All rules, regulations, policies, and procedures are subject to change without notice. D'Youville College reserves the right to update or change these policies as necessary. This document does not constitute a legal contract between students and the College.

**MISSION**

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

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

COLLEGE ALCOHOL AND DRUG POLICY

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

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

RULES OF CONDUCT AND DISCIPLINE FOR ALCOHOL AND DRUGS - STUDENTS

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

1. The unlawful manufacture, distribution, selling, intending to sell, dispensing, possession or use of a controlled substance or illegal drug on College property or as part of any College activity is prohibited.

2. Possession or consumption of beer, wine, liquor or any other form of alcohol on College property or as part of any College activity unless in accordance with policies pertaining to events and residence facilities as stated below. (The rule applies to all students and includes any bottle, can, mug, or any other container used to transport alcohol).

3. The use, possession, sale, or purchase of any type of unlawful drug. Possession, consumption, or sale of drugs is a serious offense which is subject to severe penalties. Additional information related to federal penalties at the US Drug Enforcement Administration can be found at: http://www.justice.gov/dea/index.htm and information on services rendered through the New York State Office of Alcoholism and Substance Abuse Services (OASAS) website: http://www.oasas.state.ny.us/index.cfm
4. Providing a controlled substance or illegal drug to another person.

5. The misuse and/or sharing of prescription drugs and other products being used other than as intended.

6. Possession of paraphernalia for illegal drug production or use.

7. Public intoxication or drunk and disorderly conduct are prohibited.

8. Possession or consumption of alcohol by anyone under the age of 21.

9. Giving or selling alcoholic beverages to anyone under the age of 21.

10. Use of false identification to obtain alcoholic beverages.

11. Giving or selling alcoholic beverages to anyone who is intoxicated.

12. Driving under the influence of any substance while on campus.

13. Violation of federal, state, and local ordinances with respect to possession, purchase, transport, and use of alcohol, controlled substances or illegal drugs.

14. The marketing of alcohol is strictly prohibited on college property.

15. Regulations specifically concerning consumption of alcoholic beverages in residence facilities:
   a. Residents under the age of 21:
      i. Shall not possess, distribute, or consume alcoholic beverages.
      ii. May not be in a room where alcohol is present with the exception of their assigned room/apartment (only if room/apartment mate is of legal drinking age).
      iii. May not act as “host” in their room/apartment by providing alcohol or access to alcohol for others.
      iv. May not have visitors/guests bring alcohol into the residence halls.
   b. Residents age 21 or older:
      i. May not be in possession of any liquor. Only beer, wine, wine coolers, and champagne are allowed.
      ii. May not carry/possess open containers in hallways, stairwells, elevators, floor lounges, and other common areas (exception – may have open containers only in the Game Room in Apartments).
iii. May not have visitors/guests bring alcohol into the residence halls.

c. Marguerite residents have the following quantity limits on permitted alcohol (in a 24-hour period):

i. One 6 pack of 12 oz. (72 oz. total) bottles/cans of beer per person of age at any given time. No more than 12/bottles/cans in a room where roommates are of legal drinking age. OR

ii. One 750 milliliter container of wine per person of age at any given time. No more than two 750 milliliter containers in a room where roommates are of legal drinking age. OR

iii. One four pack (48 oz.) of wine coolers per person of age at any given time. No more than two four-packs in a room where roommates are of legal drinking age. OR

iv. One liter of champagne per person of age at any given time. No more than two 1-liter bottles in a room where roommates are of the legal age.

d. Resident students are permitted to have a maximum of 6 people in a room or 10 in an apartment at any given time, including themselves.

e. Resident students are responsible for the behavior of their guests and the rules and regulations of the Alcohol and Drug Policy. Resident students are responsible for any damage caused by their guests to their rooms and/or residence facilities. Guests must follow the rules and regulations of the Alcohol and Drug Policy.

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

**DISCIPLINARY SANCTIONS AND LEGAL PENALTIES FOR ALCOHOL AND DRUGS**

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

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

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

In addition to the disciplinary sanctions that the College will impose on violators of its Rules of Conduct, students should also be aware of the applicable legal
sanctions under state and federal law for the unlawful sale or possession or use of illicit drugs and alcohol. As a matter of policy, the College will cooperate fully with all law enforcement agencies in the investigation and prosecution of substance abuse and drug trafficking cases. Violations of these regulations will cause the student and/or employee to be subject to criminal prosecution, disciplinary action, or both.

**PHYSICAL EFFECTS OF DRUGS AND ALCOHOL**

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

**ASSISTANCE TO STUDENTS**

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

**POLICY REGARDING ALCOHOL AT CAMPUS EVENTS**

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

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

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

2. Non-alcoholic beverages, food and snack items of substance shall be readily available in sufficient quantities.

3. Alcoholic beverages may not be used in any contests or games.

4. Individuals may not “bring your own” alcohol to any on or off-campus event.

5. Promotion and advertisement of any event must include the availability of alcohol-free beverages on an equal and comparable basis as the alcoholic beverages. Alcohol may not be used as the inducement for participation, or as the main focus of the event.

6. Promotion of any event that is sponsored by or primarily targeting students and includes alcohol must indicate “cash bar only.”

7. Individuals sponsoring the event are responsible for:
   a. Knowing the liability of hosting events with alcohol.
   b. Knowing college policies and familiarity with federal and state laws relating to the purchasing and/or serving of alcohol and for implementing the steps necessary to insure compliance with these regulations.
   c. Notifying Campus Safety and appropriate college officials of problems that arise.
   d. Designating at least one person who will oversee the entire duration of the event while abstaining from alcohol.

8. Student group/club sponsored events must adhere to the following additional college regulations:
   a. No open bars permitted. Cash bars only.
   b. The contracted catering establishment must provide proofing bartender services. D’Youville students or club officers may not serve as proofing staff or bartenders.
   c. Depending on the event, campus safety may be required for crowd control. The hosting organization will be responsible for contracting with campus safety and for payment of their services.
9. Sale or use of alcoholic beverages on campus or at off-campus college functions requires the formal approval and registration of the function with the Director of the College Center/Coordinator of Event Services.

10. Sale or use of alcoholic beverages shall take place only in the area specified for approval by the Director of the College Center/Coordinator of Event Services.

11. Student groups/clubs wishing to serve alcohol at an on-campus event may only do so through approved campus catering.

12. Student groups/clubs/organizations are allowed cash bars per consumption only at their events. This applies to both on and off-campus events.

13. Alcohol may only be sold at a fair, current market price, not at highly discounted rates.

14. Persons or groups receiving approval for sale/distribution of alcoholic beverages must complete the necessary paperwork. This paperwork is available from the Director of the College Center/Coordinator of Event Services. A New York State permit must also be obtained through Personal Touch Food Service.

15. Alcoholic beverages may not be given and/or raffled as prizes, rewards or inducements.

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

This policy is in furtherance of the College’s policy to provide a campus and workplace free of illicit drugs and unauthorized alcohol. It is also designed to comply with applicable laws. This program may be changed or amended as the College deems appropriate or to comply with any changes in applicable laws.
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
TYPES OF BIAS-RELATED BEHAVIORS

• Offensive graffiti
• Degrading or offensive images
• Derogatory or offensive verbal or written comments, including social media posts
• Offensive jokes
• Outing someone’s sexual orientation
• Inappropriate references to one’s race, religion, ethnicity, gender, sexual orientation
• Harassment
• Physical confrontation, assault, or threat (verbal or physical)
• Vandalism, or other destruction of property

DEFINITIONS

*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:

a. intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, 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

b. intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, 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, contact the Director of Equity, Diversity and Inclusion and/or the Dean of Students. Upon receiving a complaint, the Dean of Students, in conjunction with Campus Safety, will determine the next step in the disciplinary process, which may include contacting law enforcement, in accordance with all federal, state and local laws and College policies.

Should a student witness a bias-related incident, they may provide a valuable resource to the College in reconstructing the incident so that an appropriate response can be made. Their willingness to step forward and assist the College 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.

