



**Student Handbook
& Code of Conduct
2022-2023**

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SECTION 1: ABOUT D'YOUVILLE

We are the Saints!

Welcome! In a word, D'Youville means community – in fact, it means love! Our number one point of pride across campus is that Saints never refuse to serve. This has been our focus since we were founded back in 1908. Saints represent dignity, strength, nobility, and service – which perfectly align with the mission, history, and direction of D'Youville.

Going away to school and living in residence halls - or even commuting into a new community - can be an intimidating experience. We are a diverse people (thank goodness!), but we are also ONE D'Youville. A common identity that creates shared values and experiences is a bonding agent for students of all ages. It instills a sense of belonging; a sense of home.

Today, and forever, we are the Saints...and that means you!

D'Youville Mission

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

D'Youville 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.

Student Affairs Mission

The Division of Student Affairs at D'Youville is committed to engaging, supporting, and challenging every student so that they are able to fully develop into socially responsible members of a global community.

Student Government Association

The D'Youville Student Government Association strives to foster the fullest possible cooperation among the Board of Trustees, President, Administration, Faculty, Staff, and Student Body in the pursuit of excellence in an intellectual and humanistic environment while upholding the full responsibility and authority of the constitution.

D'Youville Student Handbook Preamble

D'Youville reserves the right to update or change any and all information, rules, regulations, policies, and procedures as necessary at any time without notice. This document is meant to outline an understanding between students and the University in order for the student to remain in good judicial standing and to maintain student status.

All students are required to follow reasonable requests of a University Official, whether written or verbal, and understand that failure to follow a reasonable request will result in judicial follow-up. A University Official shall

include, administrators, faculty, staff, campus safety officers, graduate assistants, and paraprofessional staff members. Should a student disagree with a reasonable request, they are still required to follow the request but may contact the Vice President for Student Affairs/Dean of Students to discuss the request further.

The University fully upholds the idea of student freedom, physically and digitally, with the acceptance of full responsibility for individual action and the consequence of such action. The University cannot and will not permit destructive behavior. Therefore, the University reserves the right to intercede and require the immediate suspension or withdrawal of a student where that behavior is perceived to constitute a threat to or violate the rights of members of the community, the individual student, or the name of the institution. Disciplinary authority is vested in the Vice President for Student Affairs and their designee(s).

It should be remembered that the University has an obligation to uphold the laws of the larger community. While the activities covered by the laws of the larger community and those covered by the University may overlap, it is important to note that the community's laws and the University rules operate independently and do not substitute for each other. The University may pursue enforcement of its own rules whether or not legal proceedings are underway or in process and may use information from third-party sources, such as law enforcement agencies and the courts, to determine whether University rules have been broken. Conversely, the University makes no attempt to shield students from the law, nor does it intervene in legal proceedings against a student. The University may, in its discretion, invite law enforcement authorities to the campus to conduct police business and investigation anywhere on the campus.

Students agree to release the University, its agents, and employees from any and all damages, liability, claims, expenses, or loss resulting from or arising out of use of campus space, including those related to the potential exposure to contagious viruses, and to indemnify and hold harmless the University, its agents, and employees from any claims resulting from or arising out of failing to follow reasonable requests.

D'Youville Lingo

Let's start with our name – D'Youville. How do you go about saying that? If you listen closely, you'll often hear a number of different pronunciations and sometimes just silence and blank stares but the right way to say it is:

do-YOU-vill

Now that we've got that out of the way, let's take a look at some lingo you may hear mentioned around campus:

222 (said as Two Twenty-Two): The student apartment complex on Connecticut Street

BFAC (said as B. F. A. C.): Bauer Family Academic Center

CEC (said as C. E. C.): The Cultural Enrichment Center on the 2nd Floor of KAB

DAC (said as D.A.C.): D'Youville Academic Center

Dobson: Our athletic field a few blocks away from the main campus

KAB (said as K. A. B.): Koessler Administration Building

Maggie: Our slightly more athletic mascot who hangs out with Saint

MGT (said as M. G. T.): Marguerite Hall

The 6th Floor: The top floor of DAC

The Beach: A student lounge and the home base of Student Experience on the second floor of KAB

The Container Park: Located outside the DAC, a great space for some socialization or catching up on studies when there are no concerts!

The Clubhouse: Some offices within Student Affairs including Student Development & Advocacy, the Title IX Coordinator, Student Engagement & Housing (parttime) and the office for SGA's executive board members located on the second floor of KAB

The HUB: A public healthcare facility where students can learn in real time.

The Kav: The Kavinoky Theatre located in KAB

The Park: An incredible space on the second floor of KAB where you can find Saint & Maggie!

The Underground: Our Student Government Executive Offices and Marketing Offices, located on the lower level of KAB

Pulse: The tech lounge and headquarters of IT located in BFAC

Saint: Our big goofy mascot who spends his days around KAB

Saint Sitter: The most coveted student job on campus – stop into the Beach to learn more!

SASE (pronounced sassy): School of Arts, Sciences, and Education Building

SGA: The Student Government Association

SECTION 2: OFFICES & STUDENT SUPPORT AREAS

ACCESSIBILITY

D'Youville is committed to providing equal access to all students, including those who qualify as persons with disabilities. Any student with documentation of a disability is eligible for service through the D'Youville Accessibility Resources Office located within the Student Success Center

ATHLETICS

D'Youville sponsors 16 NCAA Division II varsity sports. Our student-athletes can find their coaches in the lower level of the University Center. The fitness center, which is open to all students with an active D'Youville ID, can also be found in the lower level. Athletic administrators live on the first floor of the University Center just steps away from the University Center Gymnasium where our club cheerleading team cheers on our basketball and volleyball programs. A few blocks down from campus sits Dobson Field, our home field for soccer, lacrosse, and softball. Dobson is also used for club and intramural sports!. D'Youville Athletics is proud to offer NCAA Division II programs but also promote inclusive opportunity to engage in exercise, recreation, and culture in order to holistically support the D'Youville experience.

CAMPUS SAFETY

With their headquarters located in DAC, the role of Campus Safety is to ensure protection and order on campus. Officers are trained to manage both daily operations and emergency situations. Additionally, Campus Safety offers student escorts across locations around campus and up to 2-blocks away from campus.

CULTURAL ENRICHMENT CENTER (CEC)

Your uniqueness is invaluable and something to be celebrated. The Cultural Enrichment Center is here to support those with marginalized identities and to teach those with privilege how to use that privilege to lift the voices of others. You finding a community and feeling at home on campus is our top priority. If you would like to learn more about how to get involved or need a space to just chill, stop by!

IT PULSE CENTER (*Information Technology Department*)

In support of D'Youville College's mission of teaching, research and public service, the college's computing and information resources are made available to the college community of students, faculty and staff. These resources are provided to the greatest extent possible, by striking a balance between the needs for convenience, reliability and security in support of academic excellence.

All eligible individuals who wish to use the college's computing resources are required to abide by the policies of acceptable use. This web page provides additional guidelines for hardware and software specifications, as well as common instructions, and staff contact information for troubleshooting and configuration assistance. Troubleshooting assistance is provided both over the phone and in person during business hours. Students are required to ensure that their workstation is in working order prior to receiving configuration assistance. The Tech Support staff will not rebuild student computers, and students must sign a waiver if they want to drop off their workstation to receive troubleshooting assistance from [Tech Support \(help desk\)](#). This assistance comes free of charge.

The **IT PULSE CENTER** is made up of 4 divisions all located on the **1st floor of the Bauer Family Academic Center (BFAC)**.

Administrative Computing

The office of Administrative Computing maintains the student and administrative information systems and facilitates its use by faculty, staff and students. Software supported includes Colleague, Self-Service, reporting applications, custom development and the mobile app.

Network Services

The Network Services Department provides the network infrastructure upon which the D'Youville College Community interacts. Our mission is to build, operate, administer, and maintain the services needed for our voice, data and video highways to function. These services include both the wired and wireless networks, all servers and workstations, on premises and cloud applications, printing, user accounts, mailboxes, phones, voicemail, emergency response, data storage, all data spaces, and the My D'Youville SharePoint Site.

Instructional Technology & Support

The Instructional Technology and Support Department works with all members of the D'Youville College Community for classroom technology administration and upgrades, event management and booking through the 25Live Events System, classroom technology and space guides, and current on-campus phone system support.

Tech Lounge

Come grab a FREE cup of coffee and collaborate with your classmates in our state-of-the-art IT Tech Lounge (Help Desk).

Our local Tech Support Team is available to support a variety of IT issues for all students, faculty and staff and is staffed with knowledgeable IT employees who are committed to providing the highest level of support possible to meet your IT needs. All requests are given direct attention and we will make every effort to respond to your request ASAP.

Our goal is to continually try to develop our services to meet and exceed your expectations and to be certain to see through the delivery of timely, high quality and professional IT support.

THE WELLNESS LODGE

The Lodge encompasses a variety of wellness services including the following:

We have two Mental Health Counselors who can be found in the Wellness Lodge, who are able to see students. The goal of the

SaintsCare:

D'Youville's telehealth platform for mental health services that can be accessed at timelycare.com/dyouville or by downloading the TimelyCare – Higher Ed app on your mobile device. Any questions about SaintsCare can be directed to our on campus Mental Health Counselor at the number above.

- TalkNow:
 - 24/7, on-demand access to a mental health professional to talk about anything at any time
- Counseling:

- Scheduled Counseling: scheduled options to speak to a licensed counselor.
- Health Coaching:
 - Access to a nutritional specialist to help you adopt healthier lifestyle behaviors related to sleep issues, weight management and more.

Campus Cupboard:

Food and toiletries available to students in need. Campus Cupboard will also be the location for our Swipe Out Hunger Program where students can request a free meal swipe.

Crisis Services:

We have an advocate from Crisis Services who provides confidential sexual assault and domestic violence advocacy and case management at D'Youville. Our Campus advocate can be reached at **716-536-4147** or kshirreffs@crisisservices.org

Wellness Classes:

Yoga, Tai Chi, Qigong, Guided Meditation, and Miscellaneous Wellness Workshops.

SUCCESS CENTER

The Student Success Center includes the offices of Academic Advisement and Planning, Financial Aid, Student Accounts, Registrar, Career and Professional Engagement, Tutoring, and International Student Services. Here you will find a collaborative team who can answer questions regarding topics such as planning for your new career and ensuring your roadmap to academic success is on track; to inquiries about scholarships, your billing account, or looking to order a transcript. Our student success team is dedicated to ensuring you get quick answers to your questions.

The Student Success Center is located on the 1st floor of the Bauer Family Academic Center (BFAC).

Financial Aid

The financial aid office is available to help students to best finance their education at D'Youville. General policies and application procedures are as follows:

- Financial aid is awarded on a first-come, first-served basis to those who qualify. FAFSA filing begins October 1st. Early filers will be given priority for federal, campus-based federal aid and institutional funds.
- If there is a major change in your financial situation, schedule an appointment with your financial aid counselor, who can assist you in pursuing a possible adjustment to your aid eligibility.
- Students who receive financial aid from any off-campus source must report it immediately to the financial aid office.
- Financial aid programs and requirements are subject to change. Please keep abreast of messages and changes via your D'Youville email account, StudentForms account (dyc.studentforms.com) and in the My D'Youville portal (FA Self-Service), as they may affect your aid package.

More extensive information on financial aid is available on the website and within the Financial Aid Office within the Success Center. Students looking to learn more about financial wellness and sustainability can receive support within The Park through Student Affairs and with the Academic Success Center guidance.

STUDENT AFFAIRS

Sharing the Clubhouse with the SGA on the second floor of KAB, Student Affairs oversees a number of support areas on campus. Reach out if you need anything at all from this student supporting group or visit with Saint or Maggie!

STUDENT DEVELOPMENT & ADVOCACY

Before you're a student, you're a person and people have needs. The Office of Student Development & Advocacy is meant to support your holistic needs outside of the classroom during your time at D'Youville to ensure that you thrive as a person. If you haven't already checked out the services offered to you FOR FREE in The Park you should stop in and check them out!

STUDENT ENGAGEMENT & HOUSING

You can find the amazing staff of Student Engagement & Housing in The Beach on the second floor of KAB along with the Veterans Center, the Beach, the Clubhouse, and the Park. Working very closely with the SGA, the department fosters a blended campus culture and focuses on all students no matter their academic level, class standing, or housing status.

STUDENT EXPERIENCE

Your time at D'Youville begins as soon as you take a campus tour and the Office of the Student Experience focuses on every moment you have on campus to ensure amazing memories – from campus tours, to orientation, through to commencement. If you're interested in becoming a University Ambassador or an Orientation Leader, stop into the Beach to learn more.

VETERANS CENTER

Located on the second floor of KAB near Solutions, the Student Veterans Center is meant to provide a seamless transition for our nation's veterans from military life, through their education experience and into a meaningful career by providing high quality services and opportunities for academic success, personal and spiritual growth, and professional development.

SECTION 3: CODE OF CONDUCT JURISDICTION, STUDENT RIGHTS & RESPONSIBILITIES AND ACCOUNTABILITY

Jurisdiction

This Code of Conduct shall apply to every D'Youville student, whether matriculated or not, whether taking courses on-campus or off. In an effort to provide a safe and secure environment and to protect the public order, the University believes it must hold the members of its community accountable for their behavior at all times, on and off campus.

Jurisdiction and discipline are not limited to behavior which occurs on University premises. Conduct which adversely affects the University community or all those communities with which students interact in carrying out educational or professional activities, including but not limited to students pursuing field experiences and other course assignments, internships, clinical rotations, observation hours, volunteer work, mission trips, research, and students attending professional conferences, shall fall under the jurisdiction of this code.

As a reminder, The University fully upholds the idea of student freedom, physically and digitally, with the acceptance of full responsibility for individual action and the consequence of such action. The University cannot and will not permit destructive or antisocial behavior. Therefore, the University reserves the right to intercede and require the immediate suspension or withdrawal of a student where that behavior is perceived to constitute a threat to or violate the rights of members of the community, the individual student, or the name of the institution. Disciplinary authority is vested in the Vice President for Student Affairs and their designee(s).

Student Rights

D'Youville seeks to provide an atmosphere that supports growth and learning and considers all spaces on campus to have the opportunity to serve as an integral part of the academic program of the University. Our campus is where intellectual stimulation continues and where students, either alone or in groups, study. All campus buildings are accessible to all students, and the patterns and programs of Student Affairs are administered so as to enhance student ties beyond the classroom; assure the individual rights, well-being, and dignity of others; promote understanding and respect among all people; and foster the opportunity to make lasting friendships. Our campus is a community where students take responsibility for their environment. The University respects the right of privacy and is committed to protecting that right. However, University officials have the right to enter any space, include residence hall rooms, at any time when deemed necessary for health and safety reasons or with the presumption of a policy violation.

Members of the D'Youville community are committed to an atmosphere that supports personal growth and learning, where all students have the following rights:

1. To have free access to locations on campus to work and study;
2. To exercise free speech—which does not include the right to harass, injure or silence others;
3. To have adequate security for one's person and possessions;
4. To have a system of grievance;
5. To have access to all University support systems and services;
6. To be protected under FERPA;
7. To receive consideration without discrimination because of race, creed, color, gender, age, national origin, sexual orientation, gender identity or expression, disability, or status.

Each student is free to exercise their rights as an individual and responsibilities as a citizen. The University also has certain rights; and therefore, may take appropriate action if the student's behavior or any group of students' behavior adversely affects the good name of the University or represents a threat to any individual, group or the order of the community. If such action is necessary, due process shall be afforded to all parties.

Student Responsibilities

To assure these rights, all students have the following responsibilities:

1. To treat all members of the community with dignity and respect;
2. To resolve differences with others in a controlled, civil manner and in a timely fashion;
3. To conduct oneself in such a manner that does not violate the rights of others;
4. To adhere to University regulations and to honor the legitimate requests of the University and its appointed agents;
5. To take all reasonable means to protect from theft or damage, personal property and the property of others, including that of the University;
6. To be accountable in social situations, including choices with respect to behavior, whether sexual or otherwise;
7. To be respectful and aware of University policy and New York State Law with regard to alcohol, drugs, and sexual violence;
8. To avoid substance abuse and refuse to tolerate substance abuse in others;
9. To create a non-coercive social environment;
10. To take initiative for executing and participating in activities that are not substance centered;
11. To understand that abuse of substances will not be considered an excuse for irresponsible behavior;
12. To protect and promote the health and safety of others, as well as one's self, and to aid others in need of help.

Accountability

The University reserves the right to dismiss any student or reassign or remove from housing (without refund) whose behavior is believed to be detrimental to the general welfare of the community. Matters of misconduct are handled by the Division of Student Affairs under the guidance of the Vice President for Student Affairs and managed by the offices of Student Engagement & Housing and Student Development & Advocacy.

With regard to disciplinary matters, the University treats all students as adults who are responsible for their own actions. In serious matters, students are always strongly encouraged to consult with their parents or guardians in advance of disciplinary hearings. Typically, parents and guardians of students are not notified of judicial proceedings. A list of minimum sanctions appears in the sanctions section of this handbook. Should deferred suspension, suspension or expulsion be levied as a sanction, the Vice President for Student Affairs will contact a student's parents or guardian to notify them of the decision.

Suspensions and expulsions are reserved for serious offenses. There will be no refund of room, board, or tuition for students who are suspended, expelled or who withdraw from the University pending or as a result of disciplinary action (This supersedes the University policy on refunds). Violations concerning harassment and sexual misconduct are discussed in the Non-Discrimination and Harassment Policy and the Sexual Misconduct Policy sections.

Schools and/or departments within the University may offer additional policies and regulations to align with their professional standards. It is expected that students within these schools and/or departments will abide by these additional policies, regulations and rules as set forth in their school/departmental handbook.

Listed below are some of the basic rules governing a person's behavior on campus, non-campus property used by the University, and at functions sponsored by the University or any group affiliated with the University. Violation(s) or attempted violation(s) of the following rules, or other conduct which reflects unfavorably on the student or the University is subject to judicial action.

