completing the investigation, Campus Safety will refer the case to the appropriate office(s) based on the individuals and organization involved. Incidents involving students will be referred to the Office of Student Conduct. Incidents involving employees will be referred to Office of Human Resources.

VI. ADJUDICATION PROCESS AND SANCTIONS

The Office of Community Standards in conjunction with Campus Safety will review the investigation report and determine whether a policy violation occurred based on a preponderance of evidence standard (more likely than not) consistent with the office's policies and procedures.

Considerations for Sanctions

The following factors will be considered when determining sanctions:

- Nature and severity of the violation
- Prior conduct history of the individual or organization
- The impact on the victims
- Whether alcohol or drugs were involved
- Cooperation during the investigation process
- Acceptance of responsibility
- Potential for rehabilitation and future violations

Sanctions for Clubs, Individuals, Teams, or Organizations

Sanctions for clubs, team or organizations found responsible for violating this policy may include:

- Warning or Reprimand
- Educational Programming
- Probation
- Expulsion

- Restriction of Activities
- Temporary Loss of College Privileges, Recognition or Funding
- Suspension of Activities
- Permanent Loss of College Recognition
- Other sanctions deemed appropriate

VII. PREVENTION AND EDUCATION PROGRAMS

Le Moyne College is committed to preventing hazing through comprehensive education and awareness programs.

Students will be guided to complete hazing prevention education training through our third-party vendor, 3rd Millenium.

Campus students and staff will be encouraged to utilize online resources through StopHazing.org.

VIII. DISCLOSURE REQUIREMENT

In compliance with the Jeanne Clery Campus Safety Act as amended by the Stop Campus Hazing Act, Le Moyne College will include in its Annual Security Report:

- Statistics on hazing incidents that were reported to campus security authorities or local police agencies
- A statement of current policies relating to hazing https://echo.lemoyne.edu/Life-on-Campus/Student-Handbook/Policies-Procedures
- Maintain a Campus Hazing Transparency Report on its website

VIIII. RESOURCES AND CONTACT INFORMATION

Le Moyne College Campous Safety

Nelligan Hall, First Floor

(315) 445-4444 / (315) 445-4445

https://www.lemoyne.edu/life-on-campus/campus-safety/campus-security-office/

Le Moyne College Office of Community Standards

Campus Center, Second Floor

(315)445-4590

External Resources – Emergency 911

- **Syracuse Police:** (315) 442-5200
- **DeWitt Police:** (315) 449-3640
- **Onondaga County Sheriff:** (315) 435-3044
- **StopHazing.org**

Firearms, Weapons, Fireworks or Chemicals

Firearms and/or weapons are not permitted on campus at any time. Having any of these items is a violation of New York state penal law as they pertain to colleges. The possession or use of explosives of any kind, including fireworks, firecrackers or dangerous chemicals, is prohibited. Violators of these policies are subject to arrest and College disciplinary action.

NYS PENAL LAW: 265.01-A. Criminal possession of a weapon on school grounds.
A person is guilty of criminal possession of a weapon on school grounds when he or she knowingly has in his or her possession a rifle, shotgun, or firearm in or upon a building or grounds, used for educational purposes, of any school, college, or university, except the forestry lands, wherever located, owned and maintained by the State University of New York college of environmental science and forestry, or upon a school bus as defined in section one hundred forty-two of the vehicle and traffic law, without the written authorization of such educational institution.

NYS PENAL LAW: 265.06 Unlawful possession of a weapon upon school grounds.
It shall be unlawful for any person age sixteen or older to knowingly possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO_2 cartridge in or upon a building or grounds, used for educational purposes, of any school, college or university, without the written authorization of such educational institution.

Sexual Assault Education and Prevention

Le Moyne College is committed to the prevention and reduction of sexual assaults, to include domestic violence, dating violence and stalking. The College has several initiatives in place to meet students where they are.

New student bystander training and virtual trainings such as the "Voices for Change" series (offered through Get Inclusive) help to bring better awareness to this problem while educating students at every academic level. Partnerships with Vera House provide custom trainings for student groups and to address real-time trends occurring on campus.

Our staff have the opportunity to train and network with other professionals through Title IX communities of practice hosted by the Association for Student Conduct Administrators (ASCA), the Upstate New York College Collaboration (UNYCC), and the Association for Jesuit Colleges and Universities (AJCU).

As a campus community, we are working to promote a culture of bystander intervention where we care for each other and stand up for each other with a no tolerance policy for violence of any kind. We continue to promote bystander practices through educational programs hosted by Vera House and through printed materials.

Ignite

See Something? Say Something.

At Le Moyne College, we step in to support and protect each other. Any act of violence undermines the dignity of individuals in our community and the principles of equality and respect that are essential at Le Moyne. If you are looking for resources to support survivors of sexual misconduct, visit:

www.lemoyne.edu/assaultresources

The Violence Against Women Reauthorization Act signed into law on March 7, 2013, imposed new obligations on colleges and universities under the Campus Sexual Violence Act "SaVE Act," to include programming, policies and definitions related to: sexual assault, domestic violence, dating violence and stalking.

Training is provided to faculty and staff across the campus regarding identifying and supporting students in distress (including sexual assault) and supporting a climate of respect and sensitivity.

Some key terms and crimes covered under the Violence Against Women's Reauthorization Act are outlined below:

Sexual Assault

New York state does not specifically define sexual assault. However, according to the Federal Regulations, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape as used in the FBI's UCR program. The New York State Penal Law has an entire article, Article 130, devoted to sex offenses which are prohibited under New York State Law. Outlined below are many of the sex offenses prohibited by New York State Law, in addition to our definition of Affirmative Consent as outlined in the 2015 "Enough is Enough" Legislation.

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 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 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.

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

Consent cannot be given when it is the result of any coercion, intimidation, force or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop.

In considering whether an individual is incapacitated due to drug or alcohol use, the College will look at a number of factors, including but not limited to the type/amount of alcohol and/or drugs used, as well as such outward signs as slurred or incoherent speech, impaired motor skills (e.g., walking, texting), vomiting, loss of consciousness, etc.

Incapacitation may also result from a physical or mental disability. In addition, in New York, a minor (someone under the age of 17) cannot consent to sexual activity. This means that sexual contact with a person less than 17 is a crime as well as a violation of this Policy even if the minor wanted to engage in the sexual activity. If any person has any information that a minor has been subjected to sexual activity, it should be reported to Campus Security and/or the policy immediately.

SEXUAL MISCONDUCT: A person is guilty of sexual misconduct when (1) he or she engages in sexual intercourse with another person without such person's consent; or (2) engages in oral sexual conduct or anal sexual conduct without such person's consent; or (3) engages in sexual conduct with an animal or a dead human body.

RAPE IN THE THIRD DEGREE: A person is guilty of rape in the third degree when (1) he or she engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) Being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or (3) engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

RAPE IN THE SECOND DEGREE: A person is guilty of rape in the second degree when (1) being 18 years old or more, engages in sexual intercourse with another person less than 15 years old; or (2) engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree the defendant was less than four years older than the victim at the time of the act.

RAPE IN THE FIRST DEGREE: A person is guilty of rape in the first degree when he or she engages in sexual intercourse with another person (1) by forcible compulsion; or (2) who is incapable of consent by reason of being physically helpless; or (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

CRIMINAL SEXUAL ACT IN THE THIRD DEGREE: A person is guilty of criminal sexual act in the third degree when (1) he or she engages in oral or anal sexual conduct with a person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) being 21 years old or more, with a person less than 17 years old; (3) with another person without such persons consent where such lack of consent is by reason of some factor other than incapacity to consent.

CRIMINAL SEXUAL ACT IN THE SECOND DEGREE: A person is guilty of criminal sexual act in the second degree when (1) being 18 years old or more, he or she engages in oral or anal sexual conduct with another person less than 15 years old; or (2) who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

CRIMINAL SEXUAL ACT IN THE FIRST DEGREE: A person is guilty of criminal sexual act in the first degree when he or she engages in oral sexual conduct or anal sexual conduct with another person (1) by forcible compulsion; or (2) who is incapable of consent by reason of being physically helpless; or (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

FORCIBLE TOUCHING: A person is guilty of forcible touching when such person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire. Forcible touching includes squeezing, grabbing, or pinching.

PERSISTENT SEXUAL ABUSE: A person is guilty of persistent sexual abuse when he or she commits a crime of forcible touching, sexual abuse in the second or third degree, and, within the previous 10 year period, has been convicted two or more times, in separate criminal transactions for which a sentence was imposed on separate occasions of forcible touching, sexual abuse in the second or third degree or any offense defined in this article, of which the commission or attempted commissions thereof is a felony.

SEXUAL ABUSE IN THE THIRD DEGREE: A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that (a) such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and (b) such other person was more than 14 years old and (3) the defendant was less than five years older than such other person.

SEXUAL ABUSE IN THE SECOND DEGREE: A person is guilty of sexual abuse in the second degree when he or she subjects another person to sexual contact and when such other person is (1) incapable of consent by reason of some factor other than being less than 17 years old; or (2) less than 14 years old.

SEXUAL ABUSE IN THE FIRST DEGREE: A person is guilty of sexual abuse in the first degree when he or she subjects another person to sexual contact (1) by forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old; or (4) when the other person is less than 13 years old and the actor is 21 years old or older.

AGGRAVATED SEXUAL ABUSE IN THE FOURTH DEGREE: (1) A person is guilty of aggravated sexual abuse in the fourth degree when (a) inserts a foreign object in the vagina, urethra, penis or rectum or anus of another person and the other person is incapable of consent by reason of some factor other than being less than 17 years old; or (b) he or she inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than 17 years old. (2) Conduct performed for a valid medical purpose does not violate the provisions of this section.

AGGRAVATED SEXUAL ABUSE IN THE THIRD DEGREE: (1) A person is guilty of aggravated sexual abuse in the third degree when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person: (a) by forcible compulsion; or (b) when the other penis, rectum or anus of another person causing physical injury to such person: (a) by forcible compulsion; or (b) When the other person is incapable of consent by reason of being physically helpless; or (c) When the other person is less than eleven years old. (2) Conduct performed for a valid medical purpose does not violate the provisions of this section.

AGGRAVATED SEXUAL ABUSE IN THE SECOND DEGREE: (1) A person is guilty of aggravated sexual abuse in the second degree when he or she inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person: (a) by forcible compulsion; or (b) When the other person is incapable of consent by reason of being physically helpless; or (c) When the other person is less than eleven years old. (2) Conduct performed for a valid medical purpose does not violate the provisions of this section.

AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE: (1) A person is guilty of aggravated sexual abuse in the first degree when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person: (a) by forcible compulsion; or (b) when the other person is incapable of consent by reason of being physically helpless; or (c) when the other person is less than eleven years old. (2) Conduct performed for a valid medical purpose does not violate the provisions of this section.

FACILITATING A SEX OFFENSE WITH A CONTROLLED SUBSTANCE: A person is guilty of facilitating a sex offense with a controlled substance when he or she: (1) knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and (2) commits or attempts to commit such conduct constituting a felony defined in this article.

COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE SECOND DEGREE: A person is guilty of course of sexual conduct against a child in the second degree when, (1) over a period of time not less than three months in duration: (a) he or she engages in two or more acts of sexual conduct with a child less than eleven years old; or (b) he or she, being eighteen years old or more, engages in two or more acts of sexual conduct with a child less than thirteen years old. (2). A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section.

COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE: A person is guilty of course of sexual conduct against a child in the first degree when, (1) over a period of time not less than three months in duration: (a) he or she engages in two or more acts of sexual conduct, which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than eleven years old; or (b) he or she, being eighteen years old or more, engages in two or more acts of sexual conduct, which include at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than thirteen years old. (2) A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section.

INCEST IN THE THIRD DEGREE: A person is guilty of incest in the third degree when he or she marries or engages in sexual intercourse, oral sexual conduct or anal sexual conduct with a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

INCEST IN THE SECOND DEGREE: A person is guilty of incest in the second degree when he or she commits the crime of rape in the second degree, or criminal sexual act in the second degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

INCEST IN THE FIRST DEGREE: A person is guilty of incest in the first degree when he or she commits the crime of rape in the first degree, or criminal sexual act in the first degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or half blood, uncle, aunt, nephew or niece.

DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING

DOMESTIC VIOLENCE: means a felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the victim,
- a person with whom the victim shares a child in common,

- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant money (under VAWA), or
- any other person against an adult or youth victim who is protected from that person's act under the domestic or family violence laws of the jurisdiction."

New York State takes domestic violence very seriously. The Family Court Act outlines numerous "family offenses" covered under "domestic violence":

- disorderly conduct
- harassment (1st and 2nd degree)
- aggravated harassment 2nd degree
- assault (2nd, 3rd degree and attempted)
- criminal mischief
- sexual abuse (2nd and 3rd degree)
- strangulation
- menacing (2nd and 3rd degree)
- reckless endangerment
- stalking
- sexual misconduct
- forcible touching
- criminal obstruction of breathing or circulation
- identity theft (1st, 2nd or 3rd degree)
- coercion (2nd degree)
- grand larceny (3rd and 4th degree)

DATING VIOLENCE: means "violence committed by a person:

- who is or has been in a social relationship of romantic or intimate nature with the victim; and
- where the existence of such relationship shall be determined based on a consideration of the following factors:
  - –the length of the relationship;
  - –the type of relationship; and
  - –the frequency of interaction between the persons involved in the relationship."