**CRIMINAL PENALTIES:**

When a person is convicted of a hate crime and the specified offense is a violent felony offense, the hate crime shall be deemed a violent felony offense. When a person is convicted of a hate crime and the specified offense is a misdemeanor or a class C, D or E felony, the hate crime shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant’s conviction for an attempt or conspiracy to commit a specified
offense, whichever is applicable. When a person is convicted of a hate crime and the specified offense is a class B felony:

a. the maximum term of the indeterminate sentence must be at least six years if the defendant is sentenced pursuant to Article 485 section 70.00 of NYS Penal Law;

b. the term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to Article 485 section 70.02 of NYS Penal Law;

c. the term of the determinate sentence must be at least twelve years if the defendant is sentenced pursuant to Article 485 section 70.04 of NYS Penal Law;

d. the maximum term of the indeterminate sentence must be at least four years if the defendant is sentenced pursuant to Article 485 section 70.05 of NYS Penal Law; and

e. the maximum term of the indeterminate sentence or the term of the determinate sentence must be at least ten years if the defendant is sentenced pursuant to Article 485 section 70.06 of NYS Penal Law.

When a person is convicted of a hate crime and the specified offense is a class A-1 felony, the minimum period of the indeterminate sentence shall be not less than twenty years.

**D’YOUVILLE SANCTIONS:**

Where there is a probable cause to believe that such violations have occurred, the College will pursue disciplinary action through its own channels, in accordance with the procedure outlined in the Student Code of Conduct. This discipline includes the possibility of suspension or dismissal from the college. 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 College, 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 Student Conduct Administrator.

Victims of bias-related crimes have the right and the opportunity to bring charges under the Student Code of Conduct by contacting the Dean of Students. Judicial proceedings will follow the format explained in the Student Code of Conduct.

Both the reporting party and the respondent are entitled to have an advisor present during disciplinary proceedings, in accordance with Article IV. C. of the Student Code of Conduct. Both the accuser and the accused will be informed of the outcome of any campus disciplinary proceedings.

D’Youville will make every reasonable attempt to help any student who is a victim of an alleged bias-related crime to change his or her academic or resident situations, if so requested. The targeted group or student can bring a complaint either through the College judicial system, in criminal courts, or in both. Students are encouraged to speak with the Dean of Students, the Director of the Office of Diversity and Inclusion, the Director of Counseling, or the Director of Campus Safety to discuss various legal courses open to them.

**COLLEGE PROCEDURES:**

When a bias-related crime is reported, the Dean of Students will assemble a response team as soon as possible to include the Dean of Students, the Director of Equity, Diversity and Inclusion, the Student Conduct Administrator, and representatives of other offices such as Counseling Services, Campus Safety, Campus Ministry, and/or Director of Marketing, as necessary.

In the event of a physical confrontation or bias-related vandalism, Campus Safety should be contacted immediately. Campus Safety will act to provide support to the targeted group or student, arrange for immediate care if required, prepare the appropriate reports, notify local law enforcement, and notify the Dean of Students who will coordinate the College’s response plan.

In the event of bias-related graffiti, mail, posters, or flyers, the Dean of Students will contact Campus Safety who will take photographs of the material as part of the investigative process. Campus Safety will then contact
Facilities for immediate removal of the material. The Campus Safety Advisory Committee, which is comprised of students, faculty, and administrative staff, is charged with the responsibility for reviewing and drafting appropriate policies in the area of personal safety, including bias-related crimes.

**COUNSELING AND SUPPORT SERVICES:**

Counseling is available to victims of bias-related crimes and incidents through the Personal Counseling Center. This service is confidential and free of charge. Referral services are also available. The Office of Equity, Diversity and Inclusion can also serve as a resource and referral agent to students in the event of a bias-related crime or incident.

**COMMON CIRCUMSTANCES RELATED TO BIAS-RELATED CRIME ON COLLEGE CAMPUSES:**

A common goal of colleges and universities is to bring together students from all types of cultural backgrounds and to provide an environment in which they might live with and learn from one another. As a result, students enter college with diverse backgrounds, experiences, and characteristics, and interact with one another, often for the first time, within the college environment. This can lead to discomfort, distrust, and even hostility. This most commonly manifests itself in the form of name calling, stereotyping, graffiti or other vandalism, or physical assault.

**COLLEGE PROGRAMMING:**

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 College works to eliminate bias-related incidents; however, should an incident occur, assistance and cooperation of witnesses is needed to ensure
that proper action is taken.

**INFORMATION ON SECURITY PROCEDURES:**

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 College’s safety services, programs and policies as well as occurrences of crime on and around our campus. The report is available on the College website at: http://www.dyc.edu/campus-life/support-services/docs/annual-security-fire-safety-report.pdf. This report 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 College’s emergency notification system, campus media, publications, posters, and other methods.

**BIAS-RELATED INCIDENTS:**

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 Dean of Students or Director of Equity, Diversity and Inclusion.
BEHAVIOR
The College takes the position that each student is fully responsible for their own behavior. The College does not, and will not, accept the responsibility for the actions of any individual student, or group of students. The Dean of Students or designee may take appropriate disciplinary action if a student’s or group’s on- or off-campus behavior adversely affects the good name of the College 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 Dean of Students or designee will act to protect the due process of all involved students while working within the College’s disciplinary guidelines.

Students who are involved in violent behavior, such as fighting, hitting or assaulting another person, or threatening to do so, on or off campus may be subject to immediate suspension from the residence halls and/or from the campus. The final College judicial decision will determine if this suspension is to be permanent. If a student is suspended from the residence halls, the College will not assume any responsibility for locating or financing alternate housing for the affected student(s). Violent action against any College employee or student also carries with it the immediate possibility of arrest by the local authorities and possible criminal charges.

CAMPUS SEX CRIMES PREVENTION ACT
Individuals may search a registry of sex offenders living near or working on campus through the New York State Sex Offender Registry database at: http://www.criminaljustice.ny.gov/nsor/ or the Crime Victims Center at: https://www.parentsformeganslaw.org/.

CHILD CARE
Although the College 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 should not be left unattended on campus.
CONTRACTS
All contracts made by student organizations must be co-signed by the advisor and/or the Assistant Vice President for Student Life and the student chairperson. Contracts not co-signed by the appropriate college official become the legal and fiscal responsibility of the student/group.

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

CRIME STATISTICS
Campus Crime statistics are available on the D’Youville College website: www.dyc.edu/campus-life/support-services/docs/annual-security-fire-safety-report.pdf

DESTRUCTION AND THEFT
Any destruction, theft, attempted theft or impairment of personal or college 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 College facilities must report damage immediately. Individuals or groups sharing a facility are held responsible for property damage.

DISHONESTY
Disciplinary action may be taken against any student who falsifies or modifies any official college 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 College 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 (see the college catalog). Other academic irregularities may be referred to the appropriate academic officer or designee.

**DISRUPTIVE STUDENT BEHAVIOR DEFINITION**

A disruptive student is a student who engages in behavior which interferes with the normal operation of the campus, including in the classroom, residence halls, dining hall, any administrative office or any other campus location, or as a participant in a school activity, athletic team, or organization. Such behaviors may entail, but are not limited to belligerence, inappropriate comments or actions, repeated talking, sleeping/snoring, unauthorized cell phone use, erratic behavior, or any other behavior that interferes with normal operations. Procedure for Dealing with Incidents of Disruptive Behavior:

A. 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).

B. 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 Dean of Students 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.

C. If a student’s disruptive behavior continues following the request that it cease, the instructor shall refer the case to the Dean of Students 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 Academic Affairs.

D. Any student whose behavior outside the classroom is found disruptive will be referred to the Dean of Students who will 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. Specific expectations of appropriate behavior will be reviewed.

E. If the disruptive behavior persists after the initial remediation, the Student Conduct Administrator will issue a statement in writing which includes the specific disruptive behavior, a request that the behavior ceases, and potential sanctions should the behavior continue. A behavioral contract may be developed to ensure that expectations are clearly delineated in writing. Violation of the behavioral contract will result in the case being referred for judicial action.

F. If the disruptive behavior persists after the written warning, the Student Conduct Administrator will deal with the case according to established student discipline procedures and sanctions.