1. Acts of dishonesty;
2. Disruption or obstruction of University operations;
3. Violation of federal, state, or local law from the moment of University application through the moment of degree conferral;
4. Violation of any University policy as published in this handbook or dictated by University official;
5. Reckless endangerment through negligent or deliberate actions;
6. Lewd or indecent behavior;
7. Unauthorized access to University property, equipment, or physical and digital space;
8. Physical and mental abuse or any behavior that threatens the health and safety of any person including but not limited to assault, threats, harassment, coercion, bullying, and cyber-bullying;
9. Attempted or actual theft, vandalism, or damage of property;
10. Stalking, either physical or digital, as defined by the repeated contact of an individual when the contacting party knows or should know that the contact is unwanted or when the contact causes the other person reasonable apprehension of imminent physical harm or hinders the other person's ability to perform the activities of daily life;

11. Failure to comply with a reasonable request of a University official;
12. Insubordination toward a University official including hostility toward a directive;
13. Participation in a demonstration, riot, or activity, either physical or digital, which infringes on the rights of others, disrupts the daily operations of the University, disrupts the freedom of movement, or interferes with normal student studies and work;
14. Extortion or blackmail;
15. Use of another person's identification, either physical or digital;
16. Use of University resources to send, store, or receive obscene or abusive messages or materials;
17. Intentional abuse of the student conduct system;
18. Violation of any other University acknowledged policy or procedure.

Grievance Procedures

D'Youville and its staff strive to improve student services and welcome input regarding our policies and procedures. All student concerns or complaints should be written and directed to the appropriate departmental or division office. If said response does not adequately address a student's concerns, the complainant is encouraged to contact the Office of the Vice President for Academic Affairs for academic concerns or the Vice President for Student Affairs Vice President for Student Affairs

All written concerns or complaints should be accompanied by relevant documentation. Appropriate University leadership will review the documents and the circumstances with the appropriate area and will either respond personally to the complaint or direct the appropriate member of the University to do.

Please note: Due to federal regulations (FERPA), the University generally only corresponds with students, not parents or guardians.

Behavior

The University takes the position that each student is fully responsible for their own behavior and will not accept the responsibility for the actions of any individual student or group of students. The Vice President for Student Affairs or designee may take appropriate disciplinary action if a student's or group's behavior, on or off campus, physically or digitally, adversely affects the good name of the University or represents a threat to any individual, group or the order of the community. This includes, but is not limited to, psychological or physical abuse as well as offensive or obscene behavior intended to injure or insult any person. The Vice President for Student Affairs or designee will act to protect the due process of all involved students while working within the University's disciplinary guidelines.

Students who are involved in violent, slanderous, or otherwise damaging behavior may be subject to immediate interim suspension. The final University judicial decision will determine if this suspension is to be permanent. If a student is suspended from the residence halls, the University will not assume any responsibility for locating or financing alternate housing for the affected student(s). Violent action against any University employee or student also carries with it the immediate possibility of arrest by the local authorities and possible criminal charges.

A disruptive student is a student who engages in behavior which interferes with the normal operation of the University as determined by the University.

Such behaviors may entail, but are not limited to, belligerence, inappropriate comments or actions, repeated talking, sleeping/snoring, unauthorized cell phone use, erratic behavior, actions prompting community response, or any other behavior that interferes with normal operations. Should disruptive behavior occur the following general procedure should occur:

1. Any student whose classroom behavior is judged by the instructor to be disruptive shall be informed by the instructor that his/her actions are disruptive. (Specific expectations of classroom behavior(s) may be noted in the syllabus of faculty.) This explanation and request may take place in the classroom at the

time of the behavior or at another time and place deemed appropriate by the instructor (e.g. during office hours).

- a. A student may be dismissed by the instructor from any class period in which disruptive behavior persists following the instructor's request that it cease. The instructor shall then explain how the behavior disrupts the teaching/ learning process, inform the student that if the behavior continues it will be reported in writing to the Vice President for Student Affairs and request that the student cease the behavior. Attendance at subsequent class periods is allowed unless the disruptive behavior continues. If the student refuses a request by the instructor to leave the classroom following persistent disruptive behavior, Campus Safety should be called.
 - b. If a student's disruptive behavior continues following the request that it cease, the instructor shall refer the case to the Vice President for Student Affairs who will assign the case to a Student Conduct Administrator. The Student Conduct Administrator will deal with the case according to established student discipline procedures and sanctions. Disenrollment from the class is a discipline sanction that may be used, as determined by the Vice President for Student Affairs.
2. Any student whose behavior outside the classroom is found disruptive will be referred to the Vice President for Student Affairs who will determine if immediate response of the University is required and/or assign the case to a Student Conduct Administrator. The Student Conduct Administrator will attempt to remediate the situation with the student in question and, if necessary or appropriate, other involved parties in line with the Code of Conduct.
 3. If at any time it is believed that the student poses a physical threat to themselves or others, Campus Safety should be called immediately at 716- 829-7777.

It is the responsibility of the student to adhere to any rule or regulation as well as report any violation that may presumably be known. Failure to abide by this rationale does not show an example of being an upstanding citizen and will be addressed by the University.

Students who have knowledge that another individual has committed one of the following acts are required to report the violation within 24 hours through the official University reporting system, Maxient, located on the main University website and within SharePoint under HELP!: false fire alarm; bomb threat; misuse of fire extinguisher; damage to fire exit sign, fire door or exit door; physical abuse; arson; sexual assault or harassment; use or possession of a weapon or explosives; use of controlled substance or illegal drugs or other endangering conduct; bias related behavior.

Section 4: ANTI-BIAS POLICY

Anti-Bias Policy

D'Youville is committed to providing an environment where every person is treated with dignity and respect. We believe that every student, administrator, staff and faculty member, and visitor has the right to be in a safe and secure environment where education and growth can flourish.

We strive to make sure that the educational experience for all our students promotes an atmosphere that is free from behaviors or negative actions (either intentional or unintentional) based on the following:

Age, Gender, Gender Expression, Gender Identity, Religion, Race, Ethnic or National Origin, Sexual Orientation, Sexual Expression, Disability, Socio-Economic Status, Citizenship Status, Other targeted aspects of one's identity.

A bias-related incident is a verbal, written, or physical act of intolerance or prejudice that does not involve a criminal act or violence and lacks a reasonable relationship to an educational, political, and/or artistic end. Examples of bias incidents include but are not limited to hate speech, microaggressions, stereotyping, homophobic or sexist jokes, racist epithets, religious slurs, demeaning remarks on social media, or discrimination.

Bias-related incidents may or may not be intended to cause harm.

Responses to bias-related incidents may include educational opportunities for the individuals and groups involved, as well as for members of the campus community as a whole when reporting patterns suggest broader issues that move beyond the immediate incident. This policy therefore seeks to enhance understanding, provide a forum for expression of multiple viewpoints, mediate conflict, and pursue restoration. If you observe or are confronted with what you feel might be a "bias-related incident," you are encouraged to file a report through the official University reporting system, Maxient, located on the main University website and within SharePoint under HELP!

Definitions of bias-related behaviors include the following:

Microaggression is a term used for brief and commonplace daily verbal, behavioral, or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative racial slights and insults toward any marginalized group.

Prejudice is a preconceived notion, i.e., a pre-judgment about someone that is often drawn from insufficient knowledge.

Stereotype is the systematic classification of a person based upon preconceived notions that are often drawn from insufficient knowledge.

Discrimination is a negative action aimed at a person or group of people based upon prejudice.

Bias is a prejudice in favor of or against one thing, person, or group compared to another, considered to be unfair.

Hate Crime is a criminal offense motivated by the alleged perpetrator's bias against a person's race, ethnicity/national origin, gender, sexual orientation, disability status, religion, or non-religion. Hate crimes can include threats, attempted or actual crimes, and may include assault and battery, vandalism, or other destruction of property or verbal threats of physical harm. Harassment can also be a hate crime if it is used to deprive someone of their civil rights.

Hate Speech is graffiti, images, jokes, written or verbal comments, including social media posts which threaten, intimidate, or marginalize individuals or groups because of their actual or perceived race, color, religion, sexual orientation, ability status, ethnicity/national origin, physical characteristics, sex, gender, gender identity, gender expression, and/or any other legally protected classification.

Targeted Group/Student is a targeted group or student who believes or perceives that they have been the victim of a bias incident and/or hate crime based on their race, color, national origin, religion, sex, age, disability, sexual orientation, gender identity, gender expression, genetic information, or veteran status.

Bias Related Crimes and Incidents

Prepared in compliance with the New York State Education Law (Section 6436). The information in this report is available to all incoming and current students, as well as employees. It is made available to prospective students and employees upon request.

Bias Related Crimes:

A hate crime, also known as a bias-related crime, is a criminal offense committed against a person, property, or society which is motivated, in whole or part, by the offender's bias against a race, religion, ethnicity, disability, sexual orientation, gender, gender identity, gender expression or national origin. According to New York State Penal Law (article 485), a person commits a hate crime when he or she commits a specified offense and either:

1. intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity, gender expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
2. intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity, gender expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct. Proof of race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the defendant, the victim or of both the defendant and the victim does not, by itself, constitute legally sufficient evidence.

Reporting a Bias Related Crime:

Students are encouraged to immediately report all types of bias-related incidents precipitated by intolerant behaviors. In the case of physical confrontation, assault, threat, or injury, resulting from a bias-related crime, contact Campus Safety immediately. For all other bias-related incidents, students are encouraged to report using the official University reporting system, Maxient, located on the main University website and within SharePoint under HELP!

Each report of bias is reviewed by a Bias Review Board, comprised of faculty and staff, who will determine the next step in the process, which may include referral to the University conduct process or contacting law enforcement, in accordance with all federal, state and local laws and University policies.

Should a student witness a bias-related incident, they may provide a valuable resource to the University in reconstructing the incident so that an appropriate response can be made. Their willingness to step forward and assist can be invaluable. After reporting an incident, a witness should record their observations of what occurred and what precipitated the incident and attempt to identify as many participants in the incident as possible.

Where there is a probable cause to believe that anti-bias behavior has occurred, the University will pursue action through its own channels, in accordance with the procedure outlined in the Student Code of Conduct. This action is based around education and includes the possibility of suspension or expulsion from the University. The Bias Review Board and/or a student conduct administrator has the right to impose any and all sanctions outlined in the Code of Conduct. Sanctions may also include an inclusivity program as an explicit condition of remaining enrolled at the University, that the defendant successfully undertake educational classes or community service directly related to the community harmed by the respondent's offense. Sanctioning is at the discretion of the University.

Victims of bias-related crimes have the right and the opportunity to bring charges under the Student Code of Conduct by contacting the Vice President for Student Affairs and/or by using the official University reporting system, Maxient, located on the main University website and within SharePoint under HELP!

Both the reporting party and the respondent are entitled to have an advisor present during bias review proceedings in accordance with the Student Code of Conduct.

D'Youville will make every reasonable attempt to help any student who is a victim of an alleged bias-related crime change their academic or housing situations, if so requested. The targeted group or student can bring a complaint either through the University judicial system, in criminal courts, or in both.

Students are encouraged to speak with the Vice President for Student Affairs, Dean of Students, Chair of the Bias Review Board, or the Director of Campus Safety to discuss various legal courses open to them.

Counseling is available to student victims of bias-related crimes and incidents through the Social Support Center. This service is confidential and free of charge. Referral services are also available.

The opportunities for intellectual, social, cultural, and spiritual growth encourage all members of the D'Youville community to develop a respectful attitude toward learning, a reverence toward persons and things, and a desire to fashion their lives and their communities for the better. Toward this end, discussions, courses, workshops, and programs throughout the academic year address the topic of multiculturalism. Through these events and presentations, the University works to eliminate bias-related incidents; however, should an incident occur, assistance and cooperation of witnesses is needed to ensure proper action is taken.

The campus community is advised and updated on safety and security through the publication of the Annual Campus Safety and Fire Safety Report, which focuses on providing essential information regarding the University's safety services, programs and policies as well as occurrences of crime on and around our campus. The report is available on the University website and is also available in hardcopy at the main Campus Safety desk. Notification is also made to the campus community, as appropriate, on specific threats to campus safety through the University's emergency notification system, campus media, publications, posters, and other methods.

SECTION 5: STUDENT CODE OF CONDUCT

Alcohol

The Drug-Free Schools and Communities Act Amendments of 1989, enacted by the federal government, requires Universities to adopt and implement a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. The primary goal of the following policy is to promote an environment in which the misuse of alcohol is not tolerated. This goal can be achieved by community-wide involvement in comprehensive and ongoing alcohol education and awareness programs.

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.

Any student, or recovering student, who would like to discuss an alcohol or drug related problem may contact Student Affairs for support and guidance. Referrals to outside agencies for professional treatment or outside assistance in coping with a dependency problem are available upon request.

Any University approved and sponsored event that offers a bar which students can access must:

1. Follow all federal, state, and local law;
2. Obtain a New York State Liquor Authority permit that can be arranged through the University dining provider with 30 days advanced notice;
3. Require either cash payment of fair market price or higher or University provided voucher for each drink ordered by a student;
4. Cannot offer students an “open bar”, that is unlimited free alcoholic beverages;
5. Must ensure equal access to non-alcoholic beverages and foods of substance for all attendees;
6. Cannot showcase or advertise alcohol as the main focus of the event;
7. Must provide a trained bartender through University dining services or University official who will understand all regulations, manage liability, handle all age proofing, monitor student consumption with the full authority and discretion to refuse service at any point, and will notify Campus Safety in the case of an emergency or challenging situation;
8. Cannot offer alcohol as a prize or use alcohol in a game or contest;
9. Cannot permit alcohol products other than those approved and provided by the University or official designee.

Any student group or organization who wish to offer alcohol at an event must receive University approval and sponsorship through appropriate forms and with cooperation of the Office of Student Engagement & Housing.

The sale, purchase, possession, transportation, storage, and consumption of alcoholic beverages on D’Youville property and at off-campus University sponsored functions is permitted only in accordance with New York State law and only as outlined in the following sections:

1. Pursuant to New York State law, open containers are illegal. Alcoholic beverages MUST be in a closed and concealed container and alcoholic beverage containers MUST be concealed when transported on campus grounds and in residence. There will be no open containers of alcohol or drinking of alcoholic beverages permitted in public or common areas (lounges, library spaces, outdoors, hallways, etc.) unless sponsored or approved by the University;
2. In accordance with New York State law, it is a violation for anyone under 21 years of age to purchase, possess, or consume alcohol. This includes, but is not limited to, any public or private function sponsored by the University;
3. Nobody visibly intoxicated will be permitted service to alcohol;
4. Public intoxication, no matter the age, is prohibited;
5. Disorderly Conduct resulting from the use of alcohol is unacceptable and will be considered a serious and additional violation of the University policy;
6. Items, such as funnels, kegs and other bulk containers such as mini kegs or similar items that encourage less than responsible approach to alcohol use will be confiscated regardless the age of the owner;
7. Students may be held responsible for any activities taking place reasonably within their person;
8. It is a violation for anyone 21 years of age or older to provide alcohol to anyone under 21 years of age;
9. Marguerite Hall is considered to be a “dry residence hall” meaning no alcohol is permitted regardless of student age;
10. Alcohol is only permitted within common areas in 222 if all residents residing in the apartment are 21 years of age or older.
 - a. If not all residents of the apartment are of age, then alcohol is only permitted within the rooms of residents who are 21 years of age or older;
 - b. Each resident 21 years of age or older is permitted to have no more than 18 cans/bottles of beer/malt beverages, OR 3 liters of wine, OR 1 liter of hard liquor at any given point;
11. It is a violation to be in a residential room where underage students are present and alcohol is being consumed;
 - a. It is a violation to consume alcohol in a common area if not all residents present are at least 21 years of age
12. D’Youville students are fully responsible for their guests’ actions on campus;
13. Drinking games in any form are not permitted on campus;
14. Empty alcohol containers will be considered evidence of consumption;
15. Parents/Guardians will be notified, of any student under the age of 21 years old, of any alcohol policy violations; regardless of the sanction.

These policies are not exclusive. The University will enforce any other commonsense rule or practice consistent with the health & wellbeing of the community. This policy is in furtherance of the University policy to provide a campus and workplace free of illicit drugs and unauthorized alcohol. It is also designed to comply with applicable laws.

Amnesty Policy

The Amnesty protocol applies to straightforward cases of alcohol or other drug-related emergencies or sexual misconduct. The Amnesty protocol does not excuse co-occurring Student Code of Conduct infractions or other incidents related or unrelated to the medical emergency.

The health and safety of every student is of utmost importance. The University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to medical emergencies, domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct.

The University strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to University authorities. 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 or law enforcement will not be subject to Code of Conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Nothing in this section shall be construed to limit the University's ability to provide amnesty in additional circumstances.

An individual who calls for emergency assistance on behalf of a person experiencing sexual violence or any alcohol or other drug-related emergency will not face formal disciplinary action by the University for the possession or use of alcohol or other drugs if they agree to participate in, and complete, the recommended educational expectations outlined by the University. The recipient of medical attention will also avoid formal disciplinary action by the University for the possession or use of alcohol or other drugs if they agree to participate in, and complete, the recommended educational expectations outlined by the University. If an individual is documented or receives emergency medical assistance on more than one occasion due to excessive use of alcohol or other drugs, the situation will be evaluated so as to provide the student with additional resources and/or sanctions as needed or appropriate.

The University recognizes that in an alcohol or other drug-related emergency, the potential for disciplinary action by the University may act as a barrier to students seeking medical assistance for themselves, other students or guests; therefore, the University has this policy as part of our comprehensive approach to reducing the harmful consequences caused by the consumption of alcohol or other drugs.

The main concern of the University is the well-being, health, and safety of its students. Medical Amnesty represents the commitment to increasing the likelihood that community members will call for medical assistance when faced with an alcohol or other drug-related emergency. Medical Amnesty also promotes education for individuals who receive emergency medical attention related to their own use of alcohol or other drugs in order to reduce the likelihood of future occurrences.

