Policies and procedures as they relate to student behavior are outlined in the Code of Conduct, including the process for handling violations of the Code.
St. Bonaventure University Mission statement and Values..............................................1
Violent Felony Offenses.....................................................................................................2
Missing Persons .................................................................................................................2
How to Report a Crime and/or Emergency On-Campus ..............................................2
The Family Educational Rights and Privacy Act............................................................4
Campus Security Act of 1990/Campus Crime Statistics..................................................7
University Policies for Students with Disabilities.........................................................7
Student Code of Conduct.................................................................................................8
Statement of Purpose.........................................................................................................8
Student Rights/Responsibilities .....................................................................................8
Review of Code of Conduct, Judicial Process and Procedures, and Related
Appendices .......................................................................................................................8
Jurisdiction .......................................................................................................................10
Violations of the Student Code of Conduct ....................................................................12
Acts of Violence or Abuse...............................................................................................12
Alcohol Policy ..................................................................................................................13
Bias-Related Harassment and Discrimination .................................................................13
Dishonest Behavior .........................................................................................................13
Disorderly Conduct ........................................................................................................14
Disruption of a University Activity or Event .................................................................14
Drug Policy .....................................................................................................................14
Failure to Comply ...........................................................................................................14
Gambling .........................................................................................................................14
Gender-Based Discrimination and Sexual Misconduct .................................................14
Harassment ......................................................................................................................14
Hazing ..............................................................................................................................15
Lewd Behavior ...............................................................................................................15
Retaliation ......................................................................................................................15
Smoke Free Policy .........................................................................................................15
Littering ...........................................................................................................................16
Vandalism .......................................................................................................................16
Misuse or Removal of University Property .................................................................16
Failure to Comply with University Technology Policy ..............................................16
Representing the University Without Permission of Authorized Officials ..................16
Unauthorized or Forced Entry into Any University Facility or Area.............................................................. 16
Courtesy and Quiet Hours...................................................................................................................................... 16
Failure to Abide by the Provisions of the Residence Hall and Food Service Terms and Conditions.......................................................................................................................... 17
Hosting Guests and Visitors..................................................................................................................................... 17
Pets........................................................................................................................................................................... 17
Arson.................................................................................................................................................................... 18
Bomb Threat............................................................................................................................................................ 18
Failure to Comply with University Traffic Regulations.......................................................................................... 18
Fire Safety................................................................................................................................................................. 18
Possession/Use of Firearms, Dangerous Weapons, Dangerous Chemicals and/or Fireworks............................ 18
Rioting/Unapproved Demonstrations.................................................................................................................... 18

Implementing the Student Code of Conduct ........................................................................................................ 18
A. Initiating a Complaint ............................................................................................................................................ 19
B. Student Procedural Rights................................................................................................................................. 19
C. Administrative Hearing ....................................................................................................................................... 20
D. University Judicial Board ..................................................................................................................................... 20
E. Judicial Board Member Selection ....................................................................................................................... 21
F. University Judicial Board General Procedures.................................................................................................. 21

Sanctioning.................................................................................................................................................................. 22

Appeals ................................................................................................................................................................. 25
Appendix A – Academic Honesty Policy .................................................................................................................. 28
Appendix B – Advertising for Authorized Functions ............................................................................................ 35
Appendix C – Alcohol Policies.................................................................................................................................. 37
Appendix D – Bias-Related Harassment and Discrimination Policies and Procedures............................................... 40
Appendix E – Contracts............................................................................................................................................... 46
Appendix F – Discrimination Policy........................................................................................................................ 47
Appendix G – Drug Policy and Drug-Free Workplace & Campus Community Policy.................................................. 48
Appendix H – Fan Code of Conduct........................................................................................................................ 50
Appendix I – Fire Safety Policies and Procedures.................................................................................................. 51
Appendix J – Fundraising, Sales and Solicitation Activities..................................................................................... 53
Appendix K – Guests/ Visitors and Visitation Policies.............................................................................................. 58
This Code of Conduct contains many of the policies and procedures for students at St. Bonaventure University. The policies contained in this Code of Conduct are applicable to all St. Bonaventure University students – graduate, undergraduate and part-time. Students are responsible for being aware of these policies and following them accordingly. Responsible behavior is expected of St. Bonaventure Students students, wherever they are, and the Code of Conduct applies to students both on and off campus. Enrollment at St. Bonaventure University implies acceptance of these policies and procedures and makes them binding on all St. Bonaventure University students.

The University reserves the right to change any provision or requirement at any time. Any such revisions will be posted to the online version of the Code of Conduct located at https://www.sbu.edu/life-at-sbu/conduct-at-sbu.
FRANCISCAN PRAYER FOR PEACE

Lord, make us an instrument of your peace,
   Where there is hatred, let us sow love;
   Where there is injury, pardon;
   Where there is doubt, faith;
   Where there is despair, hope;
   Where there is darkness, light;
   And where there is sadness, joy.

Grant that we may not so much seek to be
   Consoled as to console;
   To be understood, as to understand;
   To be loved, as to love;
   For it is giving that we receive;
   It is in pardoning that we are pardoned;
   And it is in dying that we are born to eternal life.

ALMA MATER

With myrtle wreath we’ll deck thy brow
   Bona’s, old St. Bona’s.
Thy verdant leaves our love avow,
   Bona’s, old St. Bona’s
Thy name was ever fair and bright;
   We’ll keep it thus with memory’s light
And laud thy glorious Brown and White,
   Bona’s old St. Bona’s.

Our hearts shall ever be thy shrine
   Bona’s, old St. Bona’s.
Around thy name shall honor twine
   Bona’s, old St. Bona’s.
E’er hallowed shall thy memory grow
   Though years have fled and years shall flow,
Within our souls thy love shall grow,
   Bona’s, old St. Bona’s.

COLLEGE COLORS

The school colors are brown and white, derived from the characteristic garb of the Franciscan friars. This is a brown robe, called a “habit,” and made in the shape of the cross. A white rope, called a “cord,” is worn around the waist of the Franciscan friars. On the cord are three knots representing the vows of poverty, celibacy and obedience.
St. Bonaventure University Mission Statement and Values

St. Bonaventure is a Catholic university dedicated to educational excellence as informed by our Franciscan and liberal arts traditions. In the words of our patron, we believe that there should be “no knowledge without love,” and thus seek to transform the lives of our students, inspiring in them a lifelong commitment to service and citizenship.

St. Bonaventure embraces students, faculty and staff of all faiths and cultures and strives to bring out the best in every individual through meaningful relationships. As an academic and spiritual community, we endeavor to prepare our students for the challenges they will face in their professional careers and personal lives.

Our Values

Our Franciscan COMMUNITY affirms the unique dignity of everyone, each person reflecting the goodness of God, and invites all of our sisters and brothers to forge bonds of mutual acceptance and understanding that create a true sense of belonging.

We are a COMMUNITY…
- Nurturing COMPASSION
- Seeking WISDOM
- Building INTEGRITY

COMPASSION: We are convinced that all of creation is God’s gift, an awareness that calls forth a sense of solidarity with everyone and everything. As images of God, we strive to share God’s unconditional love, particularly with those on the margins of society – the needy, the ignored, and the excluded.

WISDOM: We are convinced that education must be transformative of the whole person, concerned not only with the intellect, but also with the will, the heart, and the body. Education must be eminently practical, not just about learning concepts and skills, but discerning how to truly live humanly, deeply and well in the world.

INTEGRITY: We are convinced that each of us must accept responsibility for our actions, and that our relationships should be based on respect for the dignity of others, honesty, and transparency, realizing that the values we espouse mean little unless they are embodied in our personal and professional lives.
Violent Felony Offenses

All violent felony offenses reported to the University, occurring on campus or on University-owned property, will be reported to an appropriate law enforcement agency. Anyone wishing to report a violent felony should do so through Safety and Security Services.

Missing Persons

The University must report all missing persons immediately to local law enforcement. “Missing person” means any student of St. Bonaventure University who resides in a facility owned or operated by the University, and who is reported to the University as missing from his or her on-campus residency for 24 hours or more. However, the University is not required to wait 24 hours before reporting to law enforcement.

The University will also contact any person designated by the student as their “Missing Person Contact” should the student be determined to be missing for 24 hours or more. All residential students are encouraged to file information of their “Missing Person Contact” during check-in at his/her residence hall. This information can be edited or changed at any time by the student by contacting a residence life staff member. If a student does not register this information, the University will notify the student’s parent or legal guardian, and/or latest emergency contact information on file. All emergency contact information and missing persons contact information is collected and stored on a database accessible only by appropriate staff.

If a student is under 18 years of age, the University must contact the student’s parent or legal guardian no later than 24 hours after the time the student is determined missing.

How to Report a Crime and/or Emergency On-Campus

Medical Emergency Dial 716-375-2525 or 9-1-1

Every student, faculty and staff member should take a moment to input the number for Safety and Security Services into their phone (716-375-2525). You can also dial 911, whether you are on campus or off. To expedite appropriate emergency response, be prepared to give your exact location, the nature of the emergency, and as many details about the situation as possible.

The Medical Emergency Response Team (MERT), a volunteer organization staffed by certified students who are advised and work with Health Services, assists Safety and Security Services in responding to medical and other emergencies. Calling Safety and Security Services dispatches MERT until additional personnel can arrive from off-campus agencies if needed.
There are “blue light” phones located around campus in case of emergency. Picking up the phone will immediately put you in touch with Safety and Security Services. Additionally, there are yellow emergency call boxes located at the entrance of most residence halls on campus. If you push the large red button, it will immediately put you in touch with Safety and Security Services.

**Reporting a Crime in Progress/Active Threat dial 716-375-2525 or 9-1-1**

If you are a witness to a crime in progress, stay calm and assess the situation. Determine the location of the threat if possible, and dial Safety and Security Services (or 911 if you do not have the number for Safety and Security) 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.

**Reporting a Crime**

**Safety and Security Services** (716-375-2525, located on the First Floor of Robinson Hall) is the office to which all crime should be reported, whether it is a crime in progress, crime that has already happened, or crime that does not require immediate assistance.

**Campus Security Authorities:**

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

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

CSAs must report information about any Clery reportable crime, including Sexual Assault, Dating or Domestic Violence, and Stalking, to the Associate Dean for Campus Safety. They are required to report non-personally identifiable information (nature, date, time, general location, current disposition). CSAs will generally be able to honor a reporting party’s request to anonymously report an incident. In compliance with the Clery Act, the University will complete publically available record keeping, including Clery Act reporting and disclosures, excluding any personally identifying information. A full list of CSAs can be found in St. Bonaventure University’s Annual Security Report.

***Resident Assistants must report all information to the Residence Director On-Duty and are not permitted to withhold personally identifiable information.***

**SBU Silent Witness Program** – may be accessed at MySBU.edu. Information reported through the silent witness program is utilized to help provide direction for investigation. It is checked periodically, and should never be used to report an emergency or crime in progress.

*Also, you may contact a Residence Director or Resident Assistant AT ANY TIME for support. If you cannot locate a residence life staff member, you can call Safety and Security Services, and they will contact the Residence Director on-duty to assist you.*
The Family Educational Rights and Privacy Act

Pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), St. Bonaventure University (the “University”) adopts the following policy:

A. GENERAL PROVISIONS

1. EDUCATION RECORDS. Education records are those records maintained by the University that directly relate to a student. Education records do not include: records of instructional, administrative and educational personnel that are in the sole possession of the maker and not accessible to anyone other than a temporary substitute; records of campus security maintained solely for security purposes and accessible only to security personnel; alumni records; and student health records.

2. EXPLANATION OF RECORDS. The University will respond to reasonable requests for explanation or interpretation of education records.

3. FERPA COORDINATOR. The Registrar’s office has been designated to coordinate FERPA procedures.

4. RECORDS MAINTAINED BY THE UNIVERSITY. Education records covered by FERPA and maintained by the University are: admissions, personal, academic, and financial files; and academic and placement records.

5. ANNUAL NOTICE. On an annual basis the University will notify students currently in attendance at the University of their rights under FERPA. The content of this notice will be in compliance with all federal regulations enacted under FERPA.

B. REVIEW AND CHALLENGE TO CONTENT OF RECORDS

1. RIGHT TO INSPECT. Except as limited below, students have the right to inspect and review information contained in their education records, to challenge their content, to have a hearing if the outcome of that challenge is unsatisfactory to them, and to submit explanatory statements for inclusion in their education records if the decision of the hearing is against them. Student health records, while not considered education records under this policy, may be reviewed at the student’s request by a physician of the student’s choosing.

2. LIMITATIONS ON RIGHT TO INSPECT. Education records excepted from the right to inspect and review outlined in paragraph 6 are:
   a) Education records containing information about more than one student, (in which case the University will permit access only to that part of the record that pertains to the inquiring student);
   b) financial records;
   c) confidential letters and recommendations placed in the student’s file prior to Jan. 1, 1975, that are used solely for the purpose for which they were intended; or
   d) confidential letters and recommendations placed in the student’s file after Jan. 1, 1975, to which the student has freely waived his or her rights of inspection and review in a signed statement, and which are associated with admissions, application for employment, or receipt of honors. If a student has waived the right of inspection under this section, the University will, upon request, give the student
names of persons providing confidential letters of recommendation. A student may prospectively revoke such waiver with a signed statement.

3. PROCEDURES TO REQUEST INSPECTION. Students wishing to review their education records must make written requests to the Office of the Registrar listing the item or items of interest. Records covered by FERPA will be made available to a student within 45 days of request. Students may have copies of their records made by the University at the students’ expense and at the price of 10 cents per page. The University will not destroy an education record if there is an outstanding request to inspect it.

4. RIGHT TO CHALLENGE CONTENT OF RECORDS. Students who believe that their education records contain information that is inaccurate or misleading, or is otherwise in violation of their privacy or other rights, may request the University to amend the records through written application to the Registrar. The Registrar will decide within a reasonable period of time whether or not to amend the record as requested. If the University decides not to amend the record, it will inform the student of this decision and of the student’s right to a hearing.