G. 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.

H. A student involved in an incident of disruptive behavior who believes they have been improperly treated may seek relief through established D’Youville judicial appeal procedures.

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. Students are also asked to refrain from any clothing with derogatory, offensive, or lewd messages either in words or pictures.
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, 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 College offers on campus 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. However, it is highly recommended that students bring their own workstation or laptop for convenience during busy hours or for use after the labs close. Hardware and software support is available at http://www.dyc.edu/helpdesk

The College’s official means of communicating with students is through D’Youville e-mail. Students are given a dyc.edu 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 College is not
responsible for lost, dropped or refused e-mail to and from other online e-mail providers such as Gmail or Yahoo. Therefore, if students use an e-mail provider other than D'Youville to send and receive academic assignments and time critical documents, it is the student’s responsibility to inform the recipient of the correspondence to ensure it reached the proper destination on time. Clicking to send is not confirmation that it was sent or received.

All eligible individuals who wish to use the College’s computing resources are required to abide by the policies of acceptable use, as outlined on the official College website on the link https://dyc0.sharepoint.com/sites/PoliciesandHandbooks. This web link also provides additional guidelines for hardware and software specifications as well as 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. 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.

**GENERAL GUIDELINES:**

- Submit a Help Desk ticket for troubleshooting assistance to https://webhelpdesk.dyc.edu/helpdesk
- New student account credentials will be provided to you through the My D'Youville admissions portal after your deposit is received.
- 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 financial aid and the registrar will exclusively use your dyc.edu 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 college 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.

D’YOUVILLE NAME

The College and its members have a responsibility to ensure that the activities with which it is associated maintain standards consistent with its educational purposes. Any student or group of students desiring to use the name, logo, seal, or other likeness or representation of the College must secure the approval of the Vice President for Student Life and Enrollment, or designee. Use of the D’Youville name in situations having a potential to diminish or damage the College’s image and reputation will not be approved.
EATING AND DRINKING

Policies regarding eating and drinking in the classrooms are at the discretion of the faculty member. At all times, conscientious efforts should be made to maintain a clean environment, which displays a respect for others and the condition of College facilities. Please clean up after yourself.

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 college students. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- School officials with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- 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, SW
Washington, D.C. 20202-8520

**SOLOMON AMENDMENT**

The Solomon Amendment is a federal law that mandates colleges receiving federal financial aid funding to provide student recruiting information upon request to military recruiting organizations. The request and information released by the College 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
- Air Force Reserve
- Air Force National Guard
- Army
- Army Reserve
- Army National Guard
- Coast Guard
- Coast Guard Reserve
- Navy
- Navy Reserve
- Marine Corps
- 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 College 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).
FINANCIAL AID

716.829.7500 • KAB, SOLUTIONS CENTER, 2ND FLOOR

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:

1. 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 Title IV funds and institutional funds.

2. If there is a major change in your financial situation, schedule an appointment with your financial aid counselor, who can assist you in pursuing an adjustment to your aid eligibility.

3. Students who receive financial aid from any off-campus source must report it immediately to the financial aid office.

4. 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.verifymyfafsa.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, in the college catalog or in brochures available in the financial aid office (KAB Solutions Center, 2nd Floor).

FIRE FIGHTING 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 College and/or court action. Residents and/or their guests who tamper with or misuse firefighting or fire detection equipment in the residence halls will face disciplinary action.
FIRE REGULATIONS
All students and college personnel 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:

1. All areas are to be evacuated.
2. Close all doors and windows.
3. Identify any people with disabilities who need assistance; arrange for necessary aid in evacuation.
4. Follow directional signs to fire exits; use stairs, not elevators.
5. Move away from the building, across the street, down the sidewalk or toward designated safety area. Fire drills are mandatory each semester.
6. Resident students should consult the Residence Life Handbook for additional information and guidelines.

FREE 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. The College may impose sanctions if there is interference with the free, open, civil exchange of ideas and views, including harassment or intimidation.
GRIEVANCE PROCEDURE

All academic grievances need to be filed through a student’s particular school of study. The policies and procedures for the individual schools can be found at www.dyc.edu/appeals.

PROCEDURE FOR SECTION 504:

For students/employees wishing to file a grievance in relation to Section 504 of the Rehabilitation Act of 1973, it is recommended that they seek out the Section 504 coordinator to assist with the processing of the complaint. The current Section 504 coordinator is the health center director.

TITLE IX PROCEDURE

Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. § 1681 et seq., is a federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities. All public and private elementary and secondary schools, school districts, colleges and universities (hereinafter “schools”) receiving any federal funds must comply with Title IX. Under Title IX, discrimination on the basis of sex can include
sexual harassment or sexual violence, such as rape, sexual assault, sexual battery and sexual coercion. Inquiries concerning the application of Title IX may be referred to the College’s Title IX coordinator, located in the College Center, Room 111 (716.829.8198) or through e-mail at titleIXcoordinator@dy.edu.

All other non-academic grievances should first be attempted to be resolved through discussion with the individuals involved (another student, staff, administrator, faculty, etc.). Should the grievance not be adequately addressed, the aggrieved individual can next take the issue to the Assistant Vice President for Student Life, if the grievance is with another student, or to the supervisor, if the grievance is with an administrator or staff member. If the issue is still not resolved, the aggrieved student can file a formal complaint to invoke a hearing as outlined in the Student Code of Conduct Article IV. B. In the event of a complaint against D’Youville, the aggrieved party should first address the issue to the office, department, or individual with whom the complaint exists. If there is not a satisfactory resolution, the complaint should be filed in writing to the Dean of Students. The Dean of Students may attempt to rectify the issue or refer the issue to a hearing following the procedures prescribed in the Student Code of Conduct Article IV. B. Students may file a grievance or formal complaint without fear of adverse action or retaliation. Such action would result in additional disciplinary action taken against the respondent.

GUESTS/VISITORS

PURPOSE
The safety and wellbeing of the D’Youville College community, including students, faculty, staff, and visitors are of paramount importance. Accordingly, this policy sets forth guidelines and expectations for behavior and conduct while on College owned or controlled property.

SCOPE
This policy applies to all individuals, including visitors and groups, present on College owned or controlled property.
POLICY

Access to College 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 College business or activities. The College is a private institution and, as such, reserves the right to lawfully restrict or prohibit access to College owned or controlled property and to prohibit certain individuals from being present on College owned or controlled property at any time at its discretion.

All individuals – visitors and others – present on College owned or controlled property shall conduct themselves in accordance with the law, College 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 College, 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 College 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 College policy or that is otherwise inconsistent with the best interests of the College, the individual will be asked to refrain from such conduct and may be asked to vacate College 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 college regulations known to the guests and is held responsible for their conduct. Resident students should consult the Residence Life Handbook for additional information and guidelines. Persons on campus who are not students or employees of the College are required to adhere to the Code of Conduct when on the campus or grounds of the College or participating in College-sponsored activities. All persons on College property are required, for reasonable causes, to identify themselves upon the request of a College official acting in the performance of duties. The College reserves the right to exclude those persons deemed detrimental to its well-being or incompatible with
its functions as an educational institution. Violations of College policies by non-students may bring about sanctions, including but not restricted to:

1. Persona non grata status: An order by the College, either permanent or of specified duration, to not enter the grounds or buildings of the campus
2. Restitution for any damages to the property of the College, student, faculty or staff
3. Civil action
4. 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 College, or retaliation against individuals who exercise their rights under this policy, will not be tolerated. The College recognizes and responds to its obligation to educate its administrators, faculty, staff, and students with regard to respect for the rights of individuals. The College
neither condones nor tolerates any verbal or physical conduct which would constitute harassment of any member of the College community including guests or other third parties.

**PROHIBITED FORMS OF HARASSMENT**

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 messages, text messages, instant messages, tweeting, social networking sites, internet based video sites, and blogs.