Controlled Substances

D'Youville is deeply concerned about controlled substance use by all students in our community. The University regards controlled substance use as a problem that has the potential to affect the entire community. Possession, use, distribution, manufacture or sale of illegally controlled substances, or use of legally controlled substances without explicit and current prescription from a medical provider is prohibited.

The possession of drug paraphernalia is prohibited. Such items may include: rolling papers, scales, grinders, bongs, vaping devices, and any item used in conjunction with an illegal substance. Any student found selling,

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admitting to selling currently or in the past, or distributing any form of illegal drugs, controlled substances, or drug paraphernalia, on or off campus, may be expelled and may also face criminal liability. Distribution also includes the sharing in any way of legally controlled substances.

The University stands firm against the use of controlled substance and does not provide students with a haven from the law. Anyone found using or possessing a controlled substance is subject to disciplinary action up to and including suspension or expulsion. Law enforcement personnel may be involved at the invitation of the University. Room and locker searches may be conducted by the University with the approval of the Vice President for Student Affairs or designee.

Students who are identified as having an alcohol and/or a drug problem may be required to resolve their problems with a professional counselor on or off campus. The Division of Student Affairs may notify the parents or guardian of an undergraduate student's alcohol and/or drug problem.

All drugs, whether illegal or prescribed, alter the chemical balance of the body. The misuse of drugs may lead to addiction and even death. Drug addiction and abuse can cause serious damage to the brain, stomach, lungs, liver, kidneys, heart, and the immune and reproductive systems.

Courtesy and Quiet Hours

To facilitate the positive atmosphere in the residence halls, Courtesy and Quiet Hours have been established and will be shared in building meetings and throughout the buildings. Residents are expected to demonstrate courtesy and respect for others at all times. Courtesy hours are always in effect and are designated to enhance the study and community atmosphere of the residence halls.

During quiet hours it is requested that residents:

- Keep room/apartment doors shut.
- Keep the volume low on stereos, radios, TVs, video games, etc.
- Limit noise in hallways and lounges.
- Be considerate of the sleeping and study habits of other residents.

Quiet Hours are extended to "24-hour Quiet Hours" during finals week each semester as well as during the weekend leading up to final exams.

Destruction and Theft

Any destruction, theft, attempted theft or impairment of personal or University property, including both intentional and negligent acts, is subject to disciplinary action and financial restitution. This includes, but is not limited to defacing structures, bulletin boards, equipment, and facilities; tampering with or damaging electronic equipment; parking/driving on grass and sidewalks; littering; and removing window screens. All groups who use University facilities must report damage immediately. Individuals or groups sharing a facility are held equally responsible for property damage and assessed financial restitution.

Dishonesty

Disciplinary action may be taken against any student who falsifies or modifies any official record. This includes, but is not limited to, identification cards, absence excuses, parking tags, transcripts, examinations, grade reports, applications, etc. Knowingly giving false information to a University official shall also be subject to disciplinary action. Students who violate accepted academic procedures through plagiarism or cheating will be processed through the Academic Integrity Policy. Other academic irregularities may be referred to the appropriate academic officer or designee.

Disorderly Conduct

Disorderly conduct is any behavior which interferes with the normal operation of the University as determined by the University. This includes, but is not limited to, behavior which endangers the health and safety of others, breaches the peace and/or violates the rights of others. Additionally, discriminatory, lewd, obscene or indecent behavior is prohibited.

Failure to Comply

Failure to comply with the directions of University officials including, but not limited to, Administration, Faculty, Staff, Campus Safety, Graduate Assistants, and Paraprofessionals, or those appointed or elected to act on behalf of the University who are acting under provisions of the Code of Conduct or in the performance of their duties, is prohibited.

This shall include, but is not limited to, failing to produce identification to University officials when directed, failing to respond to personal directives, failing to evacuate a building during an emergency alarm, hiding or fleeing from a University official, and failing to comply with a disciplinary sanction.

Any incident in which the Code of Conduct has been violated and which also accompanies an individual's failure to comply will automatically be elevated to the next higher level of severity.

If you are ever instructed by a University official to do something you feel is inappropriate or if you feel as though you have been dealt with in an inappropriate manner, you should advise the person's supervisor of your specific concerns or contact the Vice President for Student Affairs. Just because you dislike the approach a University official uses in handling a situation, it does not justify any rule violations on your part. Unless your immediate health and safety is at risk, you should cooperate with the instructions given by the University official and report your concerns later.

Fire Regulations

All persons must evacuate the building when the fire alarm sounds. Faculty in classrooms and administrators in other buildings are requested to enforce the following safety regulations when the fire alarm sounds:

- All areas are to be evacuated;
- All doors and windows that can be safely closed must be closed in a timely fashion;
- Identify any people with disabilities who need assistance and arrange for necessary aid in evacuation;
- Follow directional signs to fire exits and use stairs - not elevators;
- Move away from the building, across the street, down the sidewalk or toward designated safety area.

Fire drills are mandatory each semester. Students in housing will receive additional guidelines in their first floor/building/staff meetings and notices of the semester.

Fire Safety Equipment

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 University imposed fees of \$2,000.00 and/or educational sanctions and/or suspension and/or court action.

Persons who knowingly or negligently cause or attempt to cause a false alarm by the setting off of the fire alarm system or give any other common or recognized alarms of fire or bomb threat are guilty of endangering the lives of other people and may cause damage to the persons and/or equipment responding to such false alarms.

Gambling is not permitted on campus unless authorized at University sanctioned events. The University defines gambling as any “wagering of money or something of material value on an event with an uncertain outcome with the primary intent of winning additional money and/or material goods”.

Guests

Access to University owned or controlled property shall primarily be limited to students, employees and their visitors or guests for the purposes of study, work, teaching and conducting or attending other official business or activities. D’Youville is a private institution and, as such, reserves the right to lawfully restrict or prohibit access to University owned or controlled property and to prohibit certain individuals from being present on University owned or controlled property at any time at its discretion.

All individuals – visitors and others – present on University owned or controlled property shall conduct themselves in accordance with the law, University policies, as well as in a manner that maintains a safe environment. Conduct including, but not limited to, intentional or negligent disruption of the operations of the University, excess noise, threats, harassment, hate speech, physical abuse, intimidation, endangerment to the health or safety of any person or property, or unauthorized entry into, obstruction of, or occupation of any University owned or controlled property is prohibited and shall be deemed a violation of this policy.

If an individual engages in behavior or conduct that is inconsistent with this policy or any other University policy or that is otherwise inconsistent with the best interests of the University, the individual will be asked to refrain from such conduct and may be asked to vacate University owned or controlled property at once. Failure to adhere to this request may result in law enforcement being summoned to take appropriate action, including possible removal for trespassing.

Any D’Youville community member who brings guests to the campus is responsible for making University regulations known to the guests and is held responsible for their conduct. Persons on campus who are not students or employees of the University are required to adhere to the Code of Conduct when on the campus or grounds of the University or participating in University-sponsored activities. All persons on University property

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are required, for reasonable causes, to identify themselves upon the request of a University official. The University reserves the right to exclude those persons deemed detrimental to its well-being or incompatible with its functions as an educational institution.

Violations of University policies by non- students may bring about sanctions, including but not limited to:

- Persona non grata status: An order by the University, either permanent or of specified duration, to not enter the grounds or buildings of the campus;
- Restitution for any damages to the property of the University, student, faculty or staff;
- Civil action;
- Referral of charges to local law enforcement.

Harassment

D'Youville is committed to providing an environment for work and study free from harassment. Accordingly, harassment of administrators, faculty, staff, or students of the University, or retaliation against individuals who exercise their rights under this policy, will not be tolerated. The University recognizes and responds to its obligation to educate its administrators, faculty, staff, and students with regard to respect for the rights of individuals. The University neither condones nor tolerates any verbal or physical conduct which would constitute harassment of any member of the University community including guests or other third parties.

Harassment is conduct which makes fun of, belittles or shows hostility or dislike to an individual and which:

- Has the purpose or effect of creating an intimidating, hostile or offensive work or academic environment;
- Has the purpose or effect of unreasonably interfering with another individual's work or academic performance;
- Otherwise adversely affects an individual's employment opportunities or academic achievement.

Harassing conduct includes, but is not limited to:

- Epithets;
- Slurs;
- Negative stereotyping;
- Degrading comments;
- Threatening, intimidating or hostile acts (even if claimed to be "jokes" or "pranks");
- Written or graphic material (including, but not limited to computer images and social media posts) which makes fun of, belittles or shows hostility or dislike toward an individual or group;

The term "cyber-bullying" shall mean any harassment, intimidation or bullying, as defined above, when such is accomplished utilizing electronic communication media. Such media includes, but shall not be limited to:

- Email;
- Text Messages;
- Social Media Messaging;
- Tweets, Statuses, and Tik Toks;
- Digital Videos;
- Blogs.

Any harassment of administrators, faculty, staff or students is a violation of this policy and is prohibited, and will be subject to discipline. Students wishing to report being a victim of harassment, or knowledge of another student(s) being a victim of harassment are encouraged to report using the official University reporting system, Maxient, located on the main University website and within SharePoint under HELP!

Certain accommodations may be made by the division of Student Affairs in an effort to mitigate any situations where further threat and/or harassment could occur as a result of a person filing a report or bringing forward allegations. These accommodations, should they be considered reasonable, include, but are not limited to:

- Changes to academic schedules;
- Changes to housing assignments;
- Changes to campus work assignments;
- No Contact Order;
- Activity Restrictions;
- Interim Suspension.

If an outside agency or court of law has put in place an order of protection, the University will assist in upholding the order. If the University receives a report of an official order of protection being violated, the University will aid in contacting the appropriate law enforcement agency.

Reporting parties have the right to continue their educational endeavors free from retaliation or further harassment as a result of filing a report or participating in a judicial process. Retaliation exists when an individual harasses, intimidates or takes other adverse action(s) against a person because of the person's participation in an investigation of harassment, or their support of someone involved in such an investigation. Retaliatory actions include, but are not limited to:

- Threats of Violence against a person or property;
- Actual violence against a person or property;
- Adverse Educational or Employment Consequences;
- Ridicule;
- Intimidation;
- Bullying;
- Ostracism.

Sanctions will be imposed on any student found engaging in retaliation. Any evidence of such behavior from a responding party throughout the course of an investigation, or on behalf of the responding party, could warrant immediate suspension from the University pending the completion of the investigation and subsequent judicial process.

Hazing

D'Youville recognizes that membership in campus organizations or on athletic teams can be meaningful experiences in conjunction with other aspects of the education process. Unfortunately, membership or

prospective membership in an organization or on a team is sometimes accompanied by a wrongful activity known as “hazing.” Hazing is defined as generally including, among other things, the following:

- Any action or situation which recklessly or intentionally endangers mental or physical health, deprives an individual of basic needs, or involves forced consumption of any substance for the purpose of initiation into or affiliation with any organization.
- Any other act or series of acts which cause or is likely to cause bodily or physical harm or danger.
- Mistreatment by playing stunts or practicing abusive, humiliating or ridiculing tricks that subject an individual to personal indignity, humiliation or ridicule.
- Harassment by exacting unnecessary, disagreeable or difficult work or harassment by banter, ridicule or criticism. Some examples of such prohibited activities are as follows:
 - abnormal or unusual dress, grooming, or haircuts
 - performing unusual or abnormal acts
 - excessive or unusual physical exercise
 - oral harassment or abuse

Hazing is both a violation of the Penal Law and the other laws of the State of New York as well as the general regulations of the University. Accordingly, the University will not condone hazing of any kind. To this end, any student, faculty member, staff member, visitor, guest, licensee or invitee who engages in hazing, and violates these prohibitions shall be requested to cease and desist from such prohibited conduct and failure to do so will necessitate action to eject the individual(s) from University property and where appropriate, shall be subject to suspension, expulsion or other disciplinary action. Similarly, the University will rescind permission to operate on University property and shall prohibit the use of the University’s name to any organization whose members (whether individually or in concert) engage in hazing.

In the case of a student, faculty member, staff member or a University organization, disciplinary proceedings shall be commenced according to established policies. In addition to any University disciplinary proceedings, the violator or organization may be subject to any applicable provisions of the Penal Law.

Mascot Treatment

The official mascots of D’Youville are Maggie & Saint, two St. Bernard dogs who call the campus their home and regularly attend University events. Both Maggie & Saint are considered University staff and are fully protected against mistreatment. Students found intentionally causing harm or creating an environment which may cause harm to Maggie and/or Saint will be subject to disciplinary proceedings.

Students are not permitted to feed or administer anything to Maggie & Saint unless authorized by their University handler.

It is strictly prohibited for any student to remove or lure Maggie and/or Saint from their location on campus without approval from their University handler.

Off-Campus Activities and Behavior

All off-campus activities sponsored by student groups must be registered with and approved by the Dean of Students prior to activity.

The University reserves the right to take impose judicial action if a student's off-campus behavior adversely affects the good name of D'Youville or represents a threat to any individual, group or the order of the community.

The University considers online activities to be "off-campus".

Physical Assault

The University will not tolerate any actions that include but are not limited to: Inflicting bodily harm upon any person (student or non-student); Taking any action for the purpose of inflicting harm upon any person; Threatening use of force upon any person; Subjecting another person to unwanted physical contact.

Reckless Endangerment

The University will not tolerate any action that creates a substantial risk such that bodily harm could result to any person. These actions include but are not limited to: objects or people on window ledges, use of weapons of any kind for any purpose, throwing objects (i.e. snowballs), use of fireworks, and/or jeopardizing the physical or emotional safety of oneself or another.

Retaliation

Any threatening or harassing behavior directed against another individual or entity who has, in good-faith, reported a potential violation of University policy or the law; or against an individual or entity involved in the student conduct or legal process (witnesses, student conduct advisors, etc.) will be subject to additional sanctions through judicial procedures.

Smoking and Vaping

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, tobacco-free, and vape-free campus. In creating a healthy environment for all members of our community, smoking, vaping and tobacco use is prohibited at all times on campus, which includes inside all buildings, outside all buildings, and grounds. This includes the use of any type of lighted pipe, cigar, cigarette, juul, vape pen, or any other smoking or vaping equipment, whether filled with tobacco or any other type of material. University officials will enforce the state laws and fines will be enacted for violators and judicial action will be taken including fines.

Sportsmanship

D'Youville has high expectations of both our student athletes and our fans. In the spirit of good sportsmanship and so that all may equally enjoy our athletic contests, D'Youville abides by the following rules:

- Cheer for your team, not against the visitors;
- Do not become personal in your comments about players, coaches, or officials;
- No profanity, vulgarity, racist, sexist, or discriminatory comments shall be tolerated;

- Give players, coaches, and officials their space by keeping away from the playing area and team bench areas;
- A no tolerance policy for alcohol use is in effect at all contests;

Failure to abide by these policies may result in your removal from the venue as well as judicial sanctions.

Unauthorized Entry

The unauthorized entry, use, or occupation of University facilities, both physical and digital, as well as the unauthorized possession, use or duplication of keys, access cards, log-in information, and/or passwords to University facilities is prohibited.

Weapons and Explosives

The possession of weapons, firearms, fireworks, explosives, open flame devices or combustible material on University property and at University sponsored events is strictly prohibited and enforceable through immediate removal from the University. This policy applies to employees, students and individuals visiting or conducting business on University property, both owned and leased.

Weapon is defined as:

1. Any device that shoots a bullet, pellet, flare or any other projectile, whether loaded or unloaded, including those powered by CO2. This includes but is not limited to rifles, shotguns, handguns or other firearm, BB/pellet gun, flare gun, stun gun, air soft gun, dart gun, bow and arrow, paintball gun and any ammunition for any such device. Any replica of the aforementioned is also prohibited;
2. Any explosive device including fireworks, firecrackers and black powder;
3. Any device that is designed or traditionally used to inflict harm including but not limited to nunchucks, any knife with a blade longer than three inches, hunting knife, fixed blade knife, throwing knives, throwing stars, dagger, or other cutting instrument the blade of which is exposed;
4. Any object used by an individual to inflict harm;
5. Any object deemed a weapon by a University official.

Weapons are not permitted to be stored on campus or in vehicles on campus. Any weapon on campus in violation of this policy will be confiscated. Violation of this policy by students will be adjudicated in accordance with the Student Code of Conduct. Depending on the circumstances violation of this policy may subject the offender to discipline up to and including dismissal from the University. Violation of this policy by individuals visiting or conducting business on University property may result in the individual receiving a written directive to remain off University property. The University may refer any violation of this policy to appropriate law enforcement authorities.

Exceptions to this policy include:

- Any federal, state, or local law enforcement officer in the performance of their official duties;
- A weapon, real or replica, used in connection with drill, public ceremony or a theatrical performance. Prior written approval must be obtained from the Director of Campus Safety;

- Prior written approval from the Director of Campus Safety must be obtained when the weapon will be used in a University sanctioned academic course or activity.

SECTION 6: CAMPUS HOUSING SPECIFIC INFORMATION

Availability

The Coordinator is typically in their office within their Office in Marguerite Hall and are available to assist residents during regular University business hours. Individual hall offices are located on the first floor of their respective buildings and staff will have office hours posted on the office doors.

After 4:30pm on weekdays, as well as anytime during weekends and on holidays in which the residence halls are open, there is a Resident Advisor (RA) on duty in each building to assist residents with their needs. Staff on-call contact information can be located in each building lobby near the security desk.

Bicycles

Bicycles may be brought to campus. They must be stored at the bicycle rack of each residence hall. Bicycles should be securely locked to the racks. They are not to be brought inside the buildings, stored in rooms/apartments, floor lounges, or hallways.

Cleaning

The University provides cleaning service to all public and semi-public areas of the residence halls. Each resident is responsible for the housekeeping of their room/apartment, including kitchens and bathrooms within the apartments/rooms.

At the end of a resident's term of occupancy, the room is to be returned to its original set up, and cleaned to the expectations provided.

Community Engagement

Each Resident Advisor (RA) is responsible for facilitating an array of activities and community engagement initiatives for their floor. These efforts help staff interact and get to know students better while also providing growth and development that is key to their educational journey.

If there is a specific activity that you are interested in, please talk with your RA about making it an upcoming program for your floor. Of course, residents are welcome and encouraged to join in the activities held on other floors besides their own.