Although New York state does not specifically define "dating violence", using many of the perimeters outlined above often times the conduct may fall under one the "family offenses" and may be adjudicated in either criminal court or in some cases family court.

STALKING: means "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."

Note: Stalking is specifically addressed in Article 120 of the New York State Penal Law

STALKING IN THE FOURTH DEGREE: A person is guilty of stalking in the fourth degree when he or she intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct: (1) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person acquainted; or (2) causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

For the purposes of subdivision two of this section, "following" shall include the unauthorized tracking of such person's movements or location through the use of a global positioning system or other device.

STALKING IN THE THIRD DEGREE: A person is guilty of stalking in the third degree when he or she: (1) Commits the crime of stalking in the fourth degree against three or more persons, in three or more separate transactions, for which the actor has not been previously convicted; or (2) Commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime, as defined in subdivision five of section 120.40 of this article, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) With intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or (4) Commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

STALKING IN THE SECOND DEGREE: A person is guilty of stalking in the second degree when he or she: (1) Commits the crime of stalking in the third degree and in the course of and in furtherance of the commission of such offense: (i) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, shotgun, machine gun, electronic dart gun, electronic stun gun, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, slingshot, slungshot, shirken, "Kung Fu Star", dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapon; or (ii) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or (2) Commits the crime of stalking in the third degree against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime as defined in subdivision five of section 120.40 of this article, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) Commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree as defined in subdivision four of section 120.50 of this article against any person; or (4) Being twenty-one years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct

or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or (5) Commits the crime of stalking in the third degree, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

STALKING IN THE FIRST DEGREE: A person is guilty of stalking in the first degree when he or she commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she: (1) intentionally or recklessly causes physical injury to the victim of such crime; or (2) commits a class A misdemeanor defined in article one hundred thirty of the NYS Penal Law (NYSPL), or a class E felony defined in section 130.25, 130.40 or 130.85 of the NYSPL, or a class D felony defined in section 130.30 or 130.45 of the NYSPL

If You have Experienced Sexual Violence, Relationship Violence, or Stalking

IMMEDIATE STEPS

- Go to a safe place
- Call someone you trust
- **PRESERVE EVIDENCE –** After sexual violence, do not shower until you have considered whether to have a no-cost forensic sexual assault examination at the hospital, and save the clothes you were wearing (unwashed) in a paper or cloth bag. Take photos of any damage or injury and keep communication records.

WITHIN 24 HOURS

- **SEEK OUT SUPPORT –** You may want to turn to a confidential counselor for support and information. They will talk with you about your options for additional services and reporting.
- **AFTER UNWANTED PHYSICAL CONTACT, GET MEDICAL ATTENTION –** A medical provider can check for and treat physical injury, sexually transmitted infections, and pregnancy. You do not need to file a formal report to receive medical care.

AT ANY TIME

- **CONSIDER MAKING A FORMAL COMPLAINT –** You are encouraged to report what happened to Le Moyne Security and to local law enforcement officials (this can be done simultaneously).
- **LE MOYNE CAN HELP –** There are many on-campus resources available to you to help support you. You do not need to file a formal report to receive help.

Le Moyne College subscribes fully to all applicable federal and state legislation and regulations regarding discrimination (including the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972 (Title IX); Section 504 of the Rehabilitation Act of 1973 (Section 504); the Americans With Disabilities Act (ADA); the Age Discrimination in Employment Act; the Age Discrimination Act; and the New York State Human Rights Law). The College does not discriminate against students, faculty, staff or other beneficiaries on the basis of race, color, gender, creed, age, disability, marital status, sexual orientation, veteran status, or national or ethnic origin in admission to, or access to, or treatment or employment in its programs and activities. Le Moyne College is an Affirmative Action/Equal Opportunity Employer. For further information regarding Title IX or any of the regulations noted above, contact Dr. Melissa Moore at (315) 445-4543.

Commitment to a Safe Community

Le Moyne College works to promote an environment and collective attitude that encourages students, faculty, staff and administrators to serve others, participate in the life of the College, and act as responsible members of the community. Acts of sexual harassment or other sexual misconduct, including sexual assault, domestic violence, dating violence or stalking, undermine the dignity of individuals and the principles of equality and respect for others and are serious violations of our community standards. These acts do not just harm the individual. These crimes harm the College community as a whole.

Students' Bill of Rights

1. Make a report to local law enforcement and/or state police
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously
3. Make a decision about judicial or conduct process and/or criminal justice process free from pressure by the institution
4. Participate in a process that is fair, impartial, and provides adequate notice and meaningful opportunity to be heard
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes 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 judicial or 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 judicial or conduct process of the institution.

Confidential Support Options

CONFIDENTIALITY – Confidentiality may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institutional officials in a manner consistent with state and federal law. Licensed mental health counselors, medical providers and pastoral counselors are examples of institutional employees who may offer confidentiality.

Le Moyne strongly encourages our students to receive the confidential support that is available to them by being part of our community. If you would like to confidentially discuss an incident of sexual assault, relationship violence, or stalking, you can do so by contacting our Wellness Center for Health and Counseling. You can also receive confidential support by contacting one of the community based resources listed below.

On-campus Support Resources (free to all students):

- **Wellness Center (counseling):** (315) 445-4195
- **Wellness Center (health):** (315) 445-4440
  Seton Hall, 8:30 a.m.-4:30 p.m. Monday-Friday during the academic year (no charge).
- **Le Moyne College on-campus hotline during the academic year:**
  (315) 251-SAFE (7233) (no charge) Available 24 hours a day, everyday

Community Support Resources:

Vera House can provide a sexual assault advocate who can go to the hospital and/or the police department with you, their services are free of charge.

- **Vera House Hotline:** (315) 468-3260
- **NYS Domestic Sexual Violence Hotline:** 1(800) 942-6906
- **National Sexual Assault Hotline:** 1(800) 656-4673
- **National Domestic Violence Hotline:** 1(800) 799-7233
- **SUNY SAVR Website:** response.suny.edu

Reporting Options

PRIVACY – 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 policy and applicable laws, including informing appropriate College officials. Students may choose to pursue a timely investigation, and both on and off-campus processes concurrently.

Le Moyne strongly encourages survivors and witnesses of sexual misconduct to report these incidents to the Assistant Dean for Title IX and Compliance or a trusted Le Moyne staff member who will then be able to contact the Assistant Dean for Title IX and Compliance. Outside of the confidential resources previously listed, disclosing any information regarding sexual assault, relationship violence, or stalking will be kept private, but not confidential, and will result in a Title IX report. Students can file a report directly with the Assistant Dean for Title IX and Compliance, Le Moyne Security, and/or outside law enforcement agencies listed below.

On-campus Reporting Options

- **Dr. Melissa Moore, Assistant Dean for Title IX and Compliance:**
  (315) 445-4543 or moormes@lemoyne.edu*
- **On campus,** 8:30 a.m.-4:30 p.m. Monday-Friday during the academic year (no charge).
- **Le Moyne College Security:** (315) 445-4444
  Basement of Nelligan Hall, Available 24 hours a day, everyday

Community Law Enforcement Reporting Options:

- **Syracuse Police:** (315) 442-5111
- **DeWitt Police:** (315) 425-2333
- **Onondaga County Sheriffs:** (315) 435-2111
- **Syracuse Police Abused Persons Unit:** (315) 435-3016
- **Onondaga County Sheriff Abused Persons Unit:** (315) 435-3092
- **New York State Police Sexual Assault Hotline:** (844) 845-7269

2025-2026 Le Moyne College Policy on Sexual Harassment and Sexual Misconduct for Students

I. INTRODUCTION

As an institution of higher education with a longstanding Jesuit and Catholic tradition, Le Moyne College works to promote an environment and collective attitude that encourages students, faculty, staff and administrators to serve others, participate in the life of the College, and act as responsible members of the community. Acts of sexual harassment or other sexual misconduct, including sexual assault, domestic violence, dating violence or stalking, undermine the dignity of individuals and the principles of equality and respect for others and are serious violations of our community standards. These acts do not just harm the individual; they harm the College community as a whole. As used in this Policy, "Sexual Misconduct" is a term used to refer to any form of sexual or gender-based harassment, non-consensual sexual activity, dating violence or domestic violence, or stalking. Sexual Misconduct may occur between members of the community regardless of their gender identity or sexual orientation. Le Moyne College does not condone or tolerate Sexual Misconduct.

The College aims to ensure that all members of the Le Moyne community can learn, live and work free from being subjected to Sexual Misconduct. All students are encouraged to read this Policy and develop a clear understanding of what is and is not acceptable sexual behavior.

This Policy will outline clear procedures for reporting Sexual Misconduct which involves a student, either as a complainant or a respondent. (The College's Faculty and Staff Policy on Sexual Harassment and Sexual Misconduct covers Sexual Misconduct cases that do not involve students.) In the event of any conflict between the standards and procedures of this Policy and those of the general Community Standards and Conduct Procedures, the standards and procedures of this Policy will govern any case to which this Policy applies.

Le Moyne College has a host of security, psychological, medical, administrative and student conduct services that are immediately available to students reporting Sexual Misconduct. Through these policies and procedures, Le Moyne College looks to achieve several goals:

- A campus climate which encourages prompt reporting of Sexual Misconduct.
- To provide prompt professional and support services to the complainant and the respondent.
- To provide a comprehensive system that informs the complainant and respondent of the rights and services available to them.
- To cultivate a campus community where instances of Sexual Misconduct are avoided through an ongoing campaign of education, training and mutual respect for each other.

This Policy protects the rights of both the complainant and respondent. The respondent shall be free from sanction, pending the conclusion of a case. However, where the circumstances indicate that there is a potential danger to the immediate safety of the College community or specific persons within the College community, appropriate emergency measures (up to and including emergency removal from the College community, appropriate emergency measures (up to and including emergency removal from the College and/or its residence halls) may be taken by the Assistant Dean for Title IX and Compliance or designee. In addition, supportive measures such as a change in academic, living, transportation and/or working situations may be made to protect either or both of the parties and prevent retaliation. Supportive measures and/or emergency removal should not be viewed as prejudging responsibility for any allege violation.

The protections in this Policy apply regardless of race, color, national origin, religion, cred, age, disability, sex, gender, identity or expression, sexual orientation, familial status, pregnancy,

predisposing genetic characteristics, military status, domestic violence victim status or criminal convictions.

Students should never feel pressured to engage in sexual relationships or activity of any kind with anyone, including another student or a Le Moyne College faculty or staff member.

II. SCOPE OF POLICY

This Policy defines criteria and procedures for responding to queries and complaints regarding Sexual Misconduct, and applies to all students of the College. (For purposes of this Policy, a covered student includes a deposited student, or the equivalent, and other student categories as determined by the Assistant Dean for Title IX and Compliance.) This Policy covers activity that has taken place either on the Le Moyne campus or at College-sponsored events or programs off-campus. The criteria and report procedures outlined below may also apply to off-campus situations where one member's behavior interferes with another's wellbeing and full participation as a member of the College community.

A. Reports Against Students

This Policy applies in those instances when a student is reported to have engaged in Sexual Misconduct against any other person (regardless of whether the other person is a Le Moyne Students).

B. Reports Against Faculty or Staff By a Student

If a student wishes to bring forward a report of Sexual Misconduct against a faculty or staff member, this Policy also applies.

C. Reports By or Against Visitors or Non-Community Members

If a student wishes to bring forward a report of Sexual Misconduct against a visitor or other non-community member (e.g., an alumnus or alumna, a prospective student, a guest of a student, a member of another College's team, a local resident), the report should be made to Campus Security at (315) 445-4444. Campus Security will investigate reports against such persons, and the College will determine the appropriate action to be taken, which may include contacting law enforcement.

If a visitor wishes to report a violation of this Policy by a College student related to a College program,event or other College activity, or a campus incident, they may do so by reporting to the Assistant Dean for Title IX and Compliance. Generally, the procedures set forth in this Policy apply to complaints made by visitors as against students, faculty or staff if the alleged behavior at issue is covered by this Policy.

D. On Campus and Off-Campus Behavior

This Policy applies to conduct that occurs on any part of Le Moyne's campus or property. It also applies when students travel off-campus as part of a College activity, team, organization or event. Additionally, Le Moyne has the discretion to discipline student behavior that occurs elsewhere off-campus, and/or during a time when the College is not in session. In making these determinations, the Assistant Dean for Title IX and Compliance considers whether the behavior impacts the campus environment (as would be the case, for example, if one student sexually assaults another student in an off-campus apartment or overseas during a semester abroad, or if a student sends another student lewd and/or threatening sexual emails while at home during the semester break). In understanding this aspect of Le Moyne's expectations for student behavior, it may be helpful to think of student status as "portable" and therefore operative even when students are not on Le Moyne's campus property.

E. Timeframe for Making a Complaint

While there is no time limit for bringing forward a report, the passage of time may make an incident difficult or even impossible to investigate fairly or fully and to adjudicate. Therefore, persons who believe that they have been a victim of Sexual Misconduct are encouraged to make a report as soon as possible after an incident has occurred. Although not an ideal situation given the passage of time, a former student may make a report against a current student (or employee). A report against a former student or employee will be treated as a report against a non-community member and is not subject to adjudication pursuant to this Policy. Nevertheless, Le Moyne's officials will help a complainant who reports an incident concerning a former student or employee to share the allegations with the appropriate off-campus authorities if desired, and the College will consider other appropriate responsive measures, such as banning the former student from returning to campus and providing the complainant with access to campus counseling, academic adjustments, and other support.