5. RIGHT TO A HEARING. A student’s request for the hearing provided for in Paragraph 9 must be made in writing to the Vice President for Academic Affairs who, within a reasonable period of time after receiving such request, will inform the student of the date, place and time of the hearing. The student may present evidence relevant to the issues raised and may be assisted or represented at the hearings by one or more persons of the student’s choice, including an attorney, at the student’s expense. The panel that will decide such hearings will be composed of three administrators who have no direct interest in the outcome of the hearing (the “Panel”) appointed by the Vice President for Academic Affairs. Decisions of the Panel will be final, will be based solely on the evidence presented at the hearing, and will consist of written statements summarizing the evidence and stating the reasons for the decisions, and will be delivered to all parties concerned. The education records will be corrected or amended in accordance with the decisions of the Panel if the decision is in favor of the student, and the student will be so informed in writing. If the decision is against the student, the student may place a statement in the education records commenting on the information in the records, or setting forth any reasons for disagreeing with the decisions of the Panel. This statement will be maintained as part of the education records, and released whenever the records in question are disclosed.

C. DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION

1. DISCLOSURE. Personally Identifiable Information is any information that would make the student’s identity easily traceable. Except as such disclosure is permitted by law, no one outside the University shall have access to, nor will the University disclose, such information from a student’s education records without the signed written consent of the student specifying: the records which may be disclosed, the purpose of the disclosure and the identity of the parties to whom disclosure is made. Under FERPA disclosure absent consent is permitted:

   a) To personnel within the University whom the University has determined have legitimate educational interest in the information. Only those employees of the University, individually or collectively, acting in the students’ educational interests are allowed access to student education records. These employees include faculty and personnel in the Offices of:

   Dr. Joseph Zimmer            Daniel Hungerford  
   Provost and Vice President for Vice President for Finance &  
   Academic Affairs (see Registrar) Administration (Financial Records)  
   Kathryn O’Brien              Mr. Timothy Kenney  
   Vice President for Student Affairs Director of Athletics  
   (Discipline)                 (Athletics)

5
George Swindoll  
Registrar  
(Academic Records)  

Mr. Bernard Valento  
Vice President for Enrollment Management  
(Applicants’ Academic Records, Financial Aid)  

All on a need-to-know basis:  
b) To officials of other institutions in which students seek to enroll;  
c) To authorized representatives of federal, state or local government requesting access to the educational records in connection with an audit or evaluation of federal- or state-supported educational programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs;  
d) To persons or organizations providing student financial aid which the student has received, or for which the student has applied, provided that the information requested is necessary to determine eligibility for aid, the amount of aid, the conditions for aid or to enforce the terms and conditions of the aid;  
e) To organizations conducting studies for the University to develop, validate or administer predictive tests; administer student aid programs; or improve instruction, provided that this information may be used only by such organization and will be destroyed when no longer needed;  
f) To accrediting agencies carrying out their accreditation function;  
g) To persons in compliance with a judicial order or lawfully issued subpoena, provided that in advance of compliance, the University will make a good-faith effort to notify the student of the order or subpoena; and  
h) To persons in an emergency in order to protect the health or safety of students or other persons.  

2. DIRECTORY INFORMATION. “Directory Information” is information contained in a student’s education record which would not generally be considered harmful or an invasion of privacy if disclosed. The University has designated the following types of information as directory information: student name, permanent and college addresses, telephone numbers, e-mail address, photograph, Commencement video, date and place of birth, major field of study, dates of attendance, degrees and awards received, and most recent previous educational agency or institution attended by the student, participation in officially recognized activities and sports, and weight and height of members of athletic teams.  

3. DISCLOSURE OF DIRECTORY INFORMATION. Under FERPA, directory information may be disclosed by the University for any purpose at its discretion. Currently enrolled students may withhold disclosure of any or all directory information pertaining to them by notifying the Registrar in writing no later than five (5) days after the first day of class in the fall semester to this effect. Requests for non-disclosure will be honored by the University for only one academic year; therefore, requests to withhold directory information must be filed annually.  

4. DISCLOSURE RECORDS. The University will maintain a record of each request for access to and each disclosure of personally identifiable information from a student’s education record, unless the request is from the student, University personnel, or a person with consent, or is for student directory information. This record will include the name of the party requesting the information and their interest in it. This record will be maintained with the student’s education records.  

D. COMPLAINTS  

1. COMPLAINTS. Students who believe that the University has failed to accord them their rights under FERPA may file complaints with The Family Policy and Regulations Office, U.S. Department of Education, Washington, DC 20202
Changes in University Regulations
The Board of Trustees of the University reserves the right to advance the requirements for admission, to change the courses, the requirements for graduation, degrees, tuition, fees and regulations affecting the student body. Such regulations will apply to all old and new students and will go into effect on the date when promulgated by the University. This places the responsibility on each student to keep himself/herself informed of the content of all notices.

Campus Security Act of 1990/Campus Crime Statistics
Pursuant to Federal Regulation 34.688.47, St. Bonaventure University makes available to prospective students and employees, distributes to all enrolled students and active employees, an annual security report which lists information about campus crime and criminal arrests. This annual report is available in brochure form through the Office of Safety and Security, the Admissions Office, the Student Affairs Office and the Office of Human Resources. St. Bonaventure University also distributes the report electronically. Access to this report is available through the U.S. Department of Education Web site link: [http://ope.ed.gov/security](http://ope.ed.gov/security).

The Advisory Committee on Campus Safety will provide upon request all campus crime statistics as reported to the United States Department of Education.

University Policies for Students with Disabilities
Under Section 504 of the Federal Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990, St. Bonaventure University is mandated to make reasonable accommodations for otherwise qualified students with disabilities. These limitations may include visual or auditory impairments, learning disabilities, orthopedic involvement, mobility impairment or other medical conditions. Individuals with non-visible disabilities, such as seizure disorder, head trauma, emotional illness or diabetes may also be entitled to receive support services. Specific accommodations will be arranged with each student depending on the type and extent of the disability. The full policy statement entitled “St. Bonaventure University Policy Statement – Students with Disabilities” is available in Appendix Z, Housing Accommodations Policies and Procedures in Appendix L, and Service Animal and Emotional Support Animal Policy and Procedures in Appendix U.

The provisions of this bulletin are not an irrevocable contract between the student and the University. The University reserves the right to change any provisions of requirement at any time within the student’s term of residence. The University further reserves the right to ask the student to withdraw for cause at anytime.
Student Code of Conduct

Statement of Purpose

St. Bonaventure University is an institution devoted to the Franciscan values of investigation, wonder, knowledge, love, reflection, wisdom, understanding and humility. These values are the core components of our community. As members of the St. Bonaventure University community, the University expects students to act in congruence with not only New York State and Federal Laws, but also their own personal values, and the values of our Franciscan tradition.

The purpose of the Student Code of Conduct is to provide guidelines to students so they can make informed decisions and understand what they should expect from themselves and each other. It is also designed to challenge students to further develop high personal standards and virtues while growing in our community. The judicial process is designed to educate students, and encourage them to reflect upon the decisions they make. Sanctioning is intended to enhance student development.

All procedures outlined below apply to policies outlined within this document, with the exception of violations of the Gender-Based Discrimination and Sexual Misconduct Policies. Procedures for handling reports of Gender-Based Discrimination and Sexual Misconduct violations, or crimes of Rape, Sexual Assault, Stalking, Domestic Violence, or Dating Violence, are outlined within Appendix AD.

Student Rights/Responsibilities

A safe, respectful and happy living and learning community does not happen on its own. It is a mutual agreement between the University and its students, and individual behaviors and actions will have an effect on the sustainability of this community. The following is what a student’s rights and responsibilities are:

As set forth in St. Bonaventure University’s Student Code of Conduct, all St. Bonaventure students have the right …

1. …to be given notification of and easy access to all University policies, procedures and/or community expectations that affect students, including a hard copy or electronic access upon request, provided within a reasonable time frame.
2. … to be treated with dignity and respect.
3. … to have their voice heard through administrative representation by the Student Government Association, comprised of student-elected and appointed representatives, and through various other opportunities to provide feedback both formally and informally.
4. … to be afforded the opportunity to learn and grow, including having access to multiple different perspectives, ideas, facts and opinions.
5. … to a fair and impartial academic and judicial process for the review of allegations of misconduct as well as an impartial appeals process.
6. … to an evaluation of his/her academic performance free from discrimination on the basis of perceived race, religion, sex, gender identity, age, national and ethnic origin, sexual orientation, ability, marital status, veteran status and political affiliation.
7. … to expect the University to foster an academic and living environment free from violence, harassment, or any physical threats from any other member of the St. Bonaventure University community, and for the
University to address, investigate, and/or take any other appropriate measures against any member of the University community who infringes on this right as stated.

8. … to expect courteous and professional conduct from University faculty, staff and administration.
9. … to reasonable living accommodations, as well as appropriate and timely maintenance and upkeep of on-campus residence facilities.
10. … to reasonable accommodation and support by University faculty, staff, administration and peers for students with disabilities.

As set forth in St. Bonaventure University’s Student Code of Conduct, all St. Bonaventure students have the responsibility …

1. … to become familiar with University policies, procedures and community expectations.
2. … to treat each individual member of the St. Bonaventure University community with dignity and respect, and to evaluate one’s own behavior when challenged.
3. … to utilize administrative representation of the Student Government Association, and/or other formal and informal means of providing feedback to University officials, if one does not feel their voice is being heard.
4. … to recognize and respect the right of all members of the St. Bonaventure community to participate in the learning process, being open to multiple different perspectives, ideas, and opinions, even if they differ from one’s own.
5. … to refrain from discriminating against other members of the St. Bonaventure University community on the basis of perceived race, religion, sex, gender identity, age, national and ethnic origin, sexual orientation, ability, marital status, veteran status and political affiliation.
6. … to become an active participant in the learning process, fully engaged in both intellectual and human growth.
7. … to accept responsibility for one’s own actions, particularly as they relate to expectations outlined in the Code of Conduct, and help repair harm one’s own actions may cause another or the community.
8. … to cooperate, to the best of one’s ability, with all investigations involving violations of the Code of Conduct and/or crimes committed on campus.
9. … to exercise these rights and responsibilities in a reasonable manner that will not offend others or violate the procedures, guidelines, and regulations as defined in the following code of conduct
10. … to respect the personal property of all members of the St. Bonaventure community, the property of St. Bonaventure University, and the property of our neighbors in Allegany and Olean.

If the system of mutual respect breaks down, the University will intervene. The following sections provide students with the knowledge of how the University will hold students accountable for their actions, and how students can resolve conflicts with each other through the judicial process.

Review of Code of Conduct, Judicial Process and Procedures, and Related Appendices

The Code of Conduct and Process Review Committee shall be established, and convene no less than once per semester. The Committee shall report and make recommendations to the Vice President for Student Affairs. This committee shall serve two purposes
1. To hear questions, concerns, issues and/or proposed changes to the Student Code of Conduct, judicial process and procedures, and related appendices, brought forward by any faculty, staff or students at the University, and make recommendations for change to the VPSA; and
2. Conduct a complete review of the Code, process and procedures and related appendices on a biennial basis, making recommendations for change to the VPSA.

The committee shall comprise the following members: one member of the Student Government Association executive board, five additional student members (1 student representing each class, including a graduate student), two faculty members, one staff member, one member of the Franciscan order, and the Associate Dean for Student Life. Committee membership will be solicited publicly from the University community. The VPSA and SGA President (regardless of whether they serving on the committee) shall appoint committee members, and a chair(s) will be chosen from among this membership.

Jurisdiction

A. Cooperation with Code of Conduct, all associated University policies, and NYS and Federal Laws

All students are expected to abide by the Student Code of Conduct (outlined below), all associated University Policies outlined in the subsequent appendices, and all NYS and Federal Laws, even those not specifically outlined in this document. Students violating any of the above can be held accountable through the University’s Judicial Process, as outlined in Section VI, Implementing the Student Code of Conduct. Students found responsible for violations will be sanctioned accordingly.

B. Conduct On/Off Campus

Students as participants in local community affairs, as residents of, or visitors to, Allegany, Olean or other colleges and universities, are expected to abide by local, state and federal ordinances. The University will act in situations wherein a specific act on/off campus endangers the welfare of the University and/or wherein members of the University community are harmed as a result of student conduct on/off campus:

1. When a St. Bonaventure University student, club or student organization performs an act, as a group and/or individual on/off campus, that is viewed to be in violation of the University’s welfare interests. Some examples of unacceptable behavior are creating a disturbance, damaging and stealing property, making annoying noise, etc.

2. A serious crime (either felony or misdemeanor) that can result in danger or threat of physical risk to members of the St. Bonaventure community on or off campus.

3. A fight or other type of altercation, which occurred on/off campus when the University receives complaints from one of the participants who is either a student or another member of the University community.

While the University reserves the right to handle all violations occurring off campus through the University Judicial Process, first-time minor violations will likely be dealt with through an informative meeting with the Associate Dean for Student Life or their designee, and a written warning will be issued.

C. University Cooperation with Law Enforcement
The University will cooperate with law enforcement agencies in matters involving our students when asked to do so. Additionally, the University reserves the right to involve law enforcement in incidents and/or situations on campus which may seriously or adversely affect the health, safety or welfare of individuals within the University community. The University reserves the right to turn over confiscated illegal items to local law enforcement agencies, including but not limited to illicit substances, weapons, explosive materials, etc. The University encourages all students and employees whom have been a victim of Sexual Assault, Dating Violence, Domestic Violence and Stalking, to report such incidents to law enforcement. Anyone requiring assistance contacting law enforcement should work through Safety and Security Services.

