



**EXCELSIOR
UNIVERSITY**

2025

ANNUAL SECURITY REPORT

(Statistics for 2024, 2023, and 2022)

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INTRODUCTION

The safety of our community is an important priority of Excelsior University. The Jeanne Clery Campus Safety Act (Clery Act) is a federal law that mandates higher education institutions receiving federal funding to share and report on certain criminal offenses occurring in specific locations and provide information about safety policies. Institutions are also required to publish and distribute an annual security report reflecting this information, including statistics from the prior three calendar years, by October 1.

This report is published by Excelsior University in accordance with this federal law. Excelsior makes this report publicly available on its website (<https://www.excelsior.edu/wp-content/uploads/2025/09/2025-Annual-Security-Report.pdf>), where all members of the community as well as prospective students can access it. The University notifies currently enrolled students and employees of the availability of this report by October 1 each year. Additionally, a paper copy may be requested by sending a written request by mail to:

Excelsior University
Office of Legal Affairs
7 Columbia Circle
Albany, NY 12203

Excelsior University's Annual Security Report is prepared by representatives from the Office of Legal Affairs, the Office of Information and Technology Services, the Office of Human Resources, the Office of Enrollment Management and Marketing, the Office of Risk Management, and the Center for Social Justice. The crime statistics are compiled from law enforcement and Campus Security Authority reports and reviewed by the Office of Legal Affairs.

PHYSICAL SECURITY

On-Campus and Non-Campus Properties

Excelsior University is committed to a safe and secure environment for all students, employees, faculty, and visitors within both our online education system and our physical spaces. We have multiple office buildings for administrators comprising our on-campus property located at 3, 5, and 7 Columbia Circle, Albany, NY 12203. Additionally, Excelsior University has a non-campus location at the U.S. Army Sergeants Major Academy, Fort Bliss, Texas; U.S. Army Fort Cavazos Education Center, Fort Cavazos, Texas; and various locations throughout the country to accommodate nursing students as they complete clinical experiences.

Employee Access

As a vital part of the Excelsior University physical security system, each employee working out of our Albany offices is issued on the first day of employment an ID badge that grants access to Excelsior University buildings and other secured areas, as necessary. Access ID badges are distributed to employees by the approval of their manager or higher-level employee. In all buildings, each employee has their own ID badge and all ID badges are maintained by Fiscal and Facility Services. The University's Facilities team issues ID badge rights, grants access to campus facilities based on the requirements of an employee's job, and maintains the database to ensure only those individuals authorized to access Excelsior University buildings are able to do so.

If an employee's access ID badge is lost or stolen, they must obtain a replacement. Employees are required to report lost or stolen ID badges to their manager and Help Desk for immediate deactivation. Upon suspension or termination, an employee must return the access ID badge to Human Resources or to their manager, and the ID badge is promptly deactivated.

Visitors

Visitors are required to sign in at the front desk of Excelsior University building 7. All visitors are provided with a visual badge. In certain cases, and at the discretion of the Facilities manager, a visitor may be provided an access ID badge with limited access privileges. Visitors must be escorted by an Excelsior University employee or authorized contractor at all times while on site.

All visitors to the Albany campus must check in using the iPad located in the lobby of Building 7. The software uses both a contact and contactless method to check in.

Personal Responsibility

Employees are encouraged to take personal responsibility for their safety and security as well as for the safety and security of others and to immediately report all suspected criminal activity and emergencies to police by dialing

9-1-1. Employees are encouraged to contact a Campus Security Authority (CSA) or Human Resources if they become aware of unusual or suspicious activity in or around campus. Excelsior University instructs employees to never prop open building doors or open building doors for anyone not wearing an approved Excelsior University ID badge. These "best practices" are communicated to employees via the company intranet, via email and via an annual required training. Because students rarely are present on campus, similar informational efforts are not directed toward our student population.

Campus Security Cameras

All building entrances are equipped with access control readers that allow those with credentialed access (ID badges) to access Excelsior buildings. Each entrance is also equipped with a security camera and activity is recorded and can be reviewed up to 30 days later.

Campus Security Informational Programs/Training

Excelsior University maintains an informational training program for employees on our security procedures and practices. This training is conducted at every new hire orientation and annually thereafter. Additional resources are also available on the University intranet. Information on Excelsior University's efforts to encourage the campus community to look out for themselves and one another is discussed above under "Personal Responsibility."

Campus Law Enforcement

We do not employ any sworn or commissioned law enforcement personnel. Facilities staff are not authorized to make arrests and are not campus police. Staff team members will assess a situation, and Excelsior University will cooperate with state and local law enforcement agencies in the event of an investigation into alleged criminal offenses on or near campus. No written memoranda of understanding (MOU) or other written agreement has been entered into between Excelsior University and a law enforcement agency.

Excelsior University encourages employees and students to accurately and timely report crimes to a CSA via email (CSA@excelsior.edu) and/or local law enforcement, including in circumstances when the victim of a crime elects to, or is unable to, make such a report.

Excelsior University Campus Security Authorities (CSAs)

Excelsior University identifies the following departments and individuals as CSAs^①:

CENTER FOR SOCIAL JUSTICE

- ▶ Title IX Coordinator

INFORMATION TECHNOLOGY SERVICES

- ▶ Chief Operating Officer for Information Technology, Information Technology Services
- ▶ Director of Technical and Facilities Services

OFFICE OF HUMAN RESOURCES

- ▶ Vice President of Human Resources

STUDENT AFFAIRS

- ▶ Director of Student Success

FISCAL SERVICES

- ▶ Chief Financial Officer

The above identified CSAs will:

- ▶ Serve as a point of contact for students and employees regarding emergencies, crimes, and safety and security issues;
- ▶ Notify the proper University officials whenever the CSA is aware of a known or suspected crime on campus, public property, or on non-campus property as each is defined by the Clery Act; and

- ▶ Report or assist Excelsior University in the reporting of a crime or suspected crime to the local police department and cooperate with any resulting investigations.

Excelsior University is responsible for responding to complaints made by employees and students regarding security and safety concerns. All complaints regarding security-related activity constitutes an incident report, which is kept on file. Evidence such as emails, etc. will be maintained. CSAs should never place themselves or anyone else in immediate danger. Police or other local law enforcement should be utilized for potentially dangerous situations. A non-exhaustive list follows of the types of complaints Excelsior University may receive and the actions it may take to resolve them:

- ▶ **Missing Item(s)**—Excelsior University will obtain pertinent information from the complainant. If the complainant believes the personal item was stolen, Human Resources will notify the complainant that they also may wish to report it to police. Excelsior University will conduct an investigation and make the complainant aware of the results.
- ▶ **Reckless Driving**—Excelsior University will obtain pertinent information and investigate using available security resources. If the incident of reckless driving endangers pedestrians, Excelsior University will contact the local police department with a description and location of the vehicle.
- ▶ **Reports of Assault**—Excelsior University will respond, and if the scene is secure, will confirm whether the victim needs medical assistance and will assist accordingly. If the scene is unsecure, Excelsior University will contact the local police department for further assistance. Excelsior University will notify relevant parties if the alleged assault involved an employee, and the Title IX Coordinator if the alleged assault was sexual in nature and/or involved an Excelsior University student. The Office of Human Resources will obtain necessary information for an incident report. The Office of Human Resources will maintain the confidentiality of information regarding sexual assault complaints to the extent permitted by law and in accordance with Excelsior University policy.

^① This list is subject to change from time to time as Excelsior University may determine at its sole discretion.

- ▶ **Suspicious Person**—Excelsior University will obtain a description and location of the suspicious person from the complainant and check the surrounding area. If the suspicious person is located, Excelsior University will monitor the person's activity and notify police, if necessary. Excelsior University will notify the complainant that the issue was addressed.
- ▶ **Threat**—Excelsior University will evaluate the threat according to its nature and determine if anyone or any Excelsior University property is at risk. If so, Excelsior University will call the local police department and provide them with all necessary information.
- ▶ **Unlawful Entry**—If the unlawful entry involves a passerby who unknowingly gained entry into a building, Excelsior University will learn what the person wants and make them aware that the buildings are secure and located on private property. If the person forcefully makes entry, Excelsior University will call the police.
- ▶ **Vandalism**—Excelsior University will prepare an incident report; severe incidents of vandalism will be reported to the local police department.

CRIME PREVENTION

Excelsior University supports its mission to serve its students by providing a safe and secure environment for employees and visitors on campus through the creation of procedures as well as training and preventive measures to combat crime. For more information on Excelsior University's security efforts, see "Physical Security" on [page 4](#).

Excelsior University implements several initiatives to inform our campus community about crime prevention, including:

- ▶ An electronic ID badge system and policy that requires all authorized Excelsior University employees and contractors to display and use their ID badges to access Excelsior University buildings. More information about accessing Excelsior University buildings is provided under "Physical Security" (see above).
- ▶ Excelsior University employees are instructed on how to greet and gather intake on visitors. Upon signing in, visitors are provided with a visual badge and may be provided an access ID badge with limited access privileges. In addition, visitors are escorted by an Excelsior University employee or authorized contractor at all times while on site.
- ▶ Excelsior University timely alerts the campus community via text, email, and phone through a platform called OnSolve about certain crimes to aid in the prevention of similar crimes. These warnings reflect possible or actual criminal incidents that have occurred on or around the Excelsior University campus as soon as the information becomes available. Employees are encouraged to report any suspicious behavior immediately to a CSA.

Student Criminal Activity at Non-Campus Locations

There are no officially recognized student organizations at non-campus locations. In the future, if Excelsior University officially recognizes student organizations at non-campus locations, then Excelsior University will follow all applicable laws pertaining to the investigation of criminal activity and cooperate with law enforcement, as appropriate.

EMERGENCY RESPONSE PROCEDURES

Excelsior University maintains policies and procedures that outline the steps to follow in the event of an emergency or dangerous situation involving an immediate threat to the health and/or safety of employees on campus (as well as of students to the extent they are physically present on campus), and how students and employees will be notified. The emergency procedures are housed on the Excelsior University intranet, under the Facilities tab, and posted on campus. In conjunction with the policies and procedures, Excelsior University conducts emergency system testing to include fire alarm systems, sprinkler systems, smoke evacuation systems, fire pump systems, AEDs, fire extinguishers, on campus paging using our telephone system, and our emergency notification system—OnSolve.

Crisis Planning and Response Group

The Crisis Planning and Response Group manages crisis events or other business interruptions. Additionally, the Crisis Planning and Response Group proactively addresses known and emerging threats that could affect normal business operations in the areas of cybersecurity, data security, physical security, and compliance with applicable regulations.

