

An aerial photograph of the D'Youville College campus in Buffalo, New York. The image is overlaid with a semi-transparent red filter. The central focus is a large, multi-story brick building with a prominent gabled roof and dormer windows. To the right, a classical-style building with columns is visible. In the background, a tall, modern skyscraper stands out against the sky. The foreground shows a paved area and a sign for D'Youville College.

2019-2020

D'YOUVILLE

ANNUAL SECURITY REPORT

This annual report is made public pursuant to the Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act (Clery Act). The information contained in this report is based on the previous calendar year (January – December 2018) per Clery Act law.

D'Youville College
320 Porter Avenue
Buffalo, New York 14201



MISSION STATEMENT

D'Youville College is an independent institution of higher education that offers baccalaureate and graduate programs to students of all faiths, cultures, and backgrounds.

D'Youville College honors its Catholic heritage and the spirit of St. Marguerite d'Youville by providing academic, social, spiritual, and professional development in programs that emphasize leadership and service. D'Youville teaches students to contribute to the world community by leading compassionate, productive, and responsible lives.

MESSAGE FROM THE PRESIDENT

For students and their families, choosing where to continue their education is a major life decision based on academic, financial, geographic and other considerations including that of safety.

At D'Youville, we pride ourselves on making it our priority for all students, faculty, staff, and visitors to have a safe and welcoming campus. Located in an urban setting, D'Youville is a beacon of opportunities to learn and grow in a culturally rich, diverse neighborhood within Buffalo's burgeoning and exciting West Side neighborhood.

The men and women of the Campus Safety Department as well as our neighborhood Buffalo Police Department have always been committed to making the D'Youville campus and surrounding community a safe place in which to live, work, study, visit, and play.

This report contains information and statistics from 2016-2018 and published in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. I encourage everyone, from the local neighborhood, prospective students, parents, and the D'Youville community to read through and use it as a guide for safe practices on and off campus.

Let us know how we may be of any additional service in making our campus and neighborhood one of the best areas in the country to learn, grow, and prosper together, building a healthy, thriving, community.

Lorrie Clemo, PhD
President
D'Youville College

The Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act
Signed into law in 1990, the Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act (Clery Act) is a federal law that requires colleges and universities to disclose timely and annual information about campus crime and Campus Safety policies. More information about the Clery Act is available at <https://clerycenter.org/>.

TABLE OF CONTENTS

Mission Statement	2
President's Message	3
Introduction	6
Campus Safety Personnel	6
Location of Emergency Phones	8
Policies for Preparing the Annual Security Report	10
Who prepares the annual security report?	10
How are crime statistics collected and reported	12
Policies for Reporting Criminal Offenses	14
How does one report and emergency?	14
What constitutes an emergency?	14
Policy Statement for Security of and Access to Campus Facilities	16
Description of General Security for Buildings	17
Detailed Security for Specific Buildings	17
Security Considerations for Maintaining Campus Facilities	18
Policy Statement for Law Enforcement and Jurisdiction	19
Campus Safety's Mission	19
Reporting Criminal Activity and Other Emergencies	21
Voluntary and Confidential Reporting Procedures	21
Policy Statement for Monitoring and Reporting Non-Campus Related Criminal Activity	23
Policy Statement for Timely Warnings	24
Policy Statement for Emergency Notifications	26
Policy Statement for Emergency Drill, Testing, and Evacuation Procedures	29
Security Awareness Programs	30
Crime Prevention Programs	30
Crime Prevention Tips for the D'Youville Community	31

Policy Statement on Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking	32
It's on US.	32
The Pledge	32
Ongoing Education.	33
Student Bill of Rights	34
Safe Bystander Interventions	35
Risk Reduction Techniques	35
Maintaining Confidentiality	36
Sexual Misconduct Policy	36
Informal Resolution	43
Review Committee	49
Appeals	53
Resources	56
Written Notification	58
 Title IX Definitions	 59
 Policy Statement on Drug, Alcohol, and Substance Abuse	 66
Rules of Conduct and Discipline for Alcohol and Drugs for Students	67
Disciplinary Sanctions and Legal Penalties for Alcohol and Drugs	69
Registered Sex Offender Statement	72
Policy Statement on Missing Student Notification.	72
 Crime Definitions	 74
Hate Crimes	75
Categories of Bias.	75
Sexual Assault (VAWA Definition)	77
Geographic Locations	78
 Crime Statistics	 80
 Annual Fire Safety Report	 82
Fire Inspections	82
Fire Protection Equipment/Systems	82
Procedures for Students and Employees in the Event of a Fire	83
Residence Halls	83
Policy Statement on Smoking	84
Fire Safety Tips	84
Fire Statistics	85
 Campus Map	 86
 Emergency Numbers	 back cover

INTRODUCTION

D'Youville strives to maintain a safe and secure environment for all members of its campus community and their friends, families, and visitors. The Campus Safety Office protects the campus 24 hours a day all year long—in sun, rain, and snow! Whether one needs to report suspicious activity, criminal behavior, an unfortunate accident, or an emergency—or just needs directions to or a safety escort between destinations in the campus neighborhood—Campus Safety's friendly officers are always present and ready to assist.

CAMPUS SAFETY PERSONNEL

The Director of Campus Safety, who is employed directly by D'Youville, worked in law enforcement for over 18 years with a number of agencies including the Department of Homeland Security and the US Department of Justice's US Customs & Border Protection and US Immigration; he possesses broad knowledge of immigration and international law, intelligence gathering and analysis, investigative research, anti-terrorism methods, and enforcement training—all the skills necessary to lead the College's security team.

D'Youville's highly trained and qualified Campus Safety Officers (CSOs) are contracted through United States Security Associates (USSA) the largest wholly owned American security company whose mantra is "A safe workplace is a productive workplace."

CSOs receive continual training on campus safety procedures, including patrol techniques, defensive tactics and handcuffing, basic first aid, cardiopulmonary resuscitation (CPR), and campus intruder/active shooter response protocols. Training is provided by US Campus Security Associates, the NYS Division of Criminal Justice, and other law enforcement agencies in the Western New York area. CSOs are also trained in Title IX of the Education Amendments Act of 1972, which prohibits any form of sex discrimination, including sexual harassment and assault. Moreover, many of D'Youville's CSOs have earned Peace Officer status. CSOs continuously patrol the interiors of all buildings on campus and the surrounding neighborhood. The Campus Safety Office also has a Bike Patrol Unit of certified bike patrol CSOs who ride bicycles certified by the International Police Mountain Bike Association. The Bike Patrol Unit operates rain or shine—but not in snowy weather. The Bike Patrol Unit provides

the D'Youville community with speedier response times to emergency calls.

CSOs are available year round, 24 hours a day, to escort individual(s) to any location on campus, including buildings, parking lots, and Dobson Athletic Field, or to a residential location within a two-block radius of College property. Individuals may request an escort at any security post or by calling security at 716-829-7550 (orA

extension 7550 from a campus line) or by picking up one of the emergency phones on campus that provide a direct line to the Campus Safety Office. Red phones are located in buildings; blue phones are located in parking lots. When utilized, emergency phones pinpoint the exact location from which the call was received and establish instant voice communication with the attending CSO.



LOCATION OF EMERGENCY PHONES

The 7777 system is D'Youville's dedicated emergency line.

RED EMERGENCY PHONES ARE LOCATED IN THE FOLLOWING BUILDINGS:

DR. PAULINE M. ALT BUILDING (ALT)

- Lower level in Spot Café
- First-floor lobby
- Front and rear stairwells on floors 2, 3, 4, 5 and 6

BAUER FAMILY ACADEMIC CENTER (BFAC)

- Lobby

COLLEGE CENTER (CC)

- Lower level by the fitness center
- First-floor lobby
- First-floor pool
- Second-floor in the George O. Kuhrt Dining Hall

D'YOUVILLE ACADEMIC CENTER (DAC)

- Front and rear stairwells on floors LL, 1, 2, 3, 4, 5 & 6

DR. CHARLES AND MARY SCHWEITZER BAUER SCHOOL OF ARTS, SCIENCES AND EDUCATION BUILDING (SASE)

- All stairwells

BLUE EMERGENCY PHONES ARE LOCATED IN THE FOLLOWING PARKING AREAS:

- A Lot
- B Lot
- C Lot
- C-1 Lot
- C-2 Lot
- D Lot
- E Lot (on the commuter side)
- F Lot
- G Lot
- H Lot
- Dobson Athletic Field House



EMERGENCY

EMERGENCY CALL STATION
FOR PEACE OFFICERS
AND POLICE OFFICERS

POLICIES FOR PREPARING THE ANNUAL SECURITY REPORT

WHO PREPARES THE ANNUAL SECURITY REPORT?

The Clery Campus Security Compliance Committee (CCSCC) is responsible for preparing and distributing the Annual Security Report (ASR) for D'Youville. The CCSCC is comprised of 15 individuals from the following divisions:

Division of Institutional Effectiveness and Planning

- Assistant Dean of Assessment (Chair)

Division of Operations

- Director of Campus Safety (Co-Chair)
- Associate Vice President for Operations & Administration
- Fire Marshall & Mechanical Trades Manager, Office of Facilities Management

Division of Student Life and Enrollment Management

- Assistant Director of Student Activities & Events Services (Co-Chair)
- Title IX Coordinator & Coordinator of Events Services
- Dean of Students
- Assistant Dean for Student Engagement

- Director of Student Engagement & Residence Life
- Advocate for Crisis Services Domestic Violence and Sexual Assault
- Assistant Director of Athletics & Senior Women's Administrator
- Director of Marketing & Communications

Division of Academic Affairs

- Assistant Director of International Student Services & Study Abroad, Center for Global Engagement

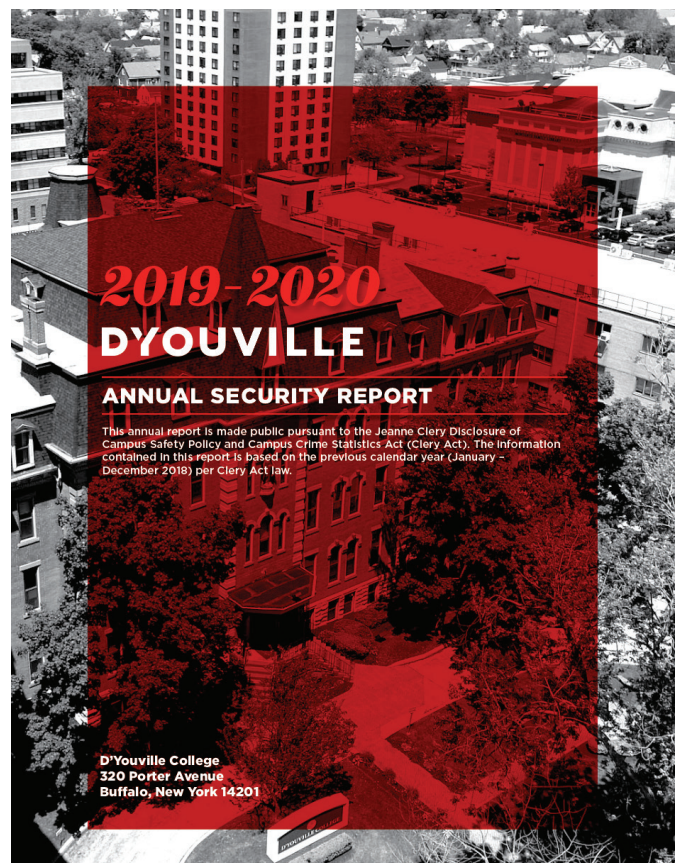
Division of Financial Affairs

- Manager of Human Resources, Employee Relations and Recruitment
- Manager of the Human Resource Information System & Benefits

The CCSCC collaborates both in person and via a virtual web-based team-site throughout the year to:

- Divide up responsibilities for reviewing policies, procedures, and programs to ensure compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
- Make recommendations for revising and improving those policies, procedures, and programs to executive administration
- Compose the ASR

D'Youville encourages members of its campus community to read and use the ASR as a guide for safe practices both on and off campus. The ASR is available online at <https://www.dyc.edu/campus-life/support-services/docs/annual-security-fire-safety-report.pdf>. Additionally, the Director of Campus Safety and the Vice President of Operations send out an email describing the ASR's content and purpose, including the link above, to each member of the campus community. Physical copies of D'Youville's ASR are distributed and displayed for reference across campus, including, but not limited to, the Offices of Admissions, Campus Safety, Student Life, and the President. The Board of Trustees also receives and reviews the ASR.A



HOW ARE CRIMES STATISTICS COLLECTED AND REPORTED?

To prepare for the annual disclosure of crime statistics to the D'Youville community, the Director of Campus Safety obtains information from the following sources:

- D'Youville's Office of Campus Safety, including:
 - › Reports from Campus Security Authorities (CSA) having significant responsibility for student activities
 - › Proxy reports submitted by persons who have confidential knowledge
- Local law enforcement agencies, including
 - › Buffalo Police
 - › Erie County Sheriff
 - › New York State Police

In accordance with the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the Director of Campus Safety and the Vice President of Operations distribute this information annually to all students and employees and to any person making an inquiry regarding admission or employment when requested. Statistics are specified for the three preceding calendar years, with terms defined according to the FBI's National Incident-Based Reporting System. The data reflects all reported incidents occurring on both campus and non-campus properties, in campus

residences, and on public property adjoining the campus. (See page 78 for geographic definitions.) Additionally, the Director of Campus Safety provides, upon request, all campus crime statistics as reported to the United States Department of Education.

To access these statistics on the U.S. Department of Education Web Site, visit <http://ope.ed.gov/security>. To obtain a copy of the crime statistics, contact the Director of Campus Safety at 716-829-7550.

Individuals are encouraged to report crimes in a timely manner to the proper authorities. Victims or those observing suspicious behavior are expected to immediately call Campus Safety at Ext. 7777 or use the emergency blue-light call boxes on the grounds. Reports may be filed anonymously. Campus authorities reserve the right to summon the Buffalo Police, Erie County Sheriff, New York State Police, or other law enforcement agency for assistance. Once law enforcement is involved, the college will defer its authority to the police and assist them in conducting investigations and follow-up. Campus Safety personnel perform mobile unit safety patrols, building security rounds, and residence hall access control to monitor for suspicious activity and safety hazards.

At the college, the Director of Campus Safety, in collaboration with the Clery Campus Security and Compliance Committee (CCSCC), collects mandatory timely filings of any crimes on campus through email, paper, or online submission forms from CSAs. The Director of Campus Safety sends monthly email reminders to all CSAs and written requests to local law enforcement agencies for Crime Statistics. Statistical data is compiled by the Director of Campus Safety on behalf of the college.

The entire published Annual Security Report (ASR) is available in both paper and electronic form. The Director of Campus Safety disseminates the ASR to all enrolled students and current employees on an annual basis via email, as well as to new employees during onboarding. The ASR can be accessed on the D'Youville Campus Safety webpage at <http://www.dyc.edu/campus-life/support-services/safety-and-security.aspx>, and copies of the ASR are also provided to any interested parties upon request.

The statistics in this publication are categorized in accordance with the guidelines in the FBI Uniform Crime Reporting Handbook or as provided, otherwise, by the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

The screenshot shows the homepage of the CSS Campus Safety and Security Data Analysis Cutting Tool. The header includes the U.S. Department of Education logo and the CSS Campus Safety and Security title. The main heading reads "The tools you need for Campus Safety and Security analysis". Below this, there are five colored boxes, each representing a different tool:

- Get Data for One School**: Search for a school to view general information and the past three years of safety- and security-related statistical data for the entire school or by campus.
- Compare Data for Multiple Schools**: Select up to four schools to see a side-by-side comparison of aggregated data for the most recent year, along with an option to view the number per 1000 students.
- Download Custom Data**: Select the safety- and security-related statistical data you are interested in for one or more years and download data for a customized group of schools.
- Generate Trend Data**: Select a subject area and a question that you are interested in, and then see the answer for a selected year, build a table, and see a graph that shows the trend over time. You can customize your results by various institutional characteristics such as public or private, 2-year or 4-year, or state.
- Download Data**: Download the complete data file for all institutions from a single data collection. Files will include all data submitted by all institutions in the selected survey year.