III. DEFINITIONS OF SEXUAL HARASSMENT, NON-CONSENSUAL SEXUAL ACTIVITY, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING

Le Moyne College has defined several categories of Sexual Misconduct below, for which student sanctions may be imposed. Sexual Misconduct of any nature is a serious violation of our student code of conduct and Le Moyne reserves the right to impose any sanctions outlined in the Community Standards and Conduct Procedures, including suspension or expulsion from the College. Also, students have the right to contact law enforcement for Sexual Misconduct at any level defined below.

This policy sets forth conduct expectations for our community and provides a process for the reporting, investigation and adjudication of alleged violations. This policy applies to alleged conduct violative of Title IX of the Education Amendments of 1972 (i.e., "Title IX Category" violations) and also applies to a broader range of contexts and behaviors inconsistent with Le Moyne's commitment to equal opportunity (i.e., "College Category" violations).

The designation of conduct or allegations as either "Title IX Category" or "College Category" is not a function of the seriousness of the alleged conduct but rather a function of the scope and coverage of Title IX versus Le Moyne's broader jurisdiction to prohibit and discipline a larger scope of inappropriate behavior.

A. Title IX Category Violations

Title IX of the Education Amendments of 1972 provides: "No person in the United States shall, on the basis of sex, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

In accordance with Title IX as interpreted by the Department of Education, Le Moyne recognizes the following as conduct violations within the meaning of Title IX, provided that the context and circumstances of the conduct fall within the scope of Title IX, including but not limited to that the complainant was in the United States at the time of the alleged conduct, that the complainant be participating in or seeking to participate in the College's education program or activity at the time of the complaint, and that the conduct have occurred in the context of the College's education program or activity:

1. SEXUAL HARASSMENT. "Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

a. An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (commonly

referred to as a "quid pro quo");

b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that is effectively denies a person equal access to the College's education program or activity (commonly referred to as a sexually or gender-based "hostile environment").

2. SEXUAL ASSAULT. Sexual assault" includes any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving affirmative consent. Sexual assault consists of the following specific acts:

a. Non-consensual Sexual Intercourse. The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

b. Non-consensual Sexual Contact. The touching of the private body parts[1] 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 where the victim is incapable of giving consent because of his/her/their youth or because of his/her/their temporary or permanent mental or physical incapacity.

[1]Private body parts include: genital area, anus, groin, buttocks or breast. This definition includes contact over or under clothing.

c. Incest. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

d. Statutory Rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in New York is 17.

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

4. DOMESTIC VIOLENCE. "Domestic violence" means violence committed by a current or former spouse or intimate partner of the complainant by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction where the College is located, or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

5. STALKING. "Stalking" is engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress. Stalking includes, but is not limited to, repeatedly (i.e., on two or more occasions) engaging in: contact, face-to-face communication, telephone calls or messages, text messages, emails or letters to or about a person; the giving of unwanted gifts; threatening or obscene gestures; or surveillance, following, trespassing or vandalism. Stalking that does not occur on the basis of sex may be addressed under as a College Category Violation as described below.

B. College Category Violations

For purpose of College Category violations, the below conduct is prohibited even if the conduct occurs off-campus, outside the United States, even if the Complainant is not participating or

seeking to participate in Le Moyne's education program or activity, or otherwise in circumstances over which Le Moyne does not have influence or control, including but not limited to during academic term breaks. Le Moyne retains discretion to not respond to, investigate or adjudicate circumstances in which no Le Moyne community interest is implicated.

1. SEXUAL HARASSMENT. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

a. An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (commonly referred to as a "quid pro quo");

b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that is effectively denies a person equal access to the College's education program or activity (commonly referred to as a sexually or gender-based "hostile environment").

c. Unwelcome conduct on the basis of sex or gender that does not rise to a level of severity or pervasiveness but is contrary to the values of the College community. A violation of this definition does not necessarily occur merely because a particular individual is offended; the conduct must be offensive to a reasonable person. The College's definition of Sexual Harassment broader than a strictly legal definition, and the College may find that conduct was harassing even though it did rise to the level of a legal violation.

2. SEXUAL ASSAULT. "Sexual assault" includes any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving affirmative consent. Sexual assault consists of the following specific acts:

a. Non-Consensual Sexual Intercourse. The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

b. Non-Consensual Sexual Contact. 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 where the victim is incapable of giving consent because of his/her/their youth or because of his/her/their temporary or permanent mental or physical incapacity.

[2]Private body parts include: genital area, anus, groin, buttocks or breast. This definition includes contact over or under clothing.

c. Incest. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

d. Statutory Rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in New York is 17.

3. DATING VIOLENCE. "Dating violence" means violence committed by a person: (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship; but that does not constitute dating violence as a Title IX Category Violation as defined above because of the context in which it occurs (for example, because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the College's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College's education program or activity).

4. **DOMESTIC VIOLENCE.** "Domestic violence" means violence committed by a or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the College is located, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction, if the conduct does not constitute domestic violence as a Title IX Category Violation as defined above because of the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the College's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College's education program or activity).

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

A person reporting an incident need not worry about which category of Sexual Misconduct applies to or whether all elements of a particular definition of misconduct have been met. An individual reporting an incident is expected only to relay the facts in good faith; College representatives trained in responding to Sexual Misconduct will assist the complainant in determining whether the incident may constitute a violation of this Policy and, if so, the Policy definition that may apply.

IV. Definitions of Affirmative Consent, Confidentiality, Privacy and Amnesty

A. Affirmative Consent

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

In considering whether an individual is incapacitated due to drug or alcohol use, the College will look at a number of factors, including but not limited to the type/amount of alcohol and/or drugs used, as well as such outward signs as slurred or incoherent speech, impaired motor skills (e.g. walking, texting), vomiting, loss of consciousness, etc.

Incapacitation may also result from a physical or mental disability. In addition, in New York, a minor (someone under the age of 17) cannot consent to sexual activity. This means that sexual contact with a person less than 17 is a crime as well as a violation of this Policy even if the minor wanted to engage in the sexual activity. If any person has any information that a minor has been subjected to sexual activity, it should be reported to Campus Security and/or the Police immediately.

B. Confidentiality

Confidentiality may be offered by an individual who is not required by law or policy to report known incidents of sexual assault or other crimes to institutional officials in a manner consistent with state and/or federal law. Licensed mental health counselors, medical providers and pastoral counselors are examples of institutional employees who may offer confidentiality.

C. Privacy

Privacy may be offered by an individual when such individual is unable to offer confidentiality but shall still disclose information learned from a reporting individual or bystander to a crime or incident no more than necessary to comply with this Policy and applicable laws, including informing appropriate College officials.

Even 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 Assistant Dean for Title IX and Compliance to investigate and/or seek a resolution.

The Assistant Dean for Title IX and Compliance/Deputies, Investigating Team, Hearing Panel/Officers, Appeal Panels and anyone else with a role under this Policy are required to maintain privacy as to student conduct records, the deliberations, and votes taken.

D. Amnesty Policy for Alcohol and/or drug use

The health and safety of every student at the College is of utmost importance. The 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 or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The College strongly encourages students to report 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 domestic violence, dating violence, stalking or sexual assault to College officials or law enforcement will not be subject to the College's Community Standards for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

V. Reporting Options

Le Moyne College strongly encourages students and/or witnesses of Sexual Misconduct to report these incidents. Retaliation and threats of retaliation or other attempts by a student to prevent the reporting of Sexual Misconduct outlined in this Policy are also considered violations of this Policy. Le Moyne College will take steps to prevent or address retaliation by anyone within its jurisdiction against any person making a report of sexual misconduct or cooperating with any timely investigation or adjudication of such a report.

Students have options with respect to securing a College response to a Sexual Misconduct incident. These options include a report to College administration to understand and/or pursue on campus procedures, a police report to understand and/or pursue a criminal investigation (including the New York State Police), or a confidential report to the Wellness Center for Health and Counseling or a clergy member. It is also important to note that the on-campus timely investigation and law-enforcement criminal investigation can be accessed concurrently. All of the options are not mutually exclusive, and a student may take advantage of all of these options. Trained counseling center staff and/or a may review all of the reporting options with the complainant.

A student also has the right to not report to any or all of the foregoing.

Students who are in immediate danger need to get to a safe place and can contact Campus Security at (315) 445-4444 or dial 911. Students in need of medical attention should call Campus Security at (315) 445-4444 or dial 911.

A. Report for a Response by the College

A report to the College should be made whenever an individual wishes for the College to take some action in response to the situation. Incidents of Sexual Misconduct should be reported to the following.

Responsible Administrators for action:

- **Campus Security** at (315) 445-4444 – Available 24/7
- **Dr. Melissa Moore, Assistant Dean for Title IX and Compliance**, (315) 445-4543
- **Resident Advisor (RA) and Area Directors (AD)**. Students may report incidents of Sexual Misconduct to an RA. The RA and AD will notify one of the above administrators and the appropriate College support services such as the Wellness Center for Health and Counseling office and/or Campus Life and Leadership.

A person who has been subjected to Sexual Misconduct is strongly urged to contact one of the specific Responsible Administrators listed above. If a report is made to anyone else, the complainant risks a delay in that report getting to individuals authorized to act upon it and even the possibility that it will not come to the attention of the proper College officials and may, therefore, not be acted upon at all. Once a report is made, the Responsible Administrator to whom the report is made will inform the Assistant Dean for Title IX and Compliance or his/her deputy.

The complainant will be advised by the Title IX Coordinator of his/her rights and the options moving forward. This will include an explanation of investigatory/disciplinary avenues, as well as other responsive (including supportive measures, such as changes in academic, housing, transportation and work arrangements to minimize the complainant's contact with the respondent. The complainant will be informed that they have the right to make a report to campus security, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from the college.

Ultimately, the College retains the right (and in some cases may have the obligation) to act upon any information that comes to its attention. **Therefore, if a person believes that he or she has been subjected to Sexual Misconduct and wants support but does not want the College to take further action (or is not yet certain whether he or she desires such action), he or she should utilize one of the Confidential Resources described below**.

Nonetheless, when the College and its employees cannot guarantee confidentiality, they will maintain an individual's privacy to the greatest extent possible. The information provided to

a non-confidential resource will be relayed only as necessary for the Assistant Dean for Title IX and Compliance to investigate and/or seek a resolution, and to otherwise comply with this Policy.

A student may file an official incident report regarding an act of Sexual Misconduct 24 hours a day, 7 days a week with Campus Security located in the basement of Nelligan Hall, at (315) **445-4444.**

The report will include the complainant's name, as well as the responding student if known. The Campus Security report will be forwarded to the Assistant Dean for Title IX and Compliance, who will follow the procedures outlined in this Policy.

Reports may also be made anonymously by contacting the Assistant Dean for Title IX and Compliance or the Campus Sexual Assault Hotline at (315) 251-SAFE (7233). The College's ability to respond, however, may be limited by such anonymity.

Upon receiving a report, the Responsible Administrator to whom the report was made will discuss with the complainant available avenues and options. Options may include supportive measures, informal resolution, or a formal grievance procedure and remedial actions to ameliorate or correct the effects of the Sexual Misconduct if a violation of this Policy is found to have occurred. Other options may include interim no contact orders, changes in academic, extracurricular, residential, transportation, dining or working arrangements, access to academic, medical, counseling and other support, as appropriate. Reporting to local law enforcement also is an option. The College will review the facts and circumstances of each case, as well the complainant's wishes, in deciding whether and what steps are reasonable and appropriate.

B. Confidential Reports

Le Moyne understands that a student who has experienced Sexual Misconduct may wish to talk about the incident with the understanding that the discussion will not be reported under this policy. The support resources that students may utilize on a confidential basis are:

- **Wellness Center for Health and Counseling** (consistent with its protocols on confidentiality)
  - **Wellness Center for Health (services are free for all students):** (315) 445-4440
  - **Wellness Center of Counseling (services are free for all students):** (315) 445-4195
  - **Sexual Assault Hotline:** (315) 251-SAFE (7233)
- Our campus clergy (acting in their role as clergy).

Students are encouraged to consult these sources for confidential emotional support.

A discussion with any of these sources does not result in a report being filed with the College or result in action being taken by the College to respond to the incident.

A student wishing to have an incident investigated or adjudicated by the College should report to a Responsible Administrator as described in this Policy.

C. Reports to Law Enforcement

A person who has been the victim of Sexual Misconduct that may constitute a crime is encouraged to contact local law enforcement directly by dialing 911, the New York State Police Sexual Assault Hotline: (844) 845-7269. If requested, Campus Security: (315) 445-4444 will assist such a person in making a report to local law enforcement. Campus Security staff are Responsible Administrators, therefore if the report does come to the attention of Campus Security, even if only through a request to assist with contacting local law enforcement, it will be shared with the Assistant Dean for Title IX and Compliance and/or Deputy. Filing an official police report is different than filing a report with the College. When a person files a report with local law enforcement a criminal investigation may be initiated and that investigation

is often transferred to either the Syracuse Police Department or Onondaga County Sheriff's Office Abused Persons Unit for further investigation. Based on the criminal investigation, a determination will be made as to whether the case will be prosecuted. The criminal justice process utilizes different standards of proof and evidence. Any questions about whether a specific incident violated the penal law should be directed to law enforcement or the Onondaga County District Attorney (911 or 315-435-2470). The preservation of evidence is critical to the prosecution of a criminal case. If you have been the victim of a sexual assault or an act of violence, vital evidence may be lost if you change your clothes, shower, brush your hair, or allow time to pass before your physical state is documented by the police or a doctor. Any person who has experienced sexual assault or an act of violence is encouraged to contact the law enforcement immediately for further instructions as to the preservation of evidence.