Trained Personnel

The following Excelsior University personnel are responsible for initiating an emergency alert via OnSolve, including determining when an emergency situation has been confirmed, to what segments of the campus community the alert should be sent, information to be disseminated, and when:

- ▶ Chief Communications Officer
- ▶ Chief Operating Officer for Information Technology, Information Technology Services
- ▶ Director of Technical and Facilities Services
- ▶ Manager of Communications
- ▶ Vice President of Human Resources

Triggering Emergency Situations

Excelsior University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate campus notification via OnSolve, email, or phone paging, depending on the crisis identified unless issuing a notification will, in the professional judgment of the Crisis Planning and Response Group, compromise efforts to assist a victim

or to contain, respond to, or otherwise mitigate the emergency. Subject to the foregoing, a notice will be sent out for the following emergency situations:

- ▶ Severe Thunderstorm Warning
- ▶ Tornado Watch or Warning
- ▶ Shelter-in-Place
- ▶ Active Shooter
- ▶ Lockdown
- ▶ Workplace/Active Violence
- ▶ Serious Illness Outbreak
- ▶ Gas Leak
- ▶ Terrorist Emergency
- ▶ Any other emergency that involves a significant threat or dangerous situation to the people on or around the campus.

Weather emergencies will be confirmed before a notice is initiated and will consist of receiving two out of three warnings from the National Oceanic and Atmospheric Administration (NOAA), the Weather Channel, and the local Weather Stem system.

Other emergency situations will be confirmed by at least two of the following methods before a notice is sent:

- ▶ An individual who personally witnesses the emergency contacts a CSA or Human Resources;
- ▶ An alert about an emergency situation is received from law enforcement personnel;
- ▶ An alert about an emergency situation is received from Emergency Medical Services (EMS) personnel.

A triggered notice will be sent to staff in the event of an emergency.

Dangerous Emergency Situations

Threats, threatening conduct, or any other acts of aggression or violence are not tolerated. Any employee or student determined to have committed such acts will be subject to disciplinary action, up to and including termination or expulsion. Individuals not affiliated with Excelsior University and engaged in violent acts on University premises will be reported to the proper authorities and Excelsior University may pursue prosecution.

Reporting Fires and Other Emergencies:

1. In the event of a fire, pull the fire alarm.
2. Other emergencies that require the fire department or EMS can be reported by calling 911 from your desk phone or in Teams.
3. Building emergencies that do not require the fire department or EMS can be reported to building maintenance by calling the number on the sticker outside each building entrance. As of May 2025, the number is 518-869-0792.

Notification of emergencies:

- ▶ If the fire alarm is pulled, a loud siren will sound in each area of the building. Along with the siren, strobe lights will be activated.
- ▶ Notifications of other emergencies will be via phone paging and/or email messages.

Testing

Testing is conducted on a regular basis, which includes, at a minimum, annual testing of the emergency notification system, emergency evacuation procedures, fire alarm systems, and monthly testing of AEDs and fire extinguishers.

EMERGENCY EVACUATION PROCEDURES

The following are the emergency evacuation procedures communicated to staff and visitors.

Building Evacuation Instructions

- ▶ Remain calm.
- ▶ Take your coat, purse, and car keys, if easily accessible.
- ▶ Close all doors if you are the last person to exit the area.
- ▶ Assist visitors and anyone who has special needs.
- ▶ Use stairs and stay to the right of the staircase (to leave room for firefighters).
- ▶ Never use elevators; if you are in an elevator when the alarm sounds, the elevator will immediately go to the first floor and doors will open.
- ▶ If your evacuation route is blocked, exit using an alternate route.
- ▶ Follow directions of facilities staff and firefighters.

Rescue chairs for individuals with disabilities are located on the second floor next to the elevators in buildings 3, 5, and 7, and in the basement hallway in building 7.

Important Guidelines

After assembling, remain clear of the building and wait for directions.

A Facilities staff member, or a member of the Albany Fire Department will release you with an “all clear” to re-enter the building. Do not accept an “all clear” from anyone other than the individuals listed above.

Please note this plan is for emergencies that require staff to evacuate the building.

In the event of a weather-related emergency (tornado or earthquake), you will be advised by facilities or University leadership to proceed to the basement of a building and wait for further direction.

Evacuation Escape Routes

BUILDING 3

First Floor

- ▶ Route 1: Proceed to the Main Lobby and exit through main entrance; Go to the parking lot on the East side of Building 3 to the red signs (Evacuation Assembly Area) or alternate location if advised.
- ▶ Route 2: Proceed to the rear exit of the building and exit through the rear entrance of the building; Go to the parking lot on the East side of Building 3 to the red signs (Evacuation Assembly Area) or alternate location if advised.

Second Floor

- ▶ Route 1: Proceed to exit leading to main corridor and proceed toward the front of the building. Take the stairs to the first floor and exit the front doors to the building. Go to the parking lot on the East side of Building 3 to the red signs (Evacuation Assembly Area) or alternate location if advised.
- ▶ Route 2: Proceed to exit leading to main corridor and proceed toward the rear of the building. Take the stairs to the first floor and exit the rear door to the building. Go to the parking lot on the East side of Building 3 to the red signs (Evacuation Assembly Area) or alternate location if advised.

BUILDING 7

First Floor

- ▶ Route 1: Proceed to the Main Lobby and exit through main entrance and walk to West end of parking lot to the red signs (Evacuation Assembly Area) or alternate location if advised.
- ▶ Route 2: Proceed to the rear Exit door through the Flex Space and walk to West end of parking lot to the red signs (Evacuation Assembly Area) or alternate location if advised.
- ▶ Route 3: Proceed to the West entrance to exit the building and walk to West end of parking lot to the red signs (Evacuation Assembly Area) or alternate location if advised.

Second Floor

- ▶ Route 1: Proceed down the stairwell leading to the Main Lobby and exit through main entrance and walk to West end of parking lot to the red signs (Evacuation Assembly Area) or alternate location if advised.
- ▶ Route 2: Proceed down the West end stairway and exit through West end doorway and walk to West end of parking lot to the red signs (Evacuation Assembly Area) or alternate location if advised.

Basement

- ▶ Route 1: Proceed to the stairwell leading to the Main Lobby, exit through main entrance and walk to West end of parking lot to the red signs (Evacuation Assembly Area) or alternate location if advised.
- ▶ Route 2: Proceed to the Exit at the end of the hallway, proceed up the stairs and walk to West end of parking lot to the red signs (Evacuation Assembly Area) or alternate location if advised.

ASSEMBLY LOCATIONS

Assembly locations are marked with a **RED** sign (Evacuation Assembly Area).

BUILDING 3:

Parking lot on the east side of Building 3
(C on the map).

BUILDING 5:

Parking lot past grass median in front of Building 5
(B on the map).

BUILDING 7:

Parking lot on the west side of Building 7
(A on the map).



Accounting for All Employees After Evacuation

In designated assembly areas, work teams should gather to take a count of all team members present in the office that day. Due to the hybrid nature of our work, it is important to be aware of who is on campus each day in case of emergency. Notify Facilities staff or emergency personnel immediately if staff members are missing.

Rescue and Medical Duties

Rescue and medical duties will be performed by Albany County Fire and EMS staff. In the event of a fire alarm, Albany Fire is notified automatically. If 911 is called from a desk phone or in Teams, Albany County dispatchers will alert and send the appropriate first responders to campus.

TIMELY WARNINGS AND CRIMINAL REPORTING

Timely Warnings

In addition to emergency notifications, covered above, Excelsior University also issues timely warnings for specific crimes covered by the Clery Act.

Excelsior University will timely alert the campus community in the event certain crimes occur to aid in the prevention of similar crimes. This warning will withhold as confidential the names and other identifying information of victims and will reflect criminal incidents that have occurred on or around campus, where occurring in locations covered by the Clery Act, in a timely fashion.

Some types of crimes that the University would issue a timely warning for may necessitate activation of the emergency notification process, described earlier. In such instances, depending on the nature of the incident and the scope of an emergency notification, the University may not issue a timely warning based on the same circumstances, but will provide adequate follow-up information to the community as needed.

Excelsior University's Crisis Planning & Response Group, in consultation with the President's Cabinet, will consider the following information before determining whether to issue a warning:

- ▶ The nature of the crime.
- ▶ Whether there is a continuing danger.
- ▶ Whether there is a risk that issuing a warning will compromise law enforcement efforts or the safety of an individual(s).

The warning will include all information that would promote safety and aid in the prevention of similar crimes. Timely warnings will be posted as appropriate in conspicuous physical and virtual locations where the campus community can easily see them, including but not limited to break rooms, the intranet, and the OnSolve system.

ALCOHOL AND DRUG ABUSE

Statement of Policy

In compliance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989, Excelsior University has a long-standing commitment to providing a safe, quality-oriented, and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of Excelsior staff, faculty, our students, and to the security of our facilities. For these reasons, Excelsior University is committed to the elimination of drug and/or alcohol abuse in the workplace and University community. Excelsior University is committed to maintaining an alcohol- and drug-free workplace and University community.

The University is also committed to rigorous enforcement of applicable laws and policies and to support those trying to cope with alcohol- or drug-related problems.

Illegal drug use and alcohol abuse can seriously injure the health of employees, adversely impact the performance of their responsibilities, and endanger the safety and well-being of fellow employees. In addition, illegal drug use and alcohol abuse by our students can lower academic achievement, diminishing student success at Excelsior University.

Individuals who wish to obtain information on drug and alcohol abuse prevention programs may contact the U.S. Department of Health and Human Services and the Substance Abuse & Mental Health Services Administration's (SAMHSA) National Clearinghouse for Alcohol & Drug Information at www.samhsa.gov/find-help/national-helpline or (800) 662-HELP (4357) | TTY (800) 487-4889, or the Excelsior University Office of Human Resources.

For its employees, Excelsior University has retained the services of ComPsych, an employee assistance provider, that provides awareness, counseling, and rehabilitation referrals related to the abuse of alcohol and drugs.

Excelsior University will assist and support employees and students who voluntarily seek help for such problems before becoming subject to discipline and/or termination under this or other Excelsior University policies. Such individuals will be allowed to use accrued paid time off, placed on leave of absence, referred to treatment providers, and otherwise accommodated as required by law. Such individuals are required to document that they are successfully following prescribed treatment.

A full copy of the University's Drug-Free Schools and Workplace Policy is available on the University's website at <https://www.excelsior.edu/policy/drug-free-schools-and-workplace/>.