Computer Labs

Each residence hall has a computer lab. Both labs are equipped with PCs and/or Macintosh computers only. Printing is available as well by using your ID card and printing money allotment for the semester. Both are available 24 hours a day for resident use only. Students must use headphones if they wish to use the speakers on the computers. It should be noted that other computer labs on campus are also open during most of the hours of a day, including a 24-hour lab in the DAC.

Door Propping

Propped doors pose a serious risk to the campus community for personal and fire safety reasons and, as a result, are generally prohibited unless authorized by a University official.

Dining Services

Marguerite residents are automatically enrolled in a meal plan as part of their housing contract Marguerite Residents are required to carry the 225 meal plan and will receive the corresponding D'Youville Dollars. Apartment residents are automatically allotted \$225 in D'Youville Dollars each semester to be used in campus dining facilities. All meals are held in the Kuhrt Dining Hall in the University Center unless otherwise posted. Apartment residents are not enrolled in the meal plan but may request and purchase a plan directly through the Chartwells Dining on Campus page on the dyc.edu website.

D'Youville Dollars roll over between semester; but not between years.

Additional D'Youville Dollars may be purchased in any amount at any time by going online to the Dining on Campus page.

Fire Safety

All D'Youville campus buildings are equipped with automatic fire detection and alarm systems that are constantly monitored by staff. 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 (BFD).

Fire drills are held regularly and an annual inspection/review of all rooms on campus, including residence halls, is performed by a New York State Fire Inspector.

According to New York State Law, the residence halls must have at least two fire drills per year. These will not be announced, and students must evacuate the building when the alarm is sounded. Elevators may not be used to exit the building.

Any time an alarm is activated, students are required to follow the designated evacuation policy and comply with requests of University staff, security, fire, and or police personnel.

When the fire alarm sounds students are requested to:

- Dress appropriately to comfortably exist in the current outdoor conditions.
- Close their windows
- Turn their room lights on.
- Take their keys, money, wallets, and purses.
- Shut and Lock their door when they leave.
- Leave the building via the stairwell closest to their room.

Please be aware that Resident Advisors may not be in their rooms when an alarm sounds. It is each resident's responsibility to evacuate the building as quickly as possible. Never assume that an alarm is a drill.

The students' safety and security within this community depends on everyone. The policies listed here are intended to ensure that all students will be as safe as possible while in residence.

Buildings are equipped with a variety of features that are designed to detect, stop and/or suppress the spread of a fire. Obstructing sprinkler heads, disabling or covering smoke/heat/carbon monoxide detectors, dispensing of fire extinguishers or propping fire doors impedes the ability of equipment to detect, stop or suppress fire and is a direct violation of the Student Code of Conduct.

The University reserves the right to refuse or limit the use of, type, and number of electrical appliances which may be plugged into residence hall circuits. All electrical devices must be plugged directly into a wall socket or a Power strip. The use of extension cords and socket splitters in residence hall rooms is prohibited by New York State fire code.

The University prohibits the use of other electrical appliances in students' rooms/ bedrooms, in particular, cooking appliances such as a toaster, toaster oven, grill, electrical coil, hot plate, hot pot, and any other electrical appliance used to prepare food. These items may be used in designated areas only.

Because of the danger of causing fire, candles and incense are not permitted in the residence halls. Electrical decorations are not to be hung in windows or anywhere else. These stipulations apply to lounge windows as well. A fine may be levied for such offenses.

Obstructions such as bicycles and ironing boards are not permitted in hallways as they present a fire hazard.

Guests

Access to University owned or controlled property shall primarily be limited to students, employees and their visitors or guests for the purposes of study, work, teaching and conducting or attending other official business or activities. D'Youville is a private institution and, as such, reserves the right to lawfully restrict or prohibit access to University owned or controlled property and to prohibit certain individuals from being present on University owned or controlled property at any time at its discretion.

All individuals – visitors and others – present on University owned or controlled property shall conduct themselves in accordance with the law, University policies, as well as in a manner that maintains a safe environment. Conduct including, but not limited to, intentional or negligent disruption of the operations of the University, excess noise, threats, harassment, hate speech, physical abuse, intimidation, endangerment to the health or safety of any person or property, or unauthorized entry into, obstruction of, or occupation of any University owned or controlled property is prohibited and shall be deemed a violation of this policy.

If an individual engages in behavior or conduct that is inconsistent with this policy or any other University policy or that is otherwise inconsistent with the best interests of the University, the individual will be asked to refrain from such conduct and may be asked to vacate University owned or controlled property at once. Failure to adhere to this request may result in law enforcement being summoned to take appropriate action, including possible removal for trespassing.

Any D'Youville community member who brings guests to the campus is responsible for making University regulations known to the guests and is held responsible for their conduct. Persons on campus who are not students or employees of the University are required to adhere to the Code of Conduct when on the campus or grounds of the University or participating in University-sponsored activities. All persons on University property are required, for reasonable causes, to identify themselves upon the request of a University official. The University reserves the right to exclude those persons deemed detrimental to its well-being or incompatible with its functions as an educational institution.

Violations of University policies by non- students may bring about sanctions, including but not limited to:

- Persona non grata status: An order by the University, either permanent or of specified duration, to not enter the grounds or buildings of the campus;
- Restitution for any damages to the property of the University, student, faculty or staff;
- Civil action;
- Referral of charges to local law enforcement.

Guests in the Residence Halls

Residents are permitted to have overnight guests who are not allowed to stay more than 3 nights during the course of any 7-day period. Each guest is required to have photo identification on them at all times. It is the responsibility of the host to inform the guest of the photo ID requirement.

Residents that have overnight guests are required to have the guest sign-in with the HIR at the front desk in each residence hall each evening by 8 p.m. If a student is not signed in after 8 p.m. it is at the discretion of the building staff if the guest is permitted to stay overnight.

A resident may not pressure a roommate to tolerate the presence of a guest. All guests to a room are subject to the agreement of all room residents. The presence of guests must not restrict free access for assigned students to common spaces.

Housing Assignments

Returning residents express a preference for a particular room/apartment and room/apartment mate(s) when they go through the housing selection process held each spring. Assignment of incoming freshmen and transfer students takes place over the summer or during the end of the fall semester for those entering in the spring semester.

Only students enrolled full-time at D'Youville may occupy residence hall space. The Coordinator for Housing may assign other occupants to any vacancies that may exist after all student requests have been satisfied.

Housing spaces are assigned with the understanding that they will be occupied for the entire academic year, per contract/lease agreements. The Coordinator for Housing must authorize any changes in room assignments.

The University reserves the right to assign residents to room vacancies created during the academic year. If a resident withdraws, the remaining resident(s) may request to transfer to another room/apartment or accept a new room/apartment mate. Students cannot refuse a roommate should a space be vacant as they do not own the space.

The University has the right to assign an additional student to a room/apartment at any time and to relocate students if the particular circumstances require it.

Keys

Marguerite residents are issued a combined room/mailbox key when they check in. A lost key will result in a \$200.00 charge to change the door and mailbox locks and issue new keys. Apartment residents are issued a main apartment door key and a room apartment door key. A lost key will result in a \$200.00 charge for one of those keys lost or \$400 if both keys are lost. Apartment residents are also issued a mailbox key. A lost mailbox key will result in a \$25.00 charge. These lock changes must be made to ensure the security of the residents and of their personal property.

Students who do not return their room/mailbox key at the time of their check out will be billed the same as if the key was lost. Returning a key at a later time will not result in a reversal of this charge. Duplication of University keys by unauthorized personnel is not permitted.

Laundry

Each residence hall has a laundry area consisting of washers and dryers that are free to operate. These machines are only for use by residents of the respective building to do their own laundry. Doing a guest's laundry is prohibited, as is a guest doing their laundry. Students are responsible for supplying detergent, fabric softener, dryer sheets, etc. If a machine does not work properly, students should place an "out of order" sign on the machine and report the problem to their building Residence Director.

Students taking Gross Anatomy required to wash their own Scrubs. As a result, the following policy has been established to ensure that scrubs are being washed safely and appropriately in the residential washers:

- Scrubs are to be separated and washed separately from other items;
- A Hot or Warm Water Cycle is to be used;
- A color-safe bleach or anti-bacterial detergent must be used.

Lock-Outs

If a student is locked out of their room/apartment during University business hours, they should alert the housing staff to be let in. If it is outside of those times, they may gain entry by contacting the after-hours staff member on duty directly by calling the number listed in the lobby at the security desk. An excessive number of lockouts (defined as more than 3 over the course of a school semester) will result minimally in a fine of \$10 per lockout. We know that it is frustrating to be locked - out of your room/apartment. Please do your part to help minimize the chances of this happening to you: Carry your room key with you at all times.

Mail

Packages are delivered to the central campus mailroom on the lower level of the D'Youville Academic Center (DAC). The Central mailroom is open Monday – Friday from 9am – 5pm. The mailroom is not open on nights or weekends so please plan accordingly for package pick-up. Paper envelopes/mail will be dispersed and delivered to each Residence Hall daily to the direct student's Room.

All Letters and parcels for a resident should be addressed as follows:

(Full Name)
(Residence Hall Room #)
320 Porter Avenue
Buffalo, NY 14201

Each student has access to their mail through a mailbox key. In accordance with federal law, mail cannot be delivered to students without their correct full name appearing on it. Students may only use the central mailroom address as a mailing address.

Residents should insist that any money sent or received through mail be in the form of money orders or checks. The University cannot be responsible for claims regarding lost or stolen mail. Claims will be handled at the Buffalo Post Office.

During university breaks, resident mail is held at the University. Once a student no longer has a housing assignment or graduates from the University, they must complete a mail forwarding address on their own so that mail is forwarded appropriately at the Buffalo Post Office.

Students may send outgoing letters by placing envelopes with postage in USPS Mailboxes that are located outside of KAB (on Porter Avenue) or the Buffalo Armory (on Connecticut Street).

Students are prohibited from using their NYC mailing address for any business or for-profit ventures. Students are also prohibited from receiving packages here for individuals other than themselves.

Maintenance Requests

Students should report any damage or requests for maintenance (light bulbs, etc.) to their Resident Advisor or Resident Director via email. In the event of a facilities emergency (loss of electricity, heat, or water, a flood or a stuck elevator – for example), students should immediately notify security who will contact the appropriate resources to remedy the issue. Students are not permitted to make repairs themselves, nor contract out for any repair work.

The Office of Student Engagement & Housing will inspect all rooms at the end of each academic year or when a student moves out, in addition to mid-semester Health and Safety inspections, and students will be assessed for any room/apartment damage that is caused by the occupant over that period

Prohibited Items

- Air conditioning not installed by the University
- Alcohol/Drug Paraphernalia
- Lit candles
- Coffee Makers without an on/off switch
- Curtains that are not flame retardant
- Extension Cords
- Fireworks
- Flammable decorations
- Grills
- Halogen lamps
- Hookahs
- Incense
- Live Christmas Trees
- Pets (other than fish in a 5 gallon tank)
- Space Heaters
- Tapestry that covers more than 50% of the walls
- Tattoo equipment
- Waterbeds
- Weapons (as defined within this Handbook)
- Wifi enhancement devices

Refund and Withdrawal Policies

Housing refunds will be computed based on the date a student removes his/her belongings from the assigned room and turns in the room key(s), which is the same as the University's tuition refund schedule. To be entitled to this refund, a student must be approved out of their housing petition or they must fully withdraw from the University. Since the housing fee incorporates the meal plan, all meal rights terminate when a student leaves residence. The refunds will be made as follows during a semester:

Within 1st or 2nd Week	100%
Within 3rd Week	80%
Within 4th Week	60%
Within 5th Week	40%
Within 6th Week	20%
After 6th Week	0%

Check-in constitutes the beginning of the first week. If or when a student withdraws from the University, they must be out of the assigned room within 48 hours.

Right of Entry

University Officials may enter any space at any time for the repair and maintenance of the space or the inspection thereof pursuant to University rules and regulations. The University further reserves the right to inspect a room at any time and its contents for violations of University or housing regulations.

Room Furnishings

D'Youville provides furnishing for all rooms and apartments. Furnishings in rooms/apartments are not to be exchanged for those in lounges and vice-versa. A fee will be assessed for any furniture that is removed from student rooms/apartments. At checkout, furniture should be placed back in the order it was at check-in. Beds

are to stay on their frames and should not be placed on top of other furnishings. Violations of this policy could result in a fine or disciplinary action.

Storage

Personal belongings may be left in students' rooms/apartments during shorter academic breaks that happen during each semester such as fall, thanksgiving, spring, and winter breaks.

Students may not leave items in their space during summer breaks or after graduation. Students living on campus during the summer will need to move their belongings to their summer room assignment.

There is no student storage option on campus.

Services for Students with Disabilities

D'Youville provides housing accommodations in accordance with the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1978, and the Fair Housing Act to ensure equal access to programs, activities, and facilities.

If a student would like to have their diagnostician complete the application, they can reach out to Housing@dyc.edu to request the packet.

Temperature

Rooms are equipped with both heat and air conditioning. Residents may regulate the thermostats to suit their particular preference. The University requests that you abide in our efforts to conserve energy by turning the heat or A/C down or off when you will not be in your room.

To-Go Dining

If any resident at either building becomes sick and is confined to their room, the dining hall staff will provide to-go meals with appropriate authorization forms that can be provided by request form the Office of Student Engagement by emailing housing@dyc.edu. Housing will submit this form to Chartwell's, our dining vendor, on the student's behalf and arrange delivery.

WiFi

Both Residence Hall buildings are equipped with their own Wireless Internet (Wi-Fi) Network called "MyResnet" that is accessible anywhere within the Residence Halls. Residents create their own free account upon checking in and are able to connect a computer and up to 6 additional devices using their account. Premium features (higher speeds and more devices) are individually available for an additional cost. More information and 24/7 support are available at www.myresnet.com or by calling (toll-free) 855-813-7006. It should be noted that wireless routers are not permitted in the residence halls as per the University's Network Usage policy. The downloading of copyrighted data is illegal and students who do so may be held accountable for this practice.

Windows and Screens

Screens must be kept in all windows and closed at all times. Screens on the 1st floor at the 222 apartments should always stay connected to the security alarm system for safety. Fines will be assessed to the individual or floor that is found with missing, open, and/or damaged screens. Students are responsible for any noise or

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objects coming out of windows. Removing/Opening screens, yelling, playing music loudly, or dropping/throwing things out of windows is prohibited.

SECTION 7: INSTITUTION POLICIES

Bereavement Policy

Students who experience the death of a loved one must contact their academic advisor directly or can email the Student Success Center at studentsuccess@dyc.edu, if they wish to implement either the Standard Bereavement Procedure or the Leave of Absence Bereavement Procedure. Academic Advising has the right to request a document that verifies the death (e.g., a funeral program or death notice).

Typically, this death involves that of a family member. However, it is up to the discretion of Academic Advising and/or the Division of Student Affairs to determine if a death outside of the immediate family warrants implementation of the student bereavement policy.

Immediate family shall be defined as spouse; natural, foster, or stepparent; a grandchild; mother-in-law; father-in-law; natural, foster, or stepbrother; natural, foster, or stepsister, natural, foster, or stepchild or any relative residing in the same household, the domestic partner of the student and a child or parent of the domestic partner or any other relative of the domestic partner living in the same household.

Bereavement Procedure: Standard

Upon approval from Academic Advising, the student is allowed up to take seven calendar days of excused absence for bereavement purposes, commencing from the day of the death of the loved one.

The academic advisor will contact the student's faculty and academic staff of the student's courses. Faculty and academic staff will be advised that extensions must be granted to the student for the period of seven calendar days of excused absence.

Should the student feel that they need additional days immediately following the initial 7-day period, the additional period should be decided, upon the student's request, by the Division of Student Affairs after discussion with individual course instructors and the academic advisor. Further extensions may be negotiated with the student when they return to campus.

Bereavement Procedure: Leave of Absence

Students may be allowed to withdraw, without any academic consequences, from the semester in which the death occurs. Students who have opted to take the Bereavement Leave of Absence and have already attended classes for the semester of the leave will be allowed to re-enter the following semester without having to reapply to the University.

The Bereavement Leave of Absence is for one semester only and cannot be extended to the following semester.

Given that there might be a potentially significant impact on financial aid, students receiving financial aid will meet with a financial aid adviser prior to taking a Bereavement Semester option.

Students will consult with Academic Advising, on a case-by-case basis, as to whether they should withdraw from their courses during this leave of absence or request incomplete grades from the faculty member.

All information and documentation provided in support of these procedures must be accurate and authentic. Submitting falsified records or documents and/or forging signatures will subject you to disciplinary action by the Division of Student Affairs.

Effective Date: February 1, 2022 - cannot be retroactively applied.

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/](http://www.criminaljustice.ny.gov/nsor/) or the Crime Victims Center at: [https://www. parentsformeganslaw.org/](https://www.parentsformeganslaw.org/)

Child Care

Although the University does not offer on-campus childcare facilities, the Childcare Coalition Resource Network, 716.877.6666, is an information and referral service on childcare services, preschool, day care, before and after school extended programs, family day care providers, nursery schools and information on quality and regulations. There is no fee to use this referral service. For their own safety, children under the age of 17 cannot be left unattended on campus.

Climbing on Structures

Climbing, rappelling, entering or exiting a building through a non-designated opening, or related activities on campus buildings or structures is prohibited.

Contracts

All contracts made by student organizations must be co-signed by the student and the advisor and/or the Dean of Students. Contracts not co-signed by the appropriate official become the legal and fiscal responsibility of the student/group.

Credit Card Marketing

The advertising, marketing or merchandising of credit cards to students on the D'Youville campus is strictly prohibited. This includes the posting of flyers, posters or other forms of information on any University property or within the D'Youville computer network, for the purpose of advertising, marketing or the merchandising of credit cards. This policy also pertains to any contracted services that the University may hold with any companies or vendors.

Crime Statistics

The campus community is advised and updated on safety and security through the publication of the Annual Campus Safety and Fire Safety Report, which focuses on providing essential information regarding the University's safety services, programs and policies as well as occurrences of crime on and around our campus. The report is available on the University website and is also available in hardcopy at the main Campus Safety desk.