D. Room/Property Search and Inspection

St. Bonaventure University affirms its respect for students’ rights to maximum privacy in their room, apartment, and townhouse. However, authorized personnel may enter rooms for reasons of health, safety, general welfare, or to make necessary repairs to room or room equipment. When the University has reason to believe a student is in possession of any illegal substance (including but not limited to alcohol, drugs, weapons, etc.), the University reserves the right to search personal belongings on the University premises, including student vehicles. Permission to search student belongings shall be provided by the Associate Dean for Student Life, and/or the Associate Dean for Campus Safety, and/or the Vice President for Student Affairs.

All residence hall facilities are subject to unannounced fire safety inspections throughout the year. These inspections may be conducted by authorized personnel from the student affairs division, maintenance department, and the New York State Office of Fire Prevention and Control. Inspections will occur regardless of whether students are present in the room at the time. Additionally, whenever a residence hall is evacuated, all rooms in the building may be entered to ensure each person has exited.

When the University closes its residence halls for a break, including but not limited to winter break and spring break, members of the Residence Life and/or Safety and Security Staff will conduct inspections to ensure proper break departure procedures have been followed.

Any time a University official enters a residence hall room, policy violations will be documented, and said officials may confiscate items which may be considered violations. Confiscated personal property will be secured pending further investigation and/or judicial action. When possible, confiscated personal property will be returned to the student when he/she can make arrangements to remove it from campus.

E. University Right to Take Action (Summary Suspension/Mandatory Leave of Absence)

When a student or a group of students pose a threat to other members of the University Community, or when their continued presence on campus would be likely to cause serious disruption in campus activities, the Vice President for Student Affairs, in consultation with appropriate University officials, may take immediate action in the form of a summary suspension, or mandate a leave of absence. A summary suspension may occur for possible disciplinary issues, especially if there is a possibility a student could be a threat to the community, or an individual member of the community. The threat may be construed to be physical, behavioral or psychological. When a summary suspension or mandatory leave of absence is enacted, individuals will be required to immediately remove themselves from the University until it is determined that it is safe for the individual(s) to return to campus. The Vice President for Student Affairs will make such determination in consultation with appropriate University personnel.

Procedures for issuance of Summary Suspension/Mandatory Leave of Absence
1. When possible, the initial communication of the summary suspension or mandatory leave will be made verbally to the student(s) affected by the Vice President for Student Affairs or by her designee. If it is not possible to communicate this action verbally, written communication will suffice. However, every effort will be made to communicate this decision verbally.
2. The University will take reasonable steps to notify the affected student(s) in writing of the decision within 72 hours. If the student(s) has been required to leave campus before such written notice is delivered, the written notice will be mailed to the student’s home and/or campus address of record (or other such document of the University) within 72 hours of the oral notification. The notification will also include information regarding any stipulations peculiar to this decision, and conditions for the student’s return.

F. University’s Right to Pursue Administrative Judicial Action Before, During or After Legal Proceedings
The University reserves the right to pursue administrative action before, during or after other legal proceedings which may involve the same individual(s)/incidents. Provided there is no perceived threat to the health, safety or welfare of individuals in the University community, or the community as a whole, the University may choose to wait until legal proceedings are complete before conducting an administrative or judicial board hearing. However, students will receive advisement as to the official charges the University is bringing forward. Should the University feel it is in the best interest of all parties involved to wait until a legal process is complete, the University may decide to impose interim sanctions on one or more parties until a hearing process is held (see E. above).

G. Students with Disabilities
Students with disabilities who believe they may need special accommodations through any aspect of the hearing process are encouraged to contact Accessibility Services and Accommodations Office, at 375-2065, prior to the University hearing process, to better ensure that such accommodations are implemented. Proper documentation must be on file with Disability Support Services in order for a student to request such accommodations.

Violations of the Student Code of Conduct
A. Living by the Franciscan tradition of peace, harmony, respect and cooperation, St. Bonaventure students should expect to treat themselves and every other member of the University community with respect and dignity. The following behaviors would be considered violations of respect for the integrity and dignity of oneself and/or others:

Acts of Violence or Abuse
a. Assault – any intentional and/or repeated acts that result in offensive or violent physical contact with another individual, with or without a weapon. These acts include but are not limited to striking or slapping, punching, shoving, kicking, pulling hair, etc.
b. Participation in a Fight – provoking, encouraging or engaging in a physical fight.
c. Verbal Abuse - Verbal Abuse or Harassment (non-discriminatory) – any intentional and/or repeated act,

2. intending to defame one’s character, or words/actions which a reasonable person could foresee defaming one's character, or
3. words or actions that create an intimidating or hostile environment.
Examples of verbal abuse or harassment include but are not limited to: verbal or physical threats, intimidation, etc.
d. **Bullying or Cyberbullying** - Bullying and cyberbullying are repeated and/or severe aggressive behaviors likely to intimidate or intentionally harm, control or diminish another person physically or emotionally.

### Alcohol Policy

St. Bonaventure University expects its students to abide by New York State and Federal Laws with regards to possession and consumption of alcohol. St. Bonaventure students under 21 years of age are not permitted to possess or consume alcohol on campus. Students who are of legal drinking age may possess and consume alcohol under the guidelines outlined in the University’s Alcohol Policy. Any behavior that violates NYS Laws pertaining to alcohol, and or any aspect of St. Bonaventure University’s Alcohol Policy, will be considered a violation of this section of the Student Code of Conduct. For the University’s full Alcohol Policy, see Appendix C – Alcohol Policies.

### Bias-Related Harassment and Discrimination

**Discrimination** - Causing physical harm, verbally abusing, intimidating or engaging in other conduct that threatens the health or safety of any member of the college community based on his or her actual or perceived race, ethnicity, gender, gender identity or expression, sexual orientation, disability, religion, socioeconomic class, nation of origin, age, veteran status or marital status. These acts include but are not limited to hazing, bullying, verbal abuse, assault, etc.

**Bias-Related Harassment** - Any unwelcome verbal or physical conduct directed against a person that occurs as a result of that person’s actual or perceived race, ethnicity, gender, gender identity or expression, sexual orientation, disability, religion, socioeconomic class, nation of origin, age, veteran status or marital status, that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from the University’s educational program, employment, and/or activities, and/or results in the creation of a hostile educational or work environment. Bias-related retaliation would also be considered a form of Bias-Related Harassment. Harassment may include but is not limited to: epithets, slurs, stereotyping, threatening, intimidating, hostile acts (even if claimed to be “jokes” or “pranks”). These acts may be written, graphic, electronic, verbal, physical, etc.

**Other Policy Violations Aggravated by Bias** – Any violation outlined in the Code of Conduct committed against a person or property that is aggravated by the offender’s bias against perceived race, ethnicity, gender, gender identity or expression, sexual orientation, disability, religion, socioeconomic class, nation of origin, age, veteran status or marital status.

For the University’s full policy and procedures related to Bias-Related Harassment and Discrimination, see Appendix D.

### Dishonest Behavior

Any act intended to deceive or mislead another person, or misrepresent oneself. Acts of dishonest behavior may include but are not limited to: lying, misuse of your own or another’s identification, falsifying records, bearing false testimony in the course of a judicial hearing,
hindering or obstructing a University investigation or disciplinary process, tampering with University documents, etc.

*For University’s Policy on Identification Cards see Appendix M*

**Disorderly Conduct**
Any behavior that results in disruption or disturbance to one or more individuals or to the community in general.

**Disruption of a University Activity or Event**
Any inappropriate or disruptive behavior that results in the disruption of a University activity or event, including but not limited to language, appearance or conduct that harms, disrupts or offends. *For University’s Fan Code of Conduct, see Appendix H.*

**Drug Policy**
Any behavior that violates NYS laws pertaining to illicit drug use, possession and/or distribution, or violates the University Drug Policy. *For University’s full Drug Policy, see Appendix G.*

**Failure to Comply**
Failure to comply with the reasonable requests of any authorized University official. Such behaviors include, but are not limited to failure to produce one’s identification, failure to complete one’s judicial sanctions, failing to appear at a scheduled judicial hearing, meeting or mediation, leaving a situation when asked to remain, violating the terms of a mediation agreement, etc.

**Gambling**
The University expects students to abide by all NYS and Federal Laws pertaining to gambling, and any violation of those laws would be considered a violation of this policy. The University defines gambling as any “wagering of money or something of material value on an event with an uncertain outcome with the primary intent of winning additional money and/or material goods” (Wikipedia). This includes online gambling.

**Gender-Based Discrimination and Sexual Misconduct**
*For University’s full Gender-Based Discrimination and Sexual Misconduct Policy, see Appendix AD.*

**Harassment**
Any behavior directed toward another person which:

- has the effect of creating an intimidating, hostile or offensive work or educational environment; or
- has the effect of unreasonably interfering with an individual’s academic or work performance; or
- otherwise adversely affects an individual’s employment or educational opportunities

Harassment may include but is not limited to annoying, threatening, intimidating, or other hostile acts (even if claimed to be “jokes” or “pranks”). These acts may be written, graphic, electronic, verbal, physical, etc.

As noted above, allegations of harassment and/or discrimination by students constituting violation of the Gender-Based Discrimination and Sexual Misconduct Policy will be addressed in accordance with Appendix AD. Allegations of other forms of harassment and/or discrimination by students will be addressed as outlined in, *Implementing the*
Student Code of Conduct.
For University’s Discrimination Policy, see Appendix F.
For University’s Bias-Related Harassment and Discrimination Policies and Procedures, see Appendix D
For University’s Procedures for Reporting Harassment, see Appendix N
For University’s Procedures for Reporting Gender-Based Discrimination and Sexual Misconduct, see Appendix AD

Hazing
Hazing is any reckless or intentional act, occurring on or off campus, that produces physical, mental, or emotional pain, discomfort, humiliation, embarrassment, or ridicule directed toward other students or groups (regardless of their willingness to participate), that is required or expected of new members and which is not related to the mission of the team, group, or organization. This includes any activity, whether it is presented as optional or required, that places a new member in a position of servitude as a condition of membership. In addition to the activities listed in the full policy outlined in Appendix Y of this document, prohibited acts of hazing include those covered under New York state law.
For University’s full Hazing Policy, see Appendix O.

Lewd Behavior
Indecent behavior or language that would be offensive to a reasonable person. Examples of lewd behavior include but are not limited to public urination, exposing oneself, explicit language or gesturing, etc.

Retaliation
Any behavior that harasses, intimidates or takes other adverse action(s) against a person for one of the following reasons:
• making a good faith report of prohibited conduct; and/or
• for intervening to attempt to prevent or stop prohibited conduct or assist someone who has been the target of prohibited conduct; and/or
• for participating in good faith as a reporting party, respondent, witness or otherwise in an investigation or other process undertaken pursuant to a policy violation; and/or
• for supporting someone involved in such an investigation or process.
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.

Smoke Free Policy
Any behavior which violates the University Smoke Free Policy. For University’s full Smoke Free Policy, see Appendix V.

B. St. Bonaventure students are expected to treat the physical and intellectual property and environment of the University with respect. The following behaviors are considered a violation of respect or the physical environment of the community:
Littering
Knowingly disposing of waste in an inappropriate manner, including but not limited to dropping trash on the ground, leaving bags of trash outside of apartment door, etc.

Vandalism
Any behavior that intentionally destroys, defaces, damages, or otherwise harms University property. Acts of vandalism include but are not limited to: spray painting University property, tearing down signs, breaking windows, cutting down trees, damaging the lawn (tire tread marks), pulling up flowers or damaging hedges, etc.

Misuse or Removal of University Property
Any act or behavior in which a student knowingly utilizes University property inappropriately for his or her own personal benefit. Such behavior includes but is not limited to misuse or removal of lounge/office furniture in residence halls or other buildings on campus, removal of nameplates from doors, etc.

Failure to Comply with University Technology Policy
Any behavior that violates the University Technology Policy. For University’s full Technology Policy see Appendix AB.

Representing the University Without Permission of Authorized Officials
Knowingly utilizing the University logo, nameplate, etc., or entering into a contract with an outside vendor on behalf of the University without express permission from an authorized University official. For full University Policy on Contracts, see Appendix E. For full University Policy Regarding Fund-Raising and Solicitation, see Appendix J.

Theft
The unauthorized attainment, possession or use of University or personal property or services.

Unauthorized or Forced Entry into Any University Facility or Area
Entering any University facility, office, residence hall room, classroom, etc., without permission, with or without force, including access or presence to outdoor locations, such as roofs.

C. St. Bonaventure University expects its students to respect the living and learning environment in the residence halls. All students living in residence, and guests and visitors to the residence halls, are responsible for maintaining an environment in the residence hall community that is safe and healthy, and conducive to positive social, academic and spiritual growth. Therefore, all students are expected to abide by the Residence Life and Housing Policies, outlined in Appendix S. Behaviors outlined below are also considered a violation of the maintenance of a safe, healthy and positive living and learning environment:

**Courtesy and Quiet Hours**
The use and volume level of music, televisions, computers, etc. should be kept within reason at all times. Between the hours of 10 p.m. and 7 a.m., a quiet environment conducive to study and sleep must be maintained in the hall. Therefore, televisions, music, computers, voices, etc. should not be able to be heard outside one’s room.
Failure to Abide by the Provisions of the Residence Hall and Food Service Terms and Conditions

Any behavior which violates the stipulations set forth in the Residence Hall and Food Service Terms and Conditions, including but not limited to unauthorized room changes, failing to properly check in/out of one’s residence hall room, recycling, transfer of one’s keys, etc. For a copy of the current Residence Hall and Food Service Terms and Conditions, see Appendix S.

Hosting Guests and Visitors

Students hosting guests and visitors in the residence halls will be held accountable for any violations of University policies committed by their guests or visitors. For University’s full Guests and Visitor Policy, see Appendix K.