Excelsior University is committed to maintaining an alcohol- and drug-free workplace and University community. Since Excelsior University is located in New York State, we have provided the applicable New York State laws below for your information:

New York State Law and Sanctions Governing Alcohol Include:

1. It is illegal for individuals under the age of 21 to possess alcoholic beverages. Underage drinkers are subject to a \$50 fine.
2. An underage drinker who uses fraudulent identification is guilty of a violation punishable by a fine up to \$100 and community service of 30 hours. If the fraudulent identification is a New York State driver's license, the revocation of the license will be added to the above penalty.
3. No person may sell, deliver, or give any alcoholic beverage to a person under the age of 21 (the law does not apply to the parent of a minor). Individuals violating this law are guilty of a "Class B misdemeanor," and may be subject to a fine not exceeding \$500 and a term of imprisonment not to exceed three months.
4. A person who misrepresents the age of a person under 21 for the purpose of inducing the sale of alcohol to the "underage" person is guilty of an offense and is subject to a fine of not more than \$200 and imprisonment not to exceed five days, or both.
5. Any person who shall be injured in person, property, means of support or otherwise by reason of an intoxicated person, or by reason of the intoxication of any person who shall by unlawfully selling to or unlawfully assisting in procuring liquor to such intoxication; and any such person shall have the right to recover actual damages.
6. Any person who shall be injured in person, property, means of support, or otherwise by reason of intoxication or impairment of any person under the age of 21 years old shall have a right of action against any person who knowingly causes such intoxication or impairment by unlawfully furnishing to or assisting

in procuring alcohol for such a person with knowledge or cause to believe that such person was under the age of 21 years.

7. Any event or function at which alcoholic beverages are being sold, and an admission fee or donation is charged or and requested, requires a license from the state.

New York State Law and Sanctions Governing Illicit Drugs

MARIJUANA

Under New York State Law, effective March 31, 2021, it is no longer a crime to smoke or possess limited amounts of cannabis (marihuana or marijuana). Although New York State has modified the manner in which it regulates cannabis, using and possessing cannabis in any form remains a crime under federal law. New York higher education institutions, including Excelsior University, adhere to the federal requirements of the Drug Free Schools and Communities Act and the Drug Free Workplace Act, which prohibit the use, possession, and distribution of cannabis for any reason.

CONTROLLED SUBSTANCES

Section 220 of the Penal Law defines those drugs considered “Controlled Substances,” including narcotic drugs, narcotic preparation, hallucinogens (LSD, “hallucinogenic mushrooms,” etc.), stimulants, depressants, and concentrated forms of cannabis. Individual statutes deal with the criminal possession or sale of these substances and are categorized as misdemeanors or felonies depending on the specific substance, the amount of the substance in question, or the circumstances surrounding the possession or sale of the substance. Possession or sale (or possession with intent to sell) of even a very small amount of some substances is considered a felonious offense and may result in a lengthy jail sentence. In fact, with the exception of “criminal possession of a controlled substance in the seventh degree,” which is considered a misdemeanor, all other statutes in Section 220 of the Penal Law are felonies. In New York State, felonies are ranked from category A-1, the most serious, to category E, the least serious. First offenders convicted of a category A-1 felony are subject to a minimum sentence from 15–25 years and a maximum of life imprisonment. At the other end of the scale, for the first offender, category E felony convictions carry with them a jail sentence from one to three years, with a maximum of three to four years. First-degree criminal sale or possession of

controlled substances is placed in the same category as first-degree arson, first-degree kidnapping, or first- or second-degree murder.

Health Risks Associated with Alcohol and Drug Use/Abuse

ALCOHOL

Alcohol consumption causes a number of changes in behavior and physiology. Even small amounts can significantly impair judgment, coordination, and abstract mental functioning. Statistics show that alcohol use is involved in a majority of violent behaviors on college campuses, including acquaintance rape, vandalism, fights, and incidents of drinking and driving. Continued abuse may lead to dependency, which often causes permanent damage to vital organs and deterioration of a healthy lifestyle.

CANNABIS (MARIJUANA, HASHISH)

The use of marijuana may impair or reduce short-term memory and comprehension, alter sense of time, and reduce coordination and energy level. Users often have a lowered immune system and an increased risk of lung cancer. The active ingredient in marijuana, THC, is stored in the fatty tissues of the brain and reproductive system for a minimum of 28 to 30 days.

HALLUCINOGENS

Lysergic acid (LSD), mescaline, and psilocybin cause illusions and hallucinations. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even when use has ceased. Phencyclidine (PCP) affects the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries.

COCAINE/CRACK

Cocaine users often have a stuffy, runny nose and may have a perforated nasal septum. The immediate effects of cocaine use include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature followed by depression. Crack, or freebase rock cocaine, is extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, convulsions, and even death.

AMPHETAMINES

Amphetamines can cause rapid or irregular heartbeat, tremors, loss of coordination, collapse, and death. Heavy users are prone to irrational acts.

HEROIN

Heroin is an opiate drug that causes the body to have diminished pain reactions. The use of heroin can result in coma or death due to a reduction in heart rate.

Alcohol and Drug Resources

Excelsior University encourages any student or employee who needs information related to alcohol or drug abuse to use directory information, online searches, or referrals from friends and/or professionals.

At a national level, there also are organizations dedicated to providing information and suggestions on alcohol and drug abuse. A few of these resources are listed below:

- ▶ National Institute on Drug Abuse (NIDA)
www.drugabuse.gov | 1-301-443-1124
- ▶ Substance Abuse and Mental Health Services Administration (SAMHSA)
www.samhsa.gov | 1-800-662-HELP (4357)
- ▶ The National Clearinghouse for Alcohol and Drug Information (NCADI)
1-800-729-6686

In addition to the above, Excelsior University has a student assistance program available with ComPsych. Please visit MyExcelsior Resources (Student Assistance Program) for more information about this confidential resource. An employee assistance program is also available through ComPsych.

9-8-8 LIFELINE

Mental Health Matters – Need Help Now?

Call or Text 9-8-8

As part of our commitment to overall well-being and in compliance with the Student Lifeline Act, Excelsior University is proud to support the 9-8-8 Lifeline.

You are not alone. If you or someone you know is experiencing a mental health or substance use crisis, help is available 24/7.

Dial or text 9-8-8 to reach the **Suicide & Crisis Lifeline**

— a free, confidential service connecting you with trained mental health counselors.

- ▶ Available 24 hours a day, 7 days a week
- ▶ Free and confidential
- ▶ Support for mental health, suicidal thoughts, substance use, and emotional distress
- ▶ For additional information, please visit <https://988lifeline.org/>.

ANTI-HAZING POLICY: STOP CAMPUS HAZING ACT

Anti-Hazing Policy

Statement of Policy

Hazing as defined in the policy is strictly prohibited and this policy is applicable to the Excelsior University community including staff, faculty, and students. At Excelsior, we are committed to cultivating a workplace and learning environment where every individual feels safe, respected, and valued. Hazing in any form undermines our core values of inclusion, dignity, and mutual respect. This policy reflects our dedication to maintaining a culture that celebrates diversity, promotes collaboration, and ensures that all members can thrive without fear of coercion, intimidation, or harm.

Examples of prohibited hazing activities include, but are not limited to:

- ▶ Physical abuse such as whipping, beating, or striking;
- ▶ Forced consumption of food, alcohol, drugs, or other substances;
- ▶ Sleep deprivation, exposure to the elements, or confinement in a small space;
- ▶ Activities that cause fear of bodily harm through threats or conduct; and
- ▶ Any activity that violates local, state, tribal, or federal law.

Reporting Hazing Incidents

Students, faculty, and staff are encouraged to report hazing incidents to campus security authorities or local police. Staff and faculty can report anonymously through the University's online reporting system, *EthicsPoint*.

Annual Security Report

The university will compile and report annual hazing statistics beginning with its 2026 Annual Security Report and in subsequent reports.

Support Services

Counseling: Provides confidential support and counseling for students and staff through ComPsych, our assistance program.

VictimConnect Resource Center serves victims of any crime anywhere in the United States and its territories.

Phone: 1-855-484-2846 (call or text)

Website: <https://victimconnect.org/>

Additional Resources

National Hazing Prevention Week:

Participate in events and activities to raise awareness about hazing.

Hazing Prevention Network: Connect with national organizations dedicated to hazing prevention. A few of these resources are listed below:

<https://stophazing.org/resources/>

<https://www.clerycenter.org/resources>

POLICIES, PROCEDURES, AND PROGRAMS: SEXUAL ASSAULT, DOMESTIC VIOLENCE, AND STALKING PREVENTION

Sexual Harassment Prevention Policy Statement of Policy

Excelsior University (the “University”) is committed to maintaining a workplace free from sexual harassment. Sexual and other prohibited harassment is a form of workplace discrimination that consists of unwelcome conduct, whether verbal, written, visual or physical, that demonstrates hostility, intimidation, ridicule, or insult towards an individual on the basis of the individual’s race, color, creed, religion, sex, sexual orientation, gender identity, transgender status, national origin, ancestry, age, physical or mental disability (including pregnancy-related conditions), genetic information, predisposition or carrier status, marital or familial status, domestic violence victim status, military or veteran status, known relationship or association with any member of a protected class, or any other characteristic protected by applicable law.

While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same. All employees are required to work in a manner that prevents sexual harassment of any individual in the workplace (including supervisors, co-workers, consultants, vendors, volunteers, and other nonemployees).”

All alleged violations of this policy that involve students will be processed pursuant to the University’s Sex and Gender-Based Misconduct Policy (Title IX). Certain allegations of sexual harassment involving employees and all allegations of sexual misconduct involving employees will be processed under the University’s Sex and Gender-Based Misconduct Policy (Title IX).

A full copy of the University’s Sexual Harassment Prevention Policy is available on the University’s website at <https://www.excelsior.edu/policy/sexual-harassment-prevention-policy/>.

Sex and Gender-Based Misconduct Policy (Title IX) Statement of Policy

In accordance with Title IX of the Education Amendments of 1972 (“Title IX”) and Article 129-B of the New York Education Law, Excelsior University seeks to provide a safe environment for employees and students and to ensure that no student, faculty, or staff member is excluded from participation in or denied the benefits of the University’s program or activities on the basis of sex or gender. Accordingly, the University strictly prohibits sexual

and gender-based misconduct, which includes, but is not limited to, the following offenses: (1) sexual assault, (2) domestic violence, (3) dating violence, (4) stalking, and (5) sexual harassment.

Though Excelsior is a nontraditional University community and its students learn at a distance rather than on a campus, the University is always mindful of issues of personal safety. Nontraditional students are not immune to incidents of violence. Everyone in the Excelsior University community should be educated about the issues of sexual assault, domestic violence, dating violence, stalking and sexual harassment with the goal of becoming knowledgeable and responsible for their own security and personal safety, as well as the security and personal safety of the students and colleagues with whom we work and interact.

Upon learning of a possible violation of this policy, the University will take immediate action to address the facts presented, offer resources to any victims, and take action against any individual within the jurisdiction of the University who has been found responsible after the process established in this policy.