- **New York State Police Sexual Assault Hotline:** (844) 845-7269
- **Onondaga Sheriff Abused Persons Unit:** (315) 435-3092
- **City of Syracuse Police Department:** 911 or (315) 422-5111
- **Syracuse Police Abused Persons Unit:** 911 or (315) 435-3016
- **Town of Dewitt Police Department:** 911 or (315) 425-2333
- **Onondaga County Sheriff's Office:** 911 or (315) 425-2111

A criminal investigation does not end the College's duty to investigate and resolve reports promptly and equitably. In certain cases, Le Moyne College may wait to proceed with its own fact finding investigation and procedures under this Policy until the police have completed their initial evidence gathering phase of their investigation, which delay generally will not be longer than ten (10) days. Le Moyne College will not defer its investigation and disciplinary processes thereafter (e.g., pending the completion of any civil or criminal case).

VI. Rights

A. Students' Bill of Rights

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the College conduct process and/or criminal justice process free from pressure by the College;
4.. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the College courteous, fair, and respectful health care and counseling services where available;
6. Be free from any suggestion by the College that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few College representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the College, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the College;
9. Access to at least one level of appeal of 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; and

11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

B. Other Rights In Cases Involving Sexual Assault, Domestic/Dating Violence and Stalking

The rights of others, even if not a student, appear at Appendix A.

C. Support Services for both the Complainant and Respondent

Campus support services (Free)

- **Wellness Center, Counseling (for Students):** (315) 445-4195 (Confidential)
- **Wellness Center, Health Services (for Students):** (315) 445-4440 (Confidential)
- **SAFE Hotline:** (315) 215-SAFE (7233) (for current sexual assault support)
- **Assistant Dean for Title IX and Compliance:** (315) 445-4543

Off-campus resources (at the student's expense, if any)

- **Vera House (Confidential):** (315) 468-3260
- **City of Syracuse Police Department:** 911 or (315) 442-5111
- **Town of DeWitt Police Department:** 911 or (315) 425-2333
- **Onondaga County Sheriff's Office:** 911 or (315) 425-2111
- **St. Joseph's Hospital Emergency Room (Confidential):** (315) 448-5101
- **Upstate University Hospital Emergency Room (Confidential):** (315) 464-5611
- **Crouse Hospital Emergency Room (Confidential):** (315) 470-7411
- **NYS Police Sexual Assault Hotline:** 1-844-845-7269
- **NYS Domestic Violence Hotline:** 1-800-942-6906

SANE Nurse Exams are available through the Onondaga County SANE nurses at any local hospital, at no cost. If there is a charge, the NYS Office of Victim Services will cover the cost.

- **NYS Office of Victim Services:** 1-800-247-8035

VII. Personnel with Roles Under the Policy

The administrators of this Policy are described below.

A. Assistant Dean for Title IX and Compliance/Deputies

The oversight responsibility for the Policy and procedures primarily rests the Assistant Dean for Title IX and Compliance and Deputies. These officers are appointed by the President, and in the role of Assistant Dean for Title IX and Compliance/Deputy, report directly to the President. The Assistant Dean for Title IX and Compliance and Deputies will come from the ranks of the faculty and staff. Whenever possible, the President will appoint a gender-balanced team. These individuals will coordinate educational programs for the College community, train personnel, and administer the procedures described in the Policy. Normally, the Assistant Dean for Title IX and Compliance/Deputies do not have a direct role in decision making process. Instead, their role is to protect the integrity and fairness of the procedures.

B. Investigating Team

In cases where a formal complaint has been filed with the Assistant Dean for Title IX and Compliance, an Investigating Team will be appointed by the Assistant Dean for Title IX and Compliance. This Team will normally consist of one or more trained investigators. In addition, a Title IX Deputy will be responsible for monitoring compliance with the Policy during the course of the investigation and providing guidance to the Investigating Team under the Policy.

Members of the Investigating Team are specifically designated and undergo appropriate training to assist in the processing of formal complaints alleging Sexual Misconduct. The role of the Investigating Team is to: participate in the collection of facts and evidence related to the report including information from the complainant, the complainant and other witnesses; and to refer their report to the Hearing Panel, or others as provided for in this Policy.

C. Hearing Panel (Student Respondents)

The Hearing Panel, chaired by the Assistant Dean for Student Development, consists of two (2) additional faculty and/or staff who are specifically designated and undergo appropriate training to assist in the processing of formal complaints in which a student is alleged to have engaged in Sexual Misconduct. The Hearing Panel shall have the responsibilities of making the decision as to whether a responding individual has committed a violation of College policies and, if so, determining appropriate sanctions and remedies based on the preponderance of evidence (i.e., whether the charged conduct is "more likely than not" to have occurred). Evidence does not have to be in the form of physical evidence nor does the violation have to be witnessed. Circumstantial information can be sufficient in some instances for the College to determine that a violation was "more likely than not" to have occurred.

D. Hearing Panel (Faculty Respondent)

The Hearing Panel, chaired by the appropriate Dean, as designated by the Provost, consists of three additional faculty members. The Hearing Panel shall have the responsibilities of making the decision as to whether a responding individual has committed a violation of College policies and determining appropriate sanctions and remedies based on the preponderance of evidence (i.e., whether the charged conduct is "more likely than not" to have occurred). Evidence does not have to be in the form of physical evidence nor does the violation have to be witnessed. Circumstantial information can be sufficient in some instances for the College to determine that a violation was "more likely than not" to have occurred.

E. Hearing Panel (Staff Respondent)

The Hearing Panel, chaired by the applicable (Administrator) Vice President as appointed by the Assistant Dean for Title IX and Compliance, consists of three employees made of either faculty members and/or staff. The Hearing Panel shall have the responsibilities of making the decision as to whether a responding individual has committed a violation of College policies and determining appropriate sanctions and remedies based on the preponderance of evidence (i.e., whether the charged conduct is "more likely than not" to have occurred). Evidence does not have to be in the form of physical evidence nor does the violation have to be witnessed. Circumstantial information can be sufficient in some instances for the College to determine that a violation was "more likely than not" to have occurred. The Vice President's role is administrative and is not a decision maker in the process.

F. Appeals Panel (Student Respondent)

An Appeals Panel will be appointed if, after an investigation has been completed and a Hearing Panel has reached a decision, either party decides to appeal the decision. The Assistant Dean for Title IX and Compliance as chair of the appeals panel, will appoint an Appeals Panel of two individuals from the pool of trained faculty and/or staff who have not participated in the investigation or hearing panel. (In the event the two members are not able to reach an agreement, a third member shall be appointed by the Assistant Dean for Title IX and Compliance.) The role of the Appeals Panel is to act on any appeal request. The Assistant Dean for Title IX and Compliance Officer's role is administrative and is not a decision-maker in this process.

G. Appeals Panel (Faculty Respondents)

An appeals panel comprised of the Provost and a Dean not involved in the original decision, as appointed by the Assistant Dean for Title IX and Compliance, will act on any appeal request, a third member will be appointed if the two original appointees cannot agree.

H. Appeals Panel (Staff Respondents)

An appeals panel of two employees (at the level of Director or above) not involved in the original decision of the staff respondent as appointed by the Assistant Dean for Title IX and Compliance will act on any appeal request, a third member will be appointed if the two original appointees cannot agree.

I. Legal Counsel

An attorney who is responsible to the Board of Trustees shall be made available by the College to advise the Assistant Dean for Title IX and Compliance/Deputies, Investigating Team, Hearing Panel and/or Appeals panel, at any time, to be coordinated through Assistant Dean for Title IX and Compliance.

VIII. Supportive Measures and Emergency Removal

A. Supportive Measures

Once a report is made under this Policy, the complainant will be contacted by the Assistant Dean for Title IX and Compliance and offered individualized support as more fully described below. A report that triggers supportive measures need not be a formal complaint, and it may be made by a third-party (i.e., someone other than the complainant himself/herself). Once the respondent is informed of a report or a formal complaint, the respondent will be contacted by the Assistant Dean for Title IX and Compliance and offered individualized support as more fully described below.

Supportive measures are intended to restore or preserve, to the extent practicable, equal access to the College's educational programs and activities and protect the safety of all parties without unreasonably burdening the other party or parties. As required by federal regulation, these supportive measures must be non-disciplinary and non-punitive to the parties.

Supportive measures could include, but are not limited to:

- Changes or adjustment in academics such as the extension of deadlines or other course-related adjustments or allowing a withdrawal from a course without penalty;
- Changes to housing, transportation and campus working situations if those changes are requested by a party and reasonably available;
- Mutual "No Contact" orders and, possibly, in rare cases, such as when legal restraining orders or orders of protection have been issued, one-way no contact orders.
- Access to campus escorts or other reasonable security or monitoring measures;
- Counseling services; and
- Interim removal of a student from College will only be done pursuant to the Emergency Removal protocol, discussed below.

The Assistant Dean for Title IX and Compliance is responsible for coordinating the implementation of supportive measures, including coordinating with the various College departments and offices that may be involved. Supportive measures will be offered free of charge.

If a party's request for a supportive measure is denied, the party will be afforded an opportunity to have the denial promptly reviewed to assess whether the supportive measure is reasonable under the circumstances. In addition, each party will, upon request, be afforded the opportunity

for a prompt review of the need for supportive measures that have been implemented, including the potential modification of these measures, to the extent that the party is affected by the measure(s) being reviewed. Each party will be allowed to submit evidence in support of, or in opposition to, the request to the extent the supportive measures under review affects that party. Information about how to request a review will be included in a written communication that will outline the supportive measures offered and any that were requested by the party but denied.

B. Emergency Removal

In some cases, the College may undertake an emergency removal of a student respondent in order to protect the safety of College community, which may include contacting local law enforcement to address imminent safety concerns.

Emergency removal is not a substitute for reaching a determination as to a respondent's responsibility for the sexual harassment allegations; rather, emergency removal is for the purpose of addressing imminent threats posed to any person's physical health or safety, which may arise out of the sexual harassment allegations.

Prior to removing a student respondent through the emergency removal process, the College will undertake an individualized safety and risk analysis. If the individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student, including the student respondent, or other individual justifies removal, then a student respondent will be removed. This is the case regardless of the severity of the allegations and regardless of whether a formal complaint was filed.

After determining a student respondent is an immediate threat to the physical health or safety of an individual, the Assistant Dean for Title IX and Compliance will provide written notice of the emergency removal to both the complainant and respondent. This notice will contain: (1) the date the removal is set to begin, (2) the reason for the emergency removal, (3) the consequences of non-compliance, and (4) how to appeal the decision.

If a student respondent disagrees with the decision to be removed from campus, the respondent may appeal the decision. The respondent must provide written notice of the intent to appeal, which shall include the substance of the appeal, to the Provost within 10 days of receiving the notice of removal. The burden of proof is on the student respondent to show that the removal decision was incorrect.

This section applies only to student respondents. Employee respondents are not subject to this section and may be placed on administrative leave pursuant to the College's policies and/or collective bargaining agreements.

IX. Orders of Protection

Campus Safety, or other College officials, will provide reasonable assistance to a College campus community member, in connection with prohibited Sexual Misconduct conduct under this Policy in obtaining an order of protection or, if outside of New York State, an equivalent protective or restraining order. This assistance includes providing that person with:

i. a copy of an order of protection or equivalent when received by the College and providing that person with an opportunity to meet or speak with a College representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the other person's responsibility to stay away from the protected person or persons;

ii. an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension; and

iii. assistance from Campus Safety in contacting local law enforcement to effect an arrest for violating such an order.

X. Grievance Process

A. Filing a Formal Complaint

A formal complaint is necessary to initiate the College's grievance process, meaning an investigation and adjudication process. A formal complaint must be in written form and must be signed by the complainant. A third-party or anyone other than the victim of the misconduct may not file a formal complaint. However, a formal complaint may be filed by a parent or guardian of a minor person.

A formal complaint is a document filed by a complainant or signed by the College's Assistant Dean for Assistant Dean for Title IX and Compliance alleging sexual harassment against a respondent and requesting that the College investigate the allegation. The respondent may be either a student or an employee or a visitor, independent contractor, intern, or volunteer of the College. A formal complaint may be filed with the Assistant Dean for Title IX and Compliance in person, by mail, or by electronic mail to: Assistant Dean for Title IX and Compliance, 1419 Salt Springs Road, Syracuse, NY 13214, or by submitting a complaint electronically via email to the Assistant Dean for Title IX and Compliance at titleix@lemoyne.edu. In order to qualify as a formal complaint, the document must contain the complainant's physical or electronic signature, or otherwise indicate that the complainant is the person filing the formal complaint.

If a complainant declines to sign a formal complaint or does not wish to participate in the complaint and adjudication process, or the complainant's identity is unknown, and the Assistant Dean for Title IX and Compliance determines there is sufficient cause to file a formal complaint, the Assistant Dean for Title IX and Compliance may file a formal complaint. In such cases, the Assistant Dean for Title IX and Compliance is not considered to be a complainant or other party under this Policy.