Dissent

D'Youville is a community built on the exchanged ideas and opinions of its members. Each member of the University has a right to freely express their positions and to work for their acceptance whether they assent to or dissent from existing situations in the University or society.

To ensure a free and fair space for all members, personal expressions cannot be permitted to infringe on the rights of other members of the University of the University itself including other's freedom to express positions and freedom to engage in legitimate activities. Actual or threatened coercion or violence are abhorrent in a University because they can destroy those rights and freedoms which are necessary for the existence of the University.

Peaceful demonstrations such as picketing are sanctioned forms of freedom of speech for individual and groups of students that do not hold official status with the University unless the demonstration physically hinders entrances to, exits from, or passage ways within any University building or other structure, or hinder the normal flow of pedestrian or vehicular traffic on or to the campus. Additionally, demonstrations cannot create a volume of noise that prevents members of the University from carrying on their normal activities or employ force or violence, or constitute an immediate threat of force or violence, against persons or property.

No demonstrations will be admitted into a private office unless invited and then cannot be in excess of the number of occupants designated by the space capacity or by the occupant. Passage through entrance, reception, and/or lobby areas to a private office must not be obstructed.

Clear passageways to hallways, stairwells, and doorways must exist at all times with any obstructions being considered a violation of fire safety regulation.

Internal spaces may only be occupied when officially assigned through University procedures and spaces must be cleared at the end of the approved occupancy assignment or at normal closing time for the building unless extenuating arrangements are made in advance.

All demonstrations must be approved by and scheduled in advance with the Office of Student Development & Advocacy. To be considered for approval students should schedule a meeting to discuss the demonstration and provide the details and goals of the demonstration, a proposed time and place for the demonstration, and the anticipated attendance of the event. Approval of the demonstration is contingent upon this information.

All guidelines, policies, and procedures outlined in this handbook must be observed at all times in the planning and conduct of any demonstration. The organizer of the demonstration is responsible to communicate the parameters of the event to all participants prior to the demonstration and to take reasonable measures to insure the safety of all participants. The organizer will also serve as the primary liaison for the demonstration.

In the event that a request to conduct a demonstration is not approved by the Office of Student Development & Advocacy, the organizer of the demonstration may request a meeting with the Vice President for Student Affairs to request reconsideration.

If the opinion of the University is that an approved demonstration is disruptive or obstructive, a University Official will inform the demonstrators that their actions are disrupting the normal process of operations for the University and will request the group cease and desist their activities. The demonstrators will also be informed on how they may successfully continue their demonstration.

If the demonstrators fail to respond to the request to cease and desist their activities or if they fail to modify them in such a manner as to permit the undisturbed operation of the area in question the warning will be repeated and clearly stated as a final warning.

Should the final warning be ignored by the group, the University will request assistance by Campus Safety to clear the area and may request assistance through the City of Buffalo Police Department.

Should physical violence, unauthorized entry, and/or destruction of property occur at any point during a demonstration, the University will immediately request the assistance of the City of Buffalo Police Department to clear the area and apprehend those responsible for the violations.

The University reserves the right to act immediately without following the steps outlined in this policy when the health and safety of individuals is in jeopardy or when a demonstration was not officially approved by the University.

Dress

In accordance with generally accepted health and safety regulations, proper attire, including footwear, should be worn at all times in classroom settings, the library, and in any eating area. Out of respect for the mixed community found on a University campus, students are also asked to refrain from showcasing any clothing with derogatory, offensive, or lewd messages either in words or images.

D'Youville Name, Brand, and Image

The University and its members have a responsibility to ensure that the activities with which it is associated maintain standards consistent with its educational purposes and brand. Any student or group of students desiring to use the name, logo, seal, or other likeness or representation of the University must accept full consequence of this use and will remove all use at the request of the Vice President for Student Affairs. Use of the D'Youville name, brand, and image in situations having a potential to diminish or damage the reputation of the University will not be tolerated.

Electronic Use

In support of the D'Youville mission of teaching, research and public service, the University's computing and information resources are made available to the University community of students, faculty, administrators, and staff. These resources are provided to the greatest extent possible, by striking a balance between the needs for convenience, reliability and security in support of academic excellence.

D'Youville offers high speed Internet access as well as wireless network access in most locations on campus, including all residence hall and apartment floors. Open computer labs are also available in the lower level of the Montante Family Library and in the DAC for PC and MAC users.

Hardware and software support is available at <http://www.dyc.edu/helpdesk>

Troubleshooting assistance is provided both over the phone and in person during business hours. Students are required to ensure that their workstation is in working order prior to receiving configuration assistance. These resources are provided to the greatest extent possible, by striking a balance between the needs for convenience, reliability, and security in support of academic excellence. This assistance comes free of charge for students.

The official means of communicating with students is through D'Youville e-mail. Students are provided a University e-mail address, user ID and password when they register, and they are responsible for reading their D'Youville e-mail on a regular basis to stay informed. The University is not responsible for lost, dropped or refused e-mail to and from other online e-mail providers such as Gmail or Yahoo.

All eligible individuals who wish to use the University's computing resources are required to abide by the policies of acceptable use, as outlined on the official University website, and must remember the following information:

- Never give out your login credentials to others or in response to e-mail requesting that information.
- Change your password frequently noting that password length and complexity will improve the security of your account and data.
- Use your D'Youville account for academic purposes, because it will minimize e-mail problems when sending homework to faculty. Help Desk staff do not have the power to troubleshoot e-mail processing on non-D'Youville providers such as Gmail or Yahoo.
- Check your e-mail daily and read the e-mail alerts sent by the CNS staff as they will provide network updates and security alerts critical to D'Youville computing services. Administrative offices such as Student Affairs, Solutions, and Success will exclusively use your University e-mail address to communicate with you.
- Follow the D'Youville guidelines for computing and hardware compatibility, keeping your workstations up-to-date with system patches and running up to date virus definition sets.
- Never download illegal or copyrighted material such as movies or music without legal authorization. Infringements will be dealt with in accordance with University policy, as well as federal and state laws.
- Minimize your exposure to viruses by using antivirus to scan USB thumb drives and workstations frequently. Refrain from allowing others to plug their thumb drives and other USB devices into your personal workstation until they are scanned with antivirus.
- Backup your personal data frequently and on different media to prevent data loss. Students are responsible for backing up their own data.

- Do not plug network devices other than a workstation to your residence hall data drop. Doing so may result in the drop becoming disabled.
- Smartphones are supported for Microsoft Exchange protocol e-mail access. For assistance connecting your device please contact the Helpdesk.

Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level, regardless of age. Students have the right to inspect and review their education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for students to review the records. Schools may charge a fee for copies.

Students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the student has the right to place a statement with the record setting forth their view about the contested information.

Generally, schools must have written permission from the student in order to release any information from a student's education record, even to parents of students. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR§ 99.31):

1. School officials with legitimate educational interest;
2. Other schools to which a student is transferring;
3. Specified officials for audit or evaluation purposes;
4. Appropriate parties in connection with financial aid to a student;
5. Organizations conducting certain studies for or on behalf of the school;
6. Accrediting organizations;
7. To comply with a judicial order or lawfully issued subpoena;
8. Appropriate officials in cases of health and safety emergencies; and
9. State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell students about directory information and allow them a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify students annually of their rights under FERPA. The actual means of notification (special letter, student handbook, or website) is left to the discretion of each school.

For additional information, you may call 1-800-USA-LEARN (1-800-872-5327) (voice). Individuals who use TDD may use the Federal Relay Service.

Or you may contact the following address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue
Washington, D.C. 20202-8520

Freedom of Expression

The right of free expression, which does not include a right to harass, intimidate, injure, degrade, discriminate against, or silence others, is essential in an academic community. D'Youville promotes civil discourse through respectful debate and inquiry. Infringing upon the expression of views, either by interfering with a speaker, or by defacing or removing properly posted or distributed notices or materials, will not be tolerated. Because unattributed (anonymous) postings preclude dialogue on content, materials such as posters, banners and advertisements should include the identity of the sponsors.

Identification Cards

An identification card is issued to each student. This is a permanent ID card. The cards are nontransferable. An ID card is required to access all campus buildings and certain campus rooms, for printing access, to access meal plans, and for admittance to some campus events. An ID card must be presented at any point upon request of a University official.

Students needing to replace a lost or damaged ID card may do so through the department of Campus Safety.

Minors on Campus

In certain approved circumstances or when job requirements dictate, the residence apartments on 222 Connecticut St. will serve as Faculty/Staff Housing. Minor children who live in approved Faculty & Staff Housing are permitted to access the grounds immediately surrounding 222 Connecticut St., as well as the Dobson Field. The College expects that minor children who live in Faculty & Staff Housing will be accompanied by a parent or guardian in other areas of campus, unless otherwise agreed to by the College and reported to Campus Safety.

Missing Student

To meet federal requirements, resident students will be asked to register a confidential emergency contact person with the Office of Student Engagement & Housing. This contact would be notified in the event a student is missing or when another sufficient emergency situation develops. 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 when a missing student situation occurs. If a missing resident student is less than 18 years of age, and is not officially emancipated from their parents or guardian, the parent or guardian, by law, must be contacted.

For this federal requirement 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/her safety by peers and/or employees."

In the event a resident student is believed to be missing the following procedures will be followed:

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- The Dean of Students and the Director of Campus Safety will be notified.
- Once such a notice is received, Campus Safety and University Officials will begin an investigation and will work with local law enforcement agencies as needed.
- Campus Safety will consult with the staff or community member making the report to determine the level of seriousness and to gather all pertinent information. Campus Safety will be assisted in this process by the Office of Student Engagement & Housing.
- As deemed appropriate Campus Safety will notify the Vice President for Student Affairs.
- If the missing student report is suspicious in nature and involves an immediate threat or danger, or the student has been missing for more than 24 hours, Campus Safety will notify the Buffalo Police and other law enforcement agencies if necessary.
- Interviews with roommates, family members, and those who were last in contact with the individual will be done immediately.
- Emergency notifications to the campus community will be coordinated as necessary by the Director of Campus Safety.
- Information will not be released to the public unless authorized by the Vice President for Student Affairs.
- All media requests will be directed to the Vice President for Institutional Advancement.
- Campus Safety will act as the liaison office between the University and law enforcement, writing follow-up reports as needed and keeping University officials apprised of the on-going investigation.

Reports of a missing commuter student will be referred immediately to the Buffalo Police and Campus Safety will assist their investigation in any way possible.

Non-Discrimination

D'Youville provides equality of opportunity to all persons in respect to employment and to admission of students. D'Youville does not discriminate on the basis of race, religion, color, gender, age, creed, marital status, sexual orientation, veteran status, national or ethnic origin in administration of its educational policies, hiring policies, admissions policies, scholarship and loan programs, and athletic and other school administered programs. It continues to be the policy of D'Youville not to discriminate on the basis of disability. No person is denied admission, employment or access solely because of any physical, mental, or medical impairment, which is unrelated to the ability to engage in activities involved in the education requirements or occupation for which applications have been made.

Notification

The University recognizes the vital interest and supportive role of a student's parents, guardians, family, spouse or partner. As such, D'Youville reserves the right, to the extent allowed by law, to notify these individuals of an emergency or crisis situation involving their family member. Such notification is intended to help the student, family and University appropriately cope with such situations. Where possible, the student will have the opportunity and be encouraged to initiate this contact.

In situations involving serious physical injury, illness, emotional or psychological concerns or serious discipline situations, the Vice President for Student Affairs, or designee, will notify the parents/family. Where possible, the student will be aware of and have the right to initiate such notification.

NYS Consumer Complaint Process

Section 494 (j) of the Higher Education Act of 1965, as amended, provides that a student, faculty member, or any other person who believes he or she has been aggrieved by an institution of higher education has the right to file a written complaint.

In New York State, a complaint may be filed by any person with reason to believe that an institution has acted contrary to its published standards or that conditions at the institution appear to jeopardize the quality of the institution's instructional programs or the general welfare of its students. Any person who believes he or she has been aggrieved by an institution on or after May 4, 1994, may file a written complaint with the Department within three years of the alleged incident.

The person should first try to resolve the complaint directly with the institution by following the internal complaint procedures provided by the institution. An institution of higher education is required to publish its internal complaint procedure in a primary information document such as the catalog or student handbook. (The Department suggests that the complainant keep copies of all correspondence with the institution.). If a person is unable to resolve the complaint with the institution or believes that the institution has not properly addressed the concerns, he or she may send a letter or telephone the Postsecondary Complaint Registry to request a complaint form. Please telephone (212) 951-6493 or write to:

New York State Education Department Postsecondary Complaint Registry
One Park Avenue, 6th Floor
New York, NY 10016

Parking

Students may only park on campus with a valid D'Youville parking permit. All parking permits must be purchased online. Parking rules are enforced through City of Buffalo parking violations and are not private tickets. If you need to park in a lot overnight, contact Campus Safety at 716.829.7550

Students living on campus are able to purchase parking specific to their residence hall lot.

Students are not allowed to have motor vehicles on campus during periods when the University is closed.

If you are a student who only comes to campus in the evenings or on weekends, you will still need a Weekend and Evening parking permit. This permit is free of charge but can only be used during the evening and weekend hours (no overnight parking is permitted) and is not valid during weekday hours.

Personal Property

D'Youville will not assume responsibility for protecting personal property. While normal security precautions will be in effect, it is the responsibility of students to provide safeguards for their belongings. Each individual is strongly advised to carry personal property insurance.

Political Activity

As a 501(c)(3) non-profit organization, the University cannot engage in political campaign activity and is forbidden to directly or indirectly participate in any political campaign on behalf of (or in opposition to) any candidate for elective public office. D'Youville students, as citizens, are free to engage in political activities and discussions, however no campaign signs or posters may be posted on University doors, windows, common areas, or other locations which could be construed to represent the University's support of a particular candidate.

Posting Policy

All community members are strongly encouraged to utilize digital advertising tools such as the announcements email system, social media platforms, and the digital bulletin board system on campus. In addition to avoiding untidiness on campus and potential damage to surfaces, this helps to promote sustainability.

Administration, Faculty, Staff, Students, Alumni, Organizations and Community Guests who wish to produce physical advertisements may work with the Office of Student Engagement & Housing to approve and distribute these postings to physical bulletin boards across the campus.

It is recommended that advertising not be submitted and distributed more than two weeks prior to the event being advertised.

Unauthorized advertising attached to walls, windows, glass, interior or exterior doors, light fixtures, trees, shrubs, trash receptacles, or utility poles is not only prohibited but are subject to removal. Additionally, the Administrator, Faculty, Staff, Student, Alum, Organization or Community Guest will be subject to conduct review through the appropriate authority.

It is not the intent of this policy to censor or to otherwise control the content of materials to be posted on campus. However, it is the obligation of all members of the institution to maintain an educational environment while respecting the rights of individuals and groups. For this reason, the University reserves the right to deny permission to post materials that target specific individuals or groups or otherwise harm the campus community without contributing to constructive discourse.

The advertising, marketing, or merchandising of credit cards to students on the D'Youville campus is strictly prohibited. This includes the posting of flyers, posters, or other forms of information on any University property or within the D'Youville computer network, for the purpose of advertising, marketing, or the merchandising of credit cards. This policy also pertains to any contracted services that the University may hold with any companies or vendors.

The right of free expression, which does not include a right to harass, intimidate, injure, degrade, discriminate against, or silence others, is essential in an academic community. D'Youville promotes civil discourse through respectful debate and inquiry. Infringing upon the expression of views, either by interfering with a speaker, or by defacing or removing properly posted or distributed notices or materials, will not be tolerated. Because unattributed (anonymous) postings preclude dialogue on content, materials such as posters, banners and advertisements should include the identity of the sponsors.

Advertising & Posting Procedure:

Administration, Faculty, Staff, Students, Alumni, Organizations and Community Guests who wish to advertise on campus should ensure the following information is clearly posted on the advertisement:

- 1. Event name,**
- 2. Event date and time,**
- 3. Event location,**
- 4. Invited communities,**
- 5. Event goals and/or purpose,**
- 6. Sponsoring individual and/or organization.**

Administration, Faculty, Staff, and Students who wish to utilize the email announcement system or digital bulletin board system can submit their advertising to announcements@dyc.edu and include when they would like the message to be sent out.

Administration, Faculty, Staff, Students, and Community Guests who wish to utilize official institution social media can submit a request through the marketing ticket system located here:

<https://marcom.dyouville.net/support/#/tickets/new>

Administration, Faculty, Staff, Students, Alumni, Organizations and Community Guests who wish to distribute physical flyers within the Residence Halls can deliver flyers to the Office of Student Engagement & Housing located within The Beach on the second floor of KAB. No more than 30 flyers will be distributed throughout the Residence Halls unless otherwise approved.

Public Areas

While the University respects the right of students to access public areas, such as lounge spaces and outdoor park areas, the rights of students to study, sleep, and be well take precedent. If unauthorized activities in public areas disrupt the ability of other students to study, sleep, and/or maintain wellness, the unauthorized activity must end. If the unauthorized activities taking place in public areas violate the Code of Conduct, for example underage consumption of alcohol or open containers of alcohol outdoors, additional conduct action will be taken. The division of Student Affairs may determine an activity to be unauthorized in a public area at any time.

Reckless Endangerment

The University will not tolerate any action that creates a substantial risk such that bodily harm could result to any person. These actions include but are not limited to: objects or people on window ledges, use of weapons of any kind for any purpose, throwing objects (i.e. snowballs), use of fireworks, and/or jeopardizing the physical or emotional safety of oneself or another.

Reporting an Active Threat

If you are witness to a crime in progress, stay calm and assess the situation. Determine the location of the threat and call Campus Safety at 716.829.7777 or 911 as soon as it is safe to do so. Be prepared to give the location and nature of the threat/incident, the name and/

or description of all persons involved, and the person's direction of travel and description of vehicles if applicable.