The University prohibits retaliation against any individual for reporting an incident of sexual misconduct or for participating in any investigation or proceeding related to any such report.

This policy applies to all students, faculty, and staff, as well as to visitors, guests, vendors, contractors and other third parties. A third party cannot be a complainant under this policy. Under certain circumstances, conduct, and behavior at off-campus activities and programs may be regulated by this policy. The University may take action pursuant to this policy with respect to any behavior regardless of where and in what context it occurs if the conduct has an impact or effect on or poses a risk to the work or learning environment of persons covered by this policy. Therefore, this policy may be violated even if the prohibited conduct occurs off-campus or during an individual’s off-duty time.

This policy applies regardless of the complainant or respondent’s sexual orientation, sex, gender identity or expression, age, race, color, creed, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, criminal conviction, national origin, religion, disability, or other status protected by law. Reasonable accommodations will be provided to individuals with disabilities when necessary to allow them to fully utilize this policy (e.g. to make a report,

file a complaint, participate in investigatory interviews, and exercise other procedural rights).

This information is provided to assist in the prevention of violence in any form, while meeting requirements of state and federal law.

A full copy of the University's Sex and Gender-Based Misconduct Policy (Title IX) is attached to Excelsior University's Annual Security Report as Attachment 1 and is also available on the University's website at <https://www.excelsior.edu/policy/sex-and-gender-based-misconduct-policy-title-ix/>.

Adam Walsh Child Protection and Safety Act of 2006

In compliance with the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921), the State of New York provides a list of registered sexual offenders that is made available to the public. This information may be obtained at www.criminaljustice.ny.gov/nsor.

Education Programs

Excelsior University prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as those terms are defined for purposes of the Clery Act.

Excelsior University offered programs over the course of the 2024 calendar year, addressing sexual assault, domestic/dating violence, stalking, and related topics, including:

Program/Activity	Description
Training	Anti-Harassment Training for Employees
Training	Anti-Harassment Training for Managers
Training	Interviewing for Inclusion Training
Training	LGBTQIA+ Ally Training
Training	Sexual Harassment Prevention Training for Employees
Training	Title IX Training for Staff
Training	Title IX Training for Title IX Administrators
Training	Title IX Training for New Managers (Manager Bootcamps)

Resources for Victims of Sexual Violence

EXCELSIOR UNIVERSITY TITLE IX COORDINATOR

Contact the Title IX Coordinator to report an incident of assault or other violence at Excelsior University, to confidentially discuss an incident, if you are undecided about proceeding with charges, or if you have general questions about sexual assault prevention.

Any potentially dangerous situation must be reported immediately to the Title IX Coordinator in the Center for Social Justice. Reports of incidents warranting confidentiality will be handled appropriately, and information will be disclosed to others only on a need-to-know basis. The University will actively intervene when there is evidence of a possible hostile or violent situation.

NYS DOMESTIC AND SEXUAL VIOLENCE HOTLINE

For the hotline number of your local domestic violence program, call the New York State Domestic and Sexual Violence Hotline at 1-800-942-6906, English & español/Multi-language Accessibility.

For Deaf or Hard of Hearing: 711
In NYC: 1-800-621-HOPE (4673) or dial 311
TTD: 1-800-810-7444

For a listing of domestic violence hotlines by county, visit the NYS Coalition Against Domestic Violence website at www.nyscadv.org/find-help/program-directory.html.

National Domestic Violence and Crime Victims Hotlines

SAFE HORIZON'S DOMESTIC VIOLENCE HOTLINE:

800-621-HOPE (4673)

SAFE HORIZON'S CRIME VICTIMS HOTLINE:

866-689-HELP (4357)

SAFE HORIZON'S RAPE, SEXUAL ASSAULT & INCEST HOTLINE:

212-227-3000

TDD PHONE NUMBER FOR ALL HOTLINES:

866-604-5350

Stalking Resource Center

855-4-VICTIM (855-484-2846)

<https://victimsofcrime.org/getting-help/>

Off-Campus Resource for Mental Health and Advocacy

ALBANY COUNTY CRIME VICTIM AND SEXUAL VIOLENCE CENTER

112 State Street, Room 1010

Albany, NY 12207

518-447-7100 | 24-Hour Hotline: 518-447-7716

www.albanycounty.com/cvsvc

Off-Campus Domestic Violence Services

Equinox—Domestic Violence Services

526A Central Avenue

Albany, NY 12209

24-Hour Hotline: 518-432-7865

Equinox Shelter: 518-434-6135

[www.equinoxinc.org/page/
domestic-violence-services-15.html](http://www.equinoxinc.org/page/domestic-violence-services-15.html)

Health Care Providers, Sexual Assault Nurse Examiners (SANE), Rape Kits

Albany Medical Center

43 New Scotland Ave.

Albany, NY 12208

518-262-3125

Samaritan Hospital-Albany Memorial Campus

600 Northern Blvd.

Albany, NY 12204

518-471-3221

St. Peter's Hospital

315 S. Manning Blvd.

Albany, NY 12208

518-525-1550

DISCLOSURE OF CRIMES AND CRIME STATISTICS

Daily Crime Log

Excelsior University does not maintain a campus police department, and therefore does not maintain a daily crime log.

Crime Statistics

The Campus Safety Survey Administrator (CSSA) gathers and compiles Excelsior University's crime statistics. The statistics include information reported to Campus Security Authorities (CSAs), local law enforcement agencies, and law enforcement agencies that have jurisdiction over the University's non-campus locations. Crime statistics for the three most recently completed calendar years are located on [page 24](#).

In accordance with the Clery Act, Excelsior University reports the following crimes:

CRIMINAL OFFENSES (PRIMARY CRIMES)

Criminal Homicide, including Murder and Non-Negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault (Sex Offenses), including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.

1. **Murder and Non-Negligent Manslaughter**—The willful (non-negligent) killing of one human being by another.
2. **Manslaughter by Negligence**—The killing of another person through gross negligence.

Sexual Assault (Sex Offenses), including Rape, Fondling, Incest, and Statutory Rape—Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

3. **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.
4. **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.

5. **Incest**—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
6. **Statutory Rape**—Sexual intercourse with a person who is under the statutory age of consent.
7. **Robbery**—The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
8. **Aggravated Assault**—An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
9. **Burglary**—The unlawful entry of a structure to commit a felony or a theft.
10. **Motor Vehicle Theft**—The theft or attempted theft of a motor vehicle.
11. **Arson**—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.

VIOLENCE AGAINST WOMEN ACT (VAWA) OFFENSES

Any incidents of Domestic Violence, Dating Violence and Stalking. (*Note that Sexual Assault Offenses are included in the Criminal Offenses category for Clery Act reporting purposes*).

1. **Domestic Violence**—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 in which the crime of violence occurred;
 - ▶ Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
2. **Dating Violence**—Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 3. **Stalking**—Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION

Weapons: Carrying, Possessing, etc.; Drug Abuse Violations and Liquor Law Violations.

1. **Weapons: Carrying, Possessing, etc.**—The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
2. **Drug Abuse Violations**—The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances, and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics—manufactured narcotics that can cause true addiction (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
3. **Liquor Law Violations**—The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

HATE CRIMES

A hate crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim and may include any of the above-mentioned Clery Act Primary Crimes (except Manslaughter by Negligence) located on [page 21](#), and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property, as defined below, that were motivated by bias. Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability.

1. **Larceny-Theft**—The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
2. **Simple Assault**—An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
3. **Intimidation**—To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
4. **Destruction/Damage/Vandalism of Property**—To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

HATE CRIME REPORTING AND RELATED INFORMATION

Excelsior University is a student-centered learning community. Students are encouraged to include study of the perspectives of various ethnic and cultural groups within society, as well as to understand and value diversity. Bias-related and hate crimes occur most frequently when intolerance and lack of respect replace understanding the value of diversity in our world. Guided by the University's Center for Social Justice and with the approval of our Board of Trustees, Excelsior has a program to bring awareness and diversity education to all staff. Excelsior is an equal opportunity employer and seeks faculty and administrators who are able to function in and support a learning community made up of people of all backgrounds. Students, faculty, and staff are expected to demonstrate respect for others and an awareness of the ethical implications of their actions. This atmosphere of respect will foster an environment that diminishes the instance and opportunity for bias-related and hate crime.

Reporting information is available on the University's website at <https://www.excelsior.edu/about/transparency/%20hate-crime-reporting-and-related-information/>

Prevention of Bias-Related Crime on the Excelsior University Campus Policy

STATEMENT OF POLICY

Excelsior University is first and foremost an adult learning community. Each undergraduate degree program has a liberal arts component designed to help students develop a broad-based understanding of multiple disciplines, provide a depth of academic experience to enrich students' personal lives, and allow students to become more informed citizens of an increasingly complex and diverse world. Students are encouraged to plan their degree program to include study of the perspectives of various ethnic and cultural groups within society, understanding and valuing diversity.

Bias-related/hate crimes occur most frequently when intolerance and lack of respect replace understanding the value of diversity in our world. Guided by the Center for Social Justice and with the approval of our board of trustees, the University has an active program to bring awareness and diversity education to all staff. The University seeks faculty and administrators who will diversify its curriculum and business environment. Students, faculty, and staff are expected to demonstrate

respect for others and an awareness of the ethical implications of actions. This atmosphere of respect for others will foster an environment which will diminish the incidence and opportunity for bias-related/hate crimes.

One of the purposes of this document is to provide students with information regarding how to prevent, handle, and report incidents of bias-related/hate crimes. Included is information regarding reporting procedures and support services available. This information is provided to assist students in understanding and preventing bias-related/hate crimes, while meeting requirements of Article 129-A of New York Education Law.

A full copy of the Prevention of Bias-Related Crime on the Excelsior University Campus policy is available on the University's website at <https://www.excelsior.edu/policy/prevention-of-bias-related-crime-on-the-excelsior-university-campus/>.

TRAINING AND EDUCATION

The Excelsior University Center for Social Justice (CSJ) is a community and institutional hub of justice, equity, diversity, and inclusion (JEDI) spaces, opportunities, and resources. To further advance Excelsior's mission and vision, the center facilitates: a) safe spaces for diverse stories, voices, and dialogue, b) expanded access to post-secondary education, and c) JEDI development for community organizations, including Excelsior's. CSJ aims to elevate Excelsior as a model that embraces diversity, challenges the status quo, and strives to create a just world through a focus on equity, access, participation, and human rights. Our investment in social justice intends to create a platform for meaningful dialogue as an asset to the organization's decision making and performance, an opportunity to enhance underprivileged students' access to higher education, and a conduit for all learners' intercultural development. Find information about upcoming events at our Communities Hub here: <https://communities.excelsior.edu/events/>.