Below the tool boxes, there is a section titled "What is the Campus Safety and Security Data Analysis Cutting Tool?" which provides a detailed description of the tool's purpose and data sources.

POLICIES FOR REPORTING CRIMINAL OFFENSES

Although D'Youville takes every precaution to ensure a safe and healthy environment, it is vital that the entire community knows what to do in an emergency. The college encourages anyone who is a victim or witness of any incident or crime to promptly and accurately report the incident to the Campus Safety Office and/or the Buffalo Police Department, even if the victim elects not to make a report or is unable to do so. Keeping D'Youville safe is everyone's responsibility and requires the active cooperation and participation of the entire community.

HOW DOES ONE REPORT AN EMERGENCY?

In a life-or-death situation, call 911 immediately from a mobile or landline phone. Then, if it is safe to do so, call the Campus Safety Office at 716-829-7777 or extension 7777 from any campus phone.

The prompt reporting of a crime allows the Campus Safety Office to provide timely warning notifications to the community. Further, incidents reported to the Campus Safety Office that fall into one or more of the required classifications of the Clery Act will be disclosed as a statistic in the next Annual Security Report.

WHAT CONSTITUTES AN EMERGENCY?

An emergency is any situation that requires immediate assistance from the Campus Safety Office, the police department, the fire department, or an ambulatory center. These situations include:

- A fire
- A crime, especially if in progress
- A car crash, especially if someone is injured
- A medical emergency, especially for symptoms that require immediate medical attention.

If one is not sure whether the situation is a true emergency, officials recommend calling for assistance and letting the call-taker determine whether emergency help is necessitated. When reporting a possible

emergency, the caller should be prepared to answer the call-taker's questions, which may include:

- The location of the emergency
- The phone number from which the emergency call is being made
- The nature of the emergency
- Details about the emergency, such as descriptions of:
 - › the person(s) who may have committed a crime
 - › any fire that may be burning
 - › the injuries or symptoms being experienced by a person in distress.

The call-taker will send the right kind of help quickly. Be prepared to follow any instructions that the call-taker gives for one's own safety and the safety of others in the emergency situation.

Reports may also be made in person at any of the security stations on campus. Victims of crimes may also file a criminal complaint with the Buffalo Police Department by phone at 716-851-4444 or in person by visiting the Buffalo Police Department B District located at 695 Main Street, Buffalo, NY 14203.

The Campus Safety Office staff and the Title IX Coordinator are available 24 hours a day to provide immediate support and make arrangements for emergencies and/or counseling service. These individuals are

considered Campus Security Authorities (CSAs) who are required to forward any report of a crime on campus to the Campus Safety Office for further investigation and inclusion in annual statistics even if the victim of a crime elects or is unable to make a report. Other CSAs include, but are not limited to, student affairs staff, residence life staff and assistants, faculty advisors of clubs and organizations, athletic directors and coaches, pastoral counselors when leading service trips, and other individuals with security responsibilities.

If one does not feel comfortable contacting the Campus Safety Office or the Buffalo Police Department directly about any incident of abuse, assault, or harassment, then that student or employee is encouraged to contact the Title IX Coordinator, the Dean of Students, the Assistant Dean of Student Engagement, the Director of Student Engagement, one of the mental health counselors in the Personal Counseling Center, the Director of the Health Center, or the Vice President of Student Life and Enrollment Management.

Non-emergencies should be reported to the Campus Safety Office at extension 7550 from a campus phone or 716-829-7550 from an outside line.

POLICY STATEMENT FOR SECURITY OF AND ACCESS TO CAMPUS FACILITIES

SECURITY OF RESIDENCE HALLS

D'Youville's residence halls are locked and secured 24-hours a day. Campus Security Officers and/or staff from the department of Residence Life monitor front entrances. Only students with ID cards and their guests may enter the residence halls by using an access-controlled student ID card swipe system.



DESCRIPTION OF GENERAL SECURITY FOR BUILDINGS

D'Youville safety monitors over 140 advanced digital video camera feeds that cover the entire campus, and for effective communication, they are equipped with state-of-the-art, law enforcement-caliber radios. Increasingly, areas across the campus require ID cards for access. Other buildings are kept open during regular business hours, but are locked overnight, according to scheduled hours of operation.

All buildings are closed when the college is closed; however, Campus Safety maintains constant presence 24-hours a day, 365 days a year.

DETAILED SECURITY FOR SPECIFIC BUILDINGS

MONTANTE FAMILY LIBRARY: The Director of the Library determines the hours of operation every semester; typically, the library is open Monday through Friday from 7:00 AM to 9:00 PM, with 24-hour access to the 4th-floor study areas Tuesday through Friday. The library's hours may be limited during holidays. A Campus Security Officer monitors entry to the library during hours of operation.

KOESSLER ADMINISTRATION BUILDING: The Koessler Administration Building (KAB) is open during normal business hours. After-hours access to The Kavinoky Theatre area of KAB is provided on days and evenings of shows through designated entry doors.

MADONNA HALL: Madonna Hall (MAD) is only open during normal business and school hours. The doors locked from 6:00 PM to 6:30 AM. MAD also houses Leonardo DaVinci High School, and a school security guard monitors the high-school students' entrance while school is in session.

BAUER FAMILY ACADEMIC CENTER: The Bauer Family Academic Center (BFAC) is open from 6:30 AM to 11:00 PM. Employees and students can access labs and study areas after-hours from designated doors with authorized ID verification.

DR. PAULINE ALT HEALTH SCIENCE BUILDING: The Dr. Pauline Alt Health Science Building (ALT) is open during from 6:30 AM to 11:00 PM. Employees and students can access labs and study areas after-hours from designated doors with authorized ID verification.

D'YOUVILLE ACADEMIC CENTER: The D'Youville Academic Center (DAC) is open from 6:00 AM to 11:00 PM, ID-card access only at designated entries from 7:00 PM to 11:00 PM. Authorized personnel can enter through the main doors overnight by swiping a verified campus safety ID card.

D'YOUVILLE COLLEGE CENTER: The College Center (CC) is open from 6:30 AM to 10:00 PM. The Director of the College Center grants after-hour access on a case-by-case basis.

SCHOOL OF ARTS SCIENCE & EDUCATION (SASE): The School of Arts, Sciences, and Education (SASE) is open from 8 AM to 11 PM. Employees and students can access labs and study areas after-hours from designated doors with authorized ID verification.

DOBSON ATHLETIC FIELD: Dobson Athletic Field (DOB) is only open for sporting events, practices, and special events. Contact D'Youville's Athletic Director or the A Dobson Athletic Field Manager for times and dates of availability for field.

SECURITY CONSIDERATIONS FOR MAINTAINING CAMPUS FACILITIES

D'Youville utilizes the following procedures in the monitoring and servicing of campus facilities with regards to safety and security:

1. Campus Security Officers and contracted facilities' staff continuously monitor interior and exterior lighting to ensure that outages are identified and serviced in a timely manner using a work-ticket system.
2. Campus Security Officers and contracted facilities' staff inspect and test the blue-light emergency call boxes and red emergency phones every month, reporting any non-functioning phones to the office of information services for repair using a work-ticket system.
3. The offices of campus safety and facilities management complete a bi-annual review of campus property, landscaping, and vegetation, which is submitted to the Trades Manager with recommendations for improving safety and security.
4. Following a report of any safety or security incident on campus, the Director of Campus Safety completes a review of the location of the incident and determines if any action should be taken to improve or alter the physical space to enhance safety and security. The recommendations for action are submitted to the Associate Vice President of Operations and Administration for consideration.

POLICY STATEMENT FOR LAW ENFORCEMENT AND JURISDICTION

D'Youville Campus Safety Department is located in the D'Youville Academic Center (DAC) building. DAC is located at 240 Fargo Ave (Lot-A), Buffalo, NY 14202. Campus Safety is open 24-hours a day, 365 days a year. The telephone number for emergency calls using campus phones is Ext. 7777 and using off-campus phones is 716-829-7777; the telephone number for non-emergency routine business calls from on-campus phones is Ext. 7550 and from off-campus phones is 716-829-7550.

The department consists of professional Campus Safety Officers dedicated to providing best-in-class service to the community. Officers patrol the campus on foot, by bicycle, and in vehicles. Campus Safety is staffed by a Director who is Chief of the Department with a command structure of a Captain, Shift Supervisor Lieutenants, Sergeants, and regular Officer Staff. Several officers from multiple layers of supervision are on duty 24-hours a day. The Dispatch Center is staffed with trained dispatchers who answer calls for service, dispatch Officers, provide emergency response to incidents, and monitor intrusion detection and fire alarms. The department also employs students who carry out a variety of roles, including participating in the campus Safety Escort program.

CAMPUS SAFETY'S MISSION

The mission of the Campus Safety Department is to enhance the living, learning, and working experience at D'Youville by protecting life, maintaining order, and safeguarding property. We fulfill this purpose by providing our campus community with a full range of services that meet the highest professional standards of campus safety and security. We are committed to working with the community to define our priorities and build lasting partnerships.

D’Youville’s Campus Safety Department has the responsibility to provide safety and security services to the campus and all properties owned, leased, or controlled by the college. Campus Safety Officers are non-sworn officers certified by New York State’s Division of Criminal Justice Service as Licensed Security Guards in the State of New York. The primary jurisdiction of Campus Safety Department is based upon Clery Geography as well as other highly trafficked public areas that are between buildings throughout the footprint of the lower West Side of Buffalo. Specifically, (a) upon the campus of D’Youville and an area

within approximately one-quarter mile of the exterior boundaries of each thereof, and (b) in or about other grounds or property owned, operated, controlled, or administered by the college.

Campus Safety Officers are currently vested with a limited arrest authority provided for in the State of New York’s Criminal Procedure Law (CPL) and General Business Law (GBL), Sec 89 (N). The Campus Safety Officers’ arrest authority is defined in New York State Criminal Procedure Law (CPL) sections 140.30, 140.35, and 140.40 within the New York State.

Campus Safety Officers also provide safety escorts, bicycle registration, and administrative support to enhance the safety of the campus by reporting any suspicious activity to police dispatch.

1. The D’Youville Campus Safety Department maintains a cooperative relationship with City of Buffalo Police, Erie County Sheriff, New York State Police, and other surrounding law enforcement agencies. Buffalo Police B-District is the primary first responder as the law enforcement agency with jurisdiction for D’Youville and all adjacent public streets and areas in communities surrounding D’Youville properties. The Campus Safety Department cooperates fully and regularly communicates with Buffalo Police and its law enforcement partner agencies in the Western New York area.
2. The D’Youville Campus Safety Department does not have a memorandum of understanding (MOU) with the City of Buffalo Police Department concerning jurisdiction and operational responsibility. D’Youville is currently working on articulating a written agreement to clarify that the City of Buffalo Police Department is the primary law enforcement agency for all crimes occurring on D’Youville properties. Through this collaboration, D’Youville seeks to outline Campus Safety’s and Buffalo Police’s administrative, geographic, and operational responsibilities.

REPORTING CRIMINAL ACTIVITY AND OTHER EMERGENCIES

D'Youville has a policy that encourages people to report all crimes in an accurate and timely manner to the Campus Safety Department, as well as to the law enforcement agencies surrounding our institution's jurisdiction, including the Buffalo Police. D'Youville has a Campus Safety Department, which is not a sworn Police Department.

All D'Youville students, staff, employees, and guests should promptly report criminal incidents, accidents, and other emergencies to the Campus Safety Department by dialing Extension 7777 from an on-campus phone or 716-829-7777 from an off-campus phone. Non-emergency calls should be directed to Extension 7550 from an on-campus phone or to 716-829-7550 from an off-campus phone. Individuals may also report incidents in person at the Department's Dispatch Center located in the lobby of the D'Youville Academic Center (DAC) building. D'Youville has installed emergency two-way blue-light call boxes throughout the campus. By pressing the red button on the stations, users can immediately contact and communicate directly with our Dispatch Center.

Crimes also can be reported to the following Campus Security Authorities:

- Assistant Dean of Student Engagement, College Center, (716) 829-7812
- Director of Human Resources, Koessler Administration Building, (716) 829-7810
- Director of Student Engagement, College Center, (716) 829-7812
- Dean of Students, College Center, (716) 829-8199
- College Title IX Coordinator, College Center, (716) 829-8198
- Associate Vice President for Global Education, Dr. Pauline ALT Health Science Building, (716) 829-8119

VOLUNTARY AND CONFIDENTIAL REPORTING PROCEDURES

Occasionally, victims of crimes may wish to report a crime without giving their names and/or without pursuing action through the criminal justice or D'Youville's disciplinary systems. In such cases, victims are encouraged to make confidential reports.



With permission from the victim or an observer of a crime, a D'Youville Campus Safety Officer can file a report on the details of the incident without revealing the identity of the reporter—except in the events of a sex offense or sexual harassment, which are mandated by law to be reported to the Title IX Coordinator so that victims can be offered support and resources. The purpose of a confidential report is to comply with the victim's wish to keep the matter confidential, while taking steps to ensure the future safety of others. With such information, Campus Safety can keep an accurate record of the

number of incidents involving students, employees, and visitors; determine whether patterns of crime exist in regard to a particular location, method, or assailant; and alert the campus community of potential danger.

Reports filed confidentially are counted and disclosed as statistics in the annual crime statistics for the institution. As delineated in the Clery Act, pastoral and professional counselors who receive confidential reports are not required to report those crimes to Campus Safety or local law enforcement for

inclusion in the annual disclosure of crime statistics or for the purpose of a timely warning. These positions are defined as follows:

- Pastoral Counselor - a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.
- Professional Counselor - person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

Pastoral counselors and professional counselors, if and when they deem it appropriate, are encouraged to inform the persons they are counseling of the procedures to a report crime to the D'Youville Campus Safety Department for inclusion in the annual disclosure of crime statistics.

POLICY STATEMENT FOR MONITORING AND REPORTING NON-CAMPUS RELATED CRIMINAL ACTIVITY

D'Youville does not regularly record and monitor criminal activity by students at non-campus locations. D'Youville does not own or control any off-campus housing facilities for student organizations.

D'Youville, through the Campus Safety Department, requests reports and statistics about crimes occurring in the immediate surrounding area from the local police department. On occasion, the Campus Safety Department may respond to crimes in progress at non-campus locations to assist Buffalo Police, depending upon the nature of the crime and the proximity to the campus. Crime reports and statistics for these locations are maintained by the local police department; however, they are included in the college's Annual Security Report. When a local law enforcement agency notifies the Campus Safety Department of criminal conduct by an affiliated group recognized by the college, D'Youville Campus Safety Officers may gather information and refer the incident to the Department of Student Life/Student Conduct for further investigation.

POLICY STATEMENT FOR TIMELY WARNINGS

Per the Clery Act, D'Youville issues a Timely Warning to the college community:

1. Upon notification that a Clery Act crime has occurred and has been determined to pose a serious or continuing threat to students, employees, and/or visitors; and
2. The crime occurred in a Clery Act geographical designated area. This includes any area on campus, in or on non-campus buildings or property owned by D'Youville, or on public property that is within or immediately adjacent to the campus.