Safe Guarding Customer Information Notice

Legislation enacted by the Federal Trade Commission requires colleges and universities to act in compliance regarding the safeguarding of customer information. D'Youville acknowledges this requirement and publicizes this notice to alert its customers those policies and procedures are in place to protect all nonpublic personal information about its customers. This notice applies to students as customers. The University collects nonpublic personal information about its customers from the following sources: applications, financial aid and other forms, financial transactions and methods of payment.

The University does not disclose any nonpublic personal information about its customers or former customers to anyone that is not affiliated except as permitted by law. The University discloses customer information to its affiliates that are service providers to the school. Service providers include companies such as banks and other lending institutions, collection agencies, loan processing agencies and credit card processing companies. The customer information accessed by service providers includes name, address, date of birth, phone number, social security number, driver's license number and state, loan amount, loan number, loan period, tuition cost, tuition payments, balance owed, financial aid awarded, cost of attendance, expected family contribution, enrollment status and graduation date.

The University restricts access to nonpublic personal information to those employees who need to know that information in order to provide service to customers and maintains physical, electronic and procedural safeguards that comply with Federal Trade Commission standards to protect customer nonpublic personal information. Information on this issue can be found at the following website: <http://www.ftc.gov/privacy/privacyinitiatives/glbact.html>

Social Media

The term "social media" applies, without limitation, to any web-based and mobile technologies, in use now or developed in the future, that enable individuals or entities to disseminate or receive information, communicate, or otherwise interact, and includes, without limitation, email, texting, messaging, social networking, blogging, micro-blogging, and bulletin boards through providers such as Facebook, LinkedIn, Twitter, YouTube, Instagram, TikTok, Snapchat and any other social media platforms.

You are personally responsible for any of your social media activity conducted with a D'Youville email address or on a University website or page, and/or which can be traced back to a University domain, and/or which uses the University's equipment or property, and/or which expressly or implicitly identifies you as a student of the University. If, from a post, it is clear you are a D'Youville student, or if you mention the University, or it is reasonably clear you are referring to the University or a position taken by the University, and also express a political opinion or an opinion regarding the University's positions or actions, the post must specifically note that the opinion expressed is your personal opinion and not D'Youville's position.

Do not post any information or conduct any online activity that may violate applicable University, local, state or federal laws or regulations. Any conduct which is impermissible under the law if expressed in any other form or forum is impermissible if expressed through online social media.

Examples of misuse of social media include, but is not limited to:

- Pretending to be other people online to deceive others;
- Spreading lies and rumors;
- Tricking people into revealing personal information;
- Sending or forwarding abusive or threatening messages;
- Posting pictures of people without their consent;
- Hate speech and/or bias related behavior.

Solicitation

Solicitation by non-campus entities is prohibited on campus. Campus organizations may hold sales or fundraising drives provided they adhere to campus guidelines. All sales and fundraisers by recognized student organizations must be approved in advance by the Director of Student Engagement & Housing.

Solomon Amendment

The Solomon Amendment is a federal law that mandates universities receiving federal financial aid funding to provide student recruiting information upon request to military recruiting organizations. The request and information released by the University is limited to military recruiting purposes only. The request for information must be in writing on letterhead that clearly identifies the military recruiting organization. Military recruiters must be from one of the following military organizations: Air Force, Coast Guard, Air Force Reserve, Coast Guard Reserve, Air Force, National Guard, Navy, Army, Navy Reserve, Army Reserve, Marine Corps, Army National Guard, or Marine Corps Reserve.

The release of student recruiting information generally follows the FERPA guidelines defining student directory information (see above). Students are not permitted under federal law to restrict the release of this information specifically to military organizations, but if students withhold the release of directory information generally, then the University may not release this information to military organizations. The directory information released is limited to the current semester or the previous semester. If the request is received between semesters, the requestor must specify previous semester or upcoming semester. Further, students must be in an enrolled status (incomplete and complete registration status).

Speakers

Recognized organizations may invite speakers to the campus given the following conditions:

1. The majority of the organization's members must be in accord regarding the extending of the invitation. The faculty advisor to the organization should also express their approval for the invitation.
2. It is assumed that faculty and student groups will exercise objective judgment in issuing invitations to guest speakers.
3. The presence on of a particular speaker does not imply University approval or support of the speaker's views.
4. The University requires that speakers agree to an open forum after formal remarks, to allow for questions, dissenting opinions, and dialog.

Weather Closings

A decision of canceling classes and/or closing the University in an emergency situation or because of weather conditions will be made by leadership as soon as possible for classes. Weather closings will be announced through the emergency notification system as well as announced over local media outlets and posted on the University website.

SECTION 8: JUDICIAL PROCEDURES

D'Youville is a community structured by education and the pursuit of human values. The intent of all rules and regulations within the community is to liberate its members for the pursuit of these values. Law serves not to coerce or oppress, but rather to free each member of the community for the fullest realization of the human potential. Therefore, it is expected that each member of the University will adhere to those general norms established for the preservation and enrichment of the total community. It is assumed that personal initiative and individual responsibility will dictate responsible participation in the central projects of the community and responsible and mature behavior need not be legislated.

Priority in value is given to the dignity, worth and growth of the individual person. Each member of the total community is expected to preserve and promote that value responsibly. All rules and regulations have been formulated with precisely this intention. Full and part-time students, by enrolling voluntarily at the University, assume an obligation to abide by the regulations, policies and procedures of the University.

University policies are not to be regarded as an irrevocable contract between the University and the student. The University reserves the right to make necessary changes in policies. Such changes then will be considered as part of the regulations, policies and procedures of the University. Each student is free to exercise their rights as an individual and responsibilities as a citizen. The University also has certain rights; therefore, the University may take appropriate action if the student's behavior or any group of students' behavior adversely affects the good name of the University or represents a threat to any individual, group or the order of the community. If such action is necessary, due process shall be afforded to all parties.

It is the purpose of this student code to provide the student with knowledge so that they may become a contributing member of the D'Youville community. Students receive consideration without discrimination because of race, creed, color, gender, age, national origin, sexual orientation, gender identity or expression, disability, or status. Those who believe any of these rights have been transgressed have the opportunity to utilize the judicial procedure as outlined in this student handbook. Communication with students involved in the judicial process will receive all communication through their D'Youville email account as delivered by Maxient Conduct Services unless told otherwise by the Student Conduct Administrator.

Students who receive accommodations through Accessibility Resources are encouraged to use their accommodations during judicial proceedings. Students need to self-identify their accommodations so that the Student Conduct Administrator can seek advisement from the Office of Accessibility Resources.

Amnesty

Any student may seek assistance or report an intoxicated or drug-impaired peer to a University Official. By doing this, neither they nor the peer will face disciplinary action from the University for having used or provided alcohol or drugs. Further, if the consumption of alcohol or drugs took place at an event held, sponsored, organized or supported by a student group and the person who seeks assistance for the intoxicated or drug-impaired student was a member or guest of the student group involved, the University will weigh this fact heavily as a mitigating circumstance with respect to any potential disciplinary action with respect to the other members of the group. Conversely, the University will consider the failure to seek assistance by members of the student group as a factor when determining the appropriateness of any such disciplinary action. The University also may consider as mitigating factors any efforts made by the hosts or officers to prevent the harmful or potentially harmful situation and their cooperation with the University in its investigation of the situation.

Definitions

1. The Vice President for Student Affairs is designated by the D'Youville President to be responsible for the administration of the Student Code of Conduct.
2. The term "University" means D'Youville.
3. The term "Institution" means D'Youville.
4. The term "Student Code" refers the Student Code of Conduct.
5. The term "Student" includes all persons taking courses, both full-time and part-time, in person or online, pursuing undergraduate, or graduate studies. Persons who withdraw after allegedly violating the Student Code, who are not officially enrolled for a particular term but have a continuing relationship with the University or who have been notified of their acceptance for admission are considered "students".
6. The term "Faculty Member" means any person hired by D'Youville to conduct classroom or teaching activities or who is otherwise considered by D'Youville to be a member of its faculty.
7. The term "University Official" includes any person employed by D'Youville, performing assigned responsibilities.
8. The term "member of the D'Youville community" includes any person who is a Student, Faculty Member, University Official, or any other person employed by the University. A person's status in a particular situation shall be determined by the Vice President for Student Affairs.
9. The term "Property" includes all land, buildings, facilities, and other property in the possession of or owned, used, leased, or controlled by D'Youville including adjacent streets and sidewalks.
10. The term "Organization" means any group of persons who have complied with the formal requirements for recognition at D'Youville.
11. The term "Campus Standards Board" means any person or persons authorized by the Vice President for Student Affairs to determine whether a student has violated the Student Code and to recommend imposition of sanctions.
12. The term "Student Conduct Administrator" means a D'Youville Official who is authorized by the Vice President for Student Affairs to impose sanctions upon students found to have violated the Student Code. The Vice President for Student Affairs may authorize a Student Conduct Administrator to serve as the hearing officer for an Administrative Hearing or as a member of a Campus Standards Board. Nothing shall prevent the Vice President for Student Affairs from authorizing the same Student Conduct Administrator to impose sanctions in all cases.
13. The term "shall" is used in the imperative sense.

14. The term “may” is used in the permissive sense.
15. The term “policy” means the written regulations of D’Youville as found in, but not limited to, this handbook, code of conduct, website and computer use policy, and Undergraduate Catalogs.
16. The term “Complainant” means any person who submits a charge alleging that a student violated this Student Code. When a student believes that they have been a victim of another student’s misconduct, the student who believes they have been a victim will have the same rights under this Student Code as are provided to the Reporting party, even if another member of the University community submitted the charge itself.
17. The term “Respondent” means any student accused of violating this Student Code.
18. The term “Process Advocate” refers to an employee of D’Youville that is acting in an advisory role to a student involved in any judicial process.

Judicial Authority

Any member of the D’Youville community may report a concern against any student for violations of the Student Code. A report shall be prepared in writing through the official University reporting system, Maxient, located on the main University website and within SharePoint under HELP! Which will then be directed to the appropriate University Official based on the information provided.

Any report should be submitted as soon as possible after the event takes place. Once received, the Student Conduct Administrator send a notification to the Respondent and will also enclose an explanation of the Judicial Process, student’s rights in the process, and the formal process for appeal.

Decisions made by a Student Conduct Administrator and/or Campus Standards Board shall be final, pending the normal appeal process.

Alleged violations of the Student Code may be adjudicated by one of four types of conduct review bodies on campus, depending upon the nature and seriousness of the charges, the location of the event and/or the number of students involved:

1. Informal Resolutions or Mediations general occur in cases which do not involve a violation of the Student Code or impact the University’s community standards. The Student Conduct Administrator and/or their designee may be assigned as mediator. All parties must agree to mediation, and to be bound by the decision with no right of appeal. This often times is called “informal mediation.”
2. The Coordinator of Student Engagement & Housing generally addresses lower-level violations by students within housing.
3. The Student Conduct Administrator generally addresses intermediate- level violations;
4. The Campus Standards Board, consisting of three University Officials, generally conducts hearings to address violations of the most serious nature that have the potential to result in University suspension or expulsion. The Board is appointed and reviewed by the Vice President for Student Affairs.

Proscribed Conduct

The Student Code of Conduct shall apply to conduct that occurs on University premises, at University sponsored activities, digitally, and to off-campus conduct that adversely affects the University community and/or the pursuit of its objectives.

Each student shall be responsible for their conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded).

The Student Code shall apply to a student's conduct even if the student withdraws from the Institution while a disciplinary matter is pending. The Vice President for Student Affairs shall decide whether the Student Code shall be applied to conduct occurring off campus, on a case by case basis. Disciplinary action may be taken against a student who violates local, state, or federal law, even if the violation occurred off campus.

D'Youville expects its students to obey all applicable federal, state, and local laws, to behave in moral, ethical, professional, civil, and courteous ways, and to observe the specific policies, procedures, regulations, rules, and standards that are declared by the University for conducting its own affairs.

Schools and/or departments within the University may insert additional policies, regulations, rules in keeping with their professional standards, within their own student handbooks. It is expected that students within these schools and/or departments will abide by these additional policies, regulations and rules as set forth in their school/departmental handbook.

Listed below are some of the basic rules governing a person's behavior. Violation(s) or attempted violation(s) of the following rules, or other conduct which reflects unfavorably on the student or the University is subject to the disciplinary sanctions outlined in the Judicial Proceedings:

1. Acts of dishonesty, including but not limited to the following:
 - a. Knowingly furnishing false information to any University official, faculty member or office,
 - b. Forgery, alteration, or misuse of any University document, record, or instrument of identification,
 - c. Tampering with the election of any University recognized student organization;
2. Disruption or obstruction of University activities or community members on or off campus;
3. Disruption of peace or community learning spaces;
4. Any unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without consent;
5. Taking pictures or video of another person where there is a reasonable expectation of privacy such as, but not limited to in a gym, locker room, restroom, or residence room;
6. Violation of federal, state or local law on or off-campus from the time of application for admission through the actual awarding of a degree;
7. Violation of any published University policies, rules or regulations;
8. Aiding and abetting any individual in the violation of any University policy or federal, state or local ordinance;
9. Reckless endangerment of any individual through negligent or deliberate actions;
10. Lewd or Indecent Behavior;
11. The construction of any unauthorized structure such as a tent, shelter or platform on D'Youville property;

12. Physical abuse (assault, threats, intimidation, harassment, coercion) and/or other conduct that threatens or endangers the health or safety of any person;
13. Verbal abuse, intimidation or harassment which has the intent or effect of preventing a person from performing his/her legitimate role at the University, to include, but not limited to, bullying, cyber-bullying, and harassment;
14. Attempted or actual theft, vandalism, arson, and/or damage of property of University or property of a member of the University community or other personal or public property;
15. Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so;
16. Insubordination toward a University official including acts of hostility or any actions that make it difficult for the University Official to do their job;
17. Participation in an on-campus or off-campus demonstration, riot or activity which disrupts the normal operations of the University and/or infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus;
18. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions;
19. Extortion or blackmail;
20. Theft or other abuse of computer facilities and resources, including but not limited to:
 - a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose,
 - b. Unauthorized transfer of a file,
 - c. Use of another individual's identification and/or password,
 - d. Use of computing facilities and resources to interfere with the work of another student, faculty member or University official,
 - e. Use of computer facilities and resources to send and/or store obscene or abusive messages or materials,
 - f. Use of computer facilities and resources to interfere with normal operation of the University computing system,
 - g. Use of computing facilities and resources in violation of copyright laws,
21. Abuse of the student conduct system, including but not limited to:
 - a. Knowingly falsifying, distorting, or misrepresenting information before or during a judicial proceeding,
 - b. Disruption or interference with the orderly conduct of judicial proceedings,
 - c. Initiation of a student conduct proceeding in bad faith,
 - d. Attempting to discourage an individual's proper participation in, or use of, judicial proceedings,
 - e. Attempting to influence the impartiality of a member of a judicial proceeding prior to, and/or during the course of, the judicial process,
 - f. Failure to comply with the sanction(s) imposed under the student code,
 - g. Influencing or attempting to influence another person to commit an abuse of the judicial process.
22. Violation of New York State and D'Youville fire safety regulations;

Violation of the Law and D'Youville Discipline

If a student is charged only with an off-campus violation of federal, state, or local laws, but not with any other violation of this code, disciplinary action may be taken if the student has been found guilty in a court of law or has declined to contest such charges, although not actually admitting guilt (e.g., “no contest” or “nolo contendere”).

Disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this student code (that is both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this student code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Student Conduct Administrator. Determination made or sanction imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

When a student is charged by federal, state, or local authorities with a violation of law, D’Youville will not request or agree to special consideration for that individual because of their status as a student. If the alleged offense is also the subject of a policy violation under the Student Code, D’Youville may advise off-campus authorities of the existence of the Student Code and of how such matters will be handled internally with the D’Youville community. D’Youville will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions).

If a student is arrested on D’Youville property or at a University sponsored event, D’Youville may issue an Interim Suspension and Persona Non-Grata to campus until the incident can be investigated. The Student Conduct Administrator will be the only point of contact for the student during the interim suspension. The Student Conduct Administrator will notify faculty and Academic Services of the student’s absence. The student is responsible to communicate with faculty and their advisor on the timelines to complete missing assignments and class content. Interim suspensions will be lifted on a case by case basis.

Charges

Once a charge is filed, the Student Conduct Administrator or their designee may conduct an investigation to determine if the charges have merit and/or if they can be disposed of through mediation by mutual consent of the parties involved on a basis acceptable to the Student Conduct Administrator. The Student Conduct Administrator may serve as the mediator or appoint a mediator. If the charge could be a Title IX case, the Student Conduct Administrator will stop investigating the charge to where the Sexual Misconduct Policy will begin. In cases where a judicial charge and a Title IX charge are reported, the Student Conduct Administrator will refer the Title IX violation to the Title IX Coordinator and will treat each charge separately so charges do not conflict.

All charges shall be presented to the Respondent in written form. A time shall be set for a Campus Standards Board Hearing or Administrative Hearing, not more than fifteen calendar days after the student has been notified. Maximum time limits for scheduling of Campus Standards Board Hearings may be extended at the discretion of the Student Conduct Administrator. In addition to charges being filed, the Student Conduct Administrator will also enclose an explanation of the Judicial Process, student’s rights in the process, and the formal process for appeal.

Hearings

All University hearings are open only to those individuals who have specific involvement in the case. Hearings shall be conducted in private. Parents or others not directly involved in the case are not allowed to be present. Admission of any person to the hearing shall be at the discretion of the Student Conduct Administrator and written requests should be provided to the hearing officer at least three calendar days prior to the hearing in order to be approved. During all formats of hearings, students have the rights to:

1. Answer to the charge or accusation and to offer any additional information that might be helpful in resolving the case.
2. Not answer any question that may be asked during the hearing with the understanding that a decision will be rendered without that answer.

There are two formats for hearings. All low or intermediate level judicial cases will be heard by an administrative hearing conducted with the Student Conduct Administrator or their designee. In any case in which the sanction could result in suspension or expulsion, the Campus Standards Board will conduct the hearing.