Pets

Pets are not permitted in any University facility. NOTE: Modifications will be made to allow the presence and use of service animals in accordance with Section 504 of the Rehabilitation Act of 1973, the 1990 Americans with Disabilities Act, and the Fair Housing Act. Should a student require a service or emotional support animal, they must contact Accessibility Services and Accommodations, and abide by the policies and procedures set forth for obtaining approval.
D. St. Bonaventure University feels every student has an equal responsibility for the safety and welfare of the community as a whole, because each individual benefits from being a member of it. The following behaviors are violations of the welfare and safety of the community:

**Arson**
Intentionally setting fire to a building or other structure, setting fire inside a building or other structure, and/or setting fire to one’s own or another’s belongings.

**Bomb Threat**
Placing an explosive on campus grounds, threatening to place an explosive on campus grounds, or communicating the presence of a bomb when there is no evidence that a bomb is present.

**Failure to Comply with University Traffic Regulations**
Any behavior or act that violates University Transportation and Parking regulations outlined by Safety and Security Services website. The motor vehicles of all faculty, staff and students operated or parked on University property must bear a current registration decal. Students must register their motor vehicles within 24-hours of academic registration.

**Fire Safety**
Any behavior that directly violates codes set forth by the NYS Dept. of Fire Safety, and/or University Fire Safety Policy.  
For University Fire Safety Policies, see Appendix I.

**Possession/Use of Firearms, Dangerous Weapons, Dangerous Chemicals and/or Fireworks**
Any object or substance designed to inflict a wound, injure or incapacitate, is prohibited on campus. Such objects or substances include but are not limited to: knives other than kitchen utensils, billies, sling shots, black jacks, metal knuckles, martial arts weapons, mace, tear gas, pepper spray, etc. Additional prohibited weapons include any instrument capable of firing a projectile, including but not limited to firearms, BB guns, pellet guns, air soft guns, nerf guns, paintball guns, etc. All explosive chemicals and devices are prohibited, including all forms of fireworks.

**Rioting/Unapproved Demonstrations**
No one has the right to interfere with anyone else’s right to learn. While we respect every person’s right to speech, the University has created guidelines so that those choosing to gather and demonstrate do not interfere with anyone’s academic pursuits, or the health, welfare and safety of this community. Any behavior contrary to the University policy on Maintenance of Public Order/Public Demonstrations is considered a violation.  
For University Policy on Maintenance of Public Order/Public Demonstrations, see Appendix Q.

**Implementing the Student Code of Conduct**
Maintaining and implementing the Student Code of Conduct is the responsibility of every member of the University community. Students, staff and faculty should, through their behavior, reinforce the ideals expressed by the Code, and encourage every student to do likewise. Administratively, the Office of the Vice President for Student Affairs, the Office for Residence Life, and the Department of Safety and Security are primarily responsible for assuring compliance with the Code. In most instances, residence hall staff or Safety and
Security officers will report potential violations of the Code to the Associate Dean for Student Life. The Associate Dean for Student Life is responsible for reviewing student conduct in general, educating students about appropriate community standards, and as needed, assigning sanctions for the purpose of encouraging compliance with those standards.

As noted above, all procedures outlined below apply to policies outlined within this document, with the exception of violations of the Gender-Based Discrimination and Sexual Misconduct Policies. Procedures for handling reports of Gender-Based Discrimination and Sexual Misconduct violations are outlined within Appendix AD.

A. Initiating a Complaint

Any University student, faculty member or staff member who believes that a student has violated the Student Code of Conduct may file a complaint with the Associate Dean for Student Life, the Department of Safety and Security, or the Office of Residence Life. The individual filing the complaint is referred to hereinafter as the complainant. The University itself may act as the complainant through a designated staff member or members. After filing the complaint, the Associate Dean for Student Life will review the complaint and determine whether or not, if proven, the allegations would constitute a violation of the Student Code of Conduct. If so, the individual filing the complaint will meet with the Associate Dean for Student Life to review the complaint and discuss the options available to them.

The individual complainant could:
   a. Request the University pursue judicial action; and/or
   b. Make a report to the local police; and/or
   c. Request a mediation or restorative justice circle (RJC); and/or
   d. Make a statement for the record with the Associate Dean for Student Life, Department of Safety and Security, or the Office of Residence Life.

The complainant will have 180 days from the date of the alleged incident to decide whether or not to have the University pursue the complaint judicially. The University reserves the right to exercise discretion on taking disciplinary action against students. If the University receives actionable information beyond the 180 day time period after an incident has occurred involving a crime, the University as the complainant may still pursue judicial action with no time restriction.

Should a student request mediation or restorative justice circle, and the Associate Dean for Student Life deems this an appropriate course of action, mediation or RJC will be scheduled. Written documentation of any mediation agreements will be retained by the Associate Dean for Student Life. Should either party violate the mediation agreement, the University or the aggrieved party could choose to pursue University judicial action as a result (see “Failure to Comply” in the Student Code of Conduct).

B. Student Procedural Rights

If the University or a complainant elects to pursue judicial action, an Administrative Hearing Officer (AHO) will be appointed to hear the case. The hearing officer will not be someone who was involved in the initial documentation of the violation. The AHO will schedule a judicial meeting with the accused student. If a student fails to respond, or appear at the scheduled hearing, the AHO may find that student responsible in his/her absence and sanction the student accordingly, or place a judicial hold on the student’s records until the meeting takes place.

At a judicial meeting, the student is notified of the alleged violation of the Code and afforded the opportunity to review the factual allegations that led to the charge. The AHO will explain the rights and options available as well as describe potential sanctions for the alleged violation in question.
The accused student has the following procedural **rights** when charged with a violation of the Student Code of Conduct:

1. The right to notice of the charge that a violation of the Code has allegedly taken place;
2. The right to notice of the factual allegations that form the basis for the charge;
3. The right to notification of disciplinary proceedings;
4. The right to have the University or complainant bear the burden of proof by a preponderance of the evidence;
5. The right to present a defense including the right to review all evidence presented at a hearing and present relevant witnesses**; and
6. The right of appeal consistent with the provisions of this Code.

**Should a student want to have a witness be brought forward in the hearing process, they must notify the AHO prior to the hearing, and are responsible for ensuring the witness is available at the time of the hearing. The AHO is not responsible for communication with the witness, nor are they required to re-schedule a hearing to accommodate the witness.**

The accused student has the following procedural **options** when charged with a violation of the Code of Conduct:

1. If the AHO determines that the sanction for an alleged violation may result in suspension, the student may:
   a. Admit or deny the charge and request a hearing with the Administrative Hearing Officer; or
   b. Admit or deny the charge and request a hearing before a University Judicial Board. However, the decision to go to a judicial board rests ultimately in the hands of the Associate Dean for Student Life.

2. In all other cases where the AHO has informed the student that a potential sanction would NOT result in suspension or expulsion, the accused student may;
   a. admit to the charge in an administrative hearing process and be sanctioned by the Administrative Hearing Officer (Administrative Action); or
   b. deny the charge in a hearing with the Administrative Hearing Officer.

*All violations that may result in the expulsion of a student will be heard by a University Judicial Board.*

C. **Administrative Hearing**

Most Student Code of Conduct violations will be heard by an AHO. The AHO will follow the general procedures outlined for the University Judicial Board in conducting this hearing. The Associate Dean for Student Life may determine that due to the nature or complexity of the facts of the case, it would be beneficial to have a hearing before the University Judicial Board. If this is the case, a University Judicial Board will convene and the Associate Dean for Student Life or their designee will notify all parties involved of this decision.

D. **University Judicial Board**

While an AHO will ordinarily hear cases involving alleged violations of the Code, a UJB has the authority to hear cases involving alleged violations of the Code under the following circumstances:

1. where the Associate Dean for Student Life has determined that, because of the nature of the alleged offense, or because the pattern of behavior warrants special attention, suspension or expulsion may be the proper sanction if the charges are substantiated; and/or
2. the accused student requests such a hearing; or
3. the Associate Dean for Student Life has determined that due to the nature or complexity of the facts of the case, it would be beneficial to have a hearing before the UJB.

A UJB is composed of 3 students and 2 faculty/staff members. If a student fails to respond, or appear at the scheduled hearing, the UJB may find that student responsible in his/her absence and sanction the student accordingly, or place a judicial hold on the student’s records until the meeting takes place.

The Associate Dean for Student Life or their designee will serve as the non-voting Chairperson of the UJB to assure an orderly hearing and that fairness is observed.

E. Judicial Board Member Selection
A pool of judicial board members shall be formed through the following process:
1. A nominating committee shall form and shall comprise the Associate Dean for Student Life, one SGA senator, one SGA appointed student, one faculty member and one staff member, all appointed by the VPSA.
2. The Associate Dean for Student Life shall advertise publicly any open vacancies for judicial board members.
3. Employees and students can either nominate fellow colleagues, or self-nominate. All nominees will be asked to complete an application.
4. Applications will be reviewed by the nominating committee, and recommendations will be made to the VPSA.
5. The VPSA and the SGA President will appoint the pool of judicial board members

F. University Judicial Board General Procedures
All judicial proceedings are closed to anyone who is not a student, faculty, staff or Clergy of the University. All hearings shall be held in appropriate University facilities designated by the Associate Dean for Student Life and shall be private. The University does not permit observers, relatives, or legal counsel for either the complainant or the respondent to be present at, or participate in judicial proceedings. The role of the advisor in any judicial proceeding is to be of support to the student. Advisors are not permitted to represent the student. Thus, advisors are not permitted to ask or answer questions, nor are they to interfere in the process for any reason at any time. The Chairperson will inform the student(s) of the policies and procedures for the hearing. The respondent must cooperate fully with the Board. If the respondent fails to appear at the scheduled hearing and the Chairperson does not excuse his/her absence, the hearing may proceed without him/her.

The reporting party and the respondent will present statements concerning the alleged violation and may present relevant witnesses. Students shall provide a list of witnesses to the Associate Dean for Student Life prior to the hearing. The Associate Dean for Student Life, or the board Chairperson, has the option of granting immunity to a witness should the witness be in fear of testifying because his or her testimony may reveal he or she is in violation of University policies. However, it is the witness’s responsibility to request such immunity. The respondent, the reporting party and the UJB may review all evidence presented at the hearing.

Hearings shall be conducted in such a manner as to permit the panel to achieve substantial justice. Participants will conduct themselves in accordance with these objectives. Therefore, no board member (other than the Chairperson) shall discuss the case with anyone prior to or after the proceedings. Formal rules of evidence shall not apply. Questions regarding the admissibility of any evidence shall be within the Board’s discretion.

After all statements have been presented, the complainant and the accused student may summarize their positions. Subsequently and in private, the UJB will determine by a preponderance of evidence with a majority vote whether the accused student has violated the Code. The UJB will make known its decision and the basis for the decision to the Associate Dean for Student Life. The Associate Dean for Student Life will inform the accused student and the complainant of the UJB’s decision and basis for the decision subject to the limitations of federal law.
Should a student be found responsible for any violation of the Code of Conduct or any related policies, the Board will then determine appropriate sanctions.

Sanctioning
After a finding or admission of responsibility, the Administrative Hearing Officer and/or Judicial Board will impose sanctions after considering the following:

1. Statements made at the judicial meeting and/or at any hearing;
2. Prior disciplinary record of the student;
3. Disciplinary precedent;

Sanction Notification for Reporting Party and Respondent
In all administrative hearing processes, the student found responsible of policy violations will be notified in writing of the sanctions levied against them as a result of said violation(s). In University Judicial Board cases, the Chairperson will notify the respondent in writing of the sanction(s) imposed.

In situations where one student pursues charges against another student(s), both the reporting party and the respondent will receive written notification of sanctions imposed. Sanctions for Violations of the Code

The following disciplinary sanctions shall comprise the range of official actions that may be imposed for violations of regulations. One or more may be imposed in response to a given situation. Additional sanctions are possible for violations of the Gender-Based Discrimination and Sexual Misconduct Policy. Those sanctions are outlined accordingly in Appendix AD.

Verbal/Written Disciplinary Warning
Written Disciplinary Warning is an official verbal/written notice to a student that a particular action or type of behavior is in violation of stated regulations or policies, and, therefore, unacceptable. Continuation of similar behavior or future violations may be cause for more severe disciplinary action.

Disciplinary Fines
These monetary payments may be for punitive purposes or for purposes of restitution because of damage to persons or property; or misappropriation of property. Payments can be made to the Bursar’s Office.

Community Service
An action that requires a student to give a specific number of hours of uncompensated service to some task recognized as valuable to the University community. The Administrative Hearing Officer will make the particular assignment of duties. The person under whose direction the work is done shall certify to the AHO when the work has been completed. Failure to complete the service within a specific period of time will result in additional disciplinary action. The Administrative Hearing Officer has the discretion to assign work in the community-at-large or on-campus service.

Attendant Restrictions
In conjunction with the sanctions above, students may be subject to one or more of the following attendant restrictions:

1. **Loss of Good Disciplinary Standing**: an action that excludes a student from representing the University in intercollegiate activities, or from holding any elected or appointed office in a University-recognized organization, or from being selected for certain committees or programs, or from membership in student organizations for a stated period of time.

2. **Disciplinary Residence Hall Room Change**: an action that requires a student to vacate
his/her current room and relocate to another room because of disciplinary reasons.

3. **Exclusion from University Buildings, Intramural Sports, Extracurricular and Residence Hall Activities**: an action that excludes a student from university buildings, intramural sports, extracurricular activities and residence hall activities for a stated period of time.

4. **Restrictions on Housing Lottery**: an action that may exclude a student from participation in a particular housing lottery or affect his or her ranking within a particular lottery.

5. **Judicial Hold on Records**: A judicial hold may be placed on the academic records of any student who fails to comply with any requirements imposed following a violation of the Code of Student Conduct. A judicial hold may prevent, among other things, class registration, the release of transcripts, and the award of a diploma. Students who are suspended or expelled from the University are subject to a judicial hold to prevent class registration.