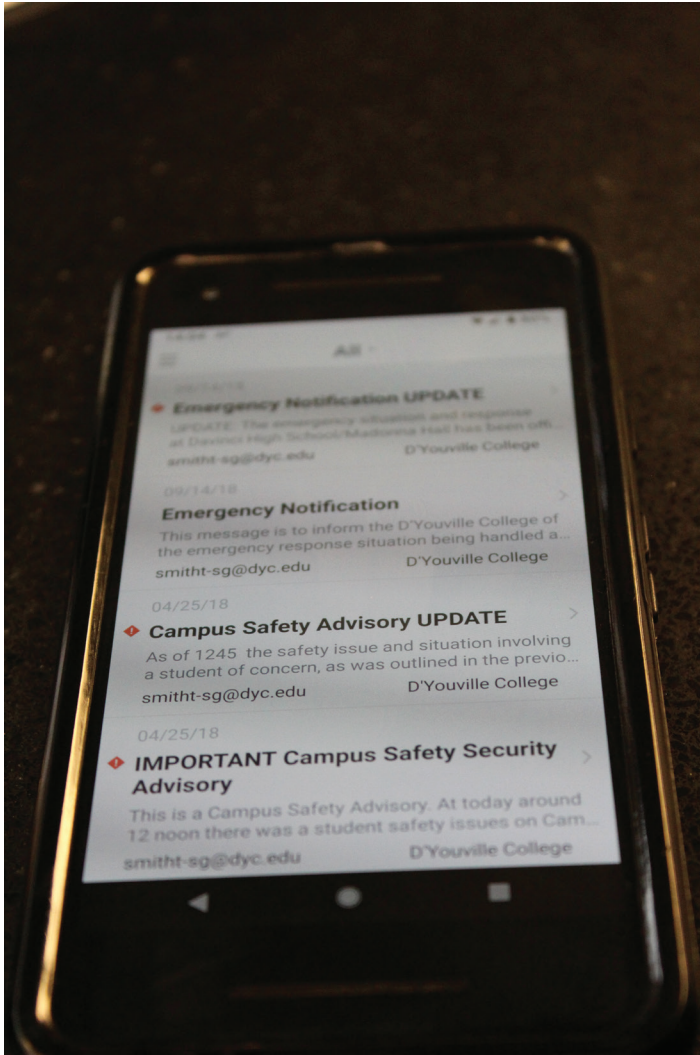
An official Timely Warning may be issued for the following Clery Act crimes:

- Murder and Non-negligent manslaughter
- Manslaughter by negligence
- Rape
- Fondling
- Incest
- Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Hate crimes, which include all criminal offenses listed above and the following additional crimes:
 - › Larceny-Theft
 - › Simple Assault
 - › Intimidation
 - › Destruction, Damage, or Vandalism of Property
- Arrests and referrals for disciplinary action for Weapon Law violations, Liquor Law violations, Drug Abuse violations

And for the following VAWA offenses:

- Dating Violence, Domestic Violence, Stalking

(See page 74 for definitions of each of the crimes listed above.)



The decision to issue a Timely Warning is made by the Director of Campus Safety in coordination with Associate Vice President of Operations, who use D'Youville's Timely Warning Determination Form to inform decision-making. D'Youville's Time Warning Determination Form coincides with the Timely Warning Decision Chart. A copy of the form is saved in the Clery Campus Security Compliance Committee's Annual

Security Report Folder, as well as uploaded and attached to the Campus Safety Official Incident Report.

Notifications are sent out through D'Youville's Emergency Notification System (ENS): Everbridge. The Everbridge system is a multi-nodal alert system that communicates with the entire campus community. Notifications are also posted on the Campus Safety and/or Emergency Management webpage by Social Media staff. The D'Youville Campus Safety Department maintains close communication with the Buffalo Police Department to aid in the notification and communication of an event or situation that may necessitate the issuing of a Timely Warning. For incidents determined not to necessitate Timely Warnings, but are still of great concern to the safety and security of the campus community, a Campus Safety Security Advisory message is issued. This advisory message is broadcast for any incident or crime that does not pose an immediate threat to the community and occurred off-campus as defined by Clery Act Geography. Security advisories are generally sent out via email, but the Everbridge System may also be used, depending on the type and severity of the situation.

POLICY STATEMENT FOR EMERGENCY NOTIFICATIONS

Per the Clery Act, D'Youville will issue an Emergency Notification to the college community when there is an event that is occurring or has occurred that imminently threatens the campus. An Emergency Notification will be initiated for any significant emergency or dangerous situation involving an immediate threat to the health and safety of students or employees occurring on campus. Emergency notifications are broader in focus and deal with significant emergency or dangerous situations as opposed to Timely Warnings which are narrower in focus and are only for Clery Act crimes. The entire campus or segmented populations may be alerted depending on the situation. An Emergency Notification will be issued immediately upon confirmation.

As described above, emergency notifications have a wide focus on any significant emergency or dangerous situation, which may also include Clery crimes as also described above in D'Youville's Timely Warning Policy Statement. Examples of significant emergencies or dangerous situations include, but are not limited to: approaching severe weather, medical outbreak (meningitis, norovirus or other serious illness), earthquake, gas leak, terrorist incident, active shooter/armed person, bomb threat, civil unrest or rioting, explosion, chemical or hazardous waste spill or other.

Summarizing D'Youville's Emergency Notification Policy, D'Youville utilizes the following procedures to provide emergency

notifications regarding events or incidents on or in the vicinity of the campus to include: active shooters, campus lockdowns, shelter-in-place, campus evacuations, viral outbreaks, natural or man-made disasters, or any incident that may threaten the safety and security of the college community:

The Campus Safety Department has primary responsibility for managing the emergency notification procedure. Secondary responsibility is assigned to the Computer and Network Services Department in the Office of Information Services, which is overseen by the Vice president of Operations. Tertiary responsibility is assigned to the Marketing & Communications Department, particularly, the college's designated Public Information Officer (PIO).

All emergency notifications will be sent out to the college community through the contracted Emergency Notification System: Everbridge, which is a opt-out emergency multi-nodal delivery system. The same emergency messages will be posted on the college's website and social media accounts.

D'Youville has the ability to notify specific segments of the college through the Everbridge (i.e. Residence Halls only, or through GPS GEO fencing whereby affected locations can be selected using an Everbridge interactive topical map for segment selection). The Director of Campus Safety and Associate Vice President of Operations & Administration will evaluate the specific emergency as quickly as possible when determining who receives the notification. The process to determine which segment(s) will be notified and receive the emergency notification will be made from multiple sources of information provided by Campus Safety Officers, EMD, local law enforcement, and any other means available to the Director of Campus Safety and Associate Vice President of Operations & Administration.

Once the emergency has been confirmed by the Director of Campus Safety in conjunction with the Associate Vice President of Operations & Administration, an Emergency Notification will be sent out immediately,

as per Federal law and The Clery Act, in the interest of protecting the safety of the college community. To expedite the process, pre-written emergency-message templates have been prepared and pre-approved by the President of D'Youville, the Vice President of Operations, and the Associate Vice President of Operations & Administration. Additional follow-up messages may then be prepared by the Public Information Officer (PIO), as necessary, as part of D'Youville's Emergency Management Team. These messages are also distributed through the Everbridge system with the assistance of the Computer and Networking Services Department.

The process for issuing an emergency message through the Everbridge Emergency Notification System will be made by the Director of Campus Safety in coordination with Associate Vice President of Operations & Administration using D'Youville's Emergency Notification Decision Chart and the Emergency Notification Decision Form. The form will be completed as soon as time allows and will be saved as part of the year's Annual Security Report folder held by the Clery Campus Safety Compliance Committee as well as uploaded and attached to the Campus Safety Official Incident Report for the event.

The decision to issue an Emergency Notification will be made by the Director

of Campus Safety in coordination with Associate Vice President of Operations & Administration, who will immediately inform the Vice President of Operations and the President in cases where an Emergency Notification is being or has been sent out.

The Computer and Network Services Department in the Office of Information Services is responsible for sending out an email reminder within the first five days of each semester to all current faculty, staff, and students explaining the Everbridge Emergency Notification System and the process for registering to receive notifications.

In lieu of an Emergency Management Department, the Vice President of Operations chairs and oversees the Emergency Management Committee. The Vice President of Operations is ultimately responsible for communicating the location and contents of the college's Emergency Action Plan (EAP) to all faculty, staff, and students and for tasking the college's Fire Marshall to conduct at least one drill annually that tests the Everbridge system along with a simulated emergency drill that is outlined in the EAP, as required by The Clery Act.

To ensure the safety of the community, an Emergency Notification will be sent out without delay. The President and the

Vice President of Operations have fully empowered the Associate Vice President of Operations & Administration and Director of Campus Safety to immediately disseminate an Emergency Notification that is informative and concise. Updates may be sent out by the President, the Emergency Management Team, and the Public Information Officer; however, the initial Emergency Notification message will be immediate.

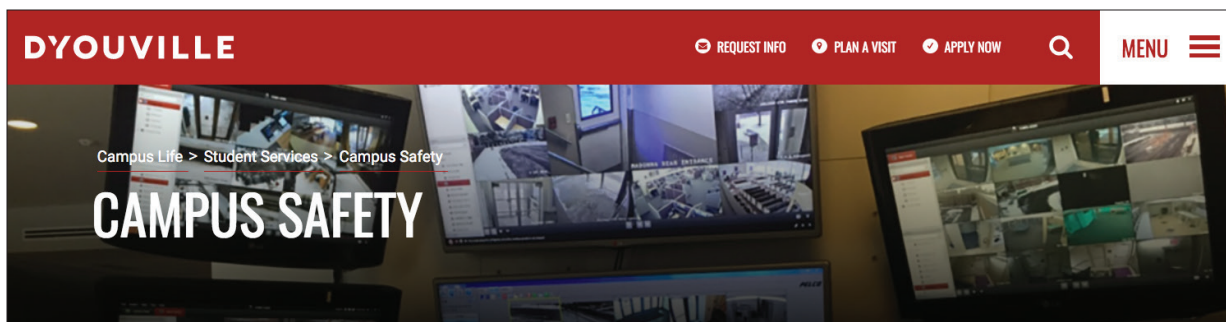
All emergency notifications will be initiated without delay unless the notification will, in the professional judgment of responsible officials, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.

In the event that an Emergency Notification is initiated, D'Youville will notify the local community in the following ways:

1. "DYCSAFE" keyword opt-in, community-outreach SMS notification
2. Website and social media accounts will be updated.
3. The Public Information Officer will communicate with a pre-determined list of community news organizations who will then release that information via their media outlets.

POLICY STATEMENT FOR EMERGENCY DRILLS, TESTING, AND EVACUATION PROCEDURES


All campus personnel are expected to familiarize themselves with their own specific work locations and, working with the Director of Campus Safety and the Campus Safety Department, become comfortable with their own site-specific evacuation and emergency response needs. The Campus Safety Department performs multiple trainings throughout the year related to response actions for the general campus population as well as specifically to resident assistants and students located in both residential facilities.



D'Youville's Campus Security is a 24/7/365 operation staffed by officers who are highly trained and knowledgeable of the D'Youville campus and neighborhood.

D'Youville's Campus Security Base and Communications Center is located on the first floor of the D'Youville Academic Center (DAC).

The communication center is the link between Campus Safety, external emergency assistance agencies, the campus community, and the general public.



Contact Us

Campus Safety
Call: 716-829-7550
Email: security@dyc.edu

Emergency
Call: 716-829-7777

Non-Emergency
Call: 716-829-7550

SECURITY AWARENESS PROGRAMS

D'Youville offers comprehensive and ongoing security awareness programs to the campus community:

- Campus Safety Department Safety & Security Outreach Information Presentations covering campus area safety and security awareness for orientations are offered 2-3 times per semester
- Active Shooter Introduction (Run, Hide Fights) presentation at orientations are offered 2-3 times per semester
- Campus Safety Department Safety & Security Outreach Information Presentations covering Campus area safety and Security awareness for onboarding new faculty and staff are offered 8-10 times per year
- Active Shooter Introduction (Run, Hide Fight) presentations for onboarding new faculty and staff are offered 8-10 times per year
- Campus Safety Department Safety & Security Outreach Marketplace Information & Demonstration for Undergraduate Open Houses are offered 2 times per year

- Campus Safety Department Safety & Security Outreach Marketplace Information & Demonstration for Graduate Open Houses are offered 2 times per year
- Active Shooter Preparedness Training Seminar & Tabletop Exercises are offered 8-10 times per year
- Active Shooter or Critical Incident Tabletop Exercises are offered once per year

CRIME PREVENTION PROGRAMS

D'Youville offers a variety of programs designed to inform students and employees about crime prevention:

- Bi-monthly Crime Blog/information newsletter is disseminated bi-monthly, 6 times per year
- Bi-monthly Crime Prevention tips are disseminated bi-monthly , 6 times per year
- Anti-theft Bike Registration is offered bi-monthly, 6 times per year
- Guest law-enforcement presentations (e.g., FBI Behavioral Analysis pre-Attack indicators) are offered 2-3 times per year

CRIME PREVENTION TIPS FOR THE D'YOUVILLE COMMUNITY

PERSONAL SAFETY

When travelling around campus:

- Trust your instincts. If you feel that something may be wrong, head directly to a well-traveled, well-lit area, such as an emergency phone, a security station, or your student residence or employee office.
- Use the buddy system. Avoid walking or jogging alone. Travel with a friend(s) or colleague(s), especially at night, and stick to well-lit areas.
- Stay on parts of the sidewalk that are farthest away from shrubs or other areas where people can hide.
- Walk at a steady pace—appear confident and purposeful.
- Make sure you have some type of deterrent device and know how to use it. Carry a whistle. Keys and pens can be used as defensive devices in an emergency.
- Carry a mobile phone and program the speed dial with emergency numbers.
- Stay alert and aware of your surroundings. Listen for footsteps and voices. The smell of cologne or cigarette smoke may indicate that someone is nearby.
- Know where the red and blue emergency phones are located; each connects directly to Campus Safety.

- Take advantage of the free and convenient 24-hour safety escort service to and from any place on campus property by calling 829-7550.
- Report any suspicious activity or persons to Campus Safety immediately.

PROTECTING YOUR PROPERTY

- Do not leave personal items unattended, including purses, wallets, money, jewelry, cash, checkbooks, credit cards, textbooks, backpacks, laptops, phones, and other electronic devices. Store such items out of sight, preferably in a locked drawer, cabinet or closet.
- Always keep purses and backpacks with you. And keep personal belongings in view while in class or the library.
- Purchase a small safe, trunk or filing cabinet to secure valuables.
- Record serial numbers and/or engrave identification numbers on valuable items (such as computers, televisions, laptops, tablets, cameras, headphones, gaming systems, etc.) and keep a list of those at home or another off-site location.
- When going out, take only the items you will need. Leave extra cash, credit cards, and jewelry safely stored at home or in your residence hall.
- Promptly report lost or stolen D'Youville ID cards to the Campus Safety Office and immediately obtain a replacement ID.

POLICY STATEMENT ON PROGRAMS TO PREVENT DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

D'Youville prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking.

D'Youville is committed to providing a full range of campaigns, programs, and initiatives focusing on sexual misconduct/violence awareness, education, risk reduction, prevention, and safe intervention methods. With the assistance of the Title IX Coordinator, Crisis Services Advocate, "It's On US" Task Force, NYS State Police Sexual Assault Victims Unit and other members of Student Life, education and prevention information is presented throughout the year.

The foundation for all of our programming and training is the "It's On US" initiative to stop sexual misconduct. Throughout the year, students, faculty, and staff are asked to take the pledge:

IT'S ON US D'YOUVILLE

This is a personal commitment to help keep women and men safe from sexual assault.

It is a promise not to be a bystander to the problem but be part of the solution.

THE PLEDGE

To **RECOGNIZE** non-consensual sex is sexual assault.

To **IDENTIFY** situations in which sexual assault may occur.

To **INTERVENE** in situations where consent has not or cannot be given.

To **CREATE** an environment in which sexual assault is unacceptable and survivors are supported.

In addition to the pledge, the college provided a number of educational programs that taught students, faculty and staff the following:

- Conduct which constitutes consent, dating violence, domestic violence, sexual assault and stalking under New York State Law (EIE) and college policy and procedures
- Role alcohol/drugs play in many instances of sexual violence
- Safe options for bystander intervention
- Tips on how to reduce risk
- Services both on and off campus that are available to individuals
- Differences between mandated reporters and confidential resources and identification of these persons
- Options for reporting sexual violence to the college or law enforcement (campus, city and/or state), that students can choose one, both or not report at all.
- The Student's Bill of Rights for both reporting individuals and accused students
- A description of the Title IX policy and procedures including the prohibition of all sexual violence and the college's response to and adjudication of such behavior.

All new students, student-leaders, athletes, resident advisors, orientation assistants, and new faculty/staff members received

an in-person educational program which addressed these topics. New students, faculty, and staff received this information in their onboarding. Athletes received the information before their first competition. Student-leaders received it within the first few weeks of school during their leader trainings. RAs and OAs received it during their trainings before students arrived.

In addition, all new students were provided an online training (Campus Clarity: Think About It/Think About It - graduate). This online training program included definitions, risk-reduction strategies, bystander intervention techniques, and all information pertaining to NYS EIE Law.

ONGOING EDUCATION

Throughout the academic year a number of additional opportunities for education/training were offered.