Any harassment of administrators, faculty, staff or students is a violation of this policy and is prohibited, and will be subject to discipline as outlined in the Student Code of Conduct. Students wishing to report being a victim of harassment, or knowledge of another student(s) being a victim of harassment may do so through the Dean of Students.
ACCOMMODATIONS

Certain accommodations may be made by the Student Conduct Administrator or Dean of Students 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 could include, but are not limited to: changes in academic, living, and working situations if those changes are requested by the victim and reasonably available; “No Contact” orders; suspension; activity restrictions; all other restrictions outlined in the Code of Conduct; any other interim restriction or sanction deemed appropriate by the Dean of Students or designee. When no-contact orders are issued, students have the right to review the order with an appropriate administrator to discuss the need for and terms of the order, other interim measures and/or accommodations. If an outside agency or court of law has put in place an order of protection, the College will assist in upholding the order. If the College receives a report of an official order of protection being violated, the College will provide assistance in contacting the appropriate law enforcement agency.

RECALITATION

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 or actual violence against a person or their property, adverse educational or employment consequences, ridicule, intimidation, bullying, or 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 College pending the completion of the investigation and subsequent judicial process.
HAZING POLICY

D’Youville College recognizes that membership in campus organizations or on college 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:

1. 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.

2. Any other act or series of acts which cause or is likely to cause bodily or physical harm or danger.

3. Mistreatment by playing stunts or practicing abusive, humiliating or ridiculing tricks that subject an individual to personal indignity, humiliation or ridicule.

4. Harassment by exacting unnecessary, disagreeable or difficult work or harassment by banter, ridicule or criticism. Some examples of such prohibited activities are as follows:
   a. abnormal or unusual dress, grooming, or haircuts
   b. performing unusual or abnormal acts
   c. excessive or unusual physical exercise
   d. 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 College. Accordingly, the college 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 College property and where appropriate, shall be subject to suspension, expulsion or other disciplinary action. Similarly, the College will rescind permission
to operate on College property and shall prohibit the use of the College’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 College organization, disciplinary proceedings shall be commenced according to the College’s established policies. In addition to any college disciplinary proceedings, the violator or organization may be subject to any applicable provisions of the Penal Law.

IDENTIFICATION CARDS
An identification card is issued to each new student and employee. This is a permanent ID card. The cards are nontransferable. An ID card is required to access computer labs and the fitness center, and for library usage, student printing and admittance to some campus events. Resident students need an ID card to use the dining hall and to enter residence halls.

MISSING STUDENT
To meet federal requirements resident students will be asked to register a confidential emergency contact person with the Office of Residence Life. This contact would be notified in the event a student is missing or when another sufficient emergency situation develops. This contact information will remain confidential and will not be shared with the rest of the college. 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:

1. The Director of Residence Life, the Assistant Director of Residence Life and
the Director of the Campus Safety Office will be notified. Once such a notice is received Campus Safety and college officials will begin an investigation and will work with local law enforcement agencies as needed.

2. 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 Director or Assistant Director of Residence Life.

3. As deemed appropriate Campus Safety will notify the Vice President of Student Life and Enrollment Management of the situation.

4. If the missing student report is suspicious in nature and involves an immediate threat or danger, or the student has been missing 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.

5. Emergency notifications to the campus community will be coordinated as necessary by the Vice President of Student Life and Enrollment Management.

6. Information will not be released to the public unless authorized by the Vice President of Student Life and Enrollment Management. All media requests will be directed to the Director of Marketing & Communications.

7. Campus Safety will act as the liaison office between the college and law enforcement, writing follow-up reports as needed and keeping college officials apprised of the 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.
NEW YORK STATE 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.

HOW TO FILE A COMPLAINT

1. 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.)

2. 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

3. The Postsecondary Complaint Registry Form should be completed, signed, and sent to the above address. The completed form should indicate the resolution being sought and any efforts that have been made to resolve the complaint through the institution’s internal complaint processes. Copies of all relevant documents should be included.

4. After receiving the completed form, the Department will notify the complainant of its receipt and make any necessary request for further information. When appropriate, the Department will also advise the institution that a complaint has been made and, when appropriate, the nature of the complaint. The complainant will also be notified of the name of the evaluator assigned to address the specific complaint. The evaluator may contact the complainant for additional information.

5. The Department will make every effort to address and resolve complaints within ninety days from receipt of the complaint form.

**COMPLAINT RESOLUTION:**

Some complaints may fall within the jurisdiction of an agency or organization other than the State Education Department. These complaints will be referred to the entity with appropriate jurisdiction. When a complaint concerns a matter that falls solely within the jurisdiction of the institution of higher education, the complainant
will be notified and the Department will refer the complaint to the institution in question and request that the matter receive a review and response.

Upon conclusion of the Department’s complaint review or upon a disposition of the complaint by referral to another agency or organization, or to the institution of higher education, the Department will issue a written notice to the complainant describing the resolution of the complaint. The complainant may contact the Department evaluator directly for follow-up information or for additional assistance.

EXCERPTS FROM SUBPART 145-8 OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION RELATING TO COMPLAINTS
145-8.4-Review standards for the Title IV review of institutions which offer curricula registered pursuant to Part 52 of this Title.

Student complaints

1. An institution shall establish, publish, and consistently administer internal procedures to receive, investigate, and resolve student complaints about eligible programs and, at minimum, the requirements established in this section.

2. An institution may have informal means by which student’s case seek redress of grievances.

3. An institution shall have a formal complaint procedure which shall include, but need not be limited to:
   a. steps a student may take to file a formal complaint;
   b. reasonable and appropriate time frames for investigating and resolving a formal complaint;
   c. provision for the final determination of each formal complaint to be made by a person or persons not directly involved in the alleged problem;
   d. assurances that no adverse action will be taken against the student for filing a complaint; and
e. notice to students about the State consumer complaint process established in section 145-8.9 of this Subpart and other appropriate sources for redress of student grievances.

4. An institution shall maintain adequate documentation about each formal complaint and its disposition for a period of at least six years after final disposition of the complaint.

145-8.5-Review standards for the Title IV review of institutions which do not offer curricula registered Pursuant to Part 52 of this Title.

145-8.6-Student complaints

1. An institution shall establish, publish, and consistently administer internal procedures to receive, investigate, and resolve student complaints about eligible programs and, at minimum, the requirements established in this section.

2. An institution may have informal means by which students can seek redress of grievances.

3. An institution shall have a formal complaint procedure which shall include, but need not be limited to.
   a. steps a student may take to file a formal complaint;
   b. reasonable and appropriate time frames for investigating and resolving a formal complaint;
   c. provision for the final determination of each formal complaint to be made by a person or persons not directly involved in the alleged problem;
   d. assurances that no adverse action will be taken against the student for filing a complaint; and
   e. notice to students about the State consumer complaint process established in section 145-8.9 of this Subpart and other appropriate sources for redress of student grievances.

4. An institution shall maintain adequate documentation about each formal complaint and its disposition for a period of at least six years after final disposition of the complaint.
145-8.9-Consumer Complaints.

1. 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 incidents, pursuant to this section.

2. Complaints shall be received in a form prescribed by the Department.

3. In response to a written complaint, the Department shall:
   a. send to the complainant a notice acknowledging such written complaint and requesting further information if necessary;
   b. when appropriate, advise the institution involved that a written complaint has been received and, when appropriate, the nature of the complaint; and
   c. either:
      i. conduct a complaint review to respond to the complaint pursuant to the authority in Education Law or the Regulations of the Commissioner of Education, or
      ii. dispose of the complaint by referring it to an appropriate entity for resolution.

4. Upon conclusion of the Department’s complaint review or upon disposition of the complaint by referral to another entity for resolution, the Department shall issue a written notice to the complainant and, when appropriate, to the institution involved, describing the disposition of the complaint.

5. All institutions shall adequately publicize this consumer complaint process.

6. The Department shall maintain written records of all complaints for a period of six years after final disposition of the complaint.

7. The Department shall determine when complaints justify a request to the U.S. Secretary of Education to commence a Title IV review, pursuant to the criteria established in 20 USC 1099a-3 (a) and (b) (United States Code, 1988 edition, Volume 8; Supplement IV Volume 3 to the 1988 edition; Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402; 1989, 1993—available at the Office of Higher and Professional Education, Cultural Education Center, Room 5B28, Albany, NY 12230).
8. Complaints subject to the requirements of section 5003(1) (c) of the Education Law shall be handled in accordance with the requirements of that section.