6. **Educational Measures**: An action that requires the student to complete an educational task as assigned by the AHO or the Associate Dean for Student Life. Failure to complete this assignment within a specific period of time will result in additional disciplinary action. Educational measures may include but are not limited to: participation in counseling on- or off-campus, attending specific programming, completing on-line courses such as AlcoholEDU for Sanctions, writing reflection papers, etc.

**Disciplinary Probation**

Disciplinary probation is an official written notice to a student that violation of University regulations or policies, or patterns of behavior contrary to University standards or expectations, will not be tolerated. Repeated offenses or violations of any conditions of probation will result in more severe action, including possible suspension or expulsion from the University. Disciplinary Probation lasts for a stated period of time.

**Deferred Loss of Campus Residency**

A student may be placed on Deferred Loss of Campus Residency for serious misconduct or repetitious minor misconduct. A student on Deferred Loss of Campus Residency found to be responsible for further violations of University policy during the time period stipulated will be suspended from all University owned or leased housing and subject to further sanctions including University suspension.

**Loss of Campus Residency**

Loss of Campus Residency is an action that excludes a student from residence on campus. A student who loses campus residency may be considered for future on-campus accommodations at the discretion of the Vice President for Student Affairs.

**Deferred University Suspension**

A student may be placed on Deferred University Suspension for serious misconduct. A student on Deferred University Suspension who is found to be responsible for further violations of University policy during the time period stipulated will be suspended from the University and subject to further sanctions including dismissal.

**Suspension**

Suspension is an action that excludes a student from registration, class attendance, residence on campus, and use of University facilities for a specific period of time. Suspended students are not permitted on the campus without prior approval of the Vice President for Student Affairs. Suspension is recorded in a disciplinary file in the Office of the Vice President for Student Affairs. Upon termination of the period of suspension, the student shall be considered for readmission if:

1. the student is academically eligible for readmission; and
2. the student has complied with any conditions for readmission placed upon the student by the Vice President for Student Affairs and/or her designate, or stipulations outlined by a University Judicial Board.
Expulsion
Expulsion is an action that permanently excludes a student from registration, class attendance, residence on campus, and use of University facilities. Expelled students are not permitted on the campus for any reasons. Expelled students who enter the campus are subject to arrest. Disciplinary expulsion is recorded in a disciplinary file in the Office of the Vice President for Student Affairs.

Revocation of Degree
The University reserves the right to revoke a degree awarded from the university for fraud, misrepresentation, or other violation of University policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.

St. Bonaventure University reserves the right to notify parent(s) / legal guardian(s) about the disciplinary status of their son/daughter/ward to the extent consistent with the provisions of the Family Educational Rights and Privacy Act. (See Appendix R, Parental Notification Policy)

Maintenance and Destruction of Disciplinary Files
A copy of all disciplinary files will be maintained in accordance with all applicable laws through the Office of the Vice President for Student Affairs for seven years, in addition to the current year. After seven years, physical disciplinary files will be destroyed. Upon graduation or withdrawal from the University, or at the request of a currently enrolled student, disciplinary records will be disclosed to third parties in accordance with federal law and the abovementioned timeline, as follows: Violations that resulted in a sanction of disciplinary probation, loss of housing and loss of good standing will be disclosed for two years after graduation/withdrawal; violations that resulted in a sanction of suspension or expulsion will be disclosed for as long as the file is required to be kept in accordance with the abovementioned timeline.

Sanctioning Guidelines for Off-Campus Incidents
Students are representatives of St. Bonaventure University when they are off campus. As such, the University takes students’ off-campus conduct seriously and can pursue judicial sanctioning for violations occurring off campus. In most cases, minor, first-time infractions will be handled by a simple meeting where a letter of written warning is delivered.

Alcohol Related Medical Issues
Alcohol consumption that results in students needing medical attention, either from MERT or Olean General Hospital, will be treated seriously by the University. However, a students' first alcohol-related medical issue will not be treated punitively. Students will be required to meet with a University administrator to discuss the incident. Students will likely be required to complete AlcoholEDU for Sanctions and/or attend counseling to explore their alcohol use. Parents or legal guardians will be notified. Future alcohol related medical issues can be handled judicially and may result in punitive sanctioning.

Interim Sanctions
Summary Suspension
The Vice President for Student Affairs or designee may impose interim sanctions up to and including a summary (interim) suspension upon notification of alleged violations where the interim sanctions are advisable to protect and maintain the safety of the University community. Interim suspensions can be imposed when the accused student's presence on campus might threaten the physical, mental, or emotional condition of any member of the University community for reasons relating to the safety, security and/or welfare of any member of the University community.

During an interim suspension, a student shall be denied access to all campus facilities (including but not limited to academic buildings, residence halls, library, dining facilities, and sporting events) and any University sponsored functions.

Students will only be permitted on campus for reasons relating to their judicial hearing, or other meetings with
University officials relating to the issue. Students shall receive either hand-delivered or by certified mail, written notice of the interim sanction as well as notice of the alleged violations and date and location of the reported incidents. Students will be made aware of the type of hearing that will take place; the date, time and location of the hearing; and the hearing procedures that will be followed.

The University may notify parents or legal guardians of the imposition of interim sanctions.

**No Contact Orders**
The Vice President for Student Affairs, Associate Dean for Student Life, Associate Dean for Campus Safety, Residence Life professional staff members, or designee may impose no-contact orders between individual students or groups of students.

A no-contact order forbids both direct and indirect contact between the involved students. Indirect contact includes electronic communication and messages sent via other people.

In the event that a no contact order is issued outside of normal office hours, a verbal order shall suffice until a written letter can be delivered. Email communication or other forms of electronic communication of no-contact shall be considered written notification.

Students found to be in violation of a no-contact order can be put through a judicial process resulting in sanctions up to and including suspension, or given a summary suspension if another judicial process is pending.

**Access Restrictions**
The VPSA, CJAO, Residence Life professional staff members, or designees may impose access restrictions on students to prohibit their entry into campus facilities and functions, including but not limited to residence halls and the Richter Center.

St. Bonaventure University reserves the right to notify parents/legal guardians about the disciplinary status of their son/daughter/ward to the extent consistent with the provisions of the Family Educational Rights and Privacy Act.

**Temporary Withholding of Degree/Diploma; Denial of Participation in Commencement**
The University may withhold a student’s degree and/or diploma for a specified period of time and/or deny a student participation in commencement activities if the student is the subject of a pending complaint or investigation, or has disciplinary charges pending.

**Appeals**
The Associate Dean for Student Life will review appeals regarding decisions made by an Administrative Hearing Officer. The Associate Dean for Student Life shall follow the general guidelines below in making his determination, without convening an Appeals Board.

An Appeals Board shall be convened when either the reporting party or the responding party choose to appeal the sanction decision of the Judicial Board. The Appeals Board composition shall be:

- The Vice President for Student Affairs (VPSA) or her designee, and
- One faculty or staff member, and
- One student.

**Appeal of Finding**
The appealing student shall file a written appeal to the VPSA. Appeals may be filed for the following reasons:

- Material procedural defect in the original Judicial Board proceedings, and/or
- Presence of new material evidence that was not available through no fault of the appealing party throughout the course of the investigation, and/or
- Erroneous finding of fact, or factual evidence was blatantly disregarded.

**Appeal for Review of Sanction**
The VPSA or the Appeals Board will hear appeals in cases where the sanction is expulsion, suspension, loss of good disciplinary standing, or loss of campus residency, and the student believes that the sanction is disproportionate to the offense. Other sanctions are not subject to review.

**Appeal Procedure**
The appealing party must file the appeal electronically as a Word Document attachment via University email to the VPSA within three class days of notification of the outcome of the hearing stating the specific reason and justification for the appeal. The VPSA will review the appeal request and determine whether or not the appeal request meets the criteria outlined under “Appeal of Finding” or “Appeal for Review of Sanction”. If the VPSA determines the appeal meets the criteria, the Appeal Board will convene.

1. The Appeal Board is not a “re-hearing” of the case. It will only consider facts and issues relevant to the basis for the appeal, and will not be conducting new investigations.
2. It will be assumed by the board that the original board decision and sanctions are sound, and the burden is on the appealing party to prove otherwise. Small procedural errors that do not affect the overall outcome of a case, such as typos, misspellings, or other errors or mistakes that have no bearing on the outcome will not be considered grounds to overturn a decision.
3. The Board shall meet with the appealing party, and may meet with anyone else deemed necessary to make their determination, including the investigators in the case.
4. Within 5 class days, the Board will make one of the following decisions:
   a. **Finding/Sanction Stands:** If upon review of relevant information the Board finds that there is no merit to the appeal, or that any issue brought up in the appeal would not change the finding or the appeal, then the Board will affirm the finding and sanction. This decision is final, and the case is closed.
   b. **Remand to the Board:** Only in cases where new evidence is available, or a procedural defect occurred, should a case be remanded to the judicial board. The purpose for remanding to the board is not for an entire new hearing, but only to correct the procedural defect, or consider the new evidence. Upon correcting defect or considering new evidence, the board should determine whether their finding would change in light of this information. The judicial board should re-convene, consider the new information, gather any new testimony necessary, and make a new final determination, following the same procedures for notifying the reporting and responding parties. The Appeals Board will review the new finding to ensure its efficacy, and determine proper courses of action. Should the original board’s finding change, and a student is now found “Not Responsible” for the violation, and the Board upon review accepts this new finding, all sanctions will be overturned and the case will be closed. Accommodations may remain in place, including no-contact orders. Should the original board’s finding change, and a student is now found “Responsible” for the violation, the sanctions determined by the judicial board would be submitted to the Appeal’s Board and reviewed for efficacy. The Appeal’s Board will notify the reporting and responding parties, and the case will be considered closed.
   c. **Determine New Sanction:** Should the Board determine that disproportionate sanctions were given, the Appeals Board will determine new sanctions. The Appeals Board Sanctions are final. No corrective action will be implemented that violates any provision of a St. Bonaventure University employment contract. All sanctions/corrective actions shall be in accordance with the University’s Discrimination and Harassment Policy found in the Governing documents.
Appendices
Appendix A – Academic Honesty Policy

This policy is outlined in this document for reference only, and acts of academic dishonesty are not processed through the University Judicial Process.

Definitions of Academic Dishonesty

The definition and explanation of what constitutes dishonesty should be published in the Catalogue and on the website following the Academic Honesty Policy. Further this document is not part of the policy itself, but a set of parameters for its implementation. Such document is to be updated and revised accordingly when necessary.

(Adapted, with permission, from Northwestern University’s web site)

Enrollment at St. Bonaventure University requires adherence to the University’s standards of academic integrity. These standards may be intuitively understood and cannot in any case be listed exhaustively; the following examples represent some basic types of behavior that are unacceptable:

a. **Cheating**: copying another student’s work using unauthorized notes, study aids, electronic communication or information on an examination; altering a graded work after it has been returned, then submitting the work for re-grading; allowing another person to do one’s work and submitting that work under one’s own name; submitting identical or similar papers for credit in more than one course without prior permission from the course instructors.

b. **Plagiarism**: submitting material that in part or whole is not entirely one’s own work without attributing those same portions to their correct source.

c. **Fabrication**: falsifying or inventing any information, data or citation; presenting data that were not gathered in accordance with standard guidelines defining the appropriate methods for collecting or generating data and failing to include an accurate account of the method by which the data were gathered or collected.

d. **Obtaining an Unfair Advantage**: (a) stealing, reproducing, circulating or otherwise gaining access to examination materials prior to the time authorized by the instructor; (b) stealing, destroying, defacing or concealing library materials with the purpose of depriving others of their use; (c) unauthorized collaborating on an academic assignment; (d) retaining, possessing, using or circulating previously given examination materials, where those materials clearly indicate that they are to be returned to the instructor at the conclusion of the examination; (e) intentionally obstructing or interfering with another student’s academic work; or (f) otherwise undertaking activity with the purpose of creating or obtaining an unfair academic advantage over other students’ academic work.

e. **Aiding and Abetting Academic Dishonesty**: (a) providing material, information, or other assistance to another person with knowledge that such aid could be used in any of the violations stated above; or (b) providing false information in connection with any inquiry regarding academic integrity.

f. **Falsification of Records and Official Documents**: altering documents affecting academic records; forging signatures of authorization or falsifying information on an official academic document, grade report, letter of permission, petition, add/drop or withdrawal form, ID card, or any other official University document.
g. **Unauthorized Access to computerized academic or administrative records or systems**: viewing or altering computer records, modifying computer programs or systems, releasing or dispensing information gained via unauthorized access, or interfering with the use or availability of computer systems or information

Dated: May 2006

# Reporting Academic Dishonesty Policy

In all cases where academic dishonesty is suspected, these are the procedures to be followed:

A faculty or staff member** who has evidence that a student has committed an unacceptable practice shall inform the student of the allegation, present the evidence, and discuss the sanction deemed appropriate with the student.

If the student agrees to the faculty member’s charge and accepts the sanction then procedure A is followed wherein the Dean* reports the incident to the Registrar. If the student does not agree to the charge or the sanction imposed by the faculty or staff member then procedure B is followed wherein the Dean is asked to mediate. If the student chooses not to accept the Dean’s judgment or the sanction imposed then procedure C is followed.

*Note: Unless otherwise specified in this document, Dean refers to the Dean of the student’s academic major. The Dean of Arts and Sciences for students who are undeclared Arts or Sciences, the Dean of Business for students who are undeclared Business. If the student does not have a Dean then the incident should be reported to the Dean of the reporting faculty member.

**Note: Reporting of academic dishonesty may be reported by faculty or staff member (as might be the case with Falsification of Records and Official Documents), but hereafter “faculty member” will be used for brevity.