The programs included but were not limited to, personal presentations by student life staff, the Title IX Coordinator and outside agencies (Equality, Crisis Services, NYS Police CSAVU). Brochures and flyers explaining affirmative consent, reporting options, safe bystander interventions and ways to protect each other from sexual misconduct are also handed out at information tables, hung on bulletin boards, and displayed on monitors across campus.

Other programs provided this past year focused on:

- Stalking, especially through social media – how to recognize it and how to handle it
- “What Were You Wearing” exhibit – attempting to dispel the myth that what someone wears is a factor in sexual assault.
- Equality – interactive theatre stressing that most sexual assaults are perpetrated by someone the victim knows
- “I Ask for Consent/Digital Consent” – presentations and a flyer campaign educating those on consent whether in person or through some form of digital communication

THE STUDENT’S BILL OF RIGHTS

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

SAFE BYSTANDER INTERVENTIONS

CARE - Active Bystander Intervention

CREATE A DISTRACTION.

Do what you can to interrupt the situation. A distraction can give the person at risk a chance to get to a safe place.

ASK DIRECTLY.

If you see someone who looks uncomfortable or is at risk, intervene and talk to the person who might be in trouble. If you feel safe, find a way to de-escalate the situation and separate all parties involved. Ask the person that you are worried about if he/she is ok. Ask the person if he/she wants to leave. Make sure that he/she gets home safely.

REFER TO AN AUTHORITY.

Keeping your friends safe doesn't have to fall entirely on you alone. Sometimes the safest way to intervene is to refer to a neutral party with the authority to change the situation, like a bartender, college official, a resident advisor, campus safety officer or police.

ENLIST OTHERS.

Tell another person. It can be intimidating to approach a situation alone. Enlist another person to support you. There is safety in numbers.

These techniques are provided in all bystander intervention trainings, simulations, tablings and brochures offered throughout the year.

RISK REDUCTION TECHNIQUES

HAVE A PLAN: Talk with your friends about your plans before you go out. Having a plan ahead of time helps friends look after one another.

GO OUT TOGETHER, COME HOME

TOGETHER: Go out as a group and come home as a group; never separate and never leave your friend (s) behind or never send a friend home alone.

DIFFUSE SITUATIONS: If you see a friend coming on too strong to someone who may be too drunk to make a consensual decision or if your friend is too drunk to make a consensual decision interrupt, distract or redirect the situation.

TRUST YOUR INSTINCTS: If a situation or person doesn't seem "right" to you, trust your gut and remove yourself and your friend(s), if possible from the situation.

These tips are provided in all bystander intervention trainings, simulations, tablings and brochures offered throughout the year.

MAINTAINING CONFIDENTIALITY

All public record keeping, including the reporting of incidents and cases to Clery and New York State, do not include names or any other personally identifying information of impacted parties or respondents. Only the numbers of incidents are reported.

Accommodations and protective measures are also protected by confidentiality. No information regarding the reason for the request of these is given to members of the D'Youville community. The Title IX Coordinator provides training for faculty and staff providing information about requests for these measures. They understand that when a reasonable request is made by the Title IX Coordinator, they are to accommodate that request.

SEXUAL MISCONDUCT POLICY

D'Youville prohibits its employees (faculty, administrative, support staff and maintenance), and undergraduate and graduate students from engaging in any form of sex discrimination, which includes sexual harassment and sexual assault/violence. This policy provides information regarding D'Youville's prevention and education efforts related to sexual harassment and sexual assault/violence (collectively referred to in this policy as "sexual misconduct"). Should D'Youville become aware of sexual misconduct impacting its employees, undergraduate students or graduate students, D'Youville is committed to promptly and effectively addressing the situation.

In furtherance of that commitment, this policy explains how D'Youville will proceed once it is made aware of possible sexual misconduct in keeping with our institutional values and to meet our legal obligations under Title IX, the Clery Act, the Violence Against Women Reauthorization Act of 2013, and other applicable law. In all instances in which sexual misconduct is found to have occurred, D'Youville will take appropriate steps to end such conduct, prevent its recurrence and redress its effects.

SCOPE OF THE POLICY

This policy applies to reports that an employee of D'Youville or an undergraduate or graduate student ("Impacted Party") is alleged to have been subjected to sexual misconduct by another employee of D'Youville, a third party (such as a contracted service provider or vendor), or an undergraduate or graduate student ("Respondent") whenever the alleged sexual misconduct occurs:

- a. A On campus, which includes the Main Campus, Dobson Athletic Field, Main Street Chiropractic Clinic, and any other areas owned or leased by D'Youville; or
- b. A Off campus, if:
 - i. A In connection with a D'Youville or D'Youville-recognized program or activity; or
 - ii. A In a manner that may pose an obvious and serious threat of harm to, or that may have the effect of creating a hostile educational or work environment for, any member(s) of the D'Youville community.

This policy applies regardless of the sexual orientation or gender identity of the Impacted Party or Respondent.

(See page 59 for Title IX definitions.)

REPORTING SEXUAL MISCONDUCT

D'Youville strongly encourages the prompt reporting of sexual misconduct. The report may be made by:

- a. A person covered by this policy who believes they experienced sexual misconduct; or
- b. A person who has information that sexual misconduct may have been committed by a person covered by this policy.

Reports should be made to the Title IX Coordinator, Deborah Owens, at:
Phone: (716) 829-8198
Email: owensde@dyc.edu

Any member of the D'Youville community who believes he or she has been subjected to sexual misconduct is encouraged to report it and may request that an investigation be conducted. Unless an office has been designated as a confidential resource (as described in Section IV(B) below), students should assume that any other D'Youville office, official or employee (including Resident Assistants) to which a report is made will share that report with the Title IX Coordinator for review and handling in accordance with this policy. In fact, certain D'Youville employees are required by law to do so.

The following D'Youville employees with knowledge of unreported sexual misconduct (or what could potentially be deemed sexual misconduct) are considered "responsible employees" who are required to report such alleged sexual misconduct to the Title IX Coordinator: (i) faculty advisors which includes academic advisors and those that advise clubs and organizations, (ii) deans of D'Youville and department chairs, (iii) athletic department staff and team coaches, (iv) the residence life director and staff, (v) the president and president's council, (vi) all administrators and staff.

Upon receiving a report of alleged sexual misconduct, the Title IX Coordinator will provide the Impacted Party with information regarding the importance of preserving evidence and, where applicable, the importance of obtaining a sexual assault forensic examination as soon as possible.

REPORTS TO POLICE/CRIMINAL INVESTIGATION

In addition to seeking redress through D'Youville, the Impacted Party is also encouraged to report criminal concerns to the local law enforcement for the jurisdiction where the incident took place. Local law enforcement agencies do not necessarily notify D'Youville when a crime has occurred in their jurisdiction, so D'Youville will not have notice of an

incident unless a report is also made to D'Youville. A criminal investigation is separate from D'Youville process and will not be coordinated through D'Youville.

RETALIATION PROHIBITED

Retaliation in connection with any reports of possible sexual misconduct, whether against those who submit a report or otherwise participate in the investigative or disciplinary process (e.g. as a witness) is prohibited. Any retaliatory conduct should be immediately reported to the Title IX Coordinator. Should D'Youville become aware of retaliation of any sort, immediate responsive action will be taken up to and including discharge or expulsion.

COLLEGE'S OBLIGATION TO REPORT CRIME AND DISCIPLINARY STATISTICS

A federal law called the Clery Act requires D'Youville to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute sexual misconduct under this Policy. As described above, any D'Youville employees who receive reports of sexual misconduct are required to make a report to the Title IX Coordinator. In many cases, a notification must then be made to the Vice President for Student Life and Enrollment Management about such incidents for statistical

reporting purposes. These notifications may include the classification and location of the reported crime but do not identify the students involved. The Clery Act also requires D'Youville to issue a "timely warning" when it receives a report of certain crimes that pose a serious or continuing threat to the D'Youville community. Additionally, as a matter of policy, D'Youville will annually release aggregate information concerning reported incidents of sexual misconduct and any resulting sanctions. Such reports do not contain information identifying individual students.

Further, the Family Educational Rights and Privacy Act (FERPA) allows colleges and universities to share information with a student's parents when (a) there is a health or safety emergency, or (b) when the student is a dependent on either parent's prior year federal income tax return. However, in general, D'Youville will not share information about a report of domestic violence, dating violence, stalking, or sexual assault with parents without the permission of the Impacted Party.

AMNESTY FOR ALCOHOL AND/OR DRUG USE VIOLATIONS

The health and safety of every student at D'Youville is of utmost importance. D'Youville 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.

D'Youville strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to college officials. A student who is a bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to D'Youville's officials or law enforcement will not be subject to disciplinary action by D'Youville 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.

CONFIDENTIALITY

D'Youville will make reasonable and appropriate efforts to preserve an Impacted Party's and Respondent's privacy and to protect the confidentiality of information. Should an Impacted Party request confidentiality, the Title IX Coordinator will inform the Impacted Party that D'Youville's ability to respond to the alleged sexual misconduct may be limited but that, where feasible, D'Youville will take reasonable steps to prevent sexual misconduct and limit its effects.

The Title IX Coordinator will further inform the Impacted Party that it is not possible to provide confidentiality in all cases and that D'Youville's decision to share information with others is subject to the balancing test described below in Section VII(A). In summary, although D'Youville's goal is to limit the number of individuals who may learn about an allegation of sexual misconduct or an investigation, D'Youville cannot guarantee confidentiality in all matters.

Even D'Youville offices and employees who cannot guarantee confidentiality will maintain the Impacted Party's and Respondent's privacy to the greatest extent possible. The information provided to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

CONFIDENTIAL RESOURCES

There are Confidential Resources at D'Youville. Discussing allegations of sexual misconduct with a Confidential Resource will not result in a report to the Title IX Coordinator.

CONFIDENTIAL RESOURCES INCLUDE:

Personal Counseling Center

Campus location: Marguerite Hall, 1st Floor
Phone: (716) 829-7819

Health Center

Campus Location: Marguerite Hall, 1st Floor
Phone: (716) 829-8777

Campus Ministry

Campus Locations: Koessler Administration Building (KAB), Room 316 and School of Arts, Sciences, and Education Building (SASE), Room 113
Phone: (716) 829-7672

Crisis Services 24-Hour Hotline

Phone: (716) 834-3131

D'Youville Crisis Services Advocate

Campus Location: BFAC 012
Phone: (716) 829-8194

INTERIM ACCOMMODATION AND SAFETY MEASURES

When D'Youville has notice of an allegation of sexual misconduct, a qualified D'Youville staff member (such as the Vice Presidents of the D'Youville or Title IX Coordinators) may impose interim accommodations or safety measures, which will generally remain in effect throughout the duration of the investigation, any appeal process and beyond should it be deemed necessary.

When a qualified D'Youville staff member imposes interim measures, a report of the actions taken should be made to the Title IX Coordinator as soon as possible. Most accommodations or safety measures provided to the Impacted Party will be kept confidential to the extent possible. Interim Measures may include:

- Housing reassignments;
- Course reassignments;
- Alterations to D'Youville employment arrangements and/or changing work schedules;
- Alterations of course schedules, assignments or tests;
- No contact directives (such a directive serves as a notice to both parties that they must not have verbal, electronic, written, or third party communication with one another);

- Providing an escort for the Impacted Party to ensure he/she can move safely on campus and/or between college programs and activities;
- Limitation on extracurricular or athletic activities;
- Removal from college community;
- Temporary suspension or revision of D'Youville policies or practices;
- Training; and/or
- Other appropriate actions as necessary to stop the sexual misconduct, prevent its recurrence, remedy its effect on the Impacted Party or improve college policies or practices.

Any time that D'Youville has notice of an allegation of sexual misconduct and the Impacted Party or Respondent is a student, a no contact directive will be issued. As part of the no contact directive, D'Youville may establish an appropriate schedule for the Respondent to access college buildings and property at times when such buildings and property are not being accessed by the Impacted Party. Further, under the no contact directive, if the Impacted Party and Respondent observe each other in a public place, it shall be the responsibility of the Respondent to leave the area immediately and without directly contacting the Impacted Party.

REVIEW OF INTERIM ACCOMMODATIONS AND SAFETY MEASURES.

Both the Respondent and the Impacted Party may request prompt review, reasonable under the circumstances, of the need for and terms of any interim accommodation or safety measure, including potential modification, and shall be allowed to submit evidence in support of his or her request.

POTENTIAL ACCOMMODATIONS IN THE EVENT OF NO INVESTIGATION.

Even if D’Youville decides not to confront the Respondent because of the Impacted Party’s request for confidentiality, D’Youville may pursue other reasonable steps to limit the effects of the alleged sexual misconduct and prevent its recurrence as reasonable in light of the Impacted Party’s request for confidentiality.

Further, if an Impacted Party decides not to report an allegation of sexual misconduct to D’Youville but, instead, only discloses such allegation to a Confidential Resource (listed above), such Confidential Resource may request that interim accommodations or safety measures be imposed without disclosing any details to D’Youville that the Impacted Party wishes to keep confidential. The extent to which D’Youville is able to impose interim accommodations or safety

measures may be limited by the amount and content of the information disclosed by the Confidential Resource to D’Youville.

ASSISTANCE IN OBTAINING ORDER OF PROTECTION.

The Impacted Party has the right to seek an Order of Protection from the local law enforcement agency. Upon request, D’Youville Campus Safety will provide assistance in obtaining an Order of Protection from local law enforcement. If D’Youville receives an Order of Protection or its equivalent that concerns the Impacted Party and/or Respondent, then a copy will be provided to the Impacted Party and/or Respondent. The Impacted Party and/or Respondent may then meet or speak with the Director of Campus Safety who can explain the order and answer questions about it, including information from the order about the Respondent’s responsibility to stay away from the Impacted Party (or other protected person), and explain the consequences for violating the order, including but not limited to arrest, additional conduct charges, and interim suspension. The Impacted Party (or other protected individual) may seek the assistance of Campus Safety in effecting an arrest when the Respondent violates an Order of Protection through local police agencies.

INFORMAL RESOLUTION

Members of the D’Youville community have an option to resolve concerns of sexual misconduct informally, without an investigation, with the assistance of the Title IX Coordinator.

One informal resolution method is mediation. The primary objective of mediation is to permit the parties to resolve the dispute on their own, quickly and confidentially. Both the Impacted Party and the Respondent must agree to mediation. At any stage during or upon the conclusion of the mediation process, either party may decide to proceed by formal investigation. The Title IX Coordinator will oversee the mediation process.

Please note that, in cases involving allegations of Sexual Violence, as defined in the Section XI, “Definitions” below, mediation is not appropriate, even on a voluntary basis, and will not be used to resolve sexual violence complaints.

INVESTIGATION OF A REPORT OF SEXUAL MISCONDUCT

1. Decision to Proceed with Investigation.

Before beginning an investigation, the Title IX Coordinator will request consent from the Impacted Party to disclose

his/her identity and proceed with an investigation. The Impacted Party may withdraw a complaint or cease involvement in the investigation process at any time.

If the Impacted Party is willing to participate in the investigation process, D’Youville will proceed in accordance with the “Investigation Process” described below.

An investigation may still go forward even if the Impacted Party requests confidentiality and/or requests that D’Youville not proceed with an investigation, if appropriate, subject to an analysis of relevant factors, including those set forth in the New York State Education Law. This will be determined by the three-person Investigation Panel. The factors to be analyzed and balanced include:

- o The seriousness of the alleged sexual misconduct;
- o Whether the alleged sexual misconduct represents escalation in unlawful conduct on behalf of the Respondent from previously noted behavior;
- o The increased risk that the Respondent will commit additional acts of violence;

- o Whether the Respondent is alleged to have used a weapon or force;
- o The Impacted Party's age (and whether the Impacted Party is a minor);
- o Whether the Respondent has a history of violent behavior or is a repeat offender;
- o Whether there have been other sexual misconduct complaints about the same individual;
- o Whether D'Youville possesses other means to obtain evidence such as security footage, and whether available information reveals a pattern of perpetration at a given location or by a particular group; and
- o The Respondent's rights to receive information about the allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99.