The Assistant Dean for Title IX and Compliance will consider the wishes of the complainant not to proceed with the investigation and adjudication process. However, the Assistant Dean for Title IX and Compliance may file a formal complaint if the Assistant Dean for Title IX and Compliance determines that the allegations are such that it would be unreasonable not to proceed despite the wishes of the complainant.

In making this determination, the Assistant Dean for Title IX and Compliance will consider, among other factors:

- the risk that the alleged perpetrator will commit additional acts of sexual misconduct or other violence, which may be assessed by evaluating:
- whether there have been other complaints about the same alleged perpetrator;
- whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
- whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
- whether the sexual violence was committed by multiple perpetrators whether the sexual violence was perpetrated with a weapon;
- whether the victim is a minor;
- whether the College possesses other means to obtain relevant evidence of the prohibited conduct (e.g., security cameras or personnel, physical evidence);
- whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

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

B. Mandatory Dismissal of Title IX Category Charges

The Assistant Dean for Title IX and Compliance will review a formal complaint filed by a Complainant. In order to comply with Title IX regulations, the Assistant Dean for Title IX and Compliance must "dismiss" the Title IX Category violation(s) if it is apparent that the allegations are not within the scope of Title IX, including that the conduct alleged:

- would not constitute Title IX Category conduct as defined in this Policy, even if proved,
- did not occur in the College's education program or activity, or
- did not occur against a person in the United States.

Notice of dismissal of the Title IX Category violation(s) will be in writing and issued to both the complainant and respondent. The Assistant Dean for Title IX and Compliance may determine at any point in the process that facts have emerged that require the dismissal of a Title IX Category violation. A decision to dismiss a Title IX Category violation is immediately appealable by the complainant, pursuant to the appeal procedure in this Policy.

Even if Title IX Category violations are subject to dismissal, the College may continue to process the allegations as College Category violations, assuming that the allegations, if true, would constitute College Category violations.

C. Discretionary Dismissal of Title IX Category Charges

The Assistant Dean for Title IX and Compliance may, but is not required to, dismiss formal complaints in the following circumstances:

- When the complainant withdraws a formal complaint;
- When the respondent is no longer enrolled in or employed by the College; and
- Where specific circumstances prevent the College from gathering evidence (such as where a complainant refuses to cooperate but does not withdraw a formal complaint).

The decision to dismiss or not to dismiss a charge under these circumstances will depend on the totality of the situation.

D. Optional Voluntary Informal Resolution Process

An Informal Resolution Process is a voluntary process in which a trained facilitator assists the parties in resolving the allegations made by a complainant. An Informal Resolution prioritizes educational and conciliatory approaches over more adversarial contestation of the facts. One objective of the Informal Resolution is to provide to the parties an opportunity to hear each other's' concerns and address them as collaboratively and usefully for the parties as possible, with the assistance of the facilitator.

The intent of an Informal Resolution Process is for the parties to undertake a facilitated discussion regarding the matters at issue related to the allegations to see if they can reach agreement on a resolution that leaves both parties feeling satisfied with that resolution.

The Informal Resolution Process is not available if the respondent in a sexual misconduct complaint is a faculty or staff member of College and the complainant is a student. The Informal Resolution Process is also not available in a complaint involving more than two parties unless (1) all parties consent to use the Informal Resolution Process, (2) there is an understanding among all parties about what happens when the right of any party to stop the Informal Resolution process and return or proceed to the formal grievance and hearing process is invoked, and (3)

there is an understanding among all parties about whether some parties, but not all, can agree to a resolution.

Supportive measures are available to both parties in the same manner as they would be if the formal complaint were proceeding under the formal grievance and hearing process.

The Assistant Dean for Title IX and Compliance will offer the Informal Resolution Process to the parties after a formal complaint is filed by a complainant. Both parties must consent to use the Informal Resolution process. Either party in an Informal Resolution process may terminate it at any time and the complaint will proceed to the formal grievance and hearing process. In some instances, as detailed below, the facilitator in the Informal Resolution process may terminate the process as well.

A written notice will be given to both parties before entering an Informal Resolution Process, and both parties must consent to the process in writing. No party should feel intimidated, coerced or threatened to participate in an Informal Resolution Process, or to withdraw from an Informal Resolution Process.

If both parties consent to participate in the Informal Resolution process, the College will assign a facilitator who will act in an independent, impartial manner to facilitate a resolution between the parties. The facilitator will be trained on how to perform the role. The facilitator will also be screened to ensure that such person is free from conflicts of interest and bias.

The procedure applicable to an Informal Resolution process will explained in more detail to the complainant and respondent if both parties are interested in Informal Resolution.

A resolution is reached only if both parties agree. The facilitator will not impose an outcome, although they may assist the parties in suggesting resolutions that appear to meet the parties' needs. If there is no agreement on a resolution, the complaint is returned to the formal grievance and hearing process outlined in this policy. A party may terminate the informal process at any time before the final written resolution is signed.

The facilitator will draft a document reflecting the agreement between the parties that becomes final once it is signed by both parties. This written and signed resolution indicates that the complaint has been resolved under this policy without the need for further investigation or to pursue the formal grievance and hearing process.

After a written resolution has been finalized, the College will keep a record of the parties' written consent to the Informal Resolution process and the written resolution. An Informal Resolution is a final resolution of the matter. In unusual circumstances, the College may decline to accept the parties' Informal Resolution.

XI. Investigation

A formal complaint is required to initiate an investigation. A formal complaint must be submitted and signed by the complainant, or there must be a determination by the Title IX to sign a formal complaint.

The Assistant Dean for Title IX and Compliance reserves the right, in exceptional cases, to utilize external investigators, alone or in conjunction with internal investigators. Investigation of formal complaints will be completed as expeditiously as possible, ordinarily within 45 days. Investigation may take longer when (among other things) the College is not in session.

In unusual cases, it may be apparent that an investigation should not proceed. This may be the case if the report is not of a nature covered by this Policy or where another Policy is more appropriate, or where there is indisputable proof that the allegations are not true. If a

determination is made by the Assistant Dean for Title IX and Compliance not to proceed with an investigation, the decision is immediately appealable.

A. Notice of Investigation

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

- the identities of the involved parties;
- the date, time, location and factual allegations concerning the alleged violation;
- the policy provisions allegedly violated;
- a description of the investigation and adjudication process;
- potential sanctions;
- the right to an advisor of their choice, who may be, but is not required to be, an attorney;
- their right to inspect and review evidence in accordance with this policy;
- notice that knowingly making false statements or knowingly submitting false information is prohibited under the Le Moyne College Student Handbook; and
- that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process

If, in the course of the investigation, the College decides to investigate allegations that are not included in the notice initially provided to the parties, the Assistant Dean for Title IX and Compliance or designee will provide notice of the additional allegations to the parties.

B. Advisor of Choice

At any meeting that the complainant or respondent is permitted or required to attend, the complainant and the respondent may be accompanied by an advisor of the party's choice, who may be but is not required to be an attorney. Any expense incurred in using an advisor is borne by the individual. The College does not appoint an advisor for a party at this stage of the process.

Individuals are expected to speak for themselves during meetings/interviews; accordingly, advisors may furnish advice to the individual only and may not make statements or arguments, question witnesses or other individuals involved, or otherwise actively represent an individual during the meeting/interview. Without limiting the foregoing, an advisor may not speak during any meetings/interviews related to the report, object to any aspect of the meeting/interview, or disrupt a meeting/interview in any way. Any consultation with the advisee while a meeting/interview is in progress must be done in writing only and in a way that is not disruptive.

The advisor may consult with the advisee outside the meetings /interviews during breaks, if any. If an advisor is not adhering to these or other ground rules of any meeting/interview, the advisor may be expelled from the meeting/interview, and the meeting /interview will continue without opportunity for the party to secure a new advisor.

C. Investigation Process

Investigatory meetings/interviews will be conducted by the Investigation Team, who will determine the order and method of proceeding. The Investigation Team will review the charges during the meeting/interview; will determine all questions of procedure or interpretation arising during or with respect to the meetings/interviews and may exclude from a meeting/interview any person who engages in conduct in violation of these procedures. Meetings/interviews may

be recorded by the Investigating Team (only), at its discretion, and with notice to the person being recorded.

The investigation process will generally be closed to anyone other than the interviewee, and if the interviewee is the complainant or respondent, then also their advisor, but the Investigation Team may permit others to attend if it is deemed that there are other compelling reasons for their presence, such as an accommodation to an individual with a disability.

The Assistant Dean for Title IX and Compliance may determine that cases where the allegations arise out the same set of facts should be consolidated for purpose of the investigation and/or adjudication. Instances where consolidation of complaints may occur include but are not limited to cross-complaints filed by the parties against each other, multiple complaints by a single complainant against a respondent, or multiple complaints by a single complainant against multiple respondents.

D. Witnesses and Documentation

The complainant and respondent may each request that witnesses be included in the investigation process. Such requests must be submitted to the Investigation Team in writing including the purpose for including the witnesses.

The Investigation Team may decide not to include a requested witness if the Investigation Team determines that the expected testimony is not sufficiently relevant to the charges or is cumulative. The Investigation Team may also interview additional witnesses on its own initiative.

The complainant and the respondent will be given an equal opportunity to present information. This includes the opportunity to present fact or expert witnesses and other evidence that the party believes tends to prove or disprove the allegations. However, at all times, the burden of gathering evidence remains with the College. The Investigation Team may decline to interview any witness or to gather information the investigator finds to be not relevant or otherwise excludable (e.g., sexual history of the complainant with a person other than the respondent, materials subject to a recognized privilege, medical records in the absence of a release by the subject of the records, etc.).

E. Opportunity for Inspection and Review of Evidence

The complainant and respondent will be provided an equal opportunity to inspect and review any evidence obtained in the investigation directly related to the allegations gathered in the investigation and regardless of whether the information will be relied on in reaching a determination. Prior to the conclusion of the investigative report, the complainant and respondent, and each party's advisor of choice, if any, will be provided a copy (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform) of the evidence, subject to redaction permitted and/or required by law. The complainant and respondent will be provided with at least ten (10) days to submit a written response, which the investigator will consider prior to completion of the investigative report. The investigator will determine if additional investigation is necessary and, if so, will complete any additional investigative steps.

F. Investigating Team's Report

At the conclusion of the investigation, the Investigating Team will provide, their report to the Assistant Dean for Title IX and Compliance.

At least ten (10) days prior to a hearing to determine whether there is responsibility for the allegations, the complainant and respondent, and each party's advisor if any, will be provided a copy of the investigative report (which may be sent in hard copy or electronic format or made

available through an electronic file sharing platform), subject to redaction permitted and/or required by law.

XII. Hearing Procedures

A. General

A hearing before a Hearing Panel will be convened not less than ten days after the parties have been provided access to the final investigative report, for the purpose of determining whether the respondent is responsible or not responsible for the charge(s).

The Assistant Dean for Title IX and Compliance will notify the parties in writing of the date, time, and location of the hearing, the names of the Hearing Panel, and how to challenge participation by any Hearing Panel member for bias or conflict of interest. Bias or conflict of interest will be judged by an objective standard (whether a reasonable person would conclude the individual is biased).

Participants in the hearing will include the members of the Hearing Panel, the complainant and the respondent, their respective advisors, the investigator(s) who conducted the investigation, and witnesses (solely during their own testimony). Hearings are private. Observers or additional support personnel, other than the parties' advisors, are not allowed unless deemed necessary by the Assistant Dean for Title IX and Compliance for purposes such as accommodation of a disability. Cell phones and recording devices may not be used by the parties or their advisors in the hearing room(s).

Hearings may be conducted with all parties physically present in the same location or, at the discretion of the Assistant Dean for Title IX and Compliance, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling the Hearing Panel and the parties to simultaneously see and hear any party or witness providing information or answering questions. If either party so requests, the hearing will be conducted with the parties located in separate rooms using technology as described in the preceding sentence.

The Assistant Dean for Title IX and Compliance may postpone the hearing for good cause as determined by the Assistant Dean for Title IX and Compliance. Good cause may include, without limitation, unavailability of one or more participants due to unanticipated events or circumstances, the timing of academic breaks or holidays, or other extenuating circumstances.

B. Procedural Matters

The Chair of the Hearing Panel is in charge of organizing the presentation of information to be considered at the hearing. Generally, the hearing will proceed in the following order:

1. Opportunity for Opening Statement by the complainant
2. Opportunity for Opening Statement by the respondent
3. Summary of the results of the investigation by the investigator(s)
4. Questions for the investigator(s) by the Hearing Panel and, if desired, on behalf of complainant and the respondent (as described below)
5. Questions for the complainant by the Hearing Panel and, if desired, on behalf of the respondent (as described below)
6. Questions for the respondent by the Hearing Panel and, if desired, on behalf of the complainant (as described below)
7. Questions for each witness by the Hearing Panel and, if desired, on behalf of complainant and the respondent (as described below)

8. Opportunity for Closing Statement by the respondent

9. Opportunity for Closing Statement by the complainant

Formal rules of evidence will not apply. Except as otherwise expressly prohibited by this Policy, any information that the Chair determines is relevant may be considered, including hearsay, history and information indicating a pattern of behavior, and character evidence. All evidence previously made available to the parties for inspection and review prior to completion of the investigative report as described in Section XI will be made available at the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of questioning. Absent extraordinary circumstances (such as newly discovered information not reasonably available at an earlier time) or other excusable circumstances as determined by the Chair of the Hearing Panel, no party may seek to introduce at the hearing any evidence not previously made available in accordance with the preceding sentence, other than the investigative report itself and any responses to the investigative report submitted by the parties pursuant to Section XI.