**OFF-CAMPUS ACTIVITIES AND BEHAVIOR**

All off-campus activities sponsored by student groups must be registered with the Director of the College Center and Events Services one month prior to activity.

The College may take appropriate action if a student’s off-campus behavior adversely affects the good name of the College or represents a threat to any individual, group or the order of the community. If action is necessary, due process shall be afforded to all parties.

**PARENTAL/FAMILY/SPOUSAL NOTIFICATION**

The College recognizes the vital interest and supportive role of a student’s parents, guardians, family, spouse or partner. As such, the College 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 College 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 Life and Enrollment Management, or designee, will notify the parents/family. Where possible, the student will be aware of and have the right to initiate such notification.

**PARKING**

Students may park on campus only with parking permits. The price is $75 for the year, fall 2018 through summer 2019. All parking permits must be purchased online. Consult the rules and regulations, which are available online. Rules are enforced by the use of City of Buffalo parking violations; they are not “campus tickets.” If you have car trouble and need to park in a lot overnight, contact Campus Safety
Students are not allowed to have motor vehicles on campus during periods when the college is closed. THERE IS A $10 REPLACEMENT FEE FOR LOST, DAMAGED, OR STOLEN PARKING TAGS. 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 College cannot 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.

PETS
Pets are not permitted in campus buildings except for support animals when proper documentation is provided to the Office of Accessibility Resources to substantiate the accommodation. Resident students are permitted to keep fish with a maximum tank size of 10 gallons.

POLITICAL ACTIVITY
D’Youville College, as a 501(c)(3) non-profit organization, cannot engage in political campaign activity. The College 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 College students, as citizens, are free to engage in political activities and discussions, however no campaign signs or posters may be posted on College doors, windows, common areas, or other locations which could be construed to represent the College’s support of a particular candidate.
POSTING POLICY

To keep the D'Youville College community as well informed as possible as to the many activities on and off campus, and at the same time keep the environment neat and clean, we ask student to adhere carefully to the posting policy.

Information may be posted under the following guidelines:

1. It is not posted on painted surfaces, walls, or on glass doors.
2. It is not posted on the small information boards outside classrooms.
3. It is not posted on bulletin boards clearly marked for other purposes.
4. It is not posted over another organization's publicity.
5. It contains the name of the sponsor of the posting.
6. It is removed immediately after the event.
7. Publicity that is deemed offensive or is not posted according to the above guidelines will be removed.

Students are encouraged to be environmentally conscious in their publicity efforts and to consider electronic means of publication whenever possible to reduce the use of paper.

RELIGIOUS HOLIDAYS

D'Youville respects and acknowledges the major religious holidays designated below. Should classes be scheduled on any of these days, students may approach instructors to be excused for the purpose of religious observance. Following our clear obligation to conform to state law, no student is to be penalized for being absent from class for reason of religious observance. Faculty members may choose to cancel class for the same reason.

As a policy, the College asks faculty to refrain from scheduling examinations, tests or crucial presentations on the religious holidays hereafter noted. If problems do arise, faculty should make every effort to assist the student(s) excused for the religious day. If satisfactory arrangements between the student and instructor
cannot be made, and the appropriate department chair does not make a resolution, an appeal may be taken to the appropriate academic officer.

**REPORTING A CRIME IN PROGRESS/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 (716-829-7777, or 911 if you do not have the Campus Safety number) 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.

**REQUEST OF COLLEGE OFFICIALS**
A person is guilty of violating a reasonable request of a College official if that person fails to comply with a request of an identified College official. A College official shall include, but is not limited to, administrators, staff, faculty, campus safety, residence life staff or team coaches.

**RETAIATION**
Any threatening or harassing behavior directed against another individual or entity who has, in good-faith, reported a potential violation of College 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 the judicial procedures.

**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 College 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.
INFORMATION COLLECTED BY D’YOUVILLE COLLEGE
D’Youville College collects nonpublic personal information about its customers from the following sources: applications, financial aid and other forms, financial transactions and methods of payment.

INFORMATION DISCLOSED BY D’YOUVILLE COLLEGE
D’Youville College does not disclose any nonpublic personal information about its customers or former customers to anyone that is not affiliated with D’Youville College, except as permitted by law. D’Youville College 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.

KEEPING CUSTOMER INFORMATION SECURE
D’Youville College restricts access to nonpublic personal information to those employees who need to know that information in order to provide service to customers. D’Youville College 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
SAFETY POLICY

It is the goal of D’Youville College to provide a safe and healthful environment for its administrators, faculty, staff, students, guests, and visitors on our campus. To achieve this goal, this policy statement has been established.

We all have a responsibility and an interest in ensuring that D’Youville College is operated safely to minimize health hazards and reduce the risk of injury. Each of us can take positive actions that will minimize risks and prevent accidents. These actions should include maintaining a conscious awareness of safety, both inside our buildings and on the campus grounds by reporting unsafe conditions to the college facilities office at extension 7677.

SEXUAL MISCONDUCT POLICY SUMMARY

A. INTRODUCTION

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

In furtherance of that commitment, this policy explains how the college 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 college will take appropriate steps to end such conduct, prevent its recurrence and redress its effects.
B. SCOPE OF POLICY

This policy applies to reports that an employee of D'Youville College or an undergraduate or graduate student (“Impacted Party”) is alleged to have been subjected to sexual misconduct by another employee of D'Youville College, 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 athletic field, and any other areas owned or leased by D’Youville College; or
2. Off campus, if:
   a. In connection with a college or college-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 college community.

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

C. REPORTING SEXUAL MISCONDUCT

The college 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 at: 716.829.8198, TitleIXcoordinator@dy.edu.
CONFIDENTIAL RESOURCES
There are Confidential Resources at D’Youville College. Discussing allegations of Prohibited Conduct with a Confidential Resource will not result in a report to the Title IX Coordinator.

Confidential Resources include:
Personal Counseling Center
Campus location: Marguerite Hall, 1st Floor
Phone: 716.829.7819

Health Center
Campus Location: Marguerite Hall, 1st Floor
Phone: 716.829.8777

Campus Ministry
Campus Location: SASE, 113
Phone: 716.829.7672

Crisis Services Advocate
Campus Location: Bauer Family Academic Center 012
Phone: 716.829.8194

Confidential Resource (off campus):
Crisis Services
Phone: 716.834.3131

The complete D’Youville College Title IX Sexual Misconduct Policy can be located on the college website at www.dyc.edu/disclosures/title-ix.aspx
SMOKING POLICY

In accordance with New York State’s Smoke-Free Workplace law and recommendations from the federal level, D’Youville is committed to having a smoke-free and tobacco-free campus. In creating a healthy environment for all members of our community, smoking and tobacco use is prohibited at all times on campus, which includes inside all buildings, outside all buildings, residence halls, and grounds. This includes the use of any type of lighted pipe, cigar, cigarette (including electronic cigarettes), or any other smoking or vaping equipment, whether filled with tobacco or any other type of material. Safety personnel and other college employees will enforce the state laws and fines will be enacted for violators. Fines will be $50 for the first offense. Additional violations will be subject to disciplinary action and/or additional fines.

SNOW AND WEATHER CLOSINGS

A decision of canceling classes and/or closing D’Youville College in an emergency or because of weather conditions will be made by the President as early as possible for day and evening classes, in consultation with the Vice President for Operations and the Vice President for Student Life and Enrollment. If the President is unavailable, the preceding in order will make the decision. Weather closings will be announced through the college’s emergency notification system as well as announced over local media outlets and posted on the college website, www.dyc.edu.

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 the College Center/Coordinator of Event Services. Tables may be reserved through the Director of the College Center/Coordinator of Event Services for sales or fundraisers inside campus buildings. Students are not allowed to solicit door-to-door in offices as this is disruptive to the work day.
SPEAKERS

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

A. Space reservations must be properly secured in advance through the Director of the College Center/Coordinator of Event Services.