2. Time Frame of Investigation and Sanctions.

An investigation conducted pursuant to this policy, the investigator's preparation of his/her initial report, presentation

to the Investigation Panel and the potential Review Committee's written determination, and the imposition of sanctions should normally be completed within 60 calendar days after D'Youville has notice of an allegation of sexual misconduct. The Title IX Coordinator, his/her designee, or the Review Committee may extend this time frame for good cause, including college breaks. If the time frame is extended, notice of the extension and the reasons for such extension will be provided to the Impacted Party and Respondent.

3. Impact of Criminal Investigation.

Where the Impacted Party has also reported the sexual misconduct to local law enforcement, resulting in the commencement of a criminal investigation, D'Youville will not wait for the conclusion of a criminal investigation or criminal proceeding to begin its own investigation. While D'Youville may need to delay temporarily the fact-finding portion of its investigation under this policy while law enforcement is gathering evidence, D'Youville will still take any necessary interim accommodation and safety measures, as described above. D'Youville will promptly resume and complete its investigation once it learns that the local law enforcement

has completed its evidence gathering stage of the criminal investigation. Typically, delays will not last more than 10 days. During any delay in D'Youville's investigation process caused by a criminal investigation, D'Youville will update the parties on the status of its investigation and inform the parties when D'Youville resumes its investigation pursuant to this policy.

4. Investigation Process.

- o **Assigning an Investigator.** When a determination is made to proceed with an investigation pursuant to this policy, the Title IX Coordinator will investigate or will assign an investigator or investigators. The Title IX Coordinator can delegate all or part of his or her responsibilities under this policy. At any point during this process, the investigator may, in his/her discretion, be accompanied by a qualified individual to assist in the documentation of the investigation.
- o **Standard of Review.** This investigation procedure will determine findings of fact using the "preponderance of the evidence" standard (i.e., it is more likely than not that sexual misconduct occurred).
- o **Cooperation.** All D'Youville College faculty, staff, students, community members, and third parties (including contracted service providers and vendors) are expected to cooperate in the investigation process. Students who fail to cooperate will be subject to disciplinary sanctions. Staff and faculty members who do not cooperate will be subject to discipline. Third parties who do not cooperate will be subject to removal from campus, prohibition from returning to campus and/or other appropriate actions. As early as possible in this investigation process, the investigator will direct the Impacted Party, Respondent, witnesses, and other involved individuals to preserve any relevant evidence.
- o **Interference with Procedures.** Interference with the procedures is strictly prohibited.

Interference includes, but is not limited to the following:

1. Knowingly falsifying, distorting, or misrepresenting information provided to an investigator or other officials involved in a complaint proceeding.
2. Knowingly instituting a complaint without cause and in bad faith;
3. Harassment and/or intimidation of any investigator or member of the Investigation Panel, Review Committee, or of any complainant, respondent, witness, student, or employee involved in a complaint proceeding before during, or after a proceeding.
4. Breaching the confidentiality requirements.

Students who interfere with these procedures will be subject to disciplinary sanctions. Staff and faculty members who interfere with these procedures will be subject to discipline. Third parties who interfere with these procedures will be subject to removal from campus, prohibition from returning to campus, and/or other appropriate action.

- o **Notice of Investigation.** At the outset of the investigation, the investigator will advise the Respondent in writing of the factual allegations against him

or her (“Notice of Investigation”). A copy of this Notice of Investigation will also be provided to the Impacted Party. Both the Respondent and the Impacted party will have an opportunity to respond to the Notice of Investigation in writing at any time during the investigation as set forth in Section VII(D)(6), below.

- o **Method of Notification.** Notification and/or delivery to the Impacted Party or Respondent, whether during this investigation process or at any other stage of a case being handled pursuant to this policy, shall be by personal delivery or registered mail or, if agreed upon by all parties, by electronic mail or facsimile.

- o **Fact Finding.** In most cases, the investigation will involve conducting a thorough fact-finding investigation, which includes meeting separately with the Impacted Party (if participating), Respondent, individual who reported the sexual misconduct (if different than the Impacted Party) and pertinent witnesses, and reviewing other relevant information. Occasionally, a different or less formal response to the report may be warranted (see, for example, Section VI regarding Informal Resolution). At any time during the course of an

investigation, the Impacted Party, Respondent, or any witnesses may provide a written statement, other supporting materials, or identify other potential witnesses or relevant documentary evidence, regarding the matter under review. All proceedings will be documented and filed in the Office of the Vice President of Student Life & Enrollment Management or Human Resources Office for a minimum of six years.

- o **Evidentiary Determinations.** The investigator has broad discretion in determining whether an offered witness or documentary evidence would be relevant or helpful to a determination. For example, some reasons an investigator might decline to speak to an offered witness include: there is not a sufficient basis to believe the person could have information relevant to the factual determination; the information to be solicited would be repetitive; and confidentiality concerns outweigh the importance of the information. Similarly, some reasons that an investigator might decline to seek or review documentary evidence include: D'Youville does not have the expertise to consider scientific evidence; the information is repetitive; and confidentiality concerns outweigh the importance of the information.

- o **Parties Review of Materials.** During the investigation, the Impacted Party and the Respondent will have the opportunity to review his/her own statement and comment on them. After the investigation is completed, each party will have the opportunity to review the other's statement and the statement of any witnesses and comment on those statements. This is a one-time review of materials. Any comments provided by a party will become part of the investigation file.

- o **Right to Exclude Certain Evidence.** The Impacted Party has the right to exclude his/her own prior sexual history with persons other than the Respondent from consideration by the investigator. The Respondent likewise has the right to exclude his/her own prior sexual history with persons other than the Impacted Party from consideration by the investigator. The parties also have the right to exclude their own mental health diagnosis or treatment from consideration by the investigator.

- o **Support Persons.** The Impacted Party and Respondent may have a support person accompany him or her through the process. A support person may not speak for the Impacted Party or Respondent, present evidence or question

witnesses. The Impacted Party and Respondent are responsible for presenting evidence on their own behalf. Support persons may speak privately to their advisee during the investigation process. Either party may request a recess from an investigatory meeting to consult with their support person which will be granted at the discretion of the Title IX Coordinator or his/her designee.

- o **Investigation Report.** In most cases, within 45 calendar days after D’Youville has notice of an allegation of sexual misconduct, the Title IX Coordinator or his/her designee will prepare a written report at the conclusion of an investigation. The Investigator’s written report will generally contain, at a minimum:
 1. a summary of the investigation;
 2. if applicable, a recommendation regarding any actions D’Youville will take to provide accommodations to the Impacted Party or safety measure(s) for the D’Youville community, which include those measures listed in the “Interim Measures” Section above.

If the investigator is a designee of the Title IX Coordinator, then his/her

written report must be reviewed and approved by the Title IX Coordinator.

- o **Investigation Outcome in Cases Not Involving Sexual Violence.** A

three person Investigation Panel will review the Title IX Investigator’s report to determine whether the evidence supports convening the Review Committee, or dismissing the case. Members of the Investigation Panel shall disqualify themselves in the event of a conflict of interest or personal bias. If a member disqualifies himself/herself then an appropriately trained individual will be selected to serve as a substitute member of the Investigation Panel.

If the Investigation Panel dismisses the case, the Impacted Party may appeal that decision to the Appeal Panel. Grounds for the appeal will be limited to the following:

1. There is new and compelling evidence that was not available at the time of the initial investigation that could significantly impact the outcome of the case.
2. There were procedural irregularities that substantially affected the outcome of the case to the detriment of the Impacted Party or the Respondent.

REVIEW COMMITTEE

1. Review of Investigator's Report and Recommendation.

At the conclusion of the investigation process described in Section VII, if the investigator's written report is accepted and the case is not dismissed by the 3 person Investigation Panel or is a case involving sexual violence, the written report will be provided and presented to a Review Committee. A list of potential Review Committee members will be provided to the parties by the investigator. The Impacted Party and the Respondent shall each have the right to disqualify one member without cause. The parties must notify the Title IX Coordinator in writing within 3 calendar days of their decision to disqualify a member. The Review Committee will consist of a chair and three members. The Assistant Vice President for Student Life shall be the chair of the Committee. From a designated and appropriately-trained group of full-time members of college administration, faculty, and/or staff who were not disqualified by a party, the Assistant Vice President for Student Life shall select three individuals to serve on the Review Committee for a particular matter. Any individual selected to serve on the Review Committee shall disqualify himself/herself in the event of personal bias.

The Review Committee shall review the investigator's report to determine if the investigation was sufficiently thorough, fair, and devoid of procedural irregularities. During this review period the Committee may ask questions of the Title IX Coordinator for clarification and factual understanding of the report. If a majority of the Review Committee members (not including the chair) determines that there are additional matters that should be investigated or that significant procedural irregularities occurred, the Review Committee shall remand the case to the investigator with instructions for further investigation, consistent with the above investigation process. Following any such further investigation, the investigator shall prepare an amended written report for the Review Committee's consideration.

Once a majority of the Review Committee members is satisfied with the investigation, the Review Committee shall deliberate in private and shall issue a written determination setting forth the decision reached by a majority of its members (not including the chair) with respect to (a) whether the Respondent is responsible for the alleged sexual misconduct and (b) if applicable, any actions D'Youville will take to provide accommodations to the Impacted Party or safety measure(s) for the D'Youville

community, which include those measures listed in the “Interim Measures” Section above. Any accommodations or safety measures provided to the Impacted Party will be kept confidential to the extent possible. The Review Committee has full discretion to adopt, modify or reject the investigator’s report except for the interim accommodations and safety measures that were imposed by the investigator. The interim accommodations and safety measures imposed by the investigator will remain in place throughout the duration of the process, any appeal process and beyond should it be deemed necessary.

2. Notice of Determination.

The Review Committee’s written determination following investigation (including its findings of fact) will be provided simultaneously to the Impacted Party and the Respondent. Information regarding any individualized accommodations or safety measures offered or provided to the Impacted Party will not be included in the copy of the Review Committee’s written determination that is provided to the Respondent. D’Youville neither encourages nor discourages the subsequent disclosure or sharing of the Review Committee’s determinations by either the Impacted Party or the Respondent.

If an Impacted Party has chosen not to participate in D’Youville’s review of the sexual misconduct report but desires to be notified of the outcome, D’Youville will notify the Impacted Party. If an Impacted Party has expressed a desire, in writing, not to be notified of the outcome, D’Youville will honor that decision. In such cases, D’Youville will not send the notification itself to the Impacted Party, but may proceed with any necessary accommodations and/or safety measures and may need to provide notification of those accommodations and/or safety measures, if appropriate.

3. Determination of Sanctions for Student-Respondent.

If the Respondent is a student and, after investigation, the Review Committee finds the Respondent responsible for sexual misconduct, then the Review Committee will reconvene on a later date to determine the appropriate sanctions to be imposed by D’Youville. Advance written notice will be provided to the Impacted Party and the Respondent setting forth the date on which the Review Committee will meet to determine appropriate sanctions. This notice will also advise the Impacted Party and Respondent of their right to submit a written impact statement for the Review Committee to consider when determining the appropriate sanctions.

The Review Committee is solely responsible for determining the appropriate sanctions to be imposed by D'Youville to address the misconduct, prevent its recurrence, and remedy its effects, while supporting D'Youville's educational mission and Title IX obligations. Sanctions may also serve to promote safety or deter students from similar future behavior. A majority of Review Committee members (not including the chair) must agree upon the appropriate sanctions.

In determining the appropriate sanctions, the Review Committee will consider the content of the investigation report, any impact statement(s) submitted by the parties, and consult with appropriate college officials. Further, at this stage of the proceedings, the Review Committee may consider past findings of domestic violence, dating violence, stalking or sexual assault concerning the Respondent.

Possible sanctions include:

- o Termination from college employment
- o Expulsion
- o Suspension
- o Reprimand/warning
- o Mandatory leave of absence
- o Probation
- o Community service
- o Housing reassignment
- o Removal from student housing or

otherwise restricting access to college facilities or activities

- o Transcript notation

4. Determination of Sanctions for Employee- or Third Party-Respondent.

If the Respondent is a college employee or third party and, after investigation, the Review Committee finds the Respondent responsible for sexual misconduct, then the appropriate Vice President at D'Youville or his/her designee will determine the sanctions to be imposed by D'Youville. The "appropriate Vice President" will normally be the Vice President who supervises or is otherwise responsible for overseeing the Respondent. In cases where the Respondent is a college employee who holds a position at the level of Vice President or higher, then the appropriate process for imposing sanctions will be determined by the President and/or the Chair of the Board of Trustees.

Prior to any determination regarding sanctions, advance written notice will be provided to the Impacted Party and Respondent advising them of their right to submit a written impact statement to be considered in connection with the sanction decision.

In determining the appropriate sanctions, the Vice President (or other designated decision-maker) will consider the

content of the investigation report, any impact statement(s) submitted by the parties, and consult with appropriate college officials. Further, at this stage of the proceedings, the Vice President or designee may consider past findings of domestic violence, dating violence, stalking or sexual assault concerning the Respondent.

Possible sanctions include, but are not limited to:

- o Termination from employment
- o Termination of a college contract with a third party (such as a vendor or service provider)
- o Ban from college premises and/or events
- o Suspension
- o Reprimand/warning

In the event the Respondent is a tenured faculty member, and the Vice President or designee determines termination from employment is the appropriate sanction, the Vice President or designee may commence dismissal proceedings in accordance with the applicable collective bargaining agreement.

Should this process for determining sanctions conflict with any applicable law, regulation, or contract, including any collective bargaining agreement, the provisions of the law, regulation, or contract shall govern.

5. Notice of Sanctions.

Notice of the determination regarding sanctions (if applicable) will be provided simultaneously to the Impacted Party and the Respondent. Information regarding any individualized accommodations or safety measures offered or provided to the Impacted Party will not be included in the copy of any notice that is provided to the Respondent. D'Youville neither encourages nor discourages the subsequent disclosure or sharing of the determination regarding sanctions by either the Impacted Party or the Respondent.

If an Impacted Party has chosen not to participate in D'Youville's review of the sexual misconduct report but desires to be notified of the outcome, D'Youville will notify the Impacted Party of the determination regarding sanctions. If an Impacted Party has expressed a desire, in writing, not to be notified of the outcome, D'Youville will honor that decision. In such cases, D'Youville will not send the notification itself to the Impacted Party, but may proceed with any necessary accommodations and/or safety measures and may need to provide notification of those accommodations and/or safety measures, if appropriate.

APPEALS

1. Appeals In Cases Involving a Student-Respondent.

If the Impacted Party or the Respondent is dissatisfied with final determinations made under this policy, whether it is the results of the investigation, the sanction determination or the accommodations and safety measures, then that person may file an appeal with an Appeal Panel. Upon the filing of an appeal, a list of potential Appeal Panel members will be provided to the parties by the Title IX Coordinator. The Impacted Party and the Respondent shall each have the right to disqualify one member without cause. The parties must notify the Title IX Coordinator in writing within three calendar days of their decision to disqualify a member. The Appeal Panel will consist of a chair and three members. The Vice President for Student Life & Enrollment Management or designee shall be the chair of the Panel. From a designated and appropriately-trained group of full-time members of college administration, faculty, and/or staff who were not disqualified by a party, the Vice President for Student Life & Enrollment Management shall select three individuals to serve on the Appeal Panel for a particular matter. Any individual selected

to serve on the Appeal Panel shall disqualify himself/herself in the event of personal bias.

An appeal under this policy must be submitted within 14 calendar days of the appealing party's receipt of the Review Committee's written determination following investigation or notice of the sanction determination, whichever is later. If there are extenuating circumstances which make it unreasonable for the appeal to be hand delivered, the appealing party may email the appeal letter within the time frame required.

The investigator's report and the investigation files will be made available for review by the Impacted Party and/or the Respondent during the 14-day time period for appeal. If a party wishes to review the investigator's report and/or the investigation files, he/she must contact the Title IX Coordinator to schedule a time and place for him/her to do so.

The appeal must, at a minimum, consist of a written statement describing the grounds for the appeal and the remedy sought. The appealing party may also submit an impact statement to support any appeal concerning sanctions.

The grounds for the appeal will usually be limited to the following:

1. There is new and compelling evidence that was not available at the time of the initial investigation that could significantly impact the outcome of the case.
2. There were procedural irregularities that substantially affected the outcome of the case to the detriment of the Impacted Party or the Respondent.
3. The sanction is substantially disproportionate to the factual findings.