Crime Statistics

Pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the chart below presents crime statistics for the three most recently completed calendar years.

OFFENSE	YEAR	GEOGRAPHIC LOCATION		
		ON CAMPUS (NO CAMPUS HOUSING)	NONCAMPUS	PUBLIC PROPERTY
Murder/Non-Negligent Manslaughter	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Negligent Manslaughter	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Rape	2024	0	1	0
	2023	0	0	0
	2022	0	0	0
Fondling	2024	0	0	0
	2023	0	3	0
	2022	0	0	0
Incest	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Statutory Rape	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Robbery	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Aggravated Assault	2024	0	0	0
	2023	0	2	0
	2022	0	2	0
Burglary	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Motor Vehicle Theft	2024	0	0	0
	2023	0	1	0
	2022	0	0	0
Arson	2024	0	0	0
	2023	0	0	0
	2022	0	0	0

VAWA Offenses

OFFENSE	YEAR	GEOGRAPHIC LOCATION		
		ON-CAMPUS (NO CAMPUS HOUSING)	NON-CAMPUS	PUBLIC PROPERTY
Domestic Violence	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Dating Violence	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Stalking	2024	0	0	0
	2023	0	0	0
	2022	0	0	0

Arrests and Disciplinary Referrals

OFFENSE		YEAR	GEOGRAPHIC LOCATION		
			ON CAMPUS (NO CAMPUS HOUSING)	NON-CAMPUS	PUBLIC PROPERTY
ARRESTS	Liquor Law Violations	2024	0	0	0
		2023	0	0	0
		2022	0	0	0
	Drug Abuse Violations	2024	0	0	0
		2023	0	1	0
		2022	0	0	0
	Weapons: Carrying, Possession, etc.	2024	0	0	0
		2023	0	0	0
		2022	0	0	0
DISCIPLINARY REFERRALS	Liquor Law Violations	2024	0	0	0
		2023	0	0	0
		2022	0	0	0
	Drug Abuse Violations	2024	0	0	0
		2023	0	0	0
		2022	0	0	0
	Weapons: Carrying, Possession, etc.	2024	0	0	0
		2023	0	0	0
		2022	0	0	0

Hate Crimes

2024	No Hate Crimes Reported.
2023	No Hate Crimes Reported.
2022	No Hate Crimes Reported.

Unfounded Crimes

2024	No Unfounded Crimes.
2023	No Unfounded Crimes.
2022	No Unfounded Crimes.

MISSING STUDENT POLICY

Excelsior University does not maintain on-campus student housing facilities, and therefore does not have a missing student policy or corresponding procedures.

ANNUAL FIRE SAFETY REPORT

Excelsior University does not maintain on-campus student housing facilities, and therefore does not maintain a log of reported fires, publish an annual fire safety report, or submit fire statistics on an annual basis to the U.S. Department of Education.

ATTACHMENT 1:

SEX AND GENDER-BASED MISCONDUCT POLICY (TITLE IX)

This policy applies to all Excelsior University staff, faculty, and students.

Statement of Policy

I. INTRODUCTION

In accordance with Title IX of the Education Amendments of 1972 ("Title IX") and Article 129-B of the New York Education Law, Excelsior University seeks to provide a safe environment for employees and students and to ensure that no student, faculty, or staff member is excluded from participation in or denied the benefits of the University's program or activities on the basis of sex or gender. Accordingly, the University strictly prohibits sexual and gender-based misconduct, which includes, but is not limited to, the following offenses: (1) sexual assault, (2) domestic violence, (3) dating violence, (4) stalking, and (5) sexual harassment.

Though Excelsior is a nontraditional University community and its students learn at a distance rather than on a campus, the University is always mindful of issues of personal safety. Nontraditional students are not immune to incidents of violence. Everyone in the Excelsior University community should be educated about the issues of sexual assault, domestic violence, dating violence, stalking, and sexual harassment with the goal of becoming knowledgeable and responsible for their own security and personal safety, as well as the security and personal safety of the students and colleagues with whom we work and interact.

Upon learning of a possible violation of this policy, the University will take immediate action to address the facts presented, offer resources to any victims, and take action against any individual within the jurisdiction of the University who has been found responsible after the process established in this policy.

The University prohibits retaliation against any individual for reporting an incident of sexual misconduct or for participating in any investigation or proceeding related to any such report.

This policy applies to all students, faculty and staff, as well as to visitors, guests, vendors, contractors, and other third parties. A third party cannot be a complainant under this policy. Under certain circumstances, conduct and behavior at off-campus activities and programs may be regulated by this policy. The

University may take action pursuant to this policy with respect to any behavior regardless of where and in what context it occurs if the conduct has an impact or effect on or poses a risk to the work or learning environment of persons covered by this policy. Therefore, this policy may be violated even if the prohibited conduct occurs off-campus or during an individual's off-duty time.

This policy applies regardless of the complainant or respondent's sexual orientation, sex, gender identity or expression, age, race, color, creed, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, criminal conviction, national origin, religion, disability, or other status protected by law. Reasonable accommodations will be provided to individuals with disabilities when necessary to allow them to fully utilize this policy (e.g., to make a report, file a complaint, participate in investigatory interviews, and exercise other procedural rights).

This information is provided to assist in the prevention of violence in any form, while meeting requirements of state and federal law.

II. POLICY AND PROCEDURE SUMMARY

This policy prohibits all forms of sex and gender related misconduct, referred to here as "sexual misconduct." A person who has experienced sexual misconduct has several options:

- ▶ **A Report to a Confidential Resource.** A Confidential Resource provides emotional and/or medical services and maintains confidentiality. A report to a confidential resource does not result in a University investigation or any other action to respond to the incident.
- ▶ **A Report to a Responsible Employee.** Certain personnel at the University have the responsibility to receive reports of sexual misconduct and to take action based on those reports. A Responsible Employee will forward the information about the incident to the Title IX Coordinator. The Title IX Coordinator will discuss options with the reporting person. The assistance the Title IX Coordinator can facilitate includes the following:
 - ▶ **Supportive Measures.** Supportive measures

are intended to support the individual who experienced sexual misconduct to continue in their involvement in the University's program and activities. Supportive measures include no contact orders; academic accommodations; or other academic, residential or work accommodations.

- ▶ **Informal Resolution.** An informal resolution is a resolution that the parties (i.e., the person making the allegations and the accused person) agree upon to address the situation. Not all incidents are appropriate for informal resolution, and no party may be forced to accept an informal resolution. This is a voluntary process.
- ▶ **Grievance Process.** A grievance process includes an investigation and adjudication process. The outcome of a grievance process is either that the person accused of sexual misconduct is found either responsible or not responsible for having committed a violation of this policy. A violation results in appropriate sanctions and other remedies to address the violation.

Additionally, the person who experienced a crime has the option to pursue criminal charges:

- ▶ **A Report to Law Enforcement.** If an incident involves criminal conduct, the victim may make a complaint to law enforcement.

The options for reporting above are not mutually exclusive, and an individual may pursue one option but not the other. An individual may obtain the services of a confidential resource and decide at that time or a later time to report to the University. An individual may report to the University and also make a report to law enforcement or may make a report to only the University or only to law enforcement. Even Excelsior offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

If a complainant discloses an incident to a University employee who is responsible for responding to or reporting a violation of this policy but wishes to maintain confidentiality or does not consent to the institution's request to initiate an investigation, the Title IX Coordinator must weigh the request against the University's obligation to provide a safe, non-discriminatory environment for all members of its community. The University shall assist with academic, transporta-

tion, employment, and other reasonable and available accommodations regardless of reporting choices. A person seeking to understand their options pursuant to this policy should reach out to the Title IX Coordinator at 844-427-4356.

III. DEFINITIONS, GENERAL;

1. **Advisor of Choice.** An advisor of choice is a person selected by the complainant or respondent to advise and accompany the complainant or respondent throughout the investigation and adjudication process. An advisor of choice may be any person, including an attorney. The institution does not appoint or pay for an advisor of choice. An advisor of choice's role is limited to the functions further described in this policy.
2. **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 affirmative consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.
3. **Coercion.** Coercion is a threat, undue pressure, or intimidation to engage in sexual activity. Coercion is more than an effort to persuade, seduce, entice, or attract another person to engage in sexual activity. A person's words or conduct are sufficient to constitute coercion if they deprive another individual of the ability to freely choose whether or not to engage in sexual activity.
4. **Complainant.** The term complainant refers to the person who allegedly experienced the sexual misconduct in violation of the policy whether or not a formal complaint is filed. In some cases, the Title IX Coordinator may file a formal complaint and thereby initiate an investigation and adjudication process pursuant to this policy. In that instance, the Title IX Coordinator is not the "complainant"; the complainant remains the person who allegedly experienced the sexual misconduct.

5. **Consent.** As used in this policy, term “consent” always refers to “affirmative consent” (defined above). Consent is free and informed permission. Consent given verbally is evidenced by affirmative agreement to engage in specific sexual activity. Consent through action is active participation in the specific sexual activity. Past consent to sexual activity cannot be presumed to be consent to engage in the same sexual activity in the future. Consent can be withdrawn at any time, and, if so, the sexual activity must cease. Consent to some sexual activity (e.g., kissing, fondling) cannot be presumed consent for other sexual activity (e.g., intercourse). Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another. Certain conditions prevent a person from being able to consent. 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. A person cannot consent if they are unaware of the who, what, when, and how of a sexual interaction. 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 or drugs, or other intoxicants may be incapacitated and therefore unable to consent.

A person who has been drinking or using drugs is still responsible for ensuring that the person has the other person’s affirmative consent and/or appreciating the other person’s incapacity to consent. This means that, even if the accused was drunk or high and, as a result, did not realize that the other person was not consenting to or was unable to consent to sexual activity, the person who committed the non-consensual act is still responsible for having violated this policy. Consent cannot be given when it is the result of any coercion, intimidation, force or threat of harm.

6. **Formal Complaint.** A formal complaint refers to a written complaint filed in accordance with the grievance process below. A formal complaint is necessary to initiate an investigation and adjudication process.

7. **Institution Advisor.** A complainant or respondent who does not opt to be accompanied by an advisor of choice at a hearing is entitled to be appointed an advisor by the University at no charge to the party. This advisor is referred to as an “institution advisor” who may be, but need not be, an attorney. An institution advisor’s role is limited to asking cross-examination questions of the other party during a hearing. An institution advisor does not represent a party in any legal sense. The party is responsible for formulating the cross-examination questions the institution advisor will pose during the hearing.

8. **Party.** A complainant or respondent may be referred to as a party, or collectively, the parties.

9. **Reporting Party.** The term reporting party refers to the person who made the report. This may or may not be the same as the complainant, a witness, or a bystander.

10. **Respondent.** The term respondent refers to the person alleged to have committed a violation of this policy.