B. 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.

C. An event registration form should be completed at least 2 weeks in advance of the intended event date.

It is assumed that faculty and student groups will exercise objective judgment in issuing invitations to guest speakers. The presence on campus of a particular speaker does not imply College approval or support of the speaker’s views. The College requires that speakers agree to an open forum after formal remarks, to allow for questions, dissenting opinions, and dialog.

SPORTSMANSHIP

D’Youville College 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 College abides by the Allegheny Mountain Collegiate Conference 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.
D’Youville College is a community structured toward 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 college community 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 to the letter.

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 college, assume an obligation to abide by the regulations, policies and procedures of the college.

College policies are not to be regarded as an irrevocable contract between the College and the student. The College 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 college. Each student is free to exercise their rights as an individual and responsibilities as a citizen. The college also has certain rights; therefore, the college may take appropriate action if the student’s behavior or any group of students’ behavior adversely affects the good name of the college 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 the 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 Affairs process will receive all communication through their D’Youville email account 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 the Student Conduct Administrator can seek advisement from the Director of Accessibility Resources.

**AMNESTY**

Any student may seek assistance or report an intoxicated or drug-impaired peer to a Campus Safety Officer, Residence Life Staff member or member of the D’Youville community. By doing this, neither they nor the peer will face disciplinary
action from the College 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 College 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 College 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 College 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 College in its investigation of the situation.

ARTICLE I. DEFINITIONS
A. The Dean of Students is that person designated by the D'Youville President to be responsible for the administration of the Student Code of Conduct.

B. The term “College” means D’Youville College.

C. The term “institution” means D’Youville College.

D. The term “Student Code” refers the Student Code of Conduct.

E. The term “student” includes all persons taking courses from the college, 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 College or who have been notified of their acceptance for admission are considered “students.”

F. 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.

G. The term “D’Youville College Official” includes any person employed by D’Youville College, performing assigned administrative or professional responsibilities.
H. The term “member of the D’Youville community” includes any person who is a student, faculty member, College official, or any other person employed by the College. A person’s status in a particular situation shall be determined by the Dean of Students.

I. The term “D’Youville College premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, leased, or controlled by D’Youville College including adjacent streets and sidewalks.

J. The term “organization” means any group of persons who have complied with the formal requirements for recognition at D’Youville College.

K. The term “Campus Standards Board” means any person or persons authorized by the Student Conduct Administrator and/or Dean of Students to determine whether a student has violated the Student Code and to recommend imposition of sanctions.

L. The term “Student Conduct Administrator” means a D’Youville College official who is authorized on a case-by-case basis by the Dean of Students to impose sanctions upon students found to have violated the Student Code. The Dean of Students may authorize a Student Conduct Administrator to serve as the hearing officer for an Administrative Hearing or as a non-voting member of a Campus Standards Board. Nothing shall prevent the Dean of Students from authorizing the same Student Conduct Administrator to impose sanctions in all cases.

M. The term “shall” is used in the imperative sense.

N. The term “may” is used in the permissive sense.

O. The term “policy” means the written regulations of D’Youville College as found in, but not limited to, the Student Code, Residence Life Handbook, web page and computer use policy, and Undergraduate Catalogs.

P. The term “Reporting party” 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 College community submitted the charge itself.
Q. The term “Respondent” means any student accused of violating this Student Code.

R. The term “Process Advisor” refers to an employee of D’Youville College that is acting in an advisory role to a student involved in the judicial process.

ARTICLE II. JUDICIAL AUTHORITY

A. Charges and Hearings - Any member of the D’Youville College community may file charges against any student for violations of the Student Code. A charge shall be prepared in writing and directed to the Student Conduct Administrator, Campus Safety, and the Director of Diversity & Inclusion for bias-related incidents. Any charge should be submitted directly to the Student Conduct Administrator as soon as possible after the event takes place, preferably in writing within 30 days. 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.

B. The Student Conduct Administrator shall develop policies for the administration of the student conduct system and procedural rules for the conduct of Administrative Hearings and Campus Standards Board Meetings.

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

D. The reporting party shall have the choice of a Campus Standards Board Hearing or an Administrative Hearing which shall be run by the Student Conduct Administrator (see Article IV) or designee.

E. Alleged violations of the Student Code generally may be adjudicated by one of four types of conduct review bodies on campus, depending upon the nature and seriousness of the charges (see below for levels of violations), 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 college’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 Director of Residence Life generally addresses lower-level violations by resident students including noise, alcohol and fire safety.

3. The Student Conduct Administrator generally addresses intermediate-level violations and cases involving commuter students or multiple residents from different living areas;

4. The Campus Standards Board, consisting of faculty and staff generally conducts hearings to address violations of the most serious nature that have the potential to result in College suspension or expulsion. The Board is advised by the Student Conduct Administrator who will chair or assign a designee for all Boards hearings.

**ARTICLE III. PROSCRIBED CONDUCT**

A. Jurisdiction of the Student Code of Conduct The Student Code of Conduct shall apply to conduct that occurs on College premises, at College sponsored activities, on line, and to off-campus conduct that adversely affects the College 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 school while a disciplinary matter is pending. The Student Conduct Administrator shall decide whether the Student Code shall be applied to conduct occurring off campus, on a case by case basis, in consultation with the Dean of Students and/or Director of Campus Safety if needed. Disciplinary action may be taken against a student who violates local, state, or federal law, even if the violation occurred off campus.

B. Conduct Rules and Regulations D’Youville College 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 D'Youville College for conducting its own affairs.

Schools and/or departments within the College 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 on campus, non-campus property used by the college and at functions sponsored by the college or any group affiliated with the college. Violation(s) or attempted violation(s) of the following rules, or other conduct which reflects unfavorably on the student or the College is subject to the disciplinary sanctions outlined in the Judicial Proceedings, Article IV-D:

1. Acts of dishonesty, including but not limited to the following:
   a. Knowingly furnishing false information to any College official, faculty member or office.
   b. Forgery, alteration, or misuse of any College document, record, or instrument of identification.
   c. Tampering with the election of any College recognized student organization.

2. Disruption or obstruction of College activities or community members on or off campus.
   a. Violation of Disruptive Student Behavior Policy
   b. Disruption of peace or community learning spaces
   c. Any unauthorized use of electronic or other devices to make an audio or video record of any person while on college premises without consent,
   d. 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.
3. 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.

4. Violation of any published College policies, rules or regulations, including but not limited to the Alcohol and Drug Policy, Anti-Bias Policy, Disruptive Student Behavior Policy, D’Youville Computing Acceptable Use Policy, Hazing Policy, Harassment Policy, Sexual Misconduct Policy, Smoking Policy, Weapons Policy, and Residence Life Policies (see the Residence Life Handbook).

5. Aiding and abetting any individual in the violation of any D’Youville policy or federal, state or local ordinance.

6. Reckless endangerment of any individual through negligent or deliberate actions.

7. Lewd or Indecent Behavior.

8. Unauthorized entry or access to any D’Youville property or equipment, or the construction of any unauthorized structure such as a tent, shelter or platform on D’Youville property.

9. Physical abuse (assault, threats, intimidation, harassment, coercion) and/or other conduct that threatens or endangers the health or safety of any person.

10. Verbal abuse, intimidation or harassment which has the intent or effect of preventing a person from performing his/her legitimate role at D’Youville College, to include, but not limited to, bullying, cyber-bullying, and harassment.

11. Attempted or actual theft, vandalism, arson, and/or damage of property of College or property of a member of the college community or other personal or public property.

12. Stalking is defined as repeatedly contacting another person when;
   a. The contacting person knows or should know that the contact is unwanted by another person
   b. The contact causes the other person reasonable apprehension of imminent physical harm or the contacting person knows or should know that the contact causes substantial impairment of the other person’s
ability to perform the activities of daily life. “Contacting” includes but is not limited to communicating with (in any format including electronic) or remaining in the physical presence of the other person.

13. Failure to comply with directions of College 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.

14. Insubordination towards a College official. This will also include acts of hostility or any actions that make it difficult for the attending employee or official to do their job.

15. Participation in an on-campus or off-campus demonstration, riot or activity which disrupts the normal operations of the College and infringes on the rights of other members of the College 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.

16. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.