The Chair of the Hearing Panel will address any concerns regarding the consideration of information prior to and/or during the hearing and may exclude irrelevant information. Subject to the terms of this Policy, the Chair will have discretionary authority to determine all questions of procedure, to determine whether particular questions, evidence or information will be accepted or considered, to call breaks or temporary adjournments of the hearing, to alter the order of the proceedings from that described above, and/or to recall parties or witnesses for additional questions as the Chair deems necessary or appropriate. The Chair may impose additional ground rules as Chair may deem necessary or appropriate for the orderly and efficient conduct of the hearing, which will apply equally to both parties.

C. Advisors of Choice and Institutional Advisors

The complainant and the respondent may each have present with them during the hearing an advisor of their choice (at the party's expense, if the advisor is a paid advisor). If a party does not have an advisor present at the hearing, the College will provide, without fee or charge to that party, an advisor of the College's choice (known as an "institutional advisor") for the limited purpose of conducting questioning on behalf of that party as provided in this Policy.

Except with respect to questioning as described below, the advisor's role is limited to consulting with their advisee, and the advisor may not present evidence, address the Hearing Panel during the hearing, object to any aspect of the proceeding, or disrupt the hearing in any way, and any consultation with the advisee while the hearing is in progress must be done in a quiet nondisruptive manner or in writing. The advisor may consult with the advisee verbally outside the hearing during breaks, when such breaks are granted by the Chair of the Hearing Panel. An advisor's questioning of the other party and any witnesses must be conducted in a respectful, nonintimidating and non-abusive manner. If the Chair determines that an advisor is not adhering to these or other ground rules, the advisor may be required to leave the hearing, and the hearing will proceed without an opportunity for the party to obtain a replacement advisor; provided, however, that the College will assign an advisor of the College choosing, without charge, for the purpose of conducting questioning on behalf of the party as provided below.

Witnesses are not permitted to bring an advisor or other person to the hearing, absent an approved disability accommodation. The Hearing Panel may be advised by and/or consult with the College's legal counsel as the Chair of the Hearing Panel deems necessary or appropriate.

D. Questioning Procedures

The Hearing Panel will permit each party's advisor to ask the other party and any witnesses all

relevant questions and follow-up questions, including those challenging credibility; provided that questions that seek disclosure of information protected under a legally recognized privilege will not be permitted unless the person or entity holding the privilege has waived the privilege in writing. Questioning must be conducted by the party's advisor in a respectful, nonintimidating and non-abusive manner, and never by a party personally. If a party does not have an advisor of choice present at the hearing, the Assistant Dean for Title IX and Compliance will arrange for the College to provide without fee or charge to that party, an advisor of the College's choice (i.e., an "institutional advisor") to conduct cross-examination on behalf of that party.

Only relevant questions may be asked by a party's advisor to a party or witness. Before the party or witness answers a question posed by an advisor, the Chair of the Hearing Panel will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The advisor posing the question may request that the Chair reconsider any decision to exclude a question and the Chair, after soliciting the other party's advisor's opinion, will render a final determination. Such decisions by the Chair are final and not subject to further objection or reconsideration during the hearing.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, other than questions and evidence about the complainant's prior sexual behavior that (a) are offered to prove that someone other than the respondent committed the alleged misconduct, or (b) concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the hearing by a party's advisor as described above, the Hearing Panel may not rely on any statement of that party or witness, during the hearing or otherwise, in reaching a determination regarding responsibility. The Hearing Panel will not draw an inference as to responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination questions.

E. Hearing Determinations

Following conclusion of the hearing, the Hearing Panel will deliberate and render a determination by majority vote as to whether the respondent is responsible or not responsible for the alleged violation(s). The Hearing Panel will use "preponderance of the evidence" as the standard of proof to determine whether each alleged violation of the Policy occurred. "Preponderance of the evidence" means that the Hearing Panel must determine whether, based on the evidence presented, it is more likely than not that the respondent engaged in the conduct charged.

If the Hearing Panel determines that the respondent is responsible for one or more violations, the complainant and respondent will be invited by the Assistant Dean for Title IX and Compliance to submit a personal impact statement that will be provided to the Hearing Panel for consideration in determining appropriate sanctions. The Assistant Dean for Title IX and Compliance will set the time frame for the submission of personal impact statements which normally will be no less than three days. The Assistant Dean for Title IX and Compliance will provide each of the parties an opportunity to review any statement submitted by the other party.

In addition to the impact statement(s), if any, factors considered when determining sanctions may include:

- the nature and severity of, and circumstances surrounding, the violation(s);
- the respondent's state of mind at the time of the violation(s) (intentional, knowing, bias-motivated, reckless, negligent, etc.);
- the respondent's previous disciplinary history;
- the need for sanctions to bring an end to the conduct; and/or to prevent the future

recurrence of similar conduct;

- the need to remedy the effects of the conduct on the complainant and/or the community;
- the impact of potential sanctions on the respondent;
- sanctions imposed by the College matters involving comparable conduct; and
- any other lawful factors deemed relevant by the Hearing Panel.

The following are the sanctions that may be imposed upon students or organizations singly or in combination:

- Warning: A formal statement that the behavior was unacceptable and that further infractions of any College policy, procedure, or directive may result in more severe disciplinary action.
- Probation: A written reprimand for violation of the Policy, providing for more severe disciplinary sanctions in the event that the respondent is found in violation of any College policy, procedure, or directive within a specified period of time.
- Revocation of Privileges. This may include exclusion from extracurricular activities; ban from on-campus housing; restrictions on the respondent's presence on campus; prohibition on holding positions of leadership or, in the case of employees, positions with supervisory/managerial status or positions in particular departments or having particular responsibilities; reductions in pay for employee respondents; ban from campus events such as graduation; and/or other measures deemed appropriate.
- Suspension: Cessation of student or employment status for a definite period of time and/or until specific criteria are met. Suspensions from employment may be unpaid.
- Expulsion: Permanent termination of student status.
- Withholding Degree and/or Diploma: The College may withhold a student's degree and/or diploma for a specified period of time and/or deny a student participation in commencement activities.
- Other Actions: In addition to or in place of the above sanctions, the Hearing Panel may assign any other sanctions as deemed appropriate, including but not limited to the following:
    - Mandated counseling so the respondent has the opportunity to gain more insight into his/her/their behavior.
    - A "no contact" directive (including but not limited to continuation of a no contact directive imposed as a supportive measure) prohibiting contact with one or more identified persons, in person or through telephonic, electronic, written or other means. A no contact directive may include additional restrictions and terms.
    - Requiring the respondent to write a letter of apology.
    - Requiring unpaid service to the campus or local community stated in terms of type and hours of service.
    - Restitution for damage to or misappropriation of property, or for personal injury, and other related costs.
    - Loss, revocation or restriction of housing privileges (e.g., exclusion from specified locations or alteration of status in the housing lottery or other selection system).

F. Notice of Outcome

The Hearing Panel will issue a written determination including the following information:

- A description of the charges that were adjudicated;
- A description of the procedural steps taken from the submission of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the respondent, and whether remedies designed to restore or preserve equal access to the College's educational programs or activities will be provided to the complainant; and
- The procedures and permissible bases for the complainant and respondent to appeal.

The Hearing Panel Chair will provide the written determination to the parties simultaneously.

XIII. Appeals

A. Process for Appeal

A respondent or complainant may appeal: (1) a determination regarding responsibility, and (2) the College's dismissal of a formal complaint or any allegations therein.

If a party wishes to appeal a determination regarding responsibility or the dismissal of a formal complaint, the party must submit written notice to the Assistant Dean for Title IX and Compliance of the party's intent to appeal within 10 days of receiving the written notification of the appealable decision.

A respondent or complainant may appeal on the following bases:

- Procedural irregularity that affected the determination regarding responsibility or dismissal of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the determination regarding responsibility or dismissal of the matter; and
- The Assistant Dean for Title IX and Compliance, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the determination regarding responsibility or dismissal of the matter. The professional experience of an individual need not disqualify the person from the ability to serve impartially. Furthermore, bias is not demonstrated by working in complainants' or respondents' rights organization.
- The sanction is inappropriate (too severe or too light)

In addition to the three bases for appeal, College reserves the right to add additional bases for appeal that will be available equally to both the respondent and the complainant. Any additional bases of appeal that are added will not be applied retroactively to previous determinations and dismissals.

When a party submits a written notice of its intent to appeal to the Assistant Dean for Title IX and Compliance within 10 days of the appealable decision, College will notify the other party in writing and implement appeal procedures equally for both parties. If no written notice of either party's intent to appeal is sent, then the written determination becomes final after the time period to file an appeal (10 days) has expired.

Each party will be given a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. Each party will have at least 10 days to submit its written statement. If a party needs additional time, it can request such additional time from the decision-maker for the appeal. Such requests will be granted on a case-by-case basis. If the decision-maker for the appeal grants a request for additional time to submit a written statement, all parties will be granted the additional time.

B. Appeals Panel

When the respondent is a student, the Assistant Dean for Title IX and Compliance will be responsible for appointing an Appeals Panel consisting of two faculty and/or staff members.

When the respondent is a faculty member, the Assistant Dean for Title IX and Compliance will be responsible for appointing an Appeals Panel consisting of a Dean who was not involved in the Hearing Panel, who together with the Provost will constitute the Appeals Panel.

When the respondent is a staff member, the Assistant Dean for Title IX and Compliance will be responsible for appointing two employees (at the Director level or above) as an Appeals Panel not a part of the Hearing Panel.

If those two members cannot agree on an outcome, a third member will be appointed.

No decision-maker for the appeal will be the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Assistant Dean for Title IX and Compliance.

C. Appeals Panel Decision

The Appeals Panel will issue a written decision describing the result of the appeal and the rationale for the result. This decision will be provided to both parties simultaneously and in writing.

Once the appeal decision has been sent to the parties, the appeal decision is final.

XIV. Application to Faculty and Staff

One or more of the College's personnel policies or faculty and staff handbook policies may overlap with this policy in a particular situation. This policy will be applied to faculty and staff in any situation involving a Title IX Category violation where a student is the complainant or respondent. In all other situations (including those not involving students and/or not involving Title IX Category violations), the College reserves the right to apply this policy or another applicable College policy or process. The College will apply this policy to any situation where the College determines that Title IX requires the application of this policy

XV. Education for all Students

All students new to the Le Moyne Community (first years, transfers, part-time and graduate students) are required to participate in the Sexual Misconduct Education offered during their Orientation Process. Student Athletes must have documentation of completion of training prior to competition and student club and organization executive officers must have documentation of completion of training prior to recognition and budget approval.

XVI. Training

Responsible Administrators, persons assigned as investigators and individuals determining violations of this Policy will receive annual training on relevant topics, including discrimination, harassment, sexual assault, stalking, domestic violence and dating violence and how to conduct timely investigations (including specifically investigations involving sexual assault, domestic and dating violence and stalking), the right during investigatory and adjudicatory proceedings to a presumption of "not responsible" until a finding of responsibility is made, the College's disciplinary proceedings, protecting the safety of the community, and respectful treatment of all parties.

XVII. Academic Freedom

Le Moyne College supports and protects the principle of academic freedom. All members of the Le Moyne community have a right to use the academic forum provided by the College to discuss controversial subjects and express unpopular or unfamiliar ideas. However, under the shield of academic freedom, members of the community do not have the right to sexually harass others or engage in other acts of Sexual Misconduct. Nor may any member of the community implicitly or explicitly use the threat of filing a Sexual Misconduct report as a mechanism for the advancement of certain ideas and the silencing of others.

XVIII. Recordkeeping

The record-keeping procedures outlined here are designed to protect the privacy of individuals to the maximum degree consistent with protection of the Le Moyne College community against future Sexual Misconduct. Records of information inquiries, reports and responses filed, notes and materials, and dispositions of cases will be maintained in a locked file by the Assistant Dean for Title IX and Compliance.

When a report is received, the Assistant Dean for Title IX and Compliance will check the file to determine whether a report has previously been recorded against the same individual, but not acted upon. If so, the College may attempt to contact the earlier reporting party(ies) and any witnesses named in order to suggest the possibility of joint action or participation as a witness, while still maintaining appropriate levels of privacy. Such persons have the right to decline to participate, although the College may decide to move forward on its own. The Assistant Dean for Title IX and Compliance shall also use this file to determine whether previous findings have been reached involving the person complained against and may use that information as appropriate.

XIX. Transcript Notation

In the event any student is found responsible for conduct which constitutes a crime of violence that must be reported under the Clery Act (including aggravated assault and sexual violence) and is suspended or expelled as a result, his/her transcript will note that they were suspended or expelled, as appropriate, for a finding of responsibility for a code of conduct violation (or words to that effect). A student who withdraws with such charges pending and does not participate through completion in any College process will have noted on his/her transcript that he/she withdrew with charges pending (or words to that effect). (The College reserves the right to process to completion a report filed against a student, and impose a sanction, notwithstanding his or her withdrawal.) Pursuant to the College's Policy on transcript notations, a student who has been suspended may be eligible to seek to have the notation removed, but not sooner than one year following completion of the suspension. A request for a removal of a suspension notation should be addressed to the Assistant Dean for Title IX and Compliance.

XX. Clery Act Compliance

The College is required to include for statistical reporting purposes the occurrence of certain incidents in its Annual Security Report (ASR). Names of individuals involved in incidents are not reported or disclosed in ASRs. In the case of an emergency or ongoing dangerous situation, the College will issue a timely warning to the campus. In such circumstances, the name of the complainant may be disclosed to the community, but the name of the complainant will not be disclosed.