The Appeal Panel's written decision regarding the appeal will be provided to the Impacted Party and Respondent within 20 calendar days following the submission of the written appeal statement. The Appeal Panel's decision is final.

Should this appeal process conflict with any applicable law, regulation, or contract, including any collective bargaining agreement, the provisions of the law, regulation, or contract shall govern.

2. Appeals In Cases Involving an Employee- or Third Party-Respondent

In cases where the Respondent is a college employee or third party, if the Impacted Party is dissatisfied with final determinations made under this policy, whether it is the results of the investigation, the sanction determination or the accommodations and safety measures, then the Impacted Party may file an appeal with the President of D'Youville.

If the Respondent is a non-union college employee and is dissatisfied with final determinations made under this policy, whether it is the results of the investigation, the sanction determination or the accommodations and safety measures, then the Respondent may file an appeal with the President of D'Youville.

If the Respondent is a college employee represented by a union and is dissatisfied with a determination made under this policy, then the Respondent may challenge such determination pursuant to the procedures set forth in the applicable collective bargaining agreement, subject to any and all terms, conditions, limitations, and restrictions provided in, and applicable to, those procedures.

In cases where the Respondent is a college employee who holds a position at the level of Vice President or higher, then the appropriate process for appeals will be determined by the President and/or the Chair of the Board of Trustees.

A third party-Respondent has no right to appeal under this policy.

An appeal to the President (by the Impacted Party or non-union Employee-Respondent) must be submitted within 14 calendar days of the appealing party's receipt of the Review Committee's written determination following investigation or notice of the sanction determination, whichever is later. If there are extenuating circumstances which make it unreasonable for the appeal to be hand delivered, the appealing party may email the appeal letter within the time frame required.

The investigator's report and the investigation files will be made available for review by the Impacted Party and the non-union Employee-Respondent during the 14-day time period for appeal. If a party wishes to review the investigator's report and/or the investigation files, he/she must contact the Title IX Coordinator to schedule a time and place for him/her to do so.

An appeal to the President by the Impacted Party or the non-union

Employee-Respondent must, at a minimum, consist of a written statement describing the grounds for the appeal and the remedy sought. The appealing party may also submit an impact statement to support any appeal concerning sanctions.

The grounds for the appeal to the President will usually be limited to the following:

1. There is new and compelling evidence that was not available at the time of the initial investigation that could significantly impact the outcome of the case.
2. There were procedural irregularities that substantially affected the outcome of the case to the detriment of the Impacted Party or the Respondent.
3. The sanction is substantially disproportionate to the factual findings.

The President's written decision regarding an appeal by the Impacted Party or non-union Employee-Respondent will be provided to the parties within 20 calendar days following the submission of the written appeal statement. The President's decision is final.

RESOURCES

Whether or not an Impacted Party chooses to make an official report of prohibited conduct, he or she is urged to seek appropriate help. There are numerous resources for those impacted by sexual misconduct. Specific resources, either on or off campus, for safety and law enforcement, medical treatment, legal evidence collection, and obtaining information, support and counseling are listed below. Each resource can assist a person to access the full range of services available. Please note that college confidential resources are noted in parenthetical form following a resource.

1. D’Youville Campus Safety and Law Enforcement

- o For emergency security and police services, call 911 or seek a Red (interior) or Blue (exterior) Emergency Phone on campus.
- o Buffalo Police Department, (716) 851-4444.
- o D’Youville Campus Security, (716) 829-7551.

2. Medical Treatment — an individual who has been sexually assaulted is urged to seek appropriate medical evaluation as promptly as possible.

- o For life-threatening conditions and other emergency medical services, call 911 or

seek a Red (interior) or Blue (exterior) Emergency Phone on campus. Individuals may also go to the nearest hospital emergency department.

- o Erie County Medical Center, (716) 898-3000. FREE
- o D’Youville College Health Center, (716) 829-8777 (Confidential Resource) FREE
- o Buffalo General Hospital, (716) 859-5600. FREE

3. Medical-Legal Evidence Collection —

an individual who has been sexually assaulted is encouraged to request collection of medical-legal evidence. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or a civil action.

Federal law provides free medical-legal exams to victims of sexual assault. For assistance in seeking such an exam, contact: Crisis Services, (716) 834-3131.

4. Obtaining Information, Support and Counseling —

whether one chooses to make an official report, an individual who has suffered an act of sexual misconduct or sexual assault is encouraged to obtain information, support and counseling. Counselors at a variety of agencies, both on and off campus, can help that person decide what steps to take, such as seeking medical attention, preserving

evidence, obtaining counseling or reporting to authorities.

Information, support, and advice are available (see resources below) for anyone in the D'Youville community who wishes to discuss issues related to sexual misconduct or sexual assault, whether sexual misconduct or sexual assault has actually occurred and whether the person seeking information has been assaulted, has been accused of sexual misconduct or sexual assault, or is a third party.

The degree to which confidentiality can be protected depends upon the professional role of the person being consulted and should be addressed with that person before specific facts are disclosed, if possible (see Section IV, Confidentiality & Confidential Resources).

- o D'Youville Crisis Services Advocate, (716) 829-8194 (Confidential Resource)
- o Personal Counseling Center, (716) 829-7819 (Confidential Resource)
- o Campus Ministry, (716) 829-7672 (Confidential Resource)
- o Title IX Coordinator, (716) 829-8198
- o Director of the Health Center, (716) 829-8777 (Confidential Resource)
- o Buffalo Police Sex Offense Squad, (716) 851-4494
- o Erie County Sheriff/Department of Family Offenses, (716) 858-6102
- o Erie County District Attorney/CARR Unit, (716) 858-2525
- o Crisis Services, (716) 834-3131 (Free)A

WRITTEN NOTIFICATION

The Title IX Coordinator provides reporting individuals with a packet of information that includes the Sexual Misconduct Policy, medical care options, financial aid support, advocacy and legal assistance, and counseling opportunities (on and off campus). If applicable, and depending on the situation, individuals will also receive other pertinent information such as visa and immigration assistance.

Upon request, the Title IX Coordinator also provides written notifications to victims about available options and assistance in the following situations: academic, living, transportation, working, and protective measures.



TITLE IX DEFINITIONS

For purposes of this policy, the following terms have the definitions provided below. Please note that some of these terms may also be used in other contexts, such as in connection with concurrent legal proceedings, and that they may have different meanings in those contexts.

Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal law that requires the University to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute sexual misconduct under this Policy.

Consent

Consent to sexual activity must be affirmative consent.

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

Consent to any sexual act or prior consensual sexual activity between or with

any party does not necessarily constitute consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity.

Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

Consent may be initially given but withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.

Impacted Party

A D'Youville undergraduate- or graduate-student or an employee of D'Youville who has reportedly been subjected to sexual misconduct by a D'Youville undergraduate- or graduate-student or an employee of D'Youville College or a third party (including contracted service providers and vendors)

Incapacitated

Lacking the physical and/or mental ability to make informed, rational judgments; this may have a variety of causes, including, but not limited to, being asleep or unconscious, having consumed alcohol or taken drugs, or experiencing blackouts or flashbacks

Respondent

A D'Youville undergraduate- or graduate-student or an employee of D'Youville or a third party (including contracted service providers and vendors) who is reported to have engaged in sexual misconduct

Retaliation

To seek revenge, reprisal, or injury to an individual or group who has exercised the right to file a written complaint or make an oral or written report of prohibited discrimination, and/or protected-status (including sexual) harassment, sexual assault or violence, or has participated in an investigation into allegations of such activity, or has opposed discriminatory or sexual

harassing conduct, including sexual violence or assault.

Sexual Misconduct

Term used to encompass unwanted or unwelcome conduct of a sexual nature that is committed without valid consent, including sexual assault, sexual violence, and sexual harassment. Sexual misconduct may occur between people of the same sex or between people of different sexes. Sexual misconduct can include both intentional conduct and conduct that results in negative effects, even if those negative effects were unintended. Sexual misconduct may include the following:

Dating Violence

Violence committed by a person who is or had been in a social relationship of a romantic or intimate nature with the victim. (i) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

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

Domestic Violence

A felony or misdemeanor crime of violence committed (a) by a current or former spouse or intimate partner of the victim; (b) by a person with whom the victim shares a child in common; (c) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or (e) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Gender-Based Harassment

Unwelcome conduct of a nonsexual nature based on a person's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes.

Rape, Sexual Assault and Sexual Exploitation

Actual, attempted or threatened unwanted sexual act, whether by an acquaintance or by a stranger, accomplished (1) against a person's will by means of force (express or implied), violence, duress, menace, fear or fraud, or (2) when a person is incapacitated or unaware of the nature of the act, due to

unconsciousness, sleep and/or intoxicating substances.

- o **Sexual Assault I** - By a stranger or acquaintance, sexual intercourse or any sexual penetration, however slight, of another person's oral, anal, or genital opening with any object (an object includes but is not limited to parts of a person's body) where active consent was not established. Where the victim purported to give consent, but the accused used force, threat, intimidation, or the victim's mental or physical helplessness, the charge of Sexual Assault I also applies. Mental or physical helplessness would include, but not be limited to, sleep, as well as the inability to consent due to excessive alcohol or drug use or consumption.
- o **Sexual Assault II**- By a stranger or acquaintance, touching a person's intimate parts (defined as genitalia, groin, breast, or buttocks), whether directly or through clothing, where active consent was not established. Sexual Assault II also includes forcing an unwilling person to touch another's intimate parts. Where the victim purported to give consent, but the accused used force, threat, intimidation, or the victim's mental or physical helplessness, the charge of Sexual Assault II also applies. Mental or physical helplessness would include, but not be limited to, sleep, as well as the inability to consent due to excessive alcohol or drug use or consumption.

- o **Sexual Exploitation-** Nonconsensual, abusive sexual behavior that does not otherwise constitute Sexual Assault I, Sexual Assault II or Sexual Harassment. Examples include but are not limited to: intentional, nonconsensual tampering with or removal of condoms or other methods of birth control and STI prevention prior to or during sexual contact in a manner that significantly increases the likelihood of STI contraction and/or pregnancy by the non-consenting party; nonconsensual video or audio taping of sexual activity; allowing others to watch consensual or nonconsensual sexual activity without the consent of a sexual partner; observing others engaged in dressing/undressing or in sexual acts without their knowledge or consent; trafficking people to be sold for sex; and inducing incapacitation with the intent to sexually assault another person.

Sexual Harassment

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal/non-verbal or physical conduct of a sexual nature such as sexual assault or acts of sexual violence. Sexual harassment is also a form of sex discrimination, which is illegal, under the New York State Human Rights Law, as well as under Title VII of the Civil Rights Act of 1964, as it relates to employees and under Title IX of the Education Amendments of 1972, as it relates to students.

Sexual harassment may be described as unwelcome sexual advances, requests for sexual favors, or other physical or expressible behavior of a sexual nature where:

1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or education.
2. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting an individual; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance, or creates an intimidating hostile or offensive work or academic environment even if the person engaging in the conduct does not intend to interfere, intimidate or be hostile or offensive.

This includes, but is not limited to, the following: unwanted sexual statements (including sexual joking or innuendo or sexually-explicit language); the display of sexually-oriented jokes, posters or other material on bulletin boards, in offices, carrels and work areas; unwanted personal attention (including stalking and cyber-stalking); unwanted physical or sexual advances that would constitute sexual assault, as defined in this policy; electronically recording, photographing, or transmitting intimate or sexual utterances, sounds, or images without

the knowledge and consent of all parties involved; touching oneself sexually for others to view; and voyeurism (spying on others who are in intimate or sexual situations).

Conduct reported as sexual harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Although repeated incidents generally create a stronger claim of sexual harassment, a serious incident, even if isolated, can be sufficient. For example, a single instance of sexual assault can constitute sexual harassment.

Sexual Violence

Physical acts perpetrated without consent or when a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

Stalking

Intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional damage. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such

other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means, with such person(s) in a manner likely to intimidate, annoy or alarm him or her. Stalking does not require direct contact between parties and can be accomplished in many ways, including the use of social media and other electronic technology.

Support Person

An individual or individuals chosen by an Impacted Party or Respondent to provide support during the investigation of a report of possible sexual misconduct under this policy. The person(s) chosen may not already be directly involved in the investigative process (for example, as an Impacted Party, Respondent, or witness).

Title IX

Title IX of the Education Amendments of 1972 (Title IX) (20 U.S.C. § 1681 et seq.; 34 C.F.R. Part 106) (as amended) is a federal law that prohibits sex-based discrimination, including sexual harassment and sexual assault, in education programs that receive federal financial assistance.

Title IX Coordinator

D'Youville official charged with ensuring D'Youville's overall compliance with Title IX and related college policy.

Investigation Panel

The Investigation Panel is composed of D'Youville's Title IX Coordinator and two additional employee designees who have been trained on D'Youville's policy and procedures. In cases not involving sexual violence, the panel will review the investigation report to determine if the evidence supports convening the Review Committee, or dismissing the case. In cases where the Impacted Party does not want an investigation to go forward the panel may be utilized to determine if there is cause for the investigation to continue. See VII. A Decision to Proceed With an Investigation.

Review Committee

The Review Committee is composed of D'Youville faculty and staff members who have volunteered to be members. Review Committee members will serve a 3-year term on the committee with the option to renew their membership one time for an additional 3 years. Members have and will continue to receive training on the Title IX policy and process on a semi-annual basis. A list of the Review Committee members will be provided to the Impacted Party and Respondent and each shall have the right to disqualify one member of the Review Committee without cause.





POLICY STATEMENT ON DRUG, ALCOHOL, AND SUBSTANCE ABUSE

D'Youville is committed to providing all students, faculty, administrators, and staff with a safe environment in which to study and work. Part of this commitment is that the college will be free from the presence and adverse effects of illegal drugs and unauthorized use of alcohol. This policy was developed to accomplish this objective and to comply with the college's legal obligation. The Higher Education Amendment of the Drug-Free Schools and Communities Act of 1989 requires that all institutions of higher education prevent the unlawful possession, use, and distribution of illicit drugs and alcohol by students and employees. Similarly, the Drug-Free Workplace Act of 1988 requires federal contractors and recipients of federal grants to maintain a drug-free environment.

The above laws require that D'Youville adopt and implement certain mandatory rules of conduct and strictly enforce these rules by disciplinary measures. Each student, faculty, administrator, and staff member is personally responsible to ensure their compliance with all rules, procedures, and other requirements that are mandated by the college. If any student, faculty, administrator, or staff member has a problem with drug or alcohol dependency that could lead to a violation of the Rules of Conduct and result in disciplinary action, he or she must do what is necessary to see that a violation does not occur. If professional treatment or other outside assistance is needed to help resolve the dependency problem, it is the responsibility of the student, faculty, administrator, or staff member to obtain such assistance and work toward a successful resolution of the problem. The Counseling Center is available to provide information and confidential, professional referrals to students who conscientiously request such assistance. The Employee Assistance Program is available to members of the faculty, administration, and staff who require assistance. Inquiries will be kept confidential.

RULES OF CONDUCT AND DISCIPLINE FOR ALCOHOL AND DRUGS FOR STUDENTS

The following Rules of Conduct constitute conditions of enrollment with the college. All students agree to abide by the following rules, and any violations of these rules will be dealt with by whatever disciplinary measures the college deems appropriate:

1. The unlawful manufacturing, distributing, selling, intending to sell, dispensing, possessing, or using of a controlled substance or illegal drug on college property or as part of any college activity is prohibited.
2. Unlawful possession or consumption of beer, wine, liquor, or any other form of alcohol on college property or as part of any college activity is prohibited, unless in accordance with policies pertaining to events and residence facilities as stated below. (The rule applies to all students and includes any bottle, can, mug, or any other container used to transport alcohol.)
3. The use, possession, sale, or purchase of any type of unlawful drug is prohibited. Possession, consumption, or sale of drugs is a serious offense that is subject to severe penalties. Additional information related to federal penalties are delineated by the US Drug Enforcement Administration at <http://www.justice.gov/dea/index.htm> and information on services rendered through the New York State Office of Alcoholism and Substance Abuse Services (OASAS) can be found at <http://www.oasas.state.ny.us/index.cfm>.
4. Providing a controlled substance or illegal drug to another person is prohibited.
5. Misusing and/or sharing of prescription drugs and other products being used other than as intended is prohibited.
6. Possession of paraphernalia for illegal drug production or use is prohibited.
7. Public intoxication or drunk and disorderly conduct are prohibited.
8. Possession or consumption of alcohol by anyone under the age of 21 is prohibited.
9. Giving or selling alcoholic beverages to anyone under the age of 21 is prohibited.
10. Use of false identification to obtain alcoholic beverages is prohibited.
11. Giving or selling alcoholic beverages to anyone who is intoxicated is prohibited.
12. Driving under the influence of any substance while on campus is prohibited.
13. Violation of federal, state, and local ordinances with respect to possession, purchase, transport, and use of alcohol, controlled substances, or illegal drugs is prohibited.
14. The marketing of alcohol on college property is prohibited.