17. Extortion or blackmail.

18. Violation of any New York State and federal laws pertaining to gambling. The College 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”. This includes online gambling.

19. 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 college official.

e. Use of computer facilities and resources to send and/or store obscene or abusive messages or materials. Use of computer facilities and resources to interfere with normal operation of the college computing system.

f. Use of computing facilities and resources in violation of copyright laws.

g. Violating any part of the Acceptable Use Policy.

20. 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.

21. Violation of New York State and D’Youville College fire safety regulations.


C. VIOLATION OF LAW AND D’YOUVILLE COLLEGE DISCIPLINE

1. 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”).
2. 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 College rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

3. When a student is charged by federal, state or local authorities with a violation of law, D’Youville College 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 College 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 College community. D’Youville College 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).

4. If a student is arrested on D'Youville College property or at a school sponsored event, D'Youville College 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 student’s excused absence. The student is responsible to communicate with faculty and Retention Services if suspension is lifted on timelines to complete missing assignments and class content. Interim suspensions will be lifted on a case by case basis.
ARTICLE IV. JUDICIAL PROCEDURES

A. Charges

1. Any member of the College community may file charges against any student for violations of the Student Code. A charge shall be prepared in writing and directed to the Student Conduct Administrator. Any charge should be submitted as soon as possible after the event takes place, preferably within 30 days.

2. 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.

3. 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.

4. When a complaint of alleged Student Code violation is presented to the Student Conduct Administrator and the Administrator determines that there may be sufficient cause to believe the alleged violation may have occurred, the student will be contacted to schedule a hearing before the Campus Standards Board or through an Administrative Hearing. The Campus Standards Board typically includes three to five faculty or staff members and/or students. The Student Conduct Administrator or their designee will serve as a non-voting chair of the Campus Standards Board.
B. Hearings
All College 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. To give answer to the charge or accusation and to offer any additional information that might be helpful in resolving the case.
2. Not to answer any question that may be asked during the hearing.

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 College suspension or expulsion, the reporting party can choose an Administrative Hearing or Campus Standards Board. Students will have three calendar days to choose a style of hearing. If the student does not respond, the Student Conduct Administrator will choose on their behalf.

1. Administrative Hearings
   a. All charges of misconduct shall be presented to the Respondent in written form generally between two and 15 calendar days after the student has been notified. This notice is called a “Notice to Appear.”
   b. Hearings shall be conducted in private. Admission of any person to the hearing shall be at the discretion of the hearing officer.
   c. A student (reporting party or respondent) may request an alternate hearing officer if they believe a bias exists with the appointed officer. In that event, the student conduct administrator 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.
   d. If applicable, the respondent and the reporting party have the right to be accompanied throughout the hearing by process advisors of their choice.
A process advisor is an employee or a student of the College who serves in an advisory role to the student. A process advisor may not speak on behalf of the student or address the Student Conduct Administrator. The name of the process advisor should be provided to the hearing officer at least three calendar days prior to the hearing in order to be approved. A process advisor can be provided to a student by the Student Conduct Administrator if requested. Legal counsel can only be an advisor in cases of sexual assault, domestic violence, dating violence, stalking, or sexual activity that may otherwise violate D’Youville’s Code of Conduct.

e. If applicable, the respondent and the reporting party may present as 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. The decision to hear testimony from witnesses having information other than first-hand shall be made by the Student Conduct Administrator. The Student Conduct Administrator will begin all hearings with an overview of the judicial affairs process, a student’s due process and the appeals process.

f. 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.

g. After the hearing, the Student Conduct Administrator 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).

h. There shall be a written record of all hearings before an appeal can occur. The record shall cite the violation(s), the decision (responsible or not responsible), and the sanction(s). Dependent on the severity of the incident, an explanation of the conclusion will be included in this letter. This notice is called a “Letter of Resolution.”

i. 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

j. Decisions made by the Student Conduct Administrator shall be final, pending the normal appeal process. The appeal process will be present in all letters with a student being found responsible of the policy violation. The appeal process is highlighted in Article IV-D below.

2. Campus Standards Board
All proceedings associated with Administrative Hearings are required when conducting a hearing that involves a Campus Standards Board. Additional processes and steps include:

a. The Campus Standards Board is comprised of three to five panelists who are College students or employees and one Chair which is the Student Conduct Administrator in the first round of adjudicating the case. The Dean of Students or their designee will be the chair in an appeal.

b. 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.

c. 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.

d. The chair shall introduce the purpose of the hearing, outline the conduct process and identify roles for those attending the hearing.

e. All parties involved will introduce themselves by name and role at the hearing (chair, panel member, respondent, reporting party, witness, and advisor).

f. 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.

g. The reporting party shall present their opening statement and present the complaint.

h. Members of the Campus Standards Board may ask questions of the reporting
party, respondent, and all witnesses for the sole purpose of fact-finding and clarification.

i. The respondent may indirectly question the reporting party and witnesses as they appear. The respondent or their advisor must write all questions down and submit questions to the chair. The chair can choose to ask the questions presented, 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.

j. The respondent shall present their opening statement and present a response to the reporting party.

k. Members of the Campus Standards Board may ask questions of the reporting party, respondent, and all witnesses for the sole purpose of fact-finding and clarification.

l. 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.

m. The reporting party may present a closing statement.

n. The respondent may present a closing statement.

o. 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).

p. The decision of the Campus Standards Board will be made within three calendar days of the hearing unless unusual circumstances make deferment necessary. The reporting party and the respondent will both be made aware of any deferments in writing simultaneously. A majority vote of all participating Campus Standards Board panelists is required to declare a decision and sanction(s).

q. The respondent shall be notified in writing of the decision. If the decision is that the respondent has been found to be responsible, the respondent and
reporting party will have the opportunity to complete an impact statement in writing to the chair discussing the long-lasting impact of this decision on the individual and the college community. The students will have three calendar days to complete the impact statement.

r. After impact statements have been received or the timeline to submit impact statements has passed, sanction(s) will be distributed within one calendar day. Any sanctions imposed are effective immediately, unless otherwise indicated.

s. At the discretion of the chair, the reporting party will be informed of the outcome either at the hearing or at a later date, not to occur more than 48 hours after the hearing.

t. There will be no formal transcript of the hearing. A panelist will type notes of the Campus Standards Board Hearing and submit the notes to the Chair before a decision is rendered. All notes will be filed with the case’s supplemental documents in case of an appeal.

u. In case of an appeal, a copy of the case file will be available to either party upon request through the Dean of Students or their designee.

C. PROCESS ADVISORS
If requested at least three calendar days prior to a hearing, the Student Conduct Administrator may approve the reporting party or respondents to have an advisor present during the proceedings. In order to have an advisor, the respondent must request a specific advisor in writing to the Student Conduct Administrator or request, in writing or in person that a process advisor be provided to them. An approved advisor must be a member of the College community and is not permitted to speak at the proceedings. Prior to the hearing, the advisor 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 advisor. The advisor is permitted to meet with the respondent in advance of the hearing and to be present at the hearing and
appeals if needed. The advisor’s role is to provide guidance to the respondent with regards to what to ask and how to act, what questions to ask, how to prepare their case and make sure the College is providing their advisee due process. Advisors are able to share notes with the respondent at the hearing.