11. **Sexual Misconduct.** Sexual misconduct is an umbrella term used in this policy to more conveniently refer to any form of conduct prohibited by this policy.

IV. DEFINITIONS, CONDUCT VIOLATIONS;

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 (i.e., “Title IX Category” violations) and also applies to a broader range of contexts and behaviors inconsistent with the University’s commitment to equal opportunity (i.e., “University Category” violations). Conduct that does not fall within the jurisdiction of this policy will be investigated and adjudicated as provided for in other appropriate University policies.

The designation of conduct or allegations as either “Title IX Category” or “University 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 the University’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, the University 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 University’s education program or activity at the time of the complaint, and that the conduct occurred in the context of the University’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 University conditioning the provision of an aid, benefit, or service of the University 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 it effectively denies a person equal access to the University’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 and definitions:
 - a. **Non-Consensual 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 (genital area, anus, groin, inner thigh, buttocks or breast) 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 their youth or because of their temporary or permanent mental or physical incapacity.
 - c. **Incest.** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - d. **Statutory Rape.** Non-forcible sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in New York is 17.
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 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 University 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.
 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 the person’s safety or the safety of others; or (2) suffer substantial emotional distress. Stalking that does not occur on the basis of sex may be addressed as a University Category Violation as described below.

B. University Category Violations

The University prohibits the following behavior. For purpose of University Category violations, the below conduct is prohibited even if the conduct occurs off-campus, outside the United States, the complainant is not participating or seeking to participate in the University's education program or activity, or otherwise in circumstances over which the University does not have influence or control, including but not limited to during University academic breaks. The University retains discretion to not respond to, investigate or adjudicate circumstances in which no University interest is implicated.

1. **Sexual harassment.** "Sexual harassment" means unwelcome, offensive conduct that occurs on the basis of sex, sexual orientation, self-identified or perceived sex, gender, gender expression, gender identity, gender-stereotyping or the status of being transgender, but that does not constitute sexual harassment as a Title IX Category Violation as defined above. Sexual harassment can be verbal, written, visual, electronic, or physical. The fact that a person was personally offended by a statement or incident does not alone constitute a violation. Instead, the determination is based on a "reasonable person" standard and takes into account the totality of the circumstances. The University considers the context of a communication or incident, the relationship of the individuals involved in the communication or incident, whether an incident was an isolated incident or part of a broader pattern or course of offensive conduct, the seriousness of the incident, the intent of the individual who engaged in the allegedly offensive conduct, and its effect or impact on the individual and the learning or working community.
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, but that does not constitute sexual assault as a Title IX Category Violation as defined above because of the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating

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

- a. **Non-Consensual 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 affirmative consent of the victim.
 - b. **Non-Consensual Sexual Contact.** The touching of the private body parts (genital area, anus, groin, inner thigh, buttocks, or breast) of another person, over or under clothing, 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 affirmative consent because of their youth or because of their temporary or permanent mental or physical incapacity.
 - c. **Incest.** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - d. **Statutory Rape.** Non-forcible sexual intercourse with a person who is under the statutory age of consent.
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:
 - a. the length of the relationship;
 - b. the type of relationship; and
 - c. 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 University's education program

or activity at the time of the complaint, or because the conduct did not occur in the context of the University's education program or activity).

4. **Domestic violence.** "Domestic violence" means violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the University 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 University's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the University'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 the person's 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 University's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the University's education program or activity).
6. **Sexual Exploitation.** Sexual exploitation occurs when, without affirmative consent, a person takes sexual advantage of another in a manner that does not constitute another violation under this Policy. Examples of sexual exploitation

include, but are not limited to: prostitution, acts of incest, observing or recording (whether by video, still photo, or audio tape) of a sexual or other private activity (such as consensual sexual activity, undressing, or showering) without the affirmative consent of all involved; taking intimate pictures of another, but then distributing the pictures to others without the photographed person's affirmative consent; engaging in voyeurism, engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) without informing the other person of such infection; or exposing one's genitals in non-consensual circumstances.

7. **Retaliation.** Retaliation is an adverse act perpetrated to "get back" at a person because the person reported sexual misconduct, filed a complaint, or participated in an investigation or proceeding conducted pursuant to this policy by the University or by an external agency. An act of retaliation may be anything that would tend to discourage an individual from reporting sexual misconduct, pursuing an informal or formal complaint, or from participating in an investigation or adjudication as a party or a witness. A person who acts in good faith is protected from retaliation. The fact that a statement is not determined to be proven or established following investigation and adjudication does not mean that the statement lacked good-faith; a person may provide inaccurate information believing it is accurate, which is still good-faith. If a person who makes a statement knowing that it is false, the person has acted without good faith.

V. CONFIDENTIAL AND NON-CONFIDENTIAL RESOURCES

- A. The University encourages any person who has experienced sexual assault or other forms of sexual misconduct to talk to someone about what happened, so she or he can get the support needed. There are a variety of confidential resources available to members of the University community. Some of these resources maintain near complete confidentiality; talking to them is sometimes called a "privileged communication."

- B. A confidential resource does not reveal the information shared with them without the disclosing person's consent. (There may be instances where a confidential resource must disclose information in a criminal or civil court proceeding, but those are very limited circumstances.) A list of confidential resources is provided below, but usually confidential resources are counselors and healthcare providers. The only University employees who can offer confidentiality are those listed as confidential resources below.
- C. A non-confidential resource is a person who is permitted to share information with others with a need to know. A University employee who is a non-confidential resource will disclose to as few individuals as possible, but a non-confidential resource does not have the ability to promise that they will not tell others within the University about the information that has been shared with them. A "Responsible Employee" is a non-confidential resource who, at a minimum, shares all information with the Title IX Coordinator/Affirmative Action Officer.
- D. A list of Confidential Resources and other resources that are available to members of the University community can be found in Appendix "A".

VI. REPORTING AND FORMAL COMPLAINT PROCESS

A Responsible Employee is an individual designated by the University to respond on the University's behalf to allegations of violations of this policy.

A Responsible Employee is a **Non-Confidential** Resource. The following are Responsible Employees available to receive a report of sexual misconduct:

- ▶ Title IX Coordinator
- ▶ Vice President of Human Resources

An individual who reports an incident to a University employee or office other than one of the Responsible Employees and offices listed above risks that the information may not be acted upon by the University. Therefore, a person who wishes for the University to take action is strongly encouraged to report to one of the offices listed above.

A. Supportive Measures

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

Supportive measures are intended to restore or preserve, to the extent practicable, equal access to the University'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 will 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 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 through the University's student assistance program; and
- ▶ Interim removal of a student from the University will only be done pursuant to the protocol discussed below.

The Title IX Coordinator is responsible for coordinating the implementation of supportive measures, including coordinating with the various University 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 circum-

stances. 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. Interim Measures

In certain cases, interim measures may be put in place before the investigation is completed and/or pending completion of the investigation and hearing, to ensure the safety of all parties and to ensure the integrity of the process. The University will review the facts and circumstances of each case, as well as the complainant's wishes, in deciding whether and what steps are reasonable and appropriate.

If interim measures are put in place, the Title IX Coordinator shall maintain confidentiality about such measures to the extent that maintaining confidentiality would not impair the ability to provide such measures and shall communicate the measures to all affected parties as may be necessary. Implementing interim measure(s) does not imply a future finding of responsibility but is meant to create a safer environment. Examples of interim measures may include (but are not limited to) contact restrictions through the issuance of a no-contact order or the transfer of the complainant or respondent to separate locations. In cases involving third parties (vendors, contingent employees, clients, and consultants), examples of interim measures may include (but are not limited to) the temporary reassignment of the third-party employee or a temporary suspension of services.

Upon request, the complainant or respondent may request a prompt review of the need for and terms of any interim measures and accommodations imposed or requested that directly affects them, including the potential addition, modification, or elimination of those measures. Such a request may be made by submitting a written request for review to the Title IX Coordinator, providing the basis for that request and any evidence in support of the request. Upon receipt of such a request,

the Title IX Coordinator will inform the other party of the request and allow the other party to respond, including submitting evidence if desired. The Title IX Coordinator may, at the Title IX Coordinator's discretion, modify or suspend the interim measures or accommodations on a temporary basis while the parties are submitting their information and responses. The Title IX Coordinator will respond to any such requests as soon as possible, but generally no later than one calendar week of the request and the parties' submission of any evidence.

When a student is determined to present a continuing threat to the health and safety of the campus community, such student is subject to interim suspension pending the outcome of any proceedings under this policy. Both the complainant and respondent will, upon written request, be afforded an opportunity for a review of the need for and terms of an interim suspension, including potential modification, by submitting a written request to the Title IX Coordinator, providing the basis for that request and any evidence in support.

C. Emergency Procedures to Address Sexual and Other Types of Violence

1. Ensure the victim's safety. If the victim is in danger, dial 911 for the police. It is important that you and the victim be safe and that you not place yourself in a dangerous situation.
2. Seek immediate medical treatment. In the case of sexual assault, it is important not to encourage the victim to wash, bathe, or change clothes before seeking medical attention in order to protect valuable evidence, should the victim decide to report the assault and prosecute the assailant. A medical examination does not commit them to pressing charges.
3. Staff members should help to arrange the transport of the victim to the hospital as soon as possible. Not all injuries are immediately apparent. A medical evaluation is necessary to evaluate internal injuries, sexually transmitted disease, pregnancy, and to gather information for the police. The mode of transportation depends on the victim's condition and preference.
4. With the victim's consent, referral to the emergency room and rape crisis intervention, as appropriate.

5. Students and employees are encouraged to report all incidents of assault or other violence to the University in order to receive help in accessing support services and in prosecuting the alleged offender. However, the decision whether or not to report the incident and whether or not to press charges must be made by the victim and respected by all members of the University. If the victim does not give permission to disclose identity, with the sole exception of the threat to personal safety, the identity of the victim cannot be given. Reporting information can include only time, place, manner, and current condition of the victim. All information must be devoid of all demographics about the victim and other identifying information.
6. When a University staff member is informed of an assault or other violent incident, the staff member will seek the victim's consent to notify the Title IX Coordinator. The staff member will not disclose either the name or other identifying information without the victim's consent. University staff members are encouraged to consult their supervisors and/or the Office of Human Resources when they have concerns or doubts regarding the safety and well-being of a victim or other person, in order to take steps to ensure the safety of the victim and others. In rare cases, this consultation may need to occur even without the victim's consent.

D. Disability Accommodation

A complainant or respondent with a disability who requires accommodation in the complaint, investigation, hearing or any other phase of the process is responsible for disclosing the need for accommodation to the Title IX Coordinator.