15. Regulations specifically concerning consumption of alcoholic beverages in residence facilities:
- a. Residents under the age of 21:
 - i. Shall not possess, distribute, or consume alcoholic beverages.
 - ii. May not be in a room where alcohol is present with the exception of their assigned room/apartment (only if room/apartment mate is of legal drinking age).
 - iii. May not act as “host” in their room/apartment by providing alcohol or access to alcohol for others.
 - iv. May not have visitors/guests bring alcohol into the residence halls.
 - b. Residents age 21 or older:
 - i. May not be in possession of any liquor. Only beer, wine, wine coolers, and champagne are allowed.
 - ii. May not carry/possess open containers in hallways, stairwells, elevators, floor lounges, and other common areas, with the exception of the Game Room in the apartments.
 - iii. May not have visitors/guests bring alcohol into the residence halls.
 - c. Marguerite residents have the following quantity limits on permitted alcohol in a 24-hour period:
 - i. One 6-pack of 12 oz. (72 oz. total) bottles/cans of beer per person of age at any given time. No more than 12 bottles/cans in a room where roommates are of legal drinking age, or
 - ii. One 750 milliliter container of wine per person of age at any given time. No more than two 750 milliliter containers in a room where roommates are of legal drinking age, or
 - iii. One 4-pack (48 oz.) of wine coolers per person of age at any given time. No more than two 4-packs in a room where roommates are of legal drinking age, or
 - iv. One liter of champagne per person of age at any given time. No more than two 1-liter bottles in a room where roommates are of the legal drinking age.
 - d. Resident students are permitted to have a maximum of six (6) people in a room or ten (10) in an apartment at any given time, including themselves.
 - e. Resident students are responsible for the behavior of their guests and the rules and regulations of the Alcohol and Drug Policy. Resident students are responsible for any damage caused by their guests to their rooms and/or residence facilities. Guests must follow the rules and regulations of the Alcohol and Drug Policy.

These rules are not exclusive, and the college will enforce any other common-sense rule or practice that is consistent with the policy expressed in this program.

DISCIPLINARY SANCTIONS AND LEGAL PENALTIES FOR ALCOHOL AND DRUGS

D'Youville will impose disciplinary sanctions on students for violations of the Rules of Conduct established by this program. The college, in its sole discretion, will determine whether a violation has occurred and what the appropriate disciplinary measure will be. Disciplinary sanctions may include, among others, the following:

1. Mandated alcohol and/or drug education workshop
2. Mandated appointment with the college counselor for alcohol assessment/ participation in substance abuse group which may be held on or off campus. Students may be held responsible for any fees, charges and transportation associated with these programs.
3. Referral for clinical evaluation and treatment as indicated
4. Suspension from participating in college activities or functions
5. Suspension from classes
6. Suspension and/or removal from on-campus living
7. Disciplinary probation
8. Community service
9. Assignment of an independent drug or alcohol education project
10. College probation, suspension, or dismissal
11. Monetary fines
12. Referral to the proper legal authorities for possible prosecution
13. The college reserves the right of family notification in cases where it is deemed appropriate and beneficial to the student
14. Suspension of on-campus vehicle privileges
15. At the direction of the college, as an alternative to, or in addition to any disciplinary action taken, students may be referred for clinical evaluation and required to participate in and to satisfactorily complete an appropriate counseling or rehabilitation program.

Records of such discipline may be maintained in a student's record. Enforcement of these sanctions will be through the college's existing disciplinary procedures for students as appropriate.

In addition to the disciplinary sanctions that the college will impose on violators of its Rules of Conduct, students should also be aware of the applicable legal sanctions under state and

federal law for the unlawful sale or possession or use of illicit drugs and alcohol. As a matter of policy, the college will cooperate fully with all law enforcement agencies in the investigation and prosecution of substance abuse and drug trafficking cases. Violations of these regulations will cause the student and/or employee to be subject to criminal prosecution, disciplinary action, or both.

Physical Effects of Drugs and Alcohol

All students are encouraged to learn more about the problems of drugs and alcohol including the serious threat these substances pose to health and safety, how to spot the signs of dependency and abuse, and ways of dealing with dependency and abuse. Hopefully, an awareness of these harmful side effects will discourage use of alcohol and drugs and will also help in identifying others who may be users in order that assistance can be offered and obtained.

Assistance to Students

Any student, or recovering student, who would like to discuss an alcohol or drug related problem may contact the Director of the Counseling Center. Your discussion will be kept confidential. Referrals to outside agencies for professional treatment or outside assistance in coping with a dependency problem are available upon request.

Policy Regarding Alcohol at Campus Events

The following outlines the “policy”/procedures for the “serving” of alcohol at “controlled” events on the D’Youville campus. A “controlled” event is defined as one sponsored by a specific group for a predetermined amount of time with a predetermined amount of beer and/or wine.

Any approved events, on or off - campus involving the sale/use of alcoholic beverages must be registered with the Director of the College Center/Coordinator of Event Services and adhere to the following guidelines:

1. Individuals sponsoring the approved event must implement measures to ensure that alcoholic beverages are not accessible to:
 - a. Those under 21.
 - b. Individuals who appear intoxicated.
 - c. Persons exhibiting inappropriate behavior.
 - d. Individuals outside the approved drinking area.

2. Non-alcoholic beverages, food and snack items of substance shall be readily available in sufficient quantities.
3. Alcoholic beverages may not be used in any contests or games.
4. Individuals may not “bring your own” alcohol to any on or off-campus event.
5. Promotion and advertisement of any event must include the availability of alcohol-free beverages on an equal and comparable basis as the alcoholic beverages. Alcohol may not be used as the inducement for participation, or as the main focus of the event.
6. Promotion of any event that is sponsored by or primarily targeting students and includes alcohol must indicate “cash bar only.”
7. Individuals sponsoring the event are responsible for:
 - a. Knowing the liability of hosting events with alcohol.
 - b. Knowing college policies and familiarity with federal and state laws relating to the purchasing and/or serving of alcohol and for implementing the steps necessary to insure compliance with these regulations.
 - c. Notifying Campus Safety and appropriate college officials of problems that arise.
 - d. Designating at least one person who will oversee the entire duration of the event while abstaining from alcohol.
8. Student group/club sponsored events must adhere to the following additional college regulations:
 - a. No open bars permitted. Cash bars only.
 - b. The contracted catering establishment must provide proofing bartender services. D’Youville students or club officers may not serve as proofing staff or bartenders.
 - c. Depending on the event, campus safety may be required for crowd control. The hosting organization will be responsible for contracting with campus safety and for payment of their services.
9. Sale or use of alcoholic beverages on campus or at off-campus college functions requires the formal approval and registration of the function with the Director of the College Center/Coordinator of Event Services.
10. Sale or use of alcoholic beverages shall take place only in the area specified for approval by the Director of the College Center/Coordinator of Event Services.
11. Student groups/clubs wishing to serve alcohol at an on-campus event may only do so through approved campus catering.
12. Student groups/clubs/organizations are allowed cash bars per consumption only at their events. This applies to both on and off-campus events.

13. Alcohol may only be sold at a fair, current market price, not at highly discounted rates.
14. Persons or groups receiving approval for sale/distribution of alcoholic beverages must complete the necessary paperwork. This paperwork is available from the Director of the College Center/Coordinator of Event Services. A New York State permit must also be obtained through Personal Touch Food Service.
15. Alcoholic beverages may not be given and/or raffled as prizes, rewards or inducements.

Note: If alcohol is to be made available for purchase at any event, a temporary beer and wine permit must be issued by the New York State Liquor Authority. Applications for the permit require at least 15 business days for processing. There is a charge for this permit which must be paid by the club/organization sponsoring the event.

This policy is in furtherance of the college's policy to provide a campus and workplace free of illicit drugs and unauthorized alcohol. It is also designed to comply with applicable laws. This program may be changed or amended as the college deems appropriate or to comply with any changes in applicable laws.

REGISTERED SEX OFFENDER STATEMENT

In accordance with the Campus Sex Crimes Prevention Act, individuals may search a registry of sex offenders living near or working on campus through the New York State Sex Offender Registry database at: <http://www.criminaljustice.ny.gov/nsor> or the Crime Victims Center at: <https://www.parentsformeganslaw.org/>.

POLICY STATEMENT ON MISSING STUDENT NOTIFICATION

The term "missing student" is defined as "any student who resides on campus and whose absence is unscheduled and has resulted in concern for his or her safety by peers and/or employees."

All resident students are asked to register a confidential emergency contact person—who must be someone other than the students' general emergency contact person—with the Office of Student Engagement and Residence Life. This contact would be notified in the event that a student is missing or another sufficient emergency situation develops. This contact information will remain confidential and will only be accessible by authorized campus officials;

the contact information may not be disclosed except to law enforcement personnel in the furtherance of a missing person investigation. If a resident student has not registered an emergency contact number, the local law enforcement authorities will serve as an emergency contact and will be notified should a missing student situation occur. If a missing resident student is less than 18 years of age, and is not officially emancipated from their parents or guardians, the parents or guardians, by law, must be contacted within 24 hours of the determination that the resident student is missing.

In the event a resident student is believed to be missing for more than 24 hours, the following procedures should be followed:

1. File a report with Campus Safety by calling Extension 7550 from an on-campus phone or 716-829-7550 from an off-campus phone.
2. The Campus Safety Department will alert the Director of Campus Safety, the Dean of Students, the Assistant Dean for Student Engagement, and the Director of Student Engagement of the situation. Upon notification, they will begin an investigation, working with local law enforcement agencies as needed.
3. As deemed appropriate, Campus Safety will notify the Vice President of Student Life and Enrollment Management of the situation.
4. If the missing student report is suspicious in nature and involves an immediate threat or danger, or the student has been missing for 24 hours, Campus Safety will notify the Buffalo Police and other law enforcement agencies, either immediately or within 24 hours of the determination that the resident student is missing, depending on the circumstances. Campus Safety will conduct interviews with roommates, family members, and those who were last in contact with the missing individual immediately.
5. Emergency notifications to the campus community will be coordinated as necessary by the Director of Campus Safety and the Vice President of Student Life and Enrollment Management.
6. Information will not be released to the public unless authorized by the Vice President of Student Life and Enrollment Management. All media requests will be directed to the Director of Marketing & Communications.

Campus Safety will act as the liaison office between the college and law enforcement, writing follow-up reports as needed and keeping college officials apprised of the ongoing investigation. Reports of a missing commuter student will be referred immediately to the Buffalo Police, and Campus Safety will assist in their investigation in any way possible.

CRIME DEFINITIONS

The following crimes and definitions are taken from the “Handbook for Campus Safety and Campus Safety Reporting, 2017 Edition”.

AGGRAVATED ASSAULT: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in serious potential injury if the crime were successfully completed.)

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

BURGLARY: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking and all attempts to commit any of the aforementioned.

DATING VIOLENCE (VAWA DEFINITION):

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 determined based upon the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

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

DOMESTIC VIOLENCE (VAWA DEFINITION):

A felony or misdemeanor crime of violence committed:

- A. By a current or former spouse or intimate partner of the victim;

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

MOTOR VEHICLE THEFT: The theft or attempted theft of a motor vehicle. (Motor vehicle theft includes all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joy riding.)

MURDER AND NON-NEGLIGENT

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

MANSLAUGHTER BY NEGLIGENCE: The killing of another person through gross negligence.

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, violence, and/or causing the victim fear.

HATE CRIMES

A crime that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim and the victim's actual or perceived race, religion, gender, sexual orientation, ethnicity, national origin or disability.

CATEGORIES OF BIAS

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

ETHNICITY: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

GENDER: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g. male or female.

GENDER IDENTITY: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

NATIONAL ORIGIN: A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

RACE: A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct

division of humankind, e.g., Asians, blacks or African Americans, whites.

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

SEXUAL ORIENTATION: A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual orientation is the term for a person's physical, romantic, and/or emotional attachment to members of the same and/or opposite sex, including lesbian, gay, bisexual and heterosexual (straight) individuals.

NOTE: In addition to the Clery offenses listed in the criminal offenses section of this report, the following crimes qualify as Hate Crimes when motivated by bias:

LARCENY-THEFT: is the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR.) Constructive possession is the condition where a person does not have physical custody or possession, but is in a position to exercise domain or control over a thing.

SIMPLE ASSAULT: is 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

INTIMIDATION: is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or conduct, but without displaying a weapon or subjecting the victim to actual physical attack

SEXUAL ASSAULT (VAWA DEFINITION)

SEXUAL ASSAULT (SEX OFFENSES)

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Reporting (UCR) program.

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

FONDLING: is 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 capacity.

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

STATUTORY RAPE: is sexual intercourse or other sexual act with a person who is under the statutory age of consent, which in New York State is 17.

STALKING (VAWA DEFINITION)

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

For the purpose of this definition:

- A. Course of conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

- B. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- C. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

WEAPON LAW VIOLATIONS: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

DRUG LAW VIOLATIONS: The violation of laws or ordinances 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.

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.

GEOGRAPHIC DEFINITIONS

The following definitions are taken from the Handbook for Campus Safety and Campus Safety Reporting (Department of Education).

ON CAMPUS: Any building or property owned or controlled by an institution within the same reasonably contiguous geographical area and used by the institution in direct support of, or in a manner related to the institution’s educational purposes including residence halls; and any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or retail vendor).

NON-CAMPUS: Any building or property owned or controlled by student organizations recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

PUBLIC PROPERTY: Public property is defined as the area such as sidewalks or city streets that are within the same reasonable contiguous geographical area of the

school; or is adjacent to a facility owned or controlled by the school, and the facility is used by the school in a manner related to the institution's educational purposes. The statistics do not include crimes which occur in privately owned homes or businesses within or adjacent to the campus boundaries.

RESIDENCE HALLS: Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

Those reportable statistics that occur within a college owned or controlled residence hall or apartment will appear in both "On Campus" and "Residence Hall categories.