D. SANCTIONS

1. The following sanctions may be imposed upon any student found to have violated the Student Code.
   a. Warning - A notice in writing to the student that the student is violating or has violated institutional regulations.
   b. 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.
   c. Referral – required meeting(s) with specific individual(s).
   d. Letter of Apology – a written letter apologizing for action or violation.
   e. Behavioral Contract – Development with the Student Conduct Administrator outlining specific expectations for future conduct. Violation of this contract may result in additional sanctions.
   f. Community Service- Providing a service back to D’Youville College or the local community to restore harm caused to a community. Community service is in keeping with the mission of D’Youville College.
   g. Restitution/ Fines - Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
   h. 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.
i. Reflection Paper- All Community Service and Educational Experiences require a three-page reflection paper to highlight the experience of giving back to the community.

j. Wellness Intervention Program

k. 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.

l. No Contact Order- This is an order of protection issued by the Dean of Students or their designee to eliminate all contact with another member of the college community. Violating this order may result in expulsion.

m. 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.

n. Loss of Privileges - Denial of specified privileges for a designated period of time.

o. Change of Residence – required change of room, floor, or building.

p. Residence Hall Suspension - Separation of the student from the residence halls and/or apartments for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

q. Residence Hall Expulsion - Permanent separation of the student from the residence halls/apartments.

r. College Suspension - Separation of the student from D’Youville College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

s. College Expulsion - Permanent separation of the student from D’Youville College.
t. Revocation of Admission and/or Degree - Admission to or a degree awarded from D’Youville College may be revoked for fraud, misrepresentation, or other violation of D’Youville College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

2. Withholding Degree - D’Youville College 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.

3. More than one of the sanctions listed above may be imposed for any single violation.

4. Other than D’Youville College 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.

   a. 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 established in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII), 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.”

   b. Students who have been sanctioned with suspension will have a notation on their transcript for a minimum of one year signifying that the suspension is due to a violation of the Student Code.

   c. Upon graduation, the student’s disciplinary record may be expunged of disciplinary actions other than residence hall/apartment expulsion, D’Youville College suspension or D’Youville College expulsion or
revocation or withholding of a degree, upon application to the Student Conduct Administrator. Cases involving the imposition of sanctions other than residence hall/apartment expulsion, D’Youville College suspension, D’Youville College expulsion or revocation or withholding of a degree shall be expunged from the student’s confidential record seven years after final disposition of the case.

d. In situations involving both a Respondent(s) (or group or organization) and a student as the reporting party, 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 reporting party because the educational career and chances of success in the academic community of each may be impacted.

5. The following sanctions may be imposed upon groups or organizations:

a. Those sanctions listed above in article IV (B)(1)(a)-(q).

b. Loss of selected rights and privileges for a specified period of time.

c. Deactivation - Loss of all privileges, including D’Youville College recognition, for a specified period of time.

6. In each case in which a Campus Standards Board determines that a student and/or group or organization has violated the Student Code, the sanction(s) shall be determined and imposed by the Student Conduct Administrator or Campus Standards Board using the sanction chart in article IV (B)(1)(a)-(q). Following the hearing, the Student Conduct Administrator or their designee will send the Letter of Resolution providing responsibility and sanctions if applicable.

7. Disciplinary Probation: 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 via email 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 show for a pre-scheduled meeting will have the case heard, and a decision rendered, in absentia. Cases can be appealed to the Dean of Students or their designee.
8. Students who do not complete sanctions in full or in the allotted time will have a judicial hold placed on their student account. Students will not be able to obtain transcripts, apply for housing or register for classes without completed judicial sanctions.

E. INTERIM SUSPENSION

In certain circumstances, the Student Conduct Administrator, or a designee, may impose a College or residence hall suspension prior to the hearing.

1. Interim suspension may be imposed only:
   a. To insure the safety and well-being of members of the College community or preservation of College property;
   b. To ensure the student’s own physical or emotional safety and well-being; or
   c. If the student poses a definite threat of disruption of or interference with the normal operations of the College.

2. During the interim suspension, a student shall be denied access to the residence halls/apartment and/or to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Student Conduct Administrator may determine to be appropriate.

3. 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 suspensions. 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.

4. When a student is on Interim Suspension, the only college official with whom the student or those communicating on the student’s behalf should be in communication is the college official who issued the interim suspension.
F. APPEALS

1. A decision reached by the Student Conduct Administrator or Campus Standards Board may be appealed by the Respondent or Reporting Party to the Dean of Students within three calendar days of the decision. Such appeals shall be completed using the Judicial Appeal Form and shall be submitted to the Dean of Students or their designee via email.

2. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the record of the Campus Standards Board Hearing and supporting documents for one or more of the following purposes:

   a. To determine whether the hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present evidence that the Student Code was violated, and giving the Respondent a reasonable opportunity to prepare and to present a rebuttal of those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.

   b. To determine whether the decision reached regarding the Respondent(s) was based on substantial information, that is, whether there were facts in the case that if believed by the fact finder, were sufficient to find that a violation of the Student Code occurred.

   c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed.

   d. To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such evidence and/or facts were not known to the person appealing at the time of the Hearing.

3. When an appeal is heard by the Dean of Students, the Dean of Students may add additional sanctions, reduce the sanctions imposed or remand the case to the original hearing officer to allow reconsideration of the original
determination and/or sanction(s). If the previous ruling is upheld, the matter shall be considered final and binding upon all involved, except when the sanction of expulsion is involved. This sanction may be appealed to the Vice President for Student Life. However, such an appeal shall be entertained solely at the discretion of the Vice President.

**ARTICLE V. INTERPRETATION AND REVISION**
A. Any question of interpretation regarding the Student Code shall be referred to the Dean of Students or their designee for final determination. B. The Student Code shall be reviewed regularly and revised as necessary under the direction of the Dean of Students.

**TITLE IX STATEMENT: NONDISCRIMINATION & EQUAL OPPORTUNITY POLICY**
D’Youville College 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 college 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 college will not discriminate against any individual with respect to the application of college 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 college 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 D’Youville Title IX Coordinator at: TitleIXcoordinator@dyd.edu, 716.829.8198.

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
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

TRAVEL POLICY (STUDENT)

Students participating in College-sponsored travel must acknowledge and agree to the following conditions set forth by D’Youville College:

1. I voluntarily participate in this activity.

2. I accept full responsibility for my actions and conduct while traveling and realize that I am expected to positively represent D’Youville College by my conduct.

3. I will conduct myself in accordance with the applicable laws and with the D’Youville College Student Code of Conduct.

4. I agree that I will not transport alcohol, illegal drugs, or weapons during this
activity. Neither will I use illegal drugs, or alcohol (if under the legal drinking age) throughout the duration of this activity.

5. I will comply with all rules established by the trip leader, and will treat the trip leader with respect.

6. Should I believe the trip leader is behaving in an inappropriate manner, I will report such behavior to the appropriate Vice President immediately upon my return to campus.

7. I certify that I am in good health and have no physical, mental, or emotional impairments, conditions, or concerns that might jeopardize my safety or the safety of others involved in the activity.

8. I understand that there are certain risks inherent in participation in this activity, including (but not limited to) illness, accidents and injuries. I voluntarily accept this risk associated with participating in this activity.

9. I understand that if I am found in violation of any of the above conditions I will be removed from the trip. I understand that I will be responsible for reimbursement of all costs incurred for such a removal.

10. Violation of this policy can also result in judicial action in accordance with D'Youville College policies, including sanctions, suspension, or expulsion from D'Youville College.

11. In the event of an emergency, the trip leader has my permission to contact the individual(s) I have designated as emergency contacts.

12. I certify that I am at least eighteen (18) years of age and am competent to sign this policy. If I am under age 18, a parent or legal guardian must also sign.
UNAUTHORIZED ENTRY OR ACCESS OF D’YOUVILLE OR PERSONAL PROPERTY

The following actions constitute a violation of College policy and is subject to disciplinary action:

- unauthorized entry or access to College or personal property, or misuse of access privileges to College facilities;
- occupancy of College housing when College housing is closed;
- use of electronic devices or software to obtain or attempt to obtain private data;
- entering or opening a student’s private property without express consent;
- use of another person’s password or ID to attempt to gain access to personal information.

WEAPONS AND EXPLOSIVES

The possession of weapons, firearms, fireworks, explosives, open flame devices or combustible material on college property and at College sponsored events is strictly prohibited. This policy applies to employees, students and individuals visiting or conducting business on College property. For purposes of this policy, College property includes any property owned or leased by the College. This policy also applies to off campus College sponsored events.

Weapon is defined as:

- 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.
- Any explosive device including fireworks, firecrackers and black powder.
- 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.
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 College. Violation of this policy by individuals visiting or conducting business on College property will result in the individual being required to leave the College property or event and may also result in the individual receiving a written directive to remain off College property. The College 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 D’Youville College Campus Safety.

- Prior written approval from the Director of D’Youville College Campus Safety and the Vice President for Academic Affairs must be obtained when the weapon will be used in a College sanctioned academic course or activity.