A) If the student agrees to the faculty member’s charge and accepts the sanction then:

1. The faculty member shall present the student with a written charge specifying the sanction and the student shall sign the document indicating acceptance of the charge and the sanction.
2. The sanction shall be imposed.
3. The faculty member shall notify the Dean of the incident, providing in writing documentation of the charge, the evidence, the sanction and the document signed by the student.
4. The Dean shall send a copy of all documentation to the Registrar, who shall place the documentation in the student’s academic file.
5. The Registrar shall review the student’s academic records. If there are any prior academic honesty offenses, the Registrar shall notify the Dean who shall notify the Academic Honesty Board (hereinafter: the Board) that a hearing must be held.
   a. The Dean shall forward to the Board Chair all documentation pertaining to the incident.
   b. The Dean shall notify the faculty member and the student that the Board has been invoked in the case.

B) If the student does not agree to the charge or the sanction imposed by the faculty member:

1. The student should not sign any documents presented to him or her by the faculty member.
2. The faculty member shall present in writing the accusation, the evidence and the recommended sanction to the Dean, with a copy provided to the student.
3. The Dean shall examine the evidence and confer with the student and the faculty member.
4. If the Dean judges the charge to be justified, the Dean will inform the student and the faculty member, and uphold the sanction or impose an alternate sanction. If the student accepts the Dean’s judgment and the sanction, it shall be imposed.
   a. The Dean shall send a copy of the offense and the sanction to the Registrar, who shall place the documentation in the student’s academic file.
   b. The Registrar shall review the student’s academic records. If there are any prior offenses, the Registrar will notify the Dean, who will notify the Board that a hearing must be held.
      i. The Dean shall forward to the Board Chair all documentation pertaining to the incident.
      ii. The Dean shall notify the faculty member and the student that the Board has been invoked in the case.
5. If the Dean judges that the charges are not justified, the Dean will inform the student and the faculty member.

C) If the student chooses not to accept the Dean’s judgment or the sanction imposed, the matter shall be referred to the Board.

1. The Dean shall notify the Board that a hearing must be held.
2. The Dean shall forward all documentation (the charge, evidence, and the suggested sanction [see section A above] and documentation of the Dean’s deliberations [see section B above] to the Board.

Academic Honesty Board Case Procedure

In all cases coming before the Board, these following procedures shall be followed:

Timetable:

1. Within 5 semester days* of receiving a case, the Board Chair shall:
   a. Notify the faculty member who made the initial accusation of academic dishonesty and the student that the case is now being heard by the Board.
   b. The Board Chair will provide a copy of all written documentation to the accused student by certified mail sent to the student’s SBU Post Office box or, when no SBU Post Office box is on file, to the permanent address on file in the Records Office.
2. At the same time, the Board Chair may request that the faculty member provide a more detailed description of the charge and additional supporting evidence in addition to the original written documentation forwarded to the Board by the Dean. The faculty member shall provide this documentation to the Board within 5 semester days of receiving the request.
3. The Board Chair will provide the student with a list of University faculty and professional staff members who have agreed to serve as advisors to students in such cases.
4. The Board, through its Chair, shall schedule a hearing within four weeks.
   a. If the alleged academic dishonesty occurs during either a summer session or within four weeks of the end of a semester, the hearing must be held no later than four weeks after the start of the following regular semester.
b. In the case where the alleged academic dishonesty involves a student who is scheduled to graduate at the end of the semester in which the incident occurs, the Board will make every effort to render a decision as close to the end of the semester as possible.

5. At least one week prior to the hearing, the Board Chair shall notify the faculty member and the accused student of the time and place of the hearing, and provide them with a list of Board members.

6. Should a decision not be reached within five months of the dean’s receipt of the report, all charges will be dropped.

*Note: A semester day is defined as a scheduled undergraduate/graduate class or exam day during a regular (fall or spring) semester.

**Hearing Procedures:**

1. The student shall attend the hearing. The student is strongly encouraged to be accompanied at the hearing by an advisor (not to be confused with the student’s academic advisor). In the absence of an excuse from the Board Chair, a student who fails to appear for a Board hearing forfeits the right to defend oneself.
   a. The accused student will be notified that he or she may select and contact an advisor for the hearing.
   b. The Board Chair will provide the student with a list of persons who have agreed to act as advisors in academic dishonesty cases, if such a list is available. Students are not required to select an advisor from the list provided. Any member of the faculty or professional staff may function in such a role. Personal attorneys are not permitted at any meeting or hearing involved in the case.
   c. Once a person has agreed to act as an advisor in a case, he or she should immediately notify the Board Chair in order to receive a copy of the written charge, the time and place of the hearing, and a list of the Board members.
   d. An individual agreeing to act as the accused student’s advisor is expected to aid the student in collecting evidence and in interviewing witnesses.
   e. The advisor is also expected to be present at the hearing and to counsel the student in answering and asking questions.
   f. Advisors are expected to be well versed in the policy and procedures.

2. The faculty member shall attend the hearing, and bears the burden of proving the allegation of academic dishonesty by clear and convincing evidence. Hearsay evidence is inadmissible.

3. Ordinarily, the Board order and procedure for the hearing will be as follows:
   a. The faculty member may make a statement, and may be questioned by members of the Board and then by the accused student and/or the student’s advisor. The student and/or the student’s advisor may make a statement, and may be questioned by members of the Board and then by the faculty member.
   b. The faculty member and the student may call witnesses, who may be questioned by members of the Board and by the faculty member, the student, and/or the student’s advisor. The witnesses will be heard in an order determined by the Board Chair. Each witness will be present at the hearing only when giving testimony. Witnesses will be instructed not to discuss the case outside the hearing.
   c. The faculty member, the student and the student’s advisor may also raise evidentiary and procedural objections.
d. The Board Chair, together with a majority of the Board members, shall be the final judge regarding the authoritative interpretation or application of any provision of this policy.

e. The Board shall meet immediately following the hearing to reach a decision, and shall ascertain that its decision is based on a careful review of all available evidence and that the evidence reflects the facts of the case. Within 72 hours, the Board Chair shall communicate in writing the decision and the sanction to be imposed to the student, the faculty member, the student’s Dean and the Provost.

f. A student found guilty of academic dishonesty shall be assigned an appropriate sanction to be determined by the Board.

i. Ordinarily in the case of a first offense, the Board shall uphold the original sanction imposed by the faculty member or the Dean; however, the Board has the right to determine an alternate sanction.

ii. In the case of a second (or further) offense, the Board may impose the sanction determined by the faculty member or the Dean and an additional penalty the Board deems appropriate from one of two penalty categories—Censure, or removal from the university, with conditions specified by the Board.

iii. A student’s record of Censures shall be expunged upon graduation.

g. If the Board finds no grounds to support the allegation of dishonesty, the Board will direct the faculty member who brought the charges to assign a grade in the course based on the student’s work in the course disregarding the alleged dishonesty. In such a case, if a student wishes to appeal the grade assigned, the Student Grade Appeals policy becomes applicable.

4. Electronic or verbatim record of the hearing shall be permitted.

5. The record of each hearing shall consist of a detailed written report, which shall include a statement of the rationale for the decision and any evidence provided.

6. As a rule, academic honesty hearings are closed and the proceedings are confidential. A hearing may be open, however, upon a written request filed with the Board Chair by the accused student.

7. The faculty member or the accused student may challenge for cause the participation of any member of the Board. Except in cases where the Chair is being challenged, the Chair’s decision shall be final regarding any challenge for cause. A unanimous decision by the remaining Board members is necessary in order to disqualify the Chair for cause.

8. The Board’s decision regarding the facts of the case and any appropriate sanction and/or penalty shall be final and will become part of the student’s academic record until the student leaves the University.

9. In cases of multiple charges of academic honesty stemming from the same incident, the Board Chair shall decide whether to combine the cases in one hearing or to schedule separate hearings. The decision of the Board Chair is final.

10. Documentation of all academic honesty incidents will remain on file in the Registrar’s office until the student leaves the University.

11. If at any point in the process the student has been cleared of the charges, the Dean shall ensure that all records pertaining to the incident are destroyed.
Board Composition, Terms of Appointment and Findings Report

The Faculty Senate will appoint three faculty members and three alternates to the Board. These appointments will be made each year in April and will begin on the first day of the fall semester of the following academic year. One of those faculty members will be elected Chair by the other members. Chairs serve a one year term, renewable once.

The term of Board members will be two years. With Senate approval, members can succeed themselves once.

The President of Student Government will appoint two students and two alternates to the Board with the approval of the Faculty Senate. Generally, the term of appointment will be two years; however, students who graduate or leave the university will be replaced in a timely fashion. These appointments will normally be made each year in April.

At the initial constitution of the Board, the appointment of both faculty members and students will be staggered to foster continuity of Board membership.

The Board Chair is responsible for conducting all hearings that come before the Board insuring that the rules of fair process are observed. Pursuant to these ends the Chair, among other things shall:

1. determine whether a request for an open hearing should be honored;
2. determine the order in which witnesses and other participants (for example, advisors) will be heard;
3. rule on evidentiary and procedural objections and disputed interpretations [as above] of the policy with the support of a majority of the Board;
4. insure that a proper decorum is maintained;
5. rule on requests for change of advisors;
6. solicit faculty and professional staff members willing to serve as advisors, maintain a list of advisors, and provide this list to accused students;
7. write the final decision and submit copies to the required parties;
8. choose one of the Board alternates to serve for that hearing when a Board member is unavailable to serve at a hearing.

The Board will report its findings to the accused student, the faculty member involved, the student’s Dean and the Provost. If the accused student is an NCAA athlete, the board’s decision is reported to the NCAA compliance officer.

The Senate chairperson shall receive a summary of findings for each academic year. This summary shall include the number of cases, their dispositions, and shall be made public by the Senate chair.

In all cases information specific to the cases will be confidential and kept by the Board Chair.

Note: Upon promulgation of this policy all previous University policies, no matter how longstanding nor where found, that are contrary to the above provisions, are “ipso facto” null and void.

Dated: October 2016
Student Athlete Academic Misconduct and Impermissible Academic Assistance Investigation Procedure

If the accused student is a student athlete then the board must determine whether academic misconduct or impermissible academic assistance occurred as per 2016 NCAA regulations. If the student was found guilty of academic dishonesty then the board must determine if academic misconduct occurred. Academic misconduct has occurred if any of the following happened:

1. Alteration or falsification of transcript or academic record
2. Institutional staff or booster involvement
3. Competed or received aid based on erroneous declaration of eligibility

If none of the above happened and the student is guilty of academic dishonesty, then there has not been a NCAA violation.

If the accused student was not found guilty of academic dishonesty then the board must determine if an impermissible academic assistance occurred. Impermissible academic assistance occurred if all of the following happened:

1. Substantial academic assistance or exception
   a. Not generally available to institutions’ students
   b. Not permissible under Bylaw 16.3*
   c. Provided by current or former institutional staff or representative of athlete interests
   d. Results in certification of eligibility

The student is found guilty of impermissible academic assistance only if ALL of the above are true. Otherwise, if the student is found not guilty of academic dishonesty and any of the above conditions are not met, there has not been a NCAA violation.

The result of this decision shall be reported to the NCAA compliance officer.

Dated: October 2016
Appendix B – Advertising for Authorized Functions

Advertising for authorized functions, solicitation through advertising or promotion of a campus event/activity is permitted only if authorized by the Center for Activities, Recreation and Leadership. Any individual or organization advertising on campus must make certain the following responsibilities are carried out.

1. Posters, fliers, digital displays, chalking and the use of social media are developed that are attractive and in good taste
2. Only bulletin boards and/or designated areas are utilized for advertising
3. All fliers, posters, and digital displays are removed immediately following the activity or event. If it is not removed in a timely manner, the organization is subject to possible loss of future privileges.
4. Promotions or publicity that in any way, shape or form promote or advertise the consumption of alcohol, tobacco, drugs or gambling are prohibited
5. Promotions and advertisements should follow the guidelines established in the University's advertising policy, found in the St. Bonaventure University Governing Documents
6. Advertising a promotional design must be approved through the Center for Activities, Recreation and Leadership
7. Advertisement for any event or program must be for an SBU group, club or organization or be directly supported by the SBU organization doing the advertising.
8. Advertisement must identify the sponsoring organization
9. No political advertising or candidate promoting, i.e., signs, fundraising, etc. will be permitted on campus property. SBU approved student organizations may advertise for the events they are hosting, i.e., watch parties, speakers, etc.
10. Digital display advertising will be limited to one slide per event.
11. Sidewalk chalking is permitted in order to promote the activities and events of student groups and organizations formally associated with St. Bonaventure University. Student organizations choosing to utilize this method of communication must obtain approval from the Center for Activities, Recreation, and Leadership and the Events Office prior to chalking. Chalking by individuals or outside groups is not permitted. If approved, chalking is permitted on concrete sidewalks, but not on any porches where an overhang exists. Removal of chalking is the responsibility of the organization. If it is not removed in a timely manner, the organization is subject to possible loss of future privileges.
12. Advertising on vehicles is not permitted.
13. Advertising must comply with all laws in relation to fire safety.
14. Aramark must approve the placement of advertisements in the napkins holders. To gain such approval please contact Mary Frac mfrac@sbu.edu in CARL to coordinate this with the Aramark representative.
15. The placement of outdoor signs in university grounds is prohibited unless given approval by the St. Bonaventure University Facilities Department, Center for Activities, Recreation and Leadership and the Events Office.
16. The advertisement of food or beverages for an event must first gain approval from CARL, Aramark and/or The Events Office.
17. Due to the scope and breadth of advertising, St. Bonaventure University acknowledges that this policy cannot address every possible issue that may arise. Thus, the University reserves the right to impose reasonable restrictions and/or requirements with respect to the time, place, and manner of advertising that may be in addition to, or in lieu of, those set forth in the policy.

**Use of University Logos:**

1. University logo – The use of the University logo (the bell tower) is encouraged on all University publications. Please contact the Chief Communications Officer at (716) 375-2303 for approval of the use of the University logo.