THE JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIMES STATISTICS ACT FOR D'YOUVILLE

CRIME CLASSIFICATIONS	ON-CAMPUS		NON-CAMPUS	PUBLIC PROPERTY	TOTAL
	On-Campus Student Housing	On-Campus Total			
CLERY CRIMES					
Murder/Non-Negligent Manslaughter	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Negligent Manslaughter	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Sex Offenses-Rape	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Sex Offenses-Fondling	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Sex Offenses-Incest	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Sex Offenses-Satutory Rape	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0
Robbery	2018	0	0	2	2
	2017	0	0	0	0
	2016	0	0	1	1
Aggravated Assault	2018	0	2	2	4
	2017	0	0	3	3
	2016	0	2	2	4
Burglary	2018	0	4	0	4
	2017	2	4	0	4
	2016	0	6	0	9
Motor Vehicle Theft	2018	0	1	0	1
	2017	0	0	0	0
	2016	0	0	3	3
Arson	2018	0	0	0	0
	2017	0	0	0	0
	2016	0	0	0	0

CRIME CLASSIFICATIONS	ON-CAMPUS		NON-CAMPUS	PUBLIC PROPERTY	TOTAL	
	On-Campus Student Housing	On-Campus Total				
CLERY CRIMES						
ALCOHOL, DRUGS, WEAPONS ARREST						
Liquor Law Violation Arrest	2018	0	0	0	0	
	2017	0	0	0	0	
	2016	0	0	0	0	
Drug Law Violation Arrest	2018	0	3	2	5	
	2017	0	0	0	0	
	2016	0	0	0	3	3
Weapons Law Violation Arrest	2018	1	2	0	2	
	2017	0	0	0	0	
	2016	0	0	0	0	0
ALCOHOL, DRUGS, WEAPONS REFERRAL						
Liquor Law Violation- Referred for Disciplinary Action	2018	13	13	0	0	13
	2017	82	87	0	0	87
	2016	23	23	0	0	23
Drug Law Violation- Referred for Disciplinary Action	2018	5	5	0	0	5
	2017	7	7	0	0	7
	2016	10	13	0	0	13
Weapons Law Violation- Referred for Disciplinary Action	2018	0	0	0	1	1
	2017	0	0	0	0	0
	2016	0	0	0	0	0
RELATIONSHIP VIOLENCE						
Dating Violence	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Domestic Violence	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Stalking	2018	0	2	0	0	2
	2017	0	0	0	0	0
	2016	0	0	0	2	2
HATE CRIMES/CLERY ACT CRIMES: Murder/Non-Negligent Manslaughter, Rape, Fondling, Incest, Statutory Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson						
ADDITIONAL HATE CRIMES: Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property						
HATE CRIME BIAS CATEGORIES: Race, Gender, Gender Identity, Religion, Sexual Orientation, Ethnicity, National Origin, Disability						
* Starting in 2018 per US Dept. of Education/Jeanne Clery Act, the reporting of Clery Hate Crime & Hate Crime Bias Categories can be reported in Narrative form. See						
2018	In 2018 there were 3 reported Hate Crimes for Intimidation, Ethnicity Bias, Clery Geography: On-Campus.					
	In 2018 there was 2 reported Hate Crime for Intimidation, Race Bias, Clery Geography: Public Property					
2017	In 2017 there was 1 reported Hate Crime for Intimidation, Race Bias, On-Campus.					
2016	None reported for this year.					
UNFOUNDED CRIMES						
2018	n/a	n/a	n/a	n/a	0	
2017	n/a	n/a	n/a	n/a	0	
2016	n/a	n/a	n/a	n/a	0	

2019-2020 D'YOUVILLE ANNUAL FIRE SAFETY REPORT

The Higher Education Opportunity Act requires all institutions of higher education that provide residential student housing to record and track all reports of fire, accidental and arson, in residence halls each year. D'Youville's Annual Fire Safety Report summarizes the college's fire-prevention policies and procedures and emergency evacuation and communication procedures. To obtain a printed copy of D'Youville's Annual Fire Safety Report, please contact Campus Safety at (716) 829-7550. Campus Safety Officers are on duty around the clock to respond to any emergency, including fires.

FIRE INSPECTIONS

Fire drills are held twice a semester in residence halls and once a semester in all other campus buildings. A New York State Fire Inspector performs an annual inspection of all rooms on campus, including the residence halls, and gives a report on any fire code deficiencies to the College's Fire Marshall. Once abated, the College receives a Certificate of Inspection which is kept on file in the Facilities Office.

FIRE PROTECTION EQUIPMENT/SYSTEMS

All D'Youville campus buildings are equipped with automatic fire detection and alarm systems that are constantly monitored by staff at the main Campus Safety desk in the D'Youville Academic Center on Fargo

Avenue. Sprinkler systems are also located in all main campus buildings. The alarm system in each building is comprehensive with immediate notification to Campus Safety and the Buffalo Fire Department.

Tampering with, or purposely impeding or covering, fire alarms and fire prevention, fire detection, and firefighting equipment is a violation of both the New York State Fire and Penal Code and is considered a conduct violation. Fire alarms and firefighting equipment including (but not limited to) fire extinguishers, fire doors, heat and smoke detectors are for the protection of the community. Any tampering with or misuse of fire equipment is punishable by College and/or court action. Residents and/or their guests who tamper with or misuse firefighting or fire detection equipment in the residence halls will face disciplinary action.

PROCEDURES FOR STUDENTS AND EMPLOYEES IN THE EVENT OF A FIRE

An activated fire alarm signals potential danger, and all D’Youville students and personnel must evacuate buildings immediately upon hearing an alarm.

In the event one discovers a fire, pull the nearest fire alarm and follow standard evacuation procedures:

- Evacuate all areas. Leave the building immediately using the nearest emergency exit.
 - Close doors and windows behind you.
 - Follow directional signs to fire exits.
 - Use stairs. Do not use elevators.
 - College employees: Identify any people with disabilities who need assistance and arrange for necessary aid in evacuation.
- Call Campus Safety at 716-829-7777 when it is safe to do so.
- Assemble in a designated area; if unsure where that area is, move away from the building by walking across the street or down the sidewalk to safety.
- Wait to re-enter the building until officials say that it is safe to do so.

Each D’Youville building has a prescribed evacuation plan with designated assembly points. For the residential facilities, the assembly areas for evacuation are as follows:

	INDOOR	OUTDOOR
Marguerite Hall	College Center Gymnasium	KAB Front Lawn
Student Apartments	College Center Gymnasium	Parking Lot C

RESIDENCE HALLS

Student Housing Fire Equipment

D’Youville takes precautions to protect the health and safety of its student-residents.

D’Youville’s student housing consists of two residence halls—Marguerite Hall and the Student Apartments; no off-campus housing units are owned or controlled by the college.

Each room and apartment is fire resistant and equipped with an automatic door closer. Each building is equipped with the following fire safety precautions:

Residential Facility	Fire Alarm Monitoring by Campus Safety	Full Sprinkler System	Smoke, Heat, and Carbon Monoxide Detection	Fire Extinguisher Devices	Fire Drills Per Calendar Year
Marguerite Hall	Yes	Yes	Yes	Yes	4
Student Apartments	Yes	Yes	Yes	Yes	4

For everyone's safety, tampering with or covering fire-detection equipment is strictly prohibited. Residence halls' rooms are inspected for health and safety each semester. In order to maintain a safe environment for all of our campus residents, the following items are not permitted in the residence halls:

- Candles, incense, and fragrance burners
- Non-surge protected extension cords
- Outlet splitters and outlet adaptors (such as an octo-head)
- Halogen lamps
- Lanterns, oil lamps, and flammable liquids
- Space heaters
- Live holiday decorations (trees, garlands, wreaths) and string lights
- Any cooking item with an exposed heating coil (toasters, toaster ovens, hot plates, etc.)
- Any electrical item that is not UL-rated

Fire safety policies and procedures are published in the D'Youville Student Code of Conduct <http://www.dyc.edu/campus-life/support-services/docs/student-code-conduct.pdf> and resident advisors review those policies with the students living on the floor to which they are assigned.

POLICY STATEMENT ON SMOKING

In accordance with New York State's Smoke-Free Workplace law and recommendations from the federal level, D'Youville is committed to having a smoke-free and tobacco-free campus. In creating a healthy environment for

all members of our community, smoking and tobacco use is prohibited at all times on campus, which includes inside all buildings, outside all buildings, residence halls, and grounds. This includes the use of any type of lighted pipe, cigar, cigarette (including electronic cigarettes), or any other smoking or vaping equipment, whether filled with tobacco or any other type of material. Safety personnel and other college employees will enforce the state laws and fines will be enacted for violators. Fines will be \$50 for the first offense. Additional violations will be subject to disciplinary action and/or additional fines.

FIRE SAFETY TIPS

- Do not panic.
- Do not assume an alarm is false or only a drill.
- Shut all doors and windows in the vicinity of the fire.
- If you encounter smoke, stay low to the floor or ground, and if possible cover your face with a wet cloth.
- When exiting a room or entering a stairwell, first feel the door and door handle. If they are hot do not open the door.
- If forced to stay in a room seal up any cracks around the door, call 911 or Campus Safety at extension 7777 (716-829-7777) and let them know of your location. Hang a sheet, towel, or article of clothing from a window to announce you are in the room.
- If you can exit the room, leave the building by the nearest safe stairwell. Do not use the elevators.

- Move away from the building to a safe area to allow for rescue and fire personnel to do their job.
- If you are unable to exit the building, go to the nearest exit stairwell or safe area and call 911 and 716-829-7777 to report your location.
- Never leave cooking unattended.
- Always know two or more ways out of your residence hall, classroom building, or office.

2018 FIRE REPORTING STATISTICS

RESIDENCE/ HOUSING FACILITY	RESIDENCE ADDRESS	TOTAL FIRES	DATE/ TIME OF INCIDENT	CAUSE OF FIRE	NUMBER OF INURIES	NUMBER DEATHS	VALUE PROPERTY DAMAGE
Marguerite Hall	505 Prospect Ave. Buffalo, NY 14201	0	0	0	0	0	\$0.00
Student Apartment Complex	222 Connecticut St. Buffalo, NY 14213	0	0	0	0	0	\$0.00

2017 FIRE REPORTING STATISTICS

RESIDENCE/ HOUSING FACILITY	RESIDENCE ADDRESS	TOTAL FIRES	DATE/ TIME OF INCIDENT	CAUSE OF FIRE	NUMBER OF INURIES	NUMBER DEATHS	VALUE PROPERTY DAMAGE
Marguerite Hall	505 Prospect Ave. Buffalo, NY 14201	0	0	0	0	0	\$0.00
Student Apartment Complex	222 Connecticut St. Buffalo, NY 14213	0	0	0	0	0	\$0.00





2016 FIRE REPORTING STATISTICS

RESIDENCE/ HOUSING FACILITY	RESIDENCE ADDRESS	TOTAL FIRES	DATE/ TIME OF INCIDENT	CAUSE OF FIRE	NUMBER OF INURIES	NUMBER DEATHS	VALUE PROPERTY DAMAGE
Marguerite Hall	505 Prospect Ave. Buffalo, NY 14201	0	0	0	0	0	\$0.00
Student Apartment Complex	222 Connecticut St. Buffalo, NY 14213	0	0	0	0	0	\$0.00

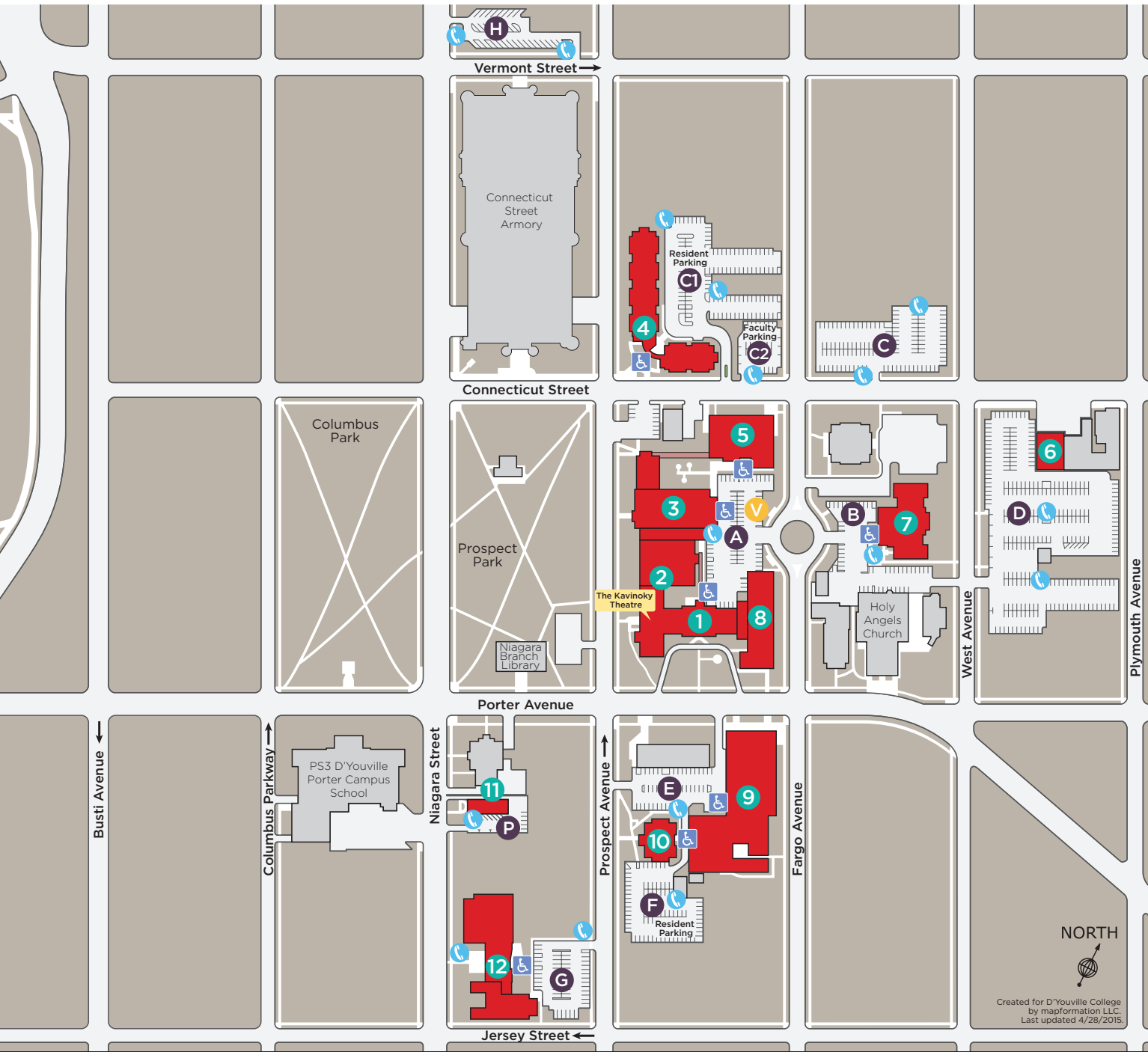
D'YOUVILLE

Campus Facilities

- 1 KAB - Koessler Administration Building
- 2 BFAC - Bauer Family Academic Center
- 3 ALT - Dr. Pauline M. Alt Building
- 4 APT - Student Apartment Complex
- 5 DAC - D'Youville Academic Center
- 6 DEC - D'Youville Education Center
- 7 LIB - Montante Family Library
- 8 MAD - Madonna Hall
- 9 CC - College Center & Gymnasium
- 10 MGT - Marguerite Hall
- 11 NIA - Niagara Street Complex
- 12 SASE - Dr. Charles and Mary Schweitzer Bauer School of Arts, Sciences and Education
- 13 Dobson Athletic Field and Field House

-  Parking Lot
-  Visitor Lot
-  Handicapped Entrance
-  Blue Emergency Phone





D'YOUVILLE

320 Porter Avenue | Buffalo, New York 14201

QUICK REFERENCE GUIDE

D'YOUVILLE EMERGENCY TELEPHONE NUMBERS

All Emergencies	911
Medical Emergencies	911
Police Emergencies - On Campus	(716) 829-7777
Police Emergencies - Off-Campus	911
Fire Emergencies - On-Campus	(716) 829-7777
Fire Emergencies - Off-Campus	911

OTHER CRIME REPORTING OPTIONS

Police Non-Emergency - On Campus	(716) 829-7550
Police Non-Emergency - Off-Campus	(716) 851-4444
Title IX Coordinator	(716) 829-8198
Dean of Students	(716) 829-8199
Office of Student Engagement	(716) 829-7698
Human Resources	(716) 829-7810
Office of Diversity and Inclusion	(716) 829-7602

ON-CAMPUS CONFIDENTIAL RESOURCES FOR HELP

Counseling Center	(716) 829-7819
Crisis Services	(716) 834-3131
Student Health Services	(716) 829-8777
Campus Ministry	(716) 829-7672
Domestic Violence & Sexual Assault Advocate	(716) 381-0338

OTHER IMPORTANT NUMBERS

College Operator	(716) 829-8000
Student Escort Service	(716) 829-7550

RELATED SAFETY WEBSITES

BUFFALO POLICE <https://www.bpdny.org/>

BUFFALO FIRE DEPARTMENT <https://www.buffalony.gov/197/Buffalo-Fire-Department>

FEDERAL EMERGENCY MANAGEMENT AGENCY <https://www.fema.gov/>

CRISIS SERVICES <http://crisisservices.org/>

US DEPARTMENT OF EDUCATION CAMPUS SAFETY AND SECURITY
<https://ope.ed.gov/campussafety/#/>