E. Amnesty

The health and safety of every student at the University is of utmost importance. The University 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 University strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a complainant acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to the University's officials or law enforcement will not be subject to the University's code of conduct action (including but not limited to action under this policy) 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. The University reserves the right to provide amnesty in additional circumstances.

F. Grievance Process

A. Filing a Formal Complaint.

A formal complaint is necessary to initiate the University'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 University's Title IX Coordinator alleging sexual misconduct against a respondent and requesting that the University investigate the allegation. The respondent may be either a student or an employee or a visitor, independent contractor, intern, or volunteer of the University. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail. Contact information for the Title IX Coordinator can be found: <https://www.excelsior.edu/about/transparency/title-ix/>. 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 Title IX Coordinator determines there is sufficient cause to file a formal complaint, the Title IX Coordinator may file a formal complaint. In

such cases, the Title IX Coordinator is not considered to be a complainant or other party under this policy.

The Title IX Coordinator will consider the wishes of the complainant not to proceed with the investigation and adjudication process. However, the Title IX Coordinator may file a formal complaint if the Title IX Coordinator determines that the allegations are such that it would be unreasonable not to proceed despite the wishes of the complainant. In making this determination, the Title IX Coordinator 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 University 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 University and is not employed by the University, the University may decline to process the complaint through the Grievance Process. The University may take the steps it deems appropriate under the circumstances. The Student Bill of Rights is attached as Appendix "B". Additional rights and protections that are afforded students who report sexual misconduct are outlined in Appendix "C".

B. Mandatory Dismissal of Title IX Category Charges

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

- ▶ would not constitute sexual misconduct even if proven,
- ▶ did not occur in the University'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 Title IX Coordinator may determine at any point in the process that facts have emerged that require the dismissal of a Title IX Category violation. A decision to dismiss a Title IX Category violation is immediately appealable by the complainant. Even if Title IX Category violations are subject to dismissal, the University may continue to process the allegations as University Category violations, assuming that the allegations, if true, would constitute University Category violations.

C. Discretionary Dismissal of Title IX Category Charges

The Title IX Coordinator may, but is not required to, dismiss formal complaints in the following circumstances:

- ▶ When the complainant withdraws a formal complaint;
- ▶ When the respondent is no longer enrolled in or employed by the University; and
- ▶ Where specific circumstances prevent the University 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.

VII. INFORMAL RESOLUTIONS POLICY

A. 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 the University 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.

B. Steps Prior to the Informal Resolution Process

The Title IX Coordinator 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 University 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.

C. How the Process Works

The facilitator will schedule one or more meetings with the parties. The facilitator will assist the parties in communicating information and opinions to the

facilitator and each other regarding the allegations in an effort to find common ground and a resolution of the allegations that is satisfactory to both parties. The facilitator may meet separately with each party to explore the party's views about the allegations and desired outcome from the process. Either party can elect to have any meeting occur so that the parties are in different rooms and the facilitator "shuttles" between the parties.

Informal Resolution may be appropriate if the parties are willing to openly exchange views and reach a resolution acceptable to both parties. The parties to this process should have a clear understanding of the allegations in the complaint and the issues that are in dispute since the investigation phase of the formal grievance and hearing process will not occur if an Informal Resolution is reached.

If an Informal Resolution Process does not result in an agreed-upon resolution, the complaint returns to the formal grievance and hearing process outlined in this policy. Any investigation of the allegations in the complaint will resume and the formal grievance process will proceed from there. The University encourages terms of resolution that meets the parties' needs and may include a disciplinary sanction. In unusual circumstances, the Title IX Coordinator may determine that the parties' agreed upon resolution cannot be approved by the University.

The University and the facilitator will maintain confidentiality concerning the Informal Resolution process. The parties and any support persons may not disclose information shared by the other party during the process in the hearing. This confidentiality protection does not apply to information that is learned outside the Informal Resolution process through the investigation or otherwise (but not learned through a violation of the confidentiality agreement).

VIII. INVESTIGATION PROCEDURES

A. Appointment of Investigator

Where a formal complaint has been filed, and in the absence of an informal resolution, the University will appoint an investigator to conduct an investigation into the allegations in the formal complaint.

The University may appoint any qualified investigator, who may be a person internal or external to the University. The University also may appoint more

than one investigator in the University's sole discretion. The investigation is an impartial fact-finding process.

The appointed investigator may not have a conflict of interest and either the complainant or the respondent may object to the appointment of a specific investigator if there is a good faith basis for believing that such a conflict exists. The University retains the right to continue with the appointed investigator, or to select a new investigator.

B. Temporary Delay Due to Concurrent Law Enforcement Investigation

The University's investigation may be temporarily delayed where there is a concurrent law enforcement investigation, if necessary, to avoid interference with the law enforcement investigation. Any such delay shall not exceed ten (10) days unless the law enforcement agency requests and justifies a longer delay.

C. 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 this policy; 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 University decides to investigate allegations that are not included in the notice initially provided to the parties, the Title IX Coordinator or designee will provide notice of the additional allegations to the parties.

D. Meetings and Interviews to Gather Information

The complainant and respondent will be provided with advance written notice of the date, time, location, participants, and purpose of any meeting or interview in which they are invited to or expected to participate. The complainant and respondent have a right to be accompanied by an advisor of their choice, who may be an attorney. The University does not appoint an advisor for a party during the investigation phase of the process.

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 University. The investigator may decline to interview any witness or to gather information the investigator finds to be not relevant or otherwise excludable (e.g., sexual history of the complainant with a person other than the respondent, materials subject to a recognized privilege, medical records in the absence of a release by the subject of the records, etc.). The investigator will determine the order and method of investigation.

Both the complainant and the respondent shall have the right to have their own prior sexual history with persons other than the other party or their own mental health diagnosis and/or treatment excluded from the investigation and adjudication process under this policy.

No unauthorized audio or video recording of any kind is permitted during investigation meetings or interviews. If the investigator elects to audio and/or video record interviews, all involved parties involved in the meeting or interview will be made aware that audio and/or video recording is occurring.

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. Investigative Report

At the conclusion of the investigation, the investigator will complete a written investigative report that fairly summarizes the relevant evidence. The investigator need not include information in the investigative report that the investigator determines not relevant or otherwise excludable. The investigator will submit the investigative report to the Title IX Coordinator.

At least ten (10) days prior to a hearing to determine whether there is responsibility for the allegations, the complainant and respondent, and each party's advisor if any, will be provided a copy of the investigative report (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform), subject to redaction permitted and/or required by law.

G. Consolidation of Cases

The Title IX Coordinator 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.

H. Investigation Time frame

The University will endeavor to complete an investigation within a reasonably prompt time frame (generally sixty (60) days from receipt of the formal complaint). An investigation may be extended for good cause, such as witness unavailability, breaks in the academic schedule, or other similar circumstances. The investigator will endeavor to keep the parties apprised of the status of the investigation where practicable.

IX. HEARING PROCEDURES

A. General

A hearing before a Hearing Officer designated by the Title IX Coordinator 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 Hearing Officer may be a member of the campus community or may be external to the University, as determined by the Title IX Coordinator.

The Title IX Coordinator will notify the parties in writing of the date, time, and location of the hearing, the name of the Hearing Officer, and how to challenge participation by the Hearing Officer 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 decision maker is biased or has a conflict of interest).

Participants in the hearing will include the Hearing Officer, 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 Title IX Coordinator 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 Title IX Coordinator's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling the Hearing Officer 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 Title IX Coordinator may postpone the hearing for good cause as determined by the Title IX Coordinator. 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 Hearing Officer is in charge of organizing the presentation of information to be considered at the hearing. Formal rules of evidence will not apply. Except as otherwise expressly prohibited by this policy, any information that the Hearing Officer 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 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. No party may seek to introduce at the hearing any evidence not previously made available during the investigation phase, other than the investigative report itself and any responses to the investigative report submitted by the parties.

The Hearing Officer 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 Hearing Officer 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, and/or to recall parties or witnesses for additional questions as the Hearing Officer deems necessary or appropriate. The Hearing Officer may impose additional ground rules as the Hearing Officer may deem necessary or appropriate for the orderly and efficient conduct of the hearing, which will apply equally to both parties.

C. 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 University will provide, without fee or charge to that party, an advisor of the University's choice for the limited purpose of conducting questioning on behalf of that party as provided in this policy.

Except with respect to questioning, the advisor's role is limited to consulting with their advisee, and the advisor may not present evidence, address the Hearing Officer 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 non-disruptive manner or in writing. The advisor

may consult with the advisee verbally outside the hearing during breaks, when such breaks are granted. An advisor's questioning of the other party and any witnesses must be conducted in a respectful, non-intimidating and non-abusive manner. If the Hearing Officer 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 University will assign an advisor of the University's 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 Officer may be advised by and/or consult with the University's legal counsel as the Hearing Officer deems necessary or appropriate.

D. Questioning Procedures

The Hearing Officer 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, non-intimidating and non-abusive manner, and never by a party personally. If a party does not have an advisor present at the hearing, the Title IX Coordinator will arrange for the University to provide without fee or charge to that party, an advisor of the University's choice 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 Hearing Officer 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 Hearing Officer reconsider any decision to exclude a question and the Hearing Officer, after soliciting the other party's advisor's opinion, will render a final determination. Such decisions by the Hearing Officer 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 Officer may not rely on any statement of that party or witness, during the hearing or otherwise, in reaching a determination regarding responsibility. The Hearing Officer 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 Officer will deliberate and render a determination as to whether the respondent is responsible or not responsible for the alleged violation(s).

The Hearing Officer 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 Officer 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 Officer determines that the respondent is responsible for one or more violations, the complainant and respondent will be invited by the Title IX Coordinator to submit a personal impact statement that will be provided to the Hearing Officer for consideration in determining appropriate sanctions. The Title IX Coordinator will set the time frame for the submission of personal impact statements which normally will be no less than ten (10) days.

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 for conduct that occurred prior to the violations at issue;
- ▶ 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 University in other matters involving comparable conduct; and
- ▶ any other lawful factors deemed relevant by the Hearing Officer.

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 University 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 University policy, procedure, or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified privileges, exclusion from extracurricular activities, no-contact orders, and/or other measures deemed appropriate.
- ▶ Suspension: Cessation of student status for a definite period of time and/or until specific criteria are met.
- ▶ Expulsion: Permanent termination of student status.
- ▶ Withholding Degree and/or Diploma: the University 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 Officer 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 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.
- ▶ Monetary fines.
- ▶ For those crimes of violence that the University is required by federal law to include in its Annual Security Report, the transcripts of suspended or expelled students found responsible after a hearing and appeal, if any, will include the notation “Suspended after a finding of responsibility for a code of conduct violation” or “Expelled after a finding of responsibility for a code of conduct violation”. Transcript notations for suspensions may be removed at the discretion of the Provost, but no earlier than one year after the conclusion of the suspension. Transcript notations for expulsion may not be removed.
- ▶ If a respondent who is a student withdraws from the University while charges are pending, and declines to complete the disciplinary process, the University shall make a notation on the transcript of such student that they “withdrew with conduct charges pending.”