2. University athletics logos – Please contact the Associate Athletic Director for External Relations at (716) 375-2319 for approval to use the University’s athletics logo(s).
Appendix C – Alcohol Policies

St. Bonaventure University does not condone the underage use of alcoholic beverages, and promotes responsible behavior in those persons of legal drinking age that choose to consume. Therefore, underage possession and consumption of alcoholic beverages is not permitted on this campus. Persons twenty-one (21) years of age or older are permitted to possess and consume alcohol, provided they do so within the specified guidelines outlined below. **In all cases of substance abuse or misuse, individuals will be advised, and in some cases mandated, to attend University-sponsored educational programs and/or formal counseling programs.** Within the definitions below, “residence hall rooms” applies to all singles, doubles, triples, suites, quads and apartments.

**Possession of Alcoholic Beverages** – Alcoholic beverages and beverage containers (glass or can, empty, full or partially full) are prohibited in residence hall rooms where any or all occupants of the room are under 21 years of age. Persons under 21 years of age are not permitted to be in the presence of alcoholic beverages, or beverage containers. When alcoholic beverages are permitted, the limit is not to exceed one unit per person of legal drinking age assigned to the room/apartment. One unit is defined as twelve 12-oz bottles/cans of beer or malted beverage (or equivalent), or two 750 ml bottles of wine, or one 750ml bottle of liquor.

**Consumption of Alcoholic Beverages** – Consumption of alcoholic beverages is strictly prohibited if a student is under the age of 21. Persons 21 years of age or older who choose to consume alcohol may do so only in the presence of other persons 21 years of age or older, and must remain in control of their behavior. They will be responsible for their actions and must respect the rights of others.

**Drunk and Disorderly Conduct** – any disruptive behavior exhibited while under the influence of alcohol or other drugs.

**Giving/Selling Alcohol to Persons Under the Age of 21** – including but not limited to buying alcohol for, or otherwise supplying alcohol to, a person(s) under the age of 21.

**Open Container** – the unauthorized possession of an open container of alcohol in University public areas including but not limited to hallways, lounges, bathrooms, and outdoor spaces. This applies to all students (including those who are 21 years of age or older), and is defined as any open bottle, can, mug, cup, etc, used to transport alcohol.

**Participation in Drinking Games** – The University prohibits any game used for the purpose of the rapid consumption of alcohol.

**Possession of a Device Used for Rapid Consumption of Alcohol** – The University prohibits funnels, and any other device that can be used for the rapid consumption of alcohol.

**Possession of a Keg/Beer Ball** – Kegs, beer balls, or other common source containers are not permitted in any residence hall facility.

**Public Intoxication** – exhibiting characteristics of intoxication in public areas including but not limited to lounges, hallways, bathrooms, etc.
Unauthorized Presence/Participation of Anyone Under 21 at a University Function Where Alcohol is Being Served

Other Restrictions and Requirements –

1. Public parties and formals are prohibited. No public advertising is permitted.
2. Charging money for alcohol is against New York State Law, and strictly prohibited.
3. Food and alternative, non-alcoholic beverages must be available wherever alcohol is being served.
4. Residents of any apartment hosting a gathering (hosts) are responsible for keeping noise levels tolerable levels for other apartment and building residents. Hosts should be directly contacted regarding noise complaints. If no resolution can be reached, the Office of Safety and Security or appropriate residence life staff members should be contacted. Hosts are also responsible for any damage to University property as a result of their guests and visitors.
5. Outdoor parties are prohibited, as alcohol is prohibited in outdoor areas. Beer distributors are not permitted on campus with the exception of those contracted through Aramark for events.

Other: The University also prohibits:
- Any form of false identification
- Overt intoxication on campus
- Operation of a motor vehicle on campus while under the influence of alcohol or a controlled substance

Typical Sanctions for Violation of University Alcohol Policies

Sanctions are ALWAYS the discretion of the judicial officer conducting the hearing, and several factors are taken into account. The following is a general guideline for what students could expect when found in violation of the University Alcohol Policy. However, this should not be considered policy, as each incident is handled on an individual basis. Sanctions could be less or more severe, depending on the situation and circumstances.

1st Violation:
- Up to $50 disciplinary fine possible
- Educational program evaluating behaviors relating to alcohol (example: AlcoholEDU for Sanctions)

2nd Violation:
- $100 fine or comparable community service, and
- Parental Notification, and
- Educational program evaluating behaviors relating to alcohol and/or meeting with counselor from the Center for Student Wellness
3rd Violation:
- $200 fine or comparable community service, and
- Parental Notification, and
- Educational program evaluating behaviors relating to alcohol, and meeting with counselor from the Center for Student Wellness
- Participation in a University sponsored activity or reflection paper, and
- Residence Hall Probation and/or restriction from Apartment Selection or other aspects of the room selection process

4th + Violations – These situations are very rare, and are handled more on a situation to situation basis. They typically result in student restriction from living on campus, significant fines (minimum $400), other attendant restrictions, and/or suspension from the University for repetitive violations.
Appendix D – Bias-Related Harassment and Discrimination Policies and Procedures

A core University value is the innate goodness and dignity of each individual person. When students feel targeted or discriminated against because of a perceived identity, they do not feel like a valued member of the community. St. Bonaventure University will not tolerate acts of hatred and discrimination, and seeks to prevent Hate Crimes and Bias Incidents whenever possible. When students do feel wronged by others, it is critical to provide a fair and equitable process to bring such complaints forward and have them resolved.

Incidents motivated by bias generally fall into two categories; Bias Incidents and Hate Crimes.

**St. Bonaventure University Definition of Bias Incident** – A Bias Incident is any act committed against a person or property, not rising to the level of a crime, motivated by the offender’s conscious or unconscious bias against a person or group’s perceived race, ethnicity, gender, gender identity or expression, sexual orientation, disability, religion, socioeconomic class, nation of origin, age, veteran status or marital status.

**Hate Crime** – A person commits a hate crime when he or she commits a specified offense of NYS Penal Law (PEN § 485.05 Hate Crimes) 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, 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, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

**St. Bonaventure University will report any known incidents categorized as a Hate Crime to the appropriate law enforcement agency in accordance with the Clery Act, and will follow standard University procedures outlined in the Code of Conduct under “Implementing the Code of Conduct” whenever possible.**

While many, if not most, bias incidents rise to the level of a violation of the Discrimination Policy or the Bias-Related Harassment Policy, the presence of a violation is not necessary for an occurrence to be considered a Bias-Related Incident. An offender may not be a student, may not be identified, may not be found responsible, etc. It is no less important to recognize, report, investigate and reconcile such incidents.

**Policy Violations**

This policy prohibits the following forms of misconduct, and considers them violations of the Code of Conduct:

**Discrimination** - Causing physical harm, verbally abusing, intimidating or engaging in other conduct that threatens the health or safety of any member of the college community based on his or her actual or perceived race, ethnicity, gender, gender
identity or expression, sexual orientation, disability, religion, socioeconomic class, nation of origin, age, veteran status or marital status. These acts include but are not limited to hazing, bullying, verbal abuse, assault, etc.

**Bias-Related Harassment** - Any unwelcome verbal or physical conduct directed against a person that occurs as a result of that person’s actual or perceived race, ethnicity, gender, gender identity or expression, sexual orientation, disability, religion, socioeconomic class, nation of origin, age, veteran status or marital status, that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from the University’s educational program, employment, and/or activities, and/or results in the creation of a hostile educational or work environment. Bias-related retaliation would also be considered a form of Bias-Related Harassment. Harassment may include but is not limited to: epithets, slurs, stereotyping, threatening, intimidating, hostile acts (even if claimed to be “jokes” or “pranks”). These acts may be written, graphic, electronic, verbal, physical, etc.

**Other Policy Violations Aggravated by Bias** – Any violation outlined in the Code of Conduct committed against a person or property that is aggravated by the offender’s bias against perceived race, ethnicity, gender, gender identity or expression, sexual orientation, disability, religion, socioeconomic class, nation of origin, age, veteran status or marital status.

Allegations of harassment and/or discrimination by students constituting violation of the Gender-Based Discrimination and Sexual Misconduct Policy will be addressed in accordance with Appendix AD. Allegations of other forms of non-biased related harassment by students will be addressed as outlined in Section VI, Implementing the Student Code of Conduct.

**Judicial Sanctions for Policy Violations**

When the judicial process is utilized to resolve violations of these policies, the full range of sanctions up to and including suspension/expulsion is possible for these violations. However, the University shall follow procedures outlined in the Code of Conduct, under “Implementing the Code of Conduct”. Whenever appropriate, the University will seek restorative practices as a method of resolution. The intent of the sanctions imposed when a student is found responsible for the Student Discrimination Policy, the Student Bias-related Harassment Policy, or any other policy violation aggravated by bias, is to remedy the effects of the violation on the victim and/or community, educate the offender, and prevent future recurrence of the same or similar offenses.

**Procedures for Reporting Hate Crimes, Bias Incidents, Discrimination and Bias-Related Harassment**

Everyone is encouraged to report incidents motivated by hate and bias so that the University can investigate and resolve these issues. Whenever a Bias Incident occurs, the University calls upon the Bias
Incident Response Team to make recommendations to the Vice President for Student Affairs for how the situation should be resolved. The following are ways in which any member of the University community can report these types of incidents:

- **Bias Incident Reporting Form**
  This form can be found on MySBU and on the University website. The form can be anonymous, depending on information the reporter is willing to provide. This form sent directly to the Associate Dean for Campus Safety, the Vice President for Student Affairs, and the Associate Dean for Student Life.

- **Silent Witness Form**
  This form can also be found on MySBU and on the University website. The form can be anonymous, depending on information the reporter is willing to provide. This form is sent directly to the Associate Dean for Campus Safety.

- **Safety and Security Services**
  Anyone can report incidents directly to Safety and Security Services by calling 716-375-2525, or visiting the Safety and Security Office on the first floor west wing of Robinson Hall. The office is staffed 24/7.

- **Other Student Affairs Officials**
  The Vice President for Student Affairs, the Associate Dean for Student Life, the Associate Dean for Campus Safety, The Director of Residence Life, Residence Directors and Resident Assistants

- **University Ombuds Officer**
  Dr. Gary Ostrower - 716-375-2553 – gostrower@sbu.edu – Francis 219-A
  The university ombuds officer hears complaints, seeks to solve routine problems, mediates disputes, and facilitates conflict resolution at SBU.

- **Chair of Council on Discrimination and Harassment (CODAH)**
  Dr. Russell Woodruff - 716-375-2470 – rwoodruff@sbu.edu – Plassmann B-2
  Students wishing to report a bias-related harassment or discrimination incident involving a faculty member may follow any of the above procedures, or report the issue to the Chair of the Council on Discrimination and Harassment and request the case be investigated by advocacy officers. This process is outlined by the University CODAH policies and procedures.

### Possible Methods for Resolution

Whenever there is a violation of this policy and the alleged offender is known, the University may implement the judicial process as outlined in the Code of Conduct. Reporting parties can provide their recommendations to the Associate Dean for Student Life, but it is ultimately up to the Associate Dean for Student Life whether to formally pursue allegations, and/or which process to utilize. Other methods of resolution between parties include but are not limited to:

- Restorative Practices
- Mediation
- Participation in educational programs or workshops
- Other informal and formal means of truth finding and reconciliation
Counseling Resources for Victims

Confidential counseling is available to students, regardless of whether they choose to report incidents. The Center for Student Wellness provides free counseling services on campus to students. Additionally, clergy and staff in University Ministries are available to provide pastoral support and counseling. Confidential resources that are University employees will submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient or parishioner.

Center for Student Wellness – 716-375-2310, or stop in to 127 Doyle Hall to schedule an appointment

University Ministries – 716-375-2600, or stop into the McGinley Carney Center for Franciscan Ministry

NYS Law on Hate Crimes and Bias Incidents and Associated Penalties

Penal Law - PEN § 485.05 Hate crimes
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, 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, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

2. 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 satisfying the people’s burden under paragraph (a) or (b) of subdivision one of this section.

3. A "specified offense" is an offense defined by any of the following provisions of this chapter:

section 120.00 (assault in the third degree); section 120.05 (assault in the second degree);
section 120.10 (assault in the first degree); section 120.12 (aggravated assault upon a person less than eleven years old); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15(menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); section 121.12 (strangulation in the first degree); section 121.13 (strangulation in the second degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one of section 125.16 (manslaughter in the first degree); section 125.20 (murder in the second degree); section 125.25 (murder in the first degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); subdivision one of section 130.35 (rape in the first degree); subdivision one of section 130.50 (criminal sexual act in the first degree); subdivision one of section 130.65 (sexual abuse in the first degree); paragraph (a) of subdivision one of section 130.67 (aggravated sexual abuse in the second degree); paragraph (a) of subdivision one of section 130.70 (aggravated sexual abuse in the first degree); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.60 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.10 (criminal trespass in the third degree);
EDN § 6436. Bias related crime prevention information

New York State Education Law:

1. When a person is convicted of a hate crime pursuant to this article, and the specified offense is a violent felony offense, as defined in section 70.02 of this chapter, the hate crime shall be deemed a violent felony offense.

2. When a person is convicted of a hate crime pursuant to this article 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.

3. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article 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 section 70.00 of this chapter;
   (b) the term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to section 70.02 of this chapter;
   (c) the term of the determinate sentence must be at least twelve years if the defendant is sentenced pursuant to section 70.04 of this chapter;
   (d) the maximum term of the indeterminate sentence must be at least four years if the defendant is sentenced pursuant to section 70.05 of this chapter; 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 section 70.06 of this chapter.

4. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class A-1 felony, the minimum period of the indeterminate sentence shall be not less than twenty years.

5. In addition to any of the dispositions authorized by this chapter, the court may require as part of the sentence imposed upon a person convicted of a hate crime pursuant to this article, that the defendant complete a program, training session or counseling session directed at hate crime prevention and education, where the court determines such program, training session or counseling session is appropriate, available and was developed or authorized by the court or local agencies in cooperation with organizations serving the affected community.