Administrative Hearings

A student (Complainant or Respondent) may request an alternate hearing officer if they believe a bias exists with the appointed officer. In that event, the Vice President for Student Affairs will assess the situation to determine if a bias does, in fact, exist which could impact the outcome of the case and will assign an alternate hearing officer when possible. The Student Conduct Administrator will ensure that all hearings include an overview of the judicial process, a student's due process, and the appeals process.

If applicable, the Complainant and the Respondent have the right to be accompanied throughout the hearing by a Process Advocate of their choice. A Process Advocate may not speak on behalf of the student or address the Student Conduct Administrator. The name of the Process Advocate must be provided to the hearing officer at least three calendar days prior to the hearing in order to be approved.

A Process Advocate can be provided to a student by the Student Conduct Administrator if requested. Legal counsel cannot serve as a Process Advocate in general student conduct matters.

If applicable, the Complainant and the Respondent may present witnesses. Only those persons with first-hand knowledge of the alleged incident or violation or others having information which can otherwise be shown to be credible may serve as witnesses. The decision to hear testimony from witnesses having information other than first-hand shall be made by the Student Conduct Administrator.

Pertinent records, exhibits, and written statements may be accepted as evidence for consideration at the discretion of the Student Conduct Administrator. Assumptions, speculations, or references to prior, unreported, incidents will most likely not be permitted.

At the close of the hearing, the hearing officer shall determine whether the student has violated each section of the Student Code that the student is charged with violating. The decision shall be made on the basis of whether it is more likely than not that the Respondent violated the Student Code (preponderance of evidence).

There shall be a written record of all hearings delivered after upon the close of the hearing. The record shall cite the violation(s), the decision (responsible or not responsible), and the sanction(s). This notice is called a "Letter of Resolution." Failure to obey the summons of the Student Conduct Administrator or failure to attend one's own hearing does not preclude the case from still being heard and a decision being rendered; and decisions made by the Student Conduct Administrator shall be final.

Campus Standards Board

All proceedings associated with Administrative Hearings are required when conducting a hearing that involves a Campus Standards Board. In addition, the case will be heard by a board of three University Officials with one Student Conduct Administrator serving as chair and will abide by the following:

1. The chair will present to the Campus Standards Board all pieces of information, witness accounts, etc., that are deemed necessary and relevant for the case.
2. After all parties have reviewed the documents prepared for the hearing, the chair shall call the meeting to order formally, announcing the date and time.
3. The chair shall introduce the purpose of the hearing, outline the conduct process and identify roles for those attending the hearing.
4. All parties involved will introduce themselves by name and role at the hearing (chair, panel member, complainant, respondent, witness, and/or process advocate).
5. The chair shall read the charges and the respondent will provide a preliminary indication of whether they are responsible or not responsible for those charges.
6. The Complainant shall present their opening statement and present the complaint.
7. Members of the Campus Standards Board may ask questions of the Complainant, Respondent, and all witnesses for the sole purpose of fact-finding and clarification.
8. The Respondent may indirectly question the Complainant and witnesses as they appear by submitting their questions, in writing, to the chair. The chair can choose to ask the questions presented or deny the ability to ask a question if it is redundant, is "victim-blaming" or does not carry relevance to the case. The chair may call a break for the Board in order to clarify questions to assure the respondent is receiving their due process.
9. The Respondent shall present their opening statement and present a response to the Complainant.
10. Members of the Campus Standards Board may ask questions of the Complainant, Respondent, and all witnesses for the sole purpose of fact-finding and clarification.
11. The Campus Standards Board members may call witnesses from either side after all original testimony has been heard for the sole purpose of fact-finding and clarification.
12. The Complainant may present a closing statement.
13. The Respondent may present a closing statement.
14. All parties except the Campus Standards Board and the chair shall be excused from the hearing room while the Board discusses the case to determine their decision and appropriate sanction(s).
15. The decision of the Campus Standards Board will be made within three calendar days of the hearing unless unusual circumstances make deferment necessary. The Complainant and the Respondent will both be made aware of any deferments in writing simultaneously.
16. A majority vote of all participating Campus Standards Board panelists is required to declare a decision and sanction(s).
17. The Respondent shall be notified in writing of the decision.

18. Any sanctions imposed are effective immediately, unless otherwise indicated.
19. There will be no formal transcript of the hearing though notes will be submitted to the student record and retained.

Process Advocates

If requested at least three calendar days prior to a hearing, the Student Conduct Administrator may approve the Complainant or Respondent to have a Process Advocate present during the proceedings.

An approved Process Advocate must be a member of the University community and is not permitted to speak at the proceedings. Prior to the hearing, the Process Advocate may meet with the Student Conduct Administrator to receive information about the Code of Conduct and to ask questions they may have about the proceedings. The Student Conduct Administrator cannot answer questions about the charge itself or the student's case to a Process Advocate.

The Process Advocate's role is to provide guidance to the Complainant/Respondent with regards to how to act, what questions to ask, how to prepare their case and make sure the University is providing due process.

Sanctions

The conduct process is designed to respond to violations in the most appropriate and the most effective way possible; therefore, it is necessary to determine conduct sanctions that are fitting to the circumstances of the individual case. In determining sanctions, the following factors are considered:

1. The nature and severity of the offense;
2. The injury or damage resulting from misconduct, including injury to student or member of the community;
3. The student's prior disciplinary record;
4. The impact of the violation on members of the University community;
5. The impact on the reputation of D'Youville;
6. The impact on the profession for which the student is preparing;

The following sanctions may be imposed upon any student found to have violated the Student Code:

1. Warning - A notice in writing to the student that the student is violating or has violated institutional regulations.
2. Letter of Apology – a written letter apologizing for action or violation.
3. Community Service- Providing a service back to the University or the local community to restore and caused harm culminating in a reflection statement.
4. Educational Experiences – Can include but is not limited to; programming, bulletin boards, newsletters, or a specific experience to help a student learn about or from the policy violated. This will be assigned by the Student Conduct Administrator with strict instructions and/or oversight provided.
5. Reflection Paper- A written educational assignment with the topic and guidelines established by the Student Conduct Administrator.
6. Referral – required meeting(s) with specific individual(s).
7. Behavioral Contract – Development with the Student Conduct Administrator outlining specific expectations for future conduct. Violation of this contract may result in additional sanctions.
8. Probation - A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of disciplinary sanctions if the student is found to be violating any institutional regulation(s) during the probationary period.
9. Fines - Compensation for loss, damage, or injury are used as a punitive fee.
10. Removal from Activity or Leadership Position - Dependent on the policy, the Student Conduct Administrator can notify the appropriate club advisor, supervisor, or coach of the policy violated which could result in removal from that leadership role. This includes suspension from an athletic team, club, or activity.
11. No Contact Order- This is an order of protection issued by the Vice President for Student Affairs or their designee to eliminate all contact with another member of the University community.
12. Persona Non-Grata- Prohibition from a specific area or all campus property and/or activities. Violation of a persona non-grata sanction may subject the violator to arrest for trespass.
13. Loss of Privileges - Denial of specified privileges for a designated period of time.
14. Change of Residence – required change of room, floor, or building.
15. Residence Hall Suspension - Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
16. Residence Hall Expulsion - Permanent separation of the student from the residence halls.

17. Deferred Suspension – A period of review during which the student must demonstrate an ability to comply with University rules, regulations, and all other stipulated requirements. If, during the period of the deferred suspension, the student is again found responsible for violating any University rule or regulation or an order from a University Official, the student will be immediately suspended from the University.
18. Suspension - Separation of the student from D'Youville for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
19. Expulsion - Permanent separation of the student from D'Youville.
20. Revocation of Admission and/or Degree - Admission to or a degree awarded from D'Youville may be revoked for fraud, misrepresentation, or other violation of D'Youville standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
21. Withholding Degree - D'Youville may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code, including the completion of all sanctions imposed, if any.

More than one of the sanctions listed above may be imposed for any single violation. Other than expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record but shall become part of the student's disciplinary record.

For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act, institutions shall make a notation on the transcript of students found responsible after a conduct process that they were "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." For the respondent who withdraws from the institution while such conduct charges are pending, and declines to complete the disciplinary process, institutions shall make a notation on the transcript of such students that they "withdrew with conduct charges pending."

In situations involving both a Respondent(s) (or group or organization) and a student as the Complainant(s), the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the Respondent(s) and Complainant(s) because the educational career and chances of success in the academic community of each may be impacted.

In addition to the above-mentioned sanctions, the following sanctions may be imposed upon groups or organizations:

1. Loss of selected rights and privileges for a specified period of time.
2. Deactivation - Loss of all privileges, including D'Youville recognition, for a specified period of time.

If a student is placed on disciplinary probation and then violates the terms of that probation by further violating any additional article of the Student Code, that student will be contacted by the Student Conduct Administrator to be present for a conduct hearing which will determine if the student did violate policy. Students who fail to attend a meeting will have the case heard, and a decision rendered, in absentia. Cases heard in absentia have no right to appeal.

Students who do not complete sanctions in full or in the allotted time are subject to further judicial action.

In certain circumstances, the Student Conduct Administrator, or a designee, may impose an interim suspension prior to the hearing to ensure the safety and well-being of members of the University community or preservation of University property or to ensure the student's own physical or emotional safety and well-being or if the student poses a definite threat of disruption of or interference with the normal operations of the University.

During the interim suspension, a student shall be denied access to the physical and digital campus spaces, classes, and University sponsored activities and privileges. Violation of the grounds set forth in the interim suspension will result in further judicial action being taken.

The interim suspension does not replace the judicial process, which shall occur per the Student Code of Conduct. The student should be notified in writing of this action and the reasons for the interim suspension. The notice should include the time, date, and place of a subsequent hearing at which the student may show cause why their continued presence on the campus does not constitute a threat and at which they may contest whether a campus rule was violated.

When a student is on interim suspension, the only University Official with whom the student, or those communicating on the student's behalf, should be in communication is the University Official who issued the interim suspension.

Appeals

A decision reached by the Student Conduct Administrator or Campus Standards Board may be appealed in writing via email to the Vice President for Student Affairs within three calendar days of the decision.

Appeals will only be considered should they outline proof of one of at least one of the following standards:

1. A procedural error or omission occurred that significantly impacted the outcome of the process or the sanction imposed;
2. New evidence, unknown or not reasonably available during the process, that could substantially impact the original finding;
3. Review of whether bias or a conflict of interest was involved in the process such that it affected the outcome of the case and resulting sanctions.

Once an appeal is submitted the Vice President for Student Affairs, or designee, will determine if a face to face meeting is warranted. An appellate decision for this purpose is defined as having the power to review the conduct findings of another conduct officer. An appellate review may result in additional sanctioning, reduced sanctioning, dismissal of all sanctioning, or no action.

Appellate decisions are final and not appealable and will be rendered after receiving the appeal. Any student who fails to attend their conduct meeting will be sanctioned without their input and forfeits the ability to appeal their sanction.

Interpretation and Revision

Any question of interpretation regarding the Student Code shall be referred to the Vice President for Student Affairs or their designee for final determination. The Student Code of Conduct shall be reviewed regularly and revised as necessary under the direction of the Vice President for Student Affairs.

SECTION 8: SEXUAL MISCONDUCT POLICES & TITLE IX INFORMATION

D'Youville prohibits its employees 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 the Institution's prevention and education efforts related to sexual harassment and sexual assault/violence (collectively referred to in this policy as "sexual misconduct"). Should the Institution become aware of sexual misconduct impacting its employees, undergraduate students or graduate students, the Institution is committed to promptly and effectively addressing the situation.

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.

This policy explains how the Institution 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, the Institution will take appropriate steps to end such conduct, prevent its recurrence and redress its effects.

Purpose/Scope

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:

1. On campus, which includes the Main Campus, Dobson field, Main Street Chiropractic Clinic, and any other areas owned or leased by D'Youville; or
2. Off campus, if:
 - a. In connection with an Institution or Institution-recognized program or activity; or
 - b. 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 Institution community.

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

This policy and process adheres to the aforementioned laws and must be followed if either the impacted party and/or the respondent is a student.

If neither party is a student, other policies may apply and an alternate process under that policy may be followed.

Applicability

Administration, Faculty, Staff, and Students.

DEFINITIONS

Sexual Misconduct

Sexual misconduct encompasses a range of behavior used to obtain sexual gratification against another's will or at the expense of another or that otherwise targets an individual because of their sex. Sexual Misconduct includes sexual harassment, sexual assault, and any conduct of a sexual nature that is without consent or has the effect of threatening or intimidating the person against whom such conduct is directed. State and federal laws and regulations vary on defining acts which constitute unlawful sexual misconduct. However, this policy prohibits conduct in addition to that which may be deemed unlawful under state or federal law.

Dating Violence

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

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

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 institution is located; 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.

Sexual Assault

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

1. 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.
2. The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is

incapable of giving consent because of his/her/their youth or because of his/her/their temporary or permanent mental or physical incapacity.

3. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. Statutory Rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in New York is 17.

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, sexual joking or innuendo, the use of sexually-explicit language or the display of sexually-oriented jokes, posters or other material on bulletin boards, in offices, carrels and work areas

Examples of sexual harassment may include, but are 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:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress.

Reporting Sexual Misconduct.

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

1. A person covered by this policy who believes they experienced sexual misconduct; or
2. 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 in writing via their Institution email or by mail, verbally in person or over the phone, or digitally through the official Institution reporting system, Maxient, located on the main Institution website and within SharePoint under HELP!

Any member of the D'Youville community who believes that they have 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 below, students should assume that any other Institution office, official or employee (including Resident Advisors) 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 Institution employees are required by law to do so.

The following Institution 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 the Institution and department chairs, (iii) athletic department staff and team coaches, (iv) all Institution housing staff, (v) the president and their council, (vi) all administrators and support staff.

If an Impacted Party discloses an incident to a Institution employee who is responsible for responding to or reporting sexual misconduct but wishes to maintain confidentiality or does not consent to the Institution's request to initiate an investigation, the Title IX Coordinator must weigh the request against the Institution obligation to provide a safe, non-discriminatory environment for all members of our community.

In general, the Institution will seek consent from the Impacted Party prior to investigating, and the Impacted Party may decline to consent to an investigation. That decision will be honored unless failure to act does not adequately mitigate the risk of harm to the impacted party or other members of the Institution community. Honoring the request may limit the Institution's ability to meaningfully investigate and pursue conduct action

against a Respondent. If the Institution determines that an investigation is required, the impacted party will be notified and receive immediate action as necessary for protection and assistance.

The Institution will determine whether to proceed with an investigation based on a review of the following factors:

1. The seriousness of the alleged sexual misconduct;
2. Whether the alleged sexual misconduct represents escalation in unlawful conduct on behalf of the Respondent from previously noted behavior;
3. The increased risk that the Respondent will commit additional acts of violence; Whether the Respondent is alleged to have used a weapon or force;
4. The Impacted Party's age (and whether the Impacted Party is a minor);
5. Whether the Respondent has a history of violent behavior or is a repeat offender;
6. Whether there have been other sexual misconduct complaints about the same individual;
7. Whether the Institution 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
8. 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.

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.

The Institution will assist an Impacted Party with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of reporting choices. The Institution also may take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that does not identify the Impacted Party or the disclosed situation.

Reports to Police/Criminal Investigation

In addition to seeking remedy through the Institution, 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 the Institution when a crime has occurred in their jurisdiction, so the Institution will not have notice of an incident unless a report is also made. A criminal investigation is separate from a Institution process and will not be coordinated through the Institution.

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 or designee. Should the Institution become aware of retaliation of any sort, immediate responsive action will be taken up to and including suspension, expulsion, or termination from Institution employment.

Obligation to Report Crime and Disciplinary Statistics

A federal law called the Clery Act requires the Institution 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, many Institution 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 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 the Institution 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, the Institution 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 Institution’s and universities to share information with a student’s parents under certain circumstances, including 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, the Institution 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 the Institution is of utmost importance. The Institution recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence (including but not limited to domestic violence, dating violence, stalking, or sexual assault) occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The Institution strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to Institution 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 the Institution’s officials or law enforcement will not be subject to disciplinary action by the Institution 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 & Confidential Resources

The Institution 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 the ability to respond to the alleged sexual misconduct may be limited but that, where feasible, the Institution 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 the Institution’s decision to share information with others is subject to the balancing test described below. In summary, although the Institution’s goal is to limit the number of individuals who may learn

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about an allegation of sexual misconduct or an investigation, the Institution cannot guarantee confidentiality in all matters.

Even Institution 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:

1. The Student Counseling Center
2. Student Health Services
3. Campus Ministry

Interim Accommodation and Safety Measures

When the Institution has notice of an allegation of sexual misconduct, a qualified Institution staff member (such as the Vice Presidents of the Institution or Title IX Coordinator) 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 Institution staff member imposes interim measures, a report of the actions taken should be made to the Title IX Coordinator as soon as possible. Any accommodations or safety measures provided to the Impacted Party will be kept confidential to the extent possible. Interim Measures may include:

1. Housing reassignments;
2. Course reassignments;
3. Alterations to Institution employment arrangements and/or changing work schedules;
4. Alterations of course schedules, assignments or tests;
5. 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);
6. Providing an escort for a party to ensure he/she can move safely on campus and/or between Institution programs and activities;
7. Limitation on extracurricular or athletic activities;
8. Emergency removal or administrative leave from Institution community;
9. Temporary suspension or revision of Institution policies or practices;
10. Training; and/or
11. Other appropriate actions as necessary to stop the sexual misconduct, prevent its recurrence, remedy its impact or improve Institution policies or practices.

Any time that the Institution 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, the Institution may establish an appropriate schedule for each party to access Institution buildings and property at times when such buildings and property are not being accessed by the other party.

Emergency Removal

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

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

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

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

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

This section applies only to student Respondents. Employee Respondents are not subject to this section and may be placed on administrative leave pursuant to the Institution's policies and/or collective bargaining agreement during the pendency of a Title IX grievance process.

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 their request.

Potential Accommodations in the Event of No Investigation

Even if the Institution decides not to confront the Respondent because of the Impacted Party's request for confidentiality, the Institution 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 the Institution but, instead, only discloses such allegation to a Confidential Resource, such Confidential Resource may request that interim accommodations or safety measures be imposed without disclosing any details to the Institution that

the Impacted Party wishes to keep confidential. The extent to which the Institution 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 the Institution.