The University employees who are found to have violated this policy will be subject to disciplinary action, up to and including termination of employment. The University will also take appropriate remedial measures to address violations of this policy by individuals who are neither students nor employees of the University.

F. Notice of Outcome

The Hearing Officer 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 University’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 Title IX Coordinator will provide the written determination to the parties simultaneously.

X. APPEALS

A respondent or complainant may appeal: (1) a determination regarding responsibility, and (2) the University’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 Title IX Coordinator 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 only 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;
- ▶ The penalty or sanction imposed is excessive and/or disproportionate to the violation; and
- ▶ The Title IX Coordinator, 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.

When a party submits a written notice of its intent to appeal to the Title IX Coordinator within 10 days of the appealable decision, the University 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.

The decision-maker for the appeal will not be the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

The decision-maker for the appeal 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.

XI. APPLICATION TO FACULTY AND STAFF

One or more of the University's personnel policies or faculty and staff handbook policies may overlap with this policy in a particular situation. This policy applies to any situation where a student is the complainant or respondent. In all other situations, the University reserves the right to apply this policy or another applicable the University policy or process. The University will apply this policy to any situation where the University determines that Title IX requires the application of this policy.

XII. ACADEMIC FREEDOM

The University is an academic institution at which academic freedom possessed by those who are teaching/conducting research and their students is necessary and valued. The University will not construe this policy to prevent or penalize a statement, opinion, theory, or idea offered within the bounds of legitimate, relevant, and responsible teaching, learning, working, or discussion.

XIII. CLERY ACT COMPLIANCE

The University is required to include for statistical reporting purposes the occurrence of certain incidents in its Annual Security Report (ASR). Neither the names of individuals involved in incidents nor the specific details of the incidents are reported or disclosed in ASRs. In the case of an emergency or ongoing dangerous situation, the University will issue a timely warning to the campus, except in those circumstances where issuing such a warning may compromise current law enforcement efforts or when the warning itself could potentially identify the complainant. In such circumstances, the name of the alleged perpetrator may be disclosed to the community, but the name of the victim/complainant will not be disclosed.

XIV. COORDINATION WITH OTHER POLICIES

A particular situation may potentially invoke one or more University policies or processes. The University reserves the right to determine the most applicable policy or process and to utilize that policy or process.

XV. DESIGNATION OF AUTHORITY

The University administrator or official empowered by this policy may delegate their authority to any other appropriate University official. Delegation of authority may be necessary to avoid conflicts of interest or where time constraints or other obligations prevent a University official named in this policy from fulfilling their designated role.

XVI. PROTECTING AGAINST SEXUAL ASSAULT AND OTHER VIOLENCE

On traditional university campuses, occurrences of sexual assault and other violence are frequently associated with alcohol, and many victims know their assailants. Students who study at a distance from the University should be aware of personal safety and wary of potentially dangerous situations in their daily lives.

The University is committed to making certain that its offices located in Albany, New York, are secure and safe environments for employees and visitors. With this in mind, the University has established the following policies and practices:

- ▶ The possession, abuse, or distribution of illicit drugs and/or alcohol by students and employees on the University property or as part of any University activities is strictly prohibited.
- ▶ All visitors to the University buildings, including students, must sign in at the reception desk at the main entrance. Staff meet visitors at the main reception desk and escort them to the appropriate destinations.
- ▶ During evening hours and when the University is officially closed, all entrances to the University buildings remain locked. Only employees with prior authorization are admitted to the buildings during these times.
- ▶ The University provides security personnel for regular evening work hours (Monday–Thursday from 4:30–8:30 p.m.).
- ▶ The Office of Human Resources and the Office of Technology and Facilities Services provides employees with periodic reminders about personal safety and security issues.

Many University students take traditional classroom courses through accredited colleges and universities to fulfill the University degree requirements. These students should visit those institution's websites or campus security offices to find out about the safety programs at those schools. (See [Campus Security Report](#))

- ▶ Many universities have “blue light” systems that aid in expediting calls concerning emergencies or criminal incidents. Such “blue light” call boxes are traditionally placed in areas of high pedestrian traffic on campus.
- ▶ Services are available on many university campuses to escort students to their cars during evening hours.

- ▶ Universities may have personal safety workshops, which you can attend while a student on that campus.

- ▶ View national Campus Crime Statistics at the following website: <http://ope.ed.gov/security>.

Students and employees are encouraged to take a proactive approach to crime prevention and become responsible for their own security.

- ▶ Make it a practice to avoid walking in poorly lit areas, whether a city street, local college campus, public library, or shopping mall parking lot.
- ▶ When walking in any parking lot, especially at night, students should have their car keys ready.
- ▶ Students should be watchful of alcohol consumption and its effects on their behavior and the behaviors of others.
- ▶ Students should pay attention to their own emotions. If they feel threatened or uncomfortable in any situation, they should leave immediately and seek safety.

XVII. POLICY ENFORCEMENT

The person(s) responsible for the implementation of this policy internally is:

Daniel Pascoe Aguilar, Title IX Coordinator

Email: TitleIX@excelsior.edu

Phone: +1-800-516-2273

<https://www.excelsior.edu/about/transparency/title-ix/>

Inquiries and complaints may be made externally to:

Office for Civil Rights (OCR)

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202-1100

Customer Service Hotline #: 800-421-3481

Facsimile: 202-453-6012 **TDD#:** 877-521-2172

E-mail: OCR@ed.gov

Web: <http://www.ed.gov/ocr>

APPENDIX A

Confidential Resources

ComPsych: Student Assistance Program
Call: 866-899-1134
TTY: 800-697-0353

Medical Attention

Victims of sexual assault or other acts of violence are encouraged to seek prompt medical attention—several hospitals are located in the Albany area. For individuals not local to the Albany area, students should seek medical attention at local hospital emergency rooms. To gain assistance in getting to an emergency room, a victim can call 911. Medical staff will collect evidence, check for injuries, address pregnancy concerns and the possibility of exposure to sexually transmitted infections. Communications with medical staff are confidential. Medical staff will not report the incident to the University. Seeking medical attention will in no way obligate a victim to file a complaint or press criminal charges. Conversely, electing not to seek medical attention or to contact police will not impact the University's investigation process.

HOSPITALS

Albany Medical Center
43 New Scotland Avenue
Albany, NY 12208
Phone: 518-262-3125

St. Peter's Hospital
315 S Manning Blvd
Albany, NY 12208
Phone: 518-525-1550

Ellis Hospital
1101 Nott Street
Schenectady, NY 12308
Phone: 518-243-4000

POLICE

Guilfordland Police Department
Phone: 518-356-1501

Albany Police Department
Phone: 518-438-4000

CRIME VICTIM AND SEXUAL VIOLENCE CENTER

112 State Street, Room 1118
Albany, NY 12207
Phone: 518-447-7100

NYS DOMESTIC AND SEXUAL VIOLENCE HOTLINE

1-800-942-6906, English & español/Multi-language
Accessibility. Deaf or Hard of Hearing: 711
In NYC: 1-800-621-HOPE (4673) or dial 311 TTY:
1-800-810-7444

For a listing of domestic violence hotlines by county, go to the New York State Domestic Violence Directory.

NATIONAL DOMESTIC VIOLENCE AND CRIME VICTIMS HOTLINES:

Safe Horizon's Domestic Violence Hotline:
800.621.HOPE (4673)
Safe Horizon's Crime Victims Hotline:
866.689.HELP (4357)

SAFE HORIZON'S RAPE, SEXUAL ASSAULT & INCEST HOTLINE:

212.227.3000 or call NYC's 311
TDD phone number for all hotlines:
866.604.5350

STALKING RESOURCE CENTER

<https://www.stalkingawareness.org/>

STUDENT BILL OF RIGHTS

All students have the right to:

- ▶ Make a report to local law enforcement and/or state police;
- ▶ Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
- ▶ Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
- ▶ Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- ▶ Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
- ▶ Be free from any suggestion that the complainant is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- ▶ Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- ▶ 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;
- ▶ Access to at least one level of appeal of a determination;
- ▶ Be accompanied by an advisor of choice who may assist and advise a complainant, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
- ▶ Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

The University will provide students with written information about resources, including intervention, mental health counseling, legal services, and medical services, visa and immigration assistance, student financial aid, and other services, which shall include information on whether such resources are available at no cost or for a fee. Complainants will be provided information on sexually transmitted infections, sexual assault forensic examinations, and resources available through the New York state office of victim services, established pursuant to section six hundred twenty-two of the executive law. Students will be provided information explaining the scope of confidentiality protections.

ADDITIONAL RIGHTS REGARDING A REPORT OF SEXUAL MISCONDUCT

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

- ▶ Notify campus security authorities, as identified in the annual Campus Security Report, local law enforcement, or the New York State Police;
- ▶ 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:
- ▶ Options to proceed, including the right to report to the University officials, local law enforcement, and/or the New York State Police, or choose not to report; to report the incident to the University; to be protected by the University from retaliation for reporting an incident; and to receive assistance and resources from the University;
- ▶ Where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible;
- ▶ That the criminal justice process utilizes different standards of proof and evidence than the University'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;
- ▶ Whether the person they are reporting to is authorized to offer confidentiality or privacy; and
- ▶ Any other reporting options.
- ▶ Disclose the incident confidentially to the University representatives, who may offer confidentiality pursuant to applicable laws and can assist in obtaining services for complainants.
- ▶ Disclose the incident confidentially and obtain services from the state or local government.
- ▶ File a report of sexual assault, domestic violence, dating violence, and/or stalking and consult with the Title IX Coordinator and other appropriate University personnel for information and assistance. Reports shall be investigated in accordance with University policy. A complainant's identity shall remain private if that is what the complainant wishes. However, privacy is not the same as confidentiality and private information can be shared as necessary to implement and fulfill the University's obligations under the law and its policies and procedures.
- ▶ If the accused is an the University employee, disclose the incident to Human Resources or request a confidential or private employee assist in reporting to Human Resources.
- ▶ Receive assistance from appropriate University representatives if interested in initiating legal proceedings in family court or civil court. Such assistance consists of facilitation in contacting appropriate local agencies who can provide direct assistance with court proceedings.
- ▶ Withdraw a complaint or involvement from the University process at any time, with the understanding that in appropriate cases, the University may nonetheless be required to continue investigating and appropriately resolving cases even if the reporting individual does not wish the case to continue.

Reporting Individuals will be protected from retaliation for reporting an incident.