XXI. Coordination with Other Policies

A particular situation may potentially invoke one or more College policies or processes. The College reserves the right to determine the most applicable Policy or process and to utilize that Policy or process. Without limiting the foregoing, the Hearing Panel has the authority to review allegations of collateral misconduct, meaning that it hears all allegations of Sexual Misconduct, but also may hear any allegations of additional conduct or Policy violations that are alleged to have occurred as part of the same set of circumstances as the alleged Sexual Misconduct, even though those collateral allegations may not otherwise fall within the Hearing Panel's jurisdiction.

In cases where the individual has more than one status with the College (such as a student who is also employed with the College, or any employee who takes courses at the College), the College will determine in its discretion which status is primary; in such a situation, sanctions imposed may include both sanctions related to each status.

XXII. Delegation of Authority/Interpretation

The Assistant Dean for Title IX and Compliance may delegate any of his/her responsibilities and/or authorities under this Policy to a Deputy Title IX Coordinator, as appropriate.

The Assistant Dean for Title IX and Compliance may also delegate the authority of any other person with a role under this Policy to another appropriate (including appropriately trained) College official, including in order to avoid conflicts of interest or where time constraints or other obligations prevent a College official named in this Policy from fulfilling his/her designated role.

Final interpretation of any provision of these policies is vested in the Assistant Dean for Title IX and Compliance. Issues that are not specifically addressed in these policies may be resolved by the Assistant Dean for Title IX and Compliance Coordinator.

Any person with a designated role pursuant to this Policy may be substituted for another person as necessary to avoid conflicts of interest or for other good cause, including unavailability of the designated person.

XXIII. Time Limits

The Assistant Dean for Title IX and Compliance may extend any time limits provided for in this Policy for good reason.

XXIV. Policy Compliance

Any person with a concern about the College's handling of a particular matter should contact the Assistant Dean for Title IX and Compliance.

The U.S. Department of Education, Office for Civil Rights is a federal agency responsible for ensuring compliance with Title IX. OCR may be contacted at 400 Maryland Avenue, SW, Washington, DC 20202-1100, 1-800-421-3481.

XXV. Modification

This policy may be amended by the President in consultation with the Board of Trustees.

Appendix A

RIGHTS IN CASES INVOLVING SEXUAL ASSAULT, DOMESTIC/DATING VIOLENCE AND STALKING

Anyone reporting an incident of sexual assault, domestic or dating violence or stalking has the right to:

A. Emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a reporting individual and who can provide information, including:

(i) options to proceed, including the right to make a report to Campus Safety (reports to Campus Safety are reported to the Assistant Dean for Title IX and Compliance), Local Law Enforcement, and/or the New York State Police or choose not to report; to report the incident to the College; to be protected by the College from retaliation for reporting an incident; and to receive assistance and resources from the College, as set out in the Le Moyne College Sexual Harassment and Sexual Misconduct Policy, which can be found at www.lemoyne.edu/studenthandbook.

(ii) where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible;

(iii) that the criminal justice process utilizes different standards of proof and evidence than the College's misconduct procedures and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney;

(iv) whether the person they are reporting to is authorized to offer confidentiality or privacy; and

(v) Any other reporting options.

B. If they are a student, to contact the College's Wellness Center for Health and Wellness Center of Counseling, where they may be offered confidential resources pursuant to applicable laws/policies and can be assisted in obtaining services for reporting individuals; if they are not a student but are otherwise a member of the College community, to contact non-College confidential resources, including:

(i) Vera House: (315) 468-3260

(ii) St. Joseph's Hospital Emergency Room: (315) 448-5101

(iii) Upstate University Hospital Emergency Room: (315) 464-5611

(iv) Crouse Hospital Emergency Room: (315) 470-7411

C. Disclose confidentially the incident and obtain services from the state or local government;

D. Disclose the incident to the College's Responsible Administrators who can offer privacy or, in appropriate cases determined by the Assistant Dean for Title IX and Compliance, confidentiality, subject the College's Sexual Harassment and Sexual Misconduct Policy (which can be found at www.lemoyne.edu/studenthandbook), and can assist in obtaining resources for reporting individuals;

E. File a report of sexual assault, domestic violence, dating violence, and/or stalking and consult the Assistant Dean for Title IX and Compliance and other appropriate College personnel for information and assistance. Reports shall be investigated in accordance with College Policy. A reporting individual's identity shall remain private if that is what the reporting individual wishes, however privacy is not the same as confidentiality; private information can be shared to implement and fulfill the College's obligations under the law and its Sexual Harassment and Sexual Misconduct Policy and related Procedures;

F. Disclose, if the respondent is a College employee of the institution, the incident to Human Resources or to request that a private employee assist in reporting to Human Resources; and

G. Receive assistance from appropriate College representatives if interested in initiating legal proceedings in family court or civil court, such assistance to consist of facilitation in contacting appropriate local agencies (e.g., Vera House), who can provide direct assistance with court proceedings.

H. Withdraw a complaint or involvement from the College processes at any time, with the understanding that in appropriate cases, the College may nonetheless be required to proceed even if the reporting individual does not wish to do so.

Information about available resources, including intervention, mental health counseling and medical services that might be available to anyone reporting an incident can be found at www.lemoyne.edu/assaultresources. In addition, information on sexually transmitted infections and sexual assault forensic examinations can be obtained from the Health Center, if a student, or from the Hospitals listed above, if an employee. Certain resources are also available to victims of crimes through the New York State Office of Victim Services, www.ovs.ny.gov.

Phone Numbers

From off campus, the Campus Security phone number is (315) 445-4444.

From on-campus phones, dial:

Campus Security	x4444
Student Development	x4525
Campus Life and Leadership	x4520
Wellness Center (Health Services)	x4440
Wellness Center (Counseling Services)	x4195
Visit our Web site at: www.lemoyne.edu/wellness.	
Physical and emotional health services for victims of sexual offenses can be accessed through the Wellness Center for Health and Counseling.	
Information	x4100

Off Campus:

Vera House (24-hour crisis response)	(315) 468-3260

WELLNESS CENTER FOR HEALTH AND COUNSELING

The Wellness Center for Health and Counseling offers a variety of preventative and awareness programming throughout the year, especially in the area of sexual assaults. It maintains a resource library, as well as Facebook and Instagram pages and Web page with additional resources, which includes steps to take in the event of an assault.

Every year incoming freshmen participate in a mandatory program related to sexual assault awareness and prevention. In addition, all resident advisors are trained by members of the Wellness Center for Health and Counseling in the areaof sexual assault awareness and response strategies, including, but not limited to, medical attention, legal options and referrals.

In collaboration with a variety of campus partners, the Wellness Center for Health and Counseling conducts regular programming each semester on sexual assault prevention, safety, alcohol harm reduction, healthy relationships, relationship abuse and bystander intervention.

The Wellness Center for Health and Counseling also provides direct clinical counseling and health services to victims of sexual assault and domestic violence. During the academic year, victims can access Le Moyne's confidential support and counseling in a crisis by calling (315) 445-4195. The center can also make referrals to our community resources for specialized care.

Drug and Alcohol Abuse Programs

The Wellness Center for Health Counseling at Le Moyne College offers a variety of services and resources regarding alcohol and other drugs. Students can obtain confidential assessments as well as engage in individual psycho-therapy and psycho-educational sessions to discuss their substance use. There is also the availability of group therapy as well as campus-wide psycho-educational programs. The Wellness Center also provides referrals to other AOD resources in the community.

Counselor on Call – dispatched through Campus Security at (315) 445-4444

Emergency and non-emergency counseling is available to all students by contacting the Counseling Center at (315) 445-4195 during normal business hours. Outside of normal business hours, a professional counselor from Liberty Resources is available for emergency consultations. Students may contact the Department of Campus Safety & Security after hours at (315) 445-4444 to facilitate contact between Liberty Resources and the individual student when necessary. Services provided by both the Wellness Center for Health and Counseling and Liberty Resources are free of charge and strictly confidential, except in life threatening emergencies.

SEX OFFENDER REGISTRY INFORMATION

In accordance with the Federal Campus Sex Crimes Prevention Act of 2000, Campus Security is providing a link to the New York State Sex Offender Registry. This law requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by the state may be obtained concerning registered sex offenders. It requires sex offenders already required to register in a state to provide notice, as required under law, of each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student.

Members of the Le Moyne College community may obtain information concerning registered sex offenders by visiting the New York State Sex Offender registry's website at: **www.criminaljustice.ny.gov/nsor**.

Missing Persons

Campus Security will immediately accept and investigate every report of a missing person who resides in an on-campus student housing facility. The reporting person should immediately contact Campus Security by calling x4444 from an on-campus phone or (315) 445-4444. There is no prerequisite time limit before an individual can be reported missing and no specific individual who can report another missing.

If the initial investigation determines that the student is missing and has been missing for more than 24 hours or special circumstances warrant, local law enforcement will be notified.

Missing Person Contact

Every student living in an on-campus student housing facility is required to complete a "Key Card/Emergency Contact Form" with the Office of Campus Life and Leadership. This form also provides the option for students living in an on-campus student housing facility to provide a confidential missing person contact to be notified in the event a student is determined to be missing for more than 24 hours. We encourage all resident students to provide this missing person contact. If a student has identified such an individual, Le Moyne College will notify that individual no later than 24 hours after the student is determined to be missing. The missing person contact is confidential and this information will only be accessed by authorized campus officials and law enforcement officers in the furtherance of a missing person investigation.

If the student is under 18 years of age and is not an emancipated individual, Le Moyne College is required to notify the custodial parent or legal guardian after the determination has been made that the student has been missing for more than 24 hours.

Access to Campus Facilities

Most campus buildings and facilities are accessible to members of the campus community as well as guests and visitors during normal business hours (Monday through Friday, 8:30 a.m. to 4:30 p.m.). There are limited designated hours on Saturdays when the College is in normal operation. (This excludes most holidays.)

Residence halls however are locked 24 hours a day. Access is available to all authorized students and staff via an ID card access control system. Individuals not in possession of a valid ID must call either Campus Security or their host for admittance. Telephones are located at the main entrance to all residence halls.

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MAINTENANCE AND SECURITY OF CAMPUS FACILITIES

Le Moyne College maintains a very strong commitment to campus safety and security. Exterior lighting is an important part of this commitment. The motor vehicle parking lots, pedestrian walkways and building exteriors are well lighted. Informal surveys of exterior lighting on campus are conducted by Campus Security officers and Physical Plant employees on a routine basis. A comprehensive inspection of all exterior lighting is conducted by representatives of the Department of Security and Physical Plant at least twice a year. Members of the campus community are encouraged to report any exterior lighting deficiencies to the Campus Security at (315) 445-4444 or to Physical Plant at (315) 445-4500 or on-line by submitting a "School Dude" work request.

Campus Security and the Physical Plant representatives conduct routine surveys of all exterior doors on campus. The purpose of this inspection is to ensure exterior doors and locking mechanisms are working properly. Exterior doors on campus buildings are locked and secured each evening by security officers. Deficiencies in door and security hardware are also reported by these security officers daily.

The security personnel routinely examine the grounds on campus to ensure that shrubbery, trees and other vegetation have been trimmed to reduce potential dangers.

There are no off-campus locations of student organizations recognized by the institution or any off-campus housing facilities of such student organizations.

SMOKE FREE/TOBACCO FREE POLICY

Inspired by the Jesuit commitment to cura personalis, Le Moyne College is committed to promoting a healthy and safe environment for students, faculty, staff and visitors. There is considerable evidence that smoking and the use of tobacco products is harmful to those using the products, and with regard to smoke, to those in the proximity of smokers.

This policy is intended to reduce the health risks related to smoking, secondhand smoke and tobacco usage for the campus community.

Smoking and the use of tobacco products is prohibited on all property owned, leased or operated by Le Moyne College. This includes all indoor and outdoor campus spaces including but not limited to campus buildings, grounds, exterior open spaces, parking lots, on-campus sidewalks, streets, driveways, athletic facilities, practice facilities, recreational spaces and in all College owned or operated vehicles.

This policy applies to all individuals on the Le Moyne College campus, including students, faculty, staff, parents, and visitors, including vendors, contractors and service providers.

Smoking is defined as the burning of tobacco or any other material in any type of smoking equipment, including but not limited to cigarettes, cigars, pipes, hookahs, e-cigarette devices and electronic nicotine delivery systems.

Tobacco products are defined as any and all forms of tobacco and smokeless tobacco, including but not limited to cigarettes, cigars, snuff, dipping tobaccos, pouches, dissolvable tobaccos, tobacco waters and pastes.

Members of the Le Moyne community who do not comply with the policy will be addressed, reminded of the importance of compliance and referred to the informational materials available regarding how to comply with this policy and to cessation materials.

Members of the Le Moyne College community who refuse to comply with this policy may be subject to corrective action through the applicable process. Faculty and staff members alleged to be in violation of the policy are subject to corrective action as administered by the Office of Human Resources. Students alleged to be violating the policy are subject to corrective action through the appropriate student conduct process as administered by the Division of Student Development. Visitors, including vendors, contractors and any service providers, will be subject to whatever remedies are available to the College and administered by the Department of Campus Security or other appropriate office.

In accordance with the applicable law and Le Moyne College policy, any individual can voice objections to potential violations of this policy in an appropriate manner without fear of retaliation.