Assistance in Obtaining an Order of Protection

All individuals have the right to seek an Order of Protection from local law enforcement. Upon request, D'Youville Campus Safety will aid in obtaining an Order of Protection from local law enforcement. If the Institution 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 a party's responsibility to stay away from the other 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 protected individual may seek the assistance of Campus Safety in effecting an arrest when there is a violation of 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 a live hearing or formal investigation, with the assistance of a trained facilitator. The Title IX Coordinator will offer the informal resolution process to the parties only after a formal complaint is filed by a complainant.

The primary objective of informal resolution 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 informal resolution. At any stage during or upon the conclusion of the informal resolution process, either party may decide to proceed by formal process.

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

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

Please note that, in cases involving allegations of Sexual Violence, informal resolution is not appropriate, even on a voluntary basis, and will not be used to resolve complaints. Further, informal resolution is not available if the Respondent in a sexual misconduct complaint is a faculty or staff member of the Institution and the complainant is a student.

Time Frame of Investigation, Hearing, and Sanctions

An investigation conducted pursuant to this policy, the investigator's preparation of their initial report, presentation to the Title IX Coordinator, completion of a Live Hearing, and the imposition of sanctions should normally be completed within 60 calendar days after the Institution has notice of an allegation of sexual

misconduct. The Title IX Coordinator may extend this time frame for good cause, including Institution 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.

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, the Institution will not wait for the conclusion of a criminal investigation or criminal proceeding to begin its own investigation.

While the Institution may need to delay temporarily the fact-finding portion of its investigation under this policy while law enforcement is gathering evidence, the Institution will still take any necessary interim accommodation and safety measures, as described above. The Institution 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. During any delay in the Institution's investigation process caused by a criminal investigation, the Institution will update the parties on the status of its investigation and inform the parties when the Institution resumes its investigation pursuant to this policy.

Details of the Title IX Process from Report through Investigation, Hearing, and Appeal

When the Institution receives notice of a sexual misconduct incident, the Title IX Coordinator ensures that the Impacted Party is given a resource guide outlining the Title IX Process and offers assistance in notifying local law enforcement and the local hospital. The Title IX Coordinator holds an initial meeting with the Impacted Party and gathers all known details and other information regarding the incident.

Based on the initial report and meeting with the Impacted Party, the Title IX Coordinator will decide on any applicable interim measures, as described above. After discussion with, and input from the Impact Party, these measures will be put into place by the Title IX Coordinator.

A formal complaint is filed by either the Impacted Party or the Title IX Coordinator, which begins the Title IX process and transitions the Impacted Party to a Complainant. In order to qualify as a formal complaint, the document must contain the Complainant's physical or electronic signature, or otherwise indicate that the Complainant is the person filing the formal complaint. The formal complaint may be submitted to the Title IX Coordinator in person, by mail, or by e-mail.

The Title IX Coordinator will review the formal complaint filed by a Complainant to determine whether the alleged conduct:

- would not constitute sexual harassment as defined in Section 106.30 of the U.S. Department of Education's Title IX regulations, even if proved,
- did not occur in the Institution's education program or activity (as defined in federal regulations), or
- did not occur against a person in the United States.

In order to comply with Title IX regulations, the Title IX Coordinator must dismiss and discontinue the processing of any allegations that meet the above criteria for purposes of Title IX and related federal regulations. However, even if certain allegations are subject to dismissal for purposes of Title IX, the Institution may continue to process

the allegations as potential violations of this policy, assuming that the allegations, if true, would constitute prohibited sexual misconduct.

Notice of any dismissal under this section will be in writing and issued to both the Complainant and Respondent, with information concerning the parties' rights to appeal.

Following the filing of a formal complaint, written notice will be provided to all known parties of the allegations in the complaint and directing them to the official sexual misconduct policy. The notice will also contain:

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

The Title IX Coordinator will assign a Deputy Coordinator and a trained investigator to the complaint. This assignment will be determined by the case type and/or the schedule rotation of investigators. Once assigned, the Deputy Coordinator will schedule an initial meeting with the Complainant and the Respondent. In scheduling these meetings, the Deputy Coordinator will provide each party with written notice of the date, time, location, participants, and purpose of the meeting, with sufficient time for the party to prepare and participate. In these separate meetings, the Deputy Coordinator and investigator will:

- a. Meet with the Complainant to confirm their receipt of the resource guide and direct them to the official misconduct policy;
- b. Meet with the Respondent to offer the resource guide and direct them to the official misconduct policy;
- c. Assign/remind all parties of any interim measures (i.e.: no contact order, altering housing/academics/campus work, counseling, etc.);
- d. Provide advance notice for all upcoming meetings with the parties; and
- e. Inform all parties that investigators will follow-up soon.

Upon completion of the initial meetings, the assigned investigators will review notes and all collected information with the Title IX Coordinator and recommend either an informal or formal Resolution to the complaint. The Title IX Coordinator will either approve or amend the recommendation based on the review and will notify the parties of the recommendation.

If informal resolution is recommended, the Complainant and Respondent will both receive written notice and must provide written consent for the informal resolution. Should consent be given by all parties, the informal resolution process will proceed as described above. At any stage during or upon the conclusion of the informal resolution process, either party may decide to proceed by formal process.

If formal resolution is recommended, further investigation will begin which may include meeting with witnesses and gathering other evidence. The Complainant and the Respondent will be given an equal opportunity to present information. This includes the opportunity to present fact or expert witnesses and other evidence that the party believes tends to prove or disprove the allegations. However, at all times, the burden of gathering evidence remains with the Institution. The investigators may decline to interview any witness or to gather information the investigator finds to be not relevant or otherwise excludable (e.g., sexual history of the complainant with a person other than the respondent, materials subject to a recognized privilege, medical records in the absence of a release by the subject of the records, etc.). The investigators will determine the order and method of investigation. Advance notice will be given for all investigatory meetings, and such notice will include the date, time, location, participants, and purpose of the meeting.

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

The Complainant and Respondent have a right to be accompanied by an Advisor of their choice during the investigation, who may be an attorney. A student who does not identify an Advisor on their own will be provided a list of potential advisors by the Institution.

Both the Complainant and the Respondent will receive an equal opportunity to inspect and review all evidence gathered during the investigation directly related to the allegations gathered in the formal complaint and regardless of whether the information will be relied on in reaching a determination. The Complainant and Respondent, and each party's Advisor, if any, will be provided a copy (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform) of the evidence, subject to redaction permitted and/or required by law. The parties will be given at least 10 days to submit a written response, which will be reviewed and considered by the investigators prior to completion of their investigative report.

The assigned investigators will use the investigation, and the evidence and information they gather, to prepare a full written investigative report. The report will fairly summarize the relevant evidence. The investigator need not include information in the investigative report that the investigator determines not relevant or otherwise excludable. The investigator will submit the investigative report to the Title IX Coordinator.

The investigative report will then be provided to both the Complainant and Respondent, and each party's Advisor, if any, at least 10 days prior to the hearing held to determine whether there is responsibility for the allegations in the complaint. The report may be sent in hard copy or electronic format or made available through an electronic file sharing platform, and it is subject to redaction permitted and/or required by law.

Following completion of the investigation and investigative report, the Title IX Coordinator will schedule a live hearing. The Title IX Coordinator will issue both the Complainant and Respondent three forms before the hearing:

1. Notice of Hearing, which will include the date, time, and location of the hearing, the names of the Hearing Panel members, and how to challenge participation by any Hearing Panel member

for bias or conflict of interest. Bias or conflict of interest will be judged by an objective standard (whether a reasonable person would conclude the decision maker is biased).

2. Title IX Hearing Format Request.
3. Notice of Student / Employee, Trustee, and Third Party Rights before a Title IX Hearing Panel.

When the Hearing Format Request and the Notice of Rights forms are signed and returned, both the Complainant and Respondent will receive copies of the signed forms with a list of witnesses and advisors who will participate in the hearing.

The Title IX Coordinator will form a Hearing Panel comprised of three members who are drawn from a pool of trained hearing officers. The assigned Chair of the Hearing Panel will be a Deputy Title IX Coordinator and will administer all outreach for the Hearing and will oversee the process during the Hearing.

Hearings are private. Observers or additional support personnel, other than the parties' advisors, are not allowed unless deemed necessary by the Title IX Coordinator for purposes such as accommodation of a disability. Cell phones and recording devices may not be used by the parties or their Advisors in the hearing room(s).

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

The Complainant and the Respondent may each have present with them during the hearing an Advisor of their choice (at the party's expense, if the Advisor is a paid Advisor). If a party does not have an Advisor present at the hearing, the Institution will provide an Advisor of its choice for the limited purpose of conducting questioning on behalf of that party as provided below.

Except with respect to questioning as described below, the Advisor's role during the hearing is limited to consulting with their advisee, and the Advisor may not present evidence, address the Hearing Panel during the hearing, object to any aspect of the proceeding, or disrupt the hearing in any way, and any consultation with the advisee while the hearing is in progress must be done in a quiet nondisruptive manner or in writing. The Advisor may consult with the advisee verbally outside the hearing during breaks, when such breaks are granted by the Chair of the Hearing Panel. An Advisor's questioning of the other party and any witnesses must be conducted in a respectful, nonintimidating and non-abusive manner.

During the hearing, the Hearing Panel members will ask questions of the witnesses, and each party's Advisor will be permitted to ask questions during cross-examination of the other party and any witnesses. However, only relevant questions may be asked of a party or witness. Before a party or witness answers a question during cross examination or otherwise, the Chair of the Hearing Panel must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, other than questions and evidence about the Complainant's prior sexual behavior that (a) are offered to prove that someone other than

the Respondent committed the alleged misconduct, or (b) concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Upon completion of the Hearing, the Hearing Panel will deliberate and reach a determination as to whether the Respondent is responsible or not responsible for the alleged violation(s). *The Hearing Panel will use "preponderance of the evidence" as the standard of proof to determine whether each alleged violation of the Policy occurred. "Preponderance of the evidence" means that the Hearing Panel must determine whether, based on the evidence presented, it is more likely than not that the Respondent engaged in the conduct charged.*

Each party may submit a written personal impact statement to the Title IX Coordinator for consideration by the Hearing Panel in determining an appropriate sanction if there is a finding of responsibility on one or more of the charges. The parties must submit their statements to the Title IX Coordinator prior to the hearing. The Title IX Coordinator will provide each of the parties an opportunity to review any statement submitted by the other party.

In determining the appropriate sanctions, the Hearing Panel consult with appropriate Institution officials and consider factors that may include:

- *the nature and severity of, and circumstances surrounding, the violation(s);*
- *the Respondent's state of mind at the time of the violation(s) (intentional, knowing, bias-motivated, reckless, negligent, etc.);*
- *the Respondent's previous disciplinary history;*
- *the need for sanctions to bring an end to the conduct; and/or to prevent the future recurrence of similar conduct;*
- *the need to remedy the effects of the conduct on the Complainant and/or the community;*
- *the impact of potential sanctions on the Respondent;*
- *sanctions imposed by the Institution in other matters involving comparable conduct; and*
- *any other lawful factors deemed relevant by the Hearing Panel.*

Further, at this stage of the proceedings, the Hearing Panel may consider past findings of domestic violence, dating violence, stalking or sexual assault concerning the Respondent.

Possible sanctions include:

1. Termination from Institution employment
 - a. *In the event the Respondent is a tenured faculty member, and the Hearing Panel determines that termination from employment is the appropriate sanction, a recommendation shall be made to D'Youville administration who may, in turn, commence dismissal proceedings in accordance with the applicable collective bargaining agreement.*
2. Expulsion
3. Ban from Institution premises and/or events
4. Suspension
5. Reprimand/warning
6. Mandatory leave of absence
7. Probation
8. Community service
9. Housing reassignment
10. Removal from student housing or otherwise restricting access to Institution facilities or activities
11. Transcript notation

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

- A description of the complaint allegations that were adjudicated;
- A description of the procedural steps taken from the submission of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the Institution's educational programs or activities will be provided to the Complainant; and
- The procedures and permissible bases for the Complainant and Respondent to appeal.

The Chair of the Hearing Panel will share the written determination with the Title IX Coordinator who will transmit, by Institution email, the decision to both the Complainant and the Respondent simultaneously. This decision letter will outline the full appeal process.

Both the Complainant and the Respondent have the right to appeal a Hearing Panel decision. Should an appeal be filed, notice of this appeal will be shared with the non-appealing party by the Title IX Coordinator. Both

parties will be given an opportunity to submit a written statement in support of, or challenging, the outcome of the hearing.

An appeal may be made only on justifiable grounds including:

1. A procedural error or omission occurred that significantly impacted the outcome of the Hearing or the sanction imposed;
2. New evidence, unknown or not reasonably available during the investigation or Hearing, that could substantially impact the original finding;
3. Review of whether bias or a conflict of interest was involved in the investigation and/or hearing such that it affected the outcome of the case and resulting sanctions.

The following outlines the appeal process for cases involving a Student-Respondent:

1. Appeal Due:

In writing, within 5 business days of the delivery of the written findings of the Title IX Hearing Panel. The appeal must be submitted to the Title IX Coordinator or designee.

2. Appeal Process:

1. The Title IX Appeal Panel will review the appeal and determine if one of the three ground(s) for appeal have been met.
2. The Title IX Appeal Panel will review the appeal and any response received from the non-appealing party based only upon the grounds identified and, if sufficient grounds for appeal exist, appropriate remedial action will be taken.
3. If no ground for appeal exists, the appeal will be denied. The decision of the Title IX Appeal Panel shall be final and not appealable.

3. Principles governing appeals:

1. Appeals are confined to a review of the written record on appeal, limited to evidence presented at the Hearing, and documentation pertinent to the grounds for appeal. The Title IX Appeal Panel shall not consider matters outside of the Hearing record in making a determination of an appeal.
2. Appeals granted based on new evidence will be remanded to the original Hearing Panel, who will then review the factual findings to determine if the new information changes the factual finding. If the Hearing Panel determines that the factual finding has changed, the new factual finding and sanctions will be returned to the Title IX Coordinator for delivery.
3. Sanctions imposed as a result of the Hearing are normally implemented immediately and remain in place throughout the appeal process.

All parties will be informed, at the same time, of the final decision of the Title IX Appeal Panel, and rationale for the result, via email and by letter within five business days of receipt of the appeal from the Title IX Coordinator. The decision of the Title IX Appeal Panel is final and may not be appealed.

In cases where the Respondent is an Institution employee or third party, if the Impacted Party is dissatisfied with final determinations made under this policy, whether it is the results of the hearing or the sanction

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determination, then the Impacted Party may file an appeal with the President of the Institution within 5 business days of the delivery of the written decision regarding responsibility and/or sanctions. The appeal must be in writing and submitted through official Institution email. The grounds, appeal process, and general principles described above will be followed with respect to appeals to the President. 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.

If the Respondent is a non-union Institution employee and is dissatisfied with final determinations made under this policy, whether it is the results of the hearing or the sanction determination, then the Respondent may file an appeal with the President of the Institution within 5 business days of the delivery of the written findings of the Title IX Hearing Panel. The appeal must be in writing and submitted through official Institution email. The grounds, appeal process, and general principles described above will be followed with respect to appeals to the President. 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.

If the Respondent is an Institution 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 Institution 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.

Resources

Whether or not an Impacted Party chooses to make an official report of Prohibited Conduct, they are 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.

1. D'Youville Campus Safety and Law Enforcement
 - a. For emergency security and police services, call 911 or seek a Red (interior) or Blue (exterior) Emergency Phone on campus.
 - b. Buffalo Police Department: 716.851.4444
 - c. Buffalo Police Sex Offense Squad: 716.851.4494
 - d. D'Youville Campus Safety: 716.829.7551
 - e. Erie County Sheriff/Department of Family Offenses: 716.858.6102
 - f. Erie County District Attorney/CARR Unit: 716.858.2525
2. Medical Treatment

- a. 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.
 - b. Erie County Medical Center: 716.898.3000
 - c. Buffalo General Hospital: 716.859.5600
 - d. Crisis Services: 716.834.3131
3. On-Campus Resources
- a. Danielle Nesselbush, Title IX Coordinator: 716.829.8337
 - b. D'Youville Counseling Center: 716.829.7815
 - c. SaintsCare: [timelycare.com/dyouville](https://www.timelycare.com/dyouville)

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

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 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).

SECTION 9: NON-DISCRIMINATION & EQUAL OPPORTUNITY

D'Youville is committed to compliance with its obligations under Title IX of the Educational Amendments of 1972, Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Age Discrimination in Employment Act, Executive Orders, the New York State Human Rights Law and other applicable anti-discrimination laws.

It is the policy of the University to provide all students, applicants and employees equal access to all programs, facilities and employment opportunities without regard to race, color, sex, sexual orientation, age, religion, national origin, marital status, veteran status, disability, genetic predispositions, carrier status, or status as a victim of domestic violence. Furthermore, the University will not discriminate against any individual with respect to the application of policies, terms and conditions of employment, or the criteria for the successful completion of any course or program on the basis of race, color, sex, sexual orientation, gender identity, age, religion, national origin, marital status, veteran status, disability, genetic predisposition, carrier status, or status as a victim of domestic violence. To the extent required by law, the University will also take affirmative action to ensure that qualified women, minorities, veterans, and persons with disabilities are provided full employment opportunities. This includes administrators, faculty, staff, students, contractors and vendors.

Any questions concerning this policy and any complaints of discrimination should be communicated to the Vice President for Student Affairs at grantb@dyc.edu

A student also has the right to file a complaint of discrimination with the Office for Civil Rights (OCR) of the U.S. Department of Education. Complaints are to be filed within 180 calendar days of the alleged act of discrimination and may be made to the regional office of OCR:

New York Office for Civil Rights
U.S. Department of Education 32 Old Slip, 26th Floor
New York, NY 10005-2500

Telephone: 646.428.3900
FAX: 646.428.3843
TDD: 877.521.2172
Email: OCR.NewYork@ed.gov