FIRE SAFETY

Le Moyne College is committed to providing a safe and secure campus. Fire safety is a key component to achieving that goal and requires a coordinated effort from the entire campus community. All fire incidents should be reported to Campus Security immediately (315) 445-4444.

In an effort to minimize the potential for fires in our on-campus housing facilities, Le Moyne College has strict policies that are enforced by campus life and leadership staff, Environmental Health & Safety and Campus Security. Health and safety inspections are conducted twice a semester in every residence housing facility in an effort to identify any potential problems or prohibited items. Violations are referred to the Office of Judicial Affairs.

Due to Le Moyne's unique geographic location, which includes six residence halls, 15 apartment style housing units and several residential housing units. The campus is protected by three fire departments: the Syracuse Fire Department, DeWitt Fire Department and East Syracuse Fire Department.

STUDENT HOUSING EVACUATION PROCEDURES

- When the fire alarm sounds, all persons must evacuate the building.
- Do not use elevators.
- Shut and lock your door when you leave.
- Take your key with you.
- Move well away form the building to allow emergency responders room to work.
- Do not re-enter the building until instructed to do so by emergency personnel or security.

In case of fire

- If you see a fire pull a fire alarm pull station
- Exit the building using the nearest exit (always have two exit points)
- Be familiar with stairwells and where they lead to
- Do not use elevators
- Do not attempt to extinguish the fire yourself
- If you hear the fire alarm exit the building immediately
- If you have pertinent information about the fire call security at (315) 445-4444

CANDLES/INCENSE

- Candles and incense are not permitted in any on-campus residence facility or apartment. Candles and incense will be confiscated and disposed of properly. Residents found with a candle and/or incense in their room/suite/townhouse/apartment will be subject to a $50.00 fine.

APPLIANCES

Students who bring appliances such as television sets, stereos, microwaves, irons and sewing machines should make sure they are in good working order. Extension cords or multiple plugs are not permitted. Any special requirements should be discussed with the residence hall or Physical Plant staff. It is a good practice to keep all appliances disconnected when not in use. During severe electrical storms, this practice is especially important. The rooms and suites were not designed for cooking. Since cooking and open coil appliances can be extremely dangerous, the following items are not permitted on campus in any student rooms or suites: coffee pots, hotplates, sandwich makers, toaster ovens and electric grills.

Residents at the Townhouses, Le Moyne Heights, Le Moyne View and College-owned homes may use any of the above cooking items in their kitchen area only. When using kitchen facilities, students are reminded not to leave any cooking items unattended. Students found to have left cooking items unattended will be subject to disciplinary action. Space heaters and propane tanks are not allowed in any residential area. Outdoor grills must be at least 15 feet from any building.

NEW YORK STATE FIRE INSPECTIONS

On a yearly basis, the New York State Office of Fire Prevention and Control conducts inspections on campus to include academic buildings, residence halls, student rooms and mechanical rooms. These inspections are based on the NYS Fire and Property Maintenance Code and National Fire Protection Association standards. Additionally, if any violations are found, the Office of Fire Prevention and Control will conduct a follow-up inspection to ensure that all violations have been corrected.

ANNUAL FIRE SYSTEM INSPECTIONS

Our fire safety systems in each on campus residential facility are inspected annually by New York state-licensed inspectors. During these inspections, all components of the fire safety system are checked for proper function ability. These tests include the fire panel, heat detectors, smoke detectors, audible horns, strobes, battery backup, etc. Every device associated with the buildings fire safety system is tested.

Also, every fire extinguisher on campus is checked in order to verify the fire extinguisher is in its proper location, is readily accessible, and is full and free of defects. Inspections are conducted monthly, yearly and every five years as required by law.

FIRE AND SAFETY REGULATIONS

It is essential that all students become familiar with the stairways and all exit doors from the residence halls. The location of fire extinguishers should be carefully noted. In the event that a fire is noticed anywhere on campus, the fire alarm should be pulled, then Campus Security should be called immediately at (315) 445-4444 from a safe location and given the exact location of the fire. The dispatcher will contact and dispatch security personnel and the appropriate fire department.

Meetings are held during the academic year at which fire drill procedures are explained. Failure to exit a building during a fire alarm is a violation of New York state law. Disciplinary action and a fire safety fine may be imposed for failure to respond to a fire alarm. Any student found to have falsely initiated a fire alarm will be subject to strict disciplinary sanctions, as well as potential criminal charges.

FIRE SAFETY EDUCATION

All incoming freshmen attend a fire safety presentation. Instructors discuss what participants should expect and discuss the proper evacuation procedures.

Campus Life and Leadership staff, as well as Campus Security personnel, provide yearly training to all area directors and resident advisors in the area of fire safety and emergency response. Proper evacuation procedures are discussed, along with an overview on how the automatic fire sprinkler system operates, as well as hands-on fire extinguisher training for all campus life and leadership staff.

During the first week of school, resident advisors review fire safety protocols at hall meetings with all students living in on campus housing.

FIRE DRILLS

In accordance with the New York State Fire Code, fire drills are conducted a minimum of four times per year in all residence halls and three times a year in all non residential facilities. Additional fire drills are also required during the summer for students, organizations and camps utilizing on campus residential housing. All fire drills are coordinated by Campus Security to ensure compliance and that proper evacuation procedures are being followed. All fire drills are documented for the New York State Fire Inspections, which are conducted annually.

It is imperative that you evacuate the building immediately every time the fire alarm is activated.

KERRY ROSE SPRINKLER COMPLIANCE 2025

The Kerry Rose Fire Sprinkler Notification Act of 2013 requires the College to provide a written fire safety notification to each student living in a college-owned or operated housing facility, both on and off campus. The notification consists of a description of the fire safety system for the student's housing facility, including whether or not the housing facility is equipped with a fire sprinkler system. The notification also includes information on how to access the College's campus fire safety report required by federal law.

In accordance with the Kerry Rose Fire Sprinkler Notification Act, this written notification is being provided to you as you receive the key to your assigned room. Please review the following chart to better familiarize yourself with the fire safety features present in your residential facility.

Fire Safety Systems in Le Moyne College Student Housing

Residence Halls	Proprietary fire alarm system	Full sprinkler system	Smoke detection	Fire extinguishers	Evacuation plans posted	Yearly fire drills
Dablon Hall	X	X	X	X	X	4
Foery Hall	X	X	X	X	X	4
Harrison Hall	X	X	X	X	X	4
Mitchell Hall	X	X	X	X	X	4
Nelligan Hall	X	X	X	X	X	4
St. Mary's Hall	X	X	X	X	X	4
Le Moyne Heights 1	X	X	X	X		4
Le Moyne Heights 2	X	X	X	X		4
Le Moyne Heights 3	X		X	X		4
Le Moyne Heights 4	X		X	X		4
Le Moyne View 1	X		X	X		4
Le Moyne View 2	X		X	X		4
Townhouse 1	X		X	X		4
Townhouse 2	X		X	X		4
Townhouse 3	X		X	X		4
Townhouse 4	X		X	X		4
Townhouse 5	X		X	X		4
Townhouse 6	X		X	X		4
Townhouse 7	X		X	X		4
Townhouse 8	X		X	X		4
Townhouse 9	X		X	X		4
302 DeMong Drive	X		X	X		4
304 DeMong Drive			X	X		4
101 Masters Road	X		X	X		4
102 Masters Road	X		X	X		4
307 Springfield Road	X		X	X		4
315 Springfield Road	X		X	X		4
511 Springfield Road	X		X	X		2
515 Springfield Road			X	X		4
523 Springfield Road			X	X		4
525 Springfield Road	X		X	X		4
537 Springfield Road	X		X	X		4
5809 Thompson Road	X		X	X		4
5813 Thompson Road	X		X	X		4
5823 Thompson Road	X		X	X		4
543 Fayette Blvd	X		X	X		4

x = included

The campus fire safety report is part of the College's Annual Campus Security and Fire Safety Report. It can be viewed online at: lemoyne.edu/annualreport

Please contact the Student Development Office at (315) 445-4525 if you have any questions with the above information.

Document provided to students at check-in to residential buildings August 2025.

Fire Safety Systems in Le Moyne College Student Housing

Residence Halls	Proprietary fire alarm system	Full sprinkler system	Smoke detection	Fire extinguishers	Evacuation plans posted	Yearly fire drills
612 Audubon Pkwy.			X	X		4
630 Audubon Pkwy.			X	X		4
209 Fayette Blvd.			X	X		4
254 Fayette Blvd.			X	X		4
400 Fayette Blvd.			X	X		4
201 Harwood Ave.			X	X		4
118 Melbourne Ave.			X	X		4
136 Melbourne Ave.			X	X		4
142 Melbourne Ave.			X	X		4
143 Melbourne Ave.			X	X		4
102 Phillips Ave.			X	X		4
109 Phillips Ave.			X	X		4
110 Phillips Ave.			X	X		4
115 Phillips Ave.			X	X		4
117 Phillips Ave.			X	X		4
609 Salisbury Pk. Dr.			X	X		4
1474 Salt Springs Road			X	X		4
1600 Salt Springs Road			X	X		4
1606 Salt Springs Road			X	X		4

x = included

The campus fire safety report is part of the College's Annual Campus Security and Fire Safety Report. It can be viewed online at: lemoyne.edu/annualreport

Please contact the Student Development Office at (315) 445-4525 if you have any questions with the above information.

Document provided to students at check-in to residential buildings August 2025.

2025 On Campus Student Housing Fires

Residential Facilities	Total fires in each building	Case #	Date	Time	Number of injuries	Number of deaths	Cause of fire	Value of property damage
Dablon Hall	0							
Foery Hall	0							
Harrison Hall	0							
Mitchell Hall	0							
Nelligan Hall	0							
St. Mary's Hall	0							
Le Moyne Heights 1	0							
Le Moyne Heights 2	0							
Le Moyne Heights 3	0							
Le Moyne Heights 4	0							
Le Moyne View 1	0							
Le Moyne View 2	0							
Townhouse 1	0							
Townhouse 2	0							
Townhouse 3	0							
Townhouse 4	0							
Townhouse 5	0							
Townhouse 6	0							
Townhouse 7	0							
Townhouse 8	0							
Townhouse 9	0							
302 DeMong Drive	0							
304 DeMong Drive	0							
101 Masters Road	0							
102 Masters Road	0							
307 Springfield Road	1	25-97739	3/9/25	6:16 p.m.	0	0	Cooking On Stove Top	$0.00
511 Springfield Road	0							
515 Springfield Road	0							
523 Springfield Road	0							
525 Springfield Road	0							
537 Springfield Road	0							
5809 Thompson Road	0							
5813 Thompson Road	0							
5823 Thompson Road	0							
543 Fayette Blvd	0							

2025 On Campus Student Housing Fires

Residential Facilities	Total fires in each building	Case #	Date	Time	Number of injuries	Number of deaths	Cause of fire	Value of property damage
612 Audobon Pkwy.	0							
630 Audobon Pkwy.	0							
209 Fayette Blvd.	0							
254 Fayette Blvd.	0							
400 Fayette Blvd.	0							
201 Harwood Ave.	0							
118 Melbourne Ave.	0							
136 Melbourne Ave.	0							
142 Melbourne Ave.	0							
143 Melbourne Ave.	0							
102 Phillips Ave.	0							
109 Phillips Ave.	0							
110 Phillips Ave.	0							
115 Phillips Ave.	0							
117 Phillips Ave.	0							
609 Salisbury Pk. Dr.	0							
1474 Salt Springs Rd.	0							
1600 Salt Springs Rd.	0							
1606 Salt Springs Rd.	0							

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)

This Annual Campus Security and Fire Safety Report is produced in compliance with the Clery Act. It is designed to provide a comprehensive review of campus crime statistics, policies, services and resources that aid in the prevention of crime and overall safety of the Le Moyne Community. You will also find in the annual report Le Moyne College's crime statistics for the past three years. Crime statistic information may also be obtained directly from the United States Department of Education's website at: http://ope.ed.gov/security. This report is also available at www.lemoyne.edu/security or by written request.

Campus Security Authority

The Jeanne Clery Act mandates that certain crimes are reported for inclusion in the annual security report. In an effort to achieve the most accurate statistics possible The Jeanne Clery Act has identified Campus Security Authorities as mandated reporters. Campus Security Authority is a Clery specific term that encompasses four groups of individuals:

- A campus police or security department
- Any individual(s)who have responsibility for campus security, but do not constitute a campus police or security department
- Any individual or organization specified in an institutions statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including but not limited to, student housing, student discipline and campus judicial proceedings.

Clery Exemption for Pastoral and Professional Counselors

There are two types of individuals who, although they have significant responsibility for student and campus activities, are not campus security authorities under Clery:

- **Pastoral counselor:** 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.
- **Professional counselor:** A person whose official responsibilities include providing mental health counseling to members of the institutions community and who is functioning within the scope of his or her license or certification.

IMPORTANT PHONE NUMBERS

Campus Security	(315) 445-4444
Student Development	(315) 445-4525
Campus Life and Leadership	(315) 445-4520
Wellness Center (Health Services)	(315) 445-4440
Wellness Center (Counseling Services)	(315) 445-4195

Visit our Web site at: www.lemoyne.edu/wellness.

Physical and emotional health services for victims of sexual offenses can be accessed through the Wellness Center for Health and Counseling.

Information	(315) 445-4100

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Prepared by the Le Moyne College Security Department in 2026.