New York State Education Law:

EDN § 6436. Bias related crime prevention information
Each college shall inform incoming students about bias related crime prevention measures through programs which may include workshops, seminars, discussion groups, and film presentations, in order to disseminate information about bias related crime, promote discussion, encourage reporting of incidents of bias related crime, and facilitate prevention of such incidents. Such information shall include, but not be limited to:

1. the applicable laws, ordinances, and regulations on bias related crime, including the provisions and coverage of the hate crimes act of 2000 codified in article four hundred eighty-five of the penal law;
2. the penalties for commission of bias related crimes;
3. the procedures in effect at the college for dealing with bias related crime;
4. the availability of counseling and other support services for the victims of bias related crime;
5. the nature of and common circumstances relating to bias related crime on college campuses; and
6. the methods the college employs to advise and to update students about security procedures.
Appendix E – Contracts

Any individual organization initiating action to contract a service or program must adhere to the following procedures:

1. For entertainment (musical groups, lectures, comedy, etc.) and other student activities (e.g. art exhibit or sale), the potential agreement or contract must be reviewed with, and signed by, the Director of the Center for Activities, Recreation and Leadership or another professional staff member as designated by the Vice President for Student Affairs. The Director of the Center for Activities, Recreation and Leadership and/or the Vice President for Student Affairs will be responsible to forward contracts for review by the VP for Finance and Administration as necessary under the University purchasing/contracts policy. Due to the copyright laws, it is necessary to file all entertainment contracts within the Center for Activities, Recreation and Leadership.

2. All contractual agreements for other services must be reviewed with the Vice President for Finance and Administration.

3. Only the Director of the Center for Activities, Recreation and Leadership or persons authorized by the Vice President for Finance and Administration or Vice President for Student Affairs may sign or authorize entertainment, recreational or educational contractual agreements on behalf of St. Bonaventure University.

Note: Any individual not following the above procedures may be personally responsible for losses or damages resulting from an agreement they sign without authority to do so. Inquiries may be directed to the Director of the Center for Activities, Recreation and Leadership or the Purchasing Office.
Appendix F – University Discrimination Policy

St. Bonaventure University provides equal opportunity without regard to race, creed, color, gender, age, national or ethnic origin, marital status, sexual orientation, veteran status, or disability in admission, employment and in all of its educational programs and activities. Any grievance pertaining to discrimination should be directed to the Advocacy Officers via the Chair of the Council on Discrimination and Harassment.
Appendix G – Drug Policy and Drug-Free Workplace & Campus Community Policy

Drug-Free Workplace and Campus Community Policy
St. Bonaventure University recognizes substance abuse in the workplace as a danger to personal health and safety. In addition, the unlawful use of controlled substances by employees in the workplace is inconsistent with the University’s educational mission. As such, it is the policy of the University that the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances in the workplace is prohibited. In an effort to promote a drug-free workplace and a drug-free campus community, the University urges its students/employees who experience drug-related problems to seek assistance through counseling given in drug and alcohol programs. These programs provide information about treatment and support group services for individuals who seek help. Students/employees who are experiencing performance problems in the workplace may be required to undergo treatment for substance abuse, or be subject to disciplinary action up to and including dismissal. Those individuals who do undergo treatment for substance abuse will be expected to follow the prescribed aftercare program. Those convicted of violating a criminal drug statute while in the workplace will face dismissal from University service.

Policies Regarding Possession, Use, and Distribution of Controlled Substances
St. Bonaventure University expects all students to abide by NYS and federal laws pertaining to possession, use and/or distribution of controlled and illicit substances. For the definitions below, controlled or illicit substances include, but are not limited to, marijuana, cocaine, heroin, acid, etc. The following behaviors are strictly prohibited at St. Bonaventure University:

**Possession of a Controlled Substance** – having on one’s person, or knowingly being in the presence of, any controlled or illicit substances. Additionally, no one shall possess any prescription medication that is not specifically prescribed to him/her.

**Use of a Controlled Substance** – taking or consuming a controlled or illicit substance. Methods of use include, but are not limited to, smoking, injecting, snorting, inhaling, ingesting, etc.

**Distribution of a Controlled Substance** – providing controlled or illicit substances to others. This includes selling and/or giving a substance to someone else. Giving or selling to someone else medication prescribed to you is strictly prohibited. Additionally, aiding someone else in the distribution of controlled or illicit substances is strictly prohibited.

**Possession of Drug Paraphernalia** – having on one’s person and/or knowingly being in the presence of any device or materials utilized for the consumption and/or distribution of controlled or illicit substances. These include, but are not limited to, oil pens, grinders, bowls, bongs, hookahs, scales, etc.

Typical Sanctions for Violation of University Drug Policy
Sanctions are ALWAYS the discretion of the judicial officer conducting the hearing, and several factors are taken into account. The following is a general guideline for what students could expect when found in violation of the University Drug Policy. However, this should not be considered policy, as each incident is handled on an individual basis. Sanctions could be less or more severe, depending on the situation and circumstances. Any instance where the University has reason to believe a student is distributing a controlled substance, sanctions would be far more severe, and likely to include suspension or expulsion.

1st Violation:
- $100 fine
- Parental Notification
- Residence Hall Probation and/or restrictions for room selection
- Educational program evaluating behaviors relating to drugs

2nd + Violation: These situations are very rare, and are handled more on a situational basis. They typically result in restriction from living on campus, significant fines, other attendant restrictions, and/or suspension or expulsion from the University for repetitive violations.
Appendix H – Fan Code of Conduct

REILLY CENTER Fan Code of Conduct

St. Bonaventure University’s Department of Athletics and the Atlantic 10 Conference are committed to serving our fans by providing a secure, comfortable and enjoyable experience for all fans in and around the Reilly Center. The Fan Code of Conduct has been instituted to make sure that your experience is consistent with our commitment.

As a supporter of St. Bonaventure Athletics, we ask you to help us maintain a positive game day experience by adhering to the following:

- Fans will be treated in a consistent, professional and polite way by all staff and team personnel.
- No obscene or abusive language, gestures, signage or behavior.
- Verbal or physical confrontation, including dangerous, abusive or profane behavior is prohibited.
- Harassment of game officials or visiting team’s fans, players or coaching staff is prohibited.
- Disruptive actions or behavior that is unruly, disruptive, or illegal, including but not limited to throwing objects on the court or unauthorized trespassing on the court or other restricted areas of the Reilly Center, will result in immediate removal from the arena.
- All weapons and firearms, as outlined in the Code of Conduct, are prohibited.
- Signs of alcohol impairment in and around the Reilly Center that result in irresponsible behavior will lead to denial of entry or subject persons to arrest or ejection from the arena.
- Smoking in unauthorized areas is prohibited.
- Obscene or indecent clothing or related material will not be admitted into the Reilly Center.
- Interfering with or failure to abide by security procedures, emergency procedures or requests from staff concerning Reilly Center operations will result in immediate removal from the arena.

Fans whom are unwilling to abide by the provisions outlined in this Fan Code of Conduct will be subject to ejection without refund and may also be subject to arrest and prosecution. Season ticket holders are required to abide by the Fan Code of Conduct and are also responsible for their guests.
Appendix I – Fire Safety Policies and Procedures

St. Bonaventure University adheres to all standards set forth by the New York State Department of Fire Safety, and requires that all students living in residence halls, including Townhouses, Apartments and Gardens, abide by the standards set forth below.

Fire Safety Policies

Appliances: The uncontrolled use of appliances can cause the overloading of circuits and result in fires in residence halls. Students are permitted to bring approved appliances provided they are all in good working order. The following are approved appliances: televisions, irons, refrigerators (not to exceed 4.5 cubic feet). Large appliances, such as refrigerators, must be plugged directly into a wall outlet. Students are encouraged to unplug appliances when not in use, and ALL items must be unplugged from outlets during breaks where the University closes its residence halls (please reference the Academic Calendar for dates which residence halls close). Many appliances are not permitted in the residence halls, including in Townhouses, Apartments and Gardens. These appliances include BUT ARE NOT LIMITED TO: microwaves, all sandwich and indoor grills, toaster ovens, toasters, waffle irons, hot plates, deep fryers, space heaters, propane tanks, electric frying pans or skillets, halogen lamps, Hover boards (all brands) etc.

Bonfires/Other Outdoor Fires – All burning or creating fires outdoors is strictly prohibited on campus grounds or property, including but not limited to creating bonfires, campfires, burning leaves, etc. Should a club or organization wish to host an organized event that includes a bonfire, special permission may be obtained only through the Office of Safety and Security Services.

Candles and Other Sources of Ignition: All candles, regardless of whether or not they are for decorative purposes, are strictly prohibited in all residence hall facilities. Additional sources of ignition that are prohibited in all residence hall facilities include, but are not limited to, the following: incense, lanterns, torches, charcoal, lighter fluid of all kinds. Additionally, smoking is strictly prohibited within all residence hall facilities, and on the St. Bonaventure University as a whole.

Evacuation During the Sounding of an Alarm: All persons are required to follow evacuation procedures listed below in “Fire Safety Procedures.” Failing to do so will be considered a violation of this policy.

Extension Cords, Multi-plug Adapters, Power Strips: The New York State Fire Code has specific rules regarding the use of extension cords and similar devices. All extension cords and multi-plug adapters are strictly prohibited in all residence hall facilities. Surge protected power strips are permitted, but only power strips of the polarized or ground type, equipped with over-current protection. Power strips must be plugged directly into a permanent wall outlet. The daisy chaining of power strips (plugging one power strip into another) is strictly prohibited.

Holiday Lights Christmas Trees, Cable Cords, Electrical Wires, etc.: Holiday lights are only permitted to be hung for 30 days. Real Christmas trees are prohibited in all residence hall facilities. Electrical and cable cords must not be stapled or nailed to a wall or floor. Tape may be used if necessary. Additionally, no cable or electrical wiring may run underneath carpeting, through doors or windows, or along the ceiling.

Keeping Clear Exit Pathway: Students are responsible for maintaining a safe, healthy and clean living environment. Therefore, students must maintain a clear exit and entrance pathway free from obstruction in and
out of their residence hall room and/or apartment, in case of emergencies. Additionally, all hallways, stairwells, building entrances and exits, are to be kept clear of debris, furniture, etc.

**Outdoor Grills:** Students living in Townhouses, Apartments and Gardens are permitted to have outdoor grills, provided they remain outdoors and at least 30 feet away from the building. Students are also reminded that the storage of charcoal and lighter fluid indoors is strictly prohibited. Grills may not be chained or otherwise attached to any facility on campus.

**Tampering with Fire Safety Equipment:** Tampering with any fire safety equipment in any facility is strictly prohibited, and punishable by law. Actions such as removing batteries from smoke detectors, covering smoke detectors, tampering with sprinkler heads, affixing items to sprinkler pipes, setting off fire extinguishers, falsely pulling or otherwise activating a fire alarm, are extremely dangerous to the health and welfare of everyone, and are strictly prohibited.

**Wall and Window Coverings / Ceilings:** Students are prohibited from covering more than 10% of a given wall in any residence facility. Therefore all tapestries and most window coverings (other than those provided by the University) are strictly prohibited. Additionally, hanging any objects from ceilings is strictly prohibited.

**Fire Safety Procedures**

St. Bonaventure will consistently abide by and enforce all fire safety policies. Students living in residence halls are subject to the following procedures with regards to fire safety:

**Fire Alarms and Evacuation:** Whenever a fire alarm sounds, students must exit the residence facility immediately, and remain at least 50 ft. away from the building, until appropriate Residence Life or Safety and Security personnel announce that students are permitted to re-enter. Students failing to exit the residence hall during the sounding of an alarm, or re-entering the residence hall before given permission, will be subject to the judicial hearing process. In the event of a real fire, please EXIT THE BUILDING IMMEDIATELY utilizing the nearest clear exit. If there is no alarm sounding, and there is a pull box along your exit pathway, please pull the fire alarm. However, if there is no pull box on your way out of the building, continue your exit and notify the Office of Safety and Security using the nearest emergency phone, or by calling 375-2525. All fire alarms must be taken seriously, and students must evacuate the residence hall immediately during any sounding of an alarm.

**Inspection:** All residence hall facilities are subject to unannounced fire safety inspections throughout the year. These inspections may be conducted by authorized personnel from the student life division, maintenance department, and the New York State Office of Fire Prevention and Control. Inspections will occur regardless of whether students are present in the room at the time.

**Violations:** If violations of the above mentioned fire safety policies are found during inspections, or at any other time, students occupying the room or apartment may be subject to automatic fines, and/or the judicial hearing process. Students found to be in violation of the New York State Fire Code are responsible for their individual actions and will pay restitution to St. Bonaventure University for any and all fines levied by New York state to the University as a result of their actions or violation of the law.
Appendix J – Fundraising, Sales and Solicitation Activities

Fundraising, sales and solicitation activities must be authorized, in writing, by the Associate Dean for Student Life, or the designated staff member in the Center for Activities, Recreation and Leadership (C.A.R.L.), the organization’s designated officer, and the organization’s adviser. If the solicitation is to take place off campus the organization must also have the approval of University Advancement. Required solicitation forms are available on my.sbu.edu. The Associate Dean for Student Life must approve the solicitation form prior to any fundraising, sales or solicitation activities can take place. Clubs and organizations should write a follow up thank you to those that donate to their cause.

University sanctioned clubs and organizations in good standing, university athletic teams and students involved in a university sponsored leadership, service or academic project or program are permitted to fundraise.

A. The criteria and philosophy that governs such activities are:

1. To give University organizations the opportunity to conduct legitimate money-raising activities, which provide a direct benefit or service to members of the University community, and are for the purpose of providing support for the organization to function; (e.g., conferences, field trips, uniforms, supplies, socials, etc.) or to raise proceeds that will be directed to a charitable organization or altruistic cause.

2. To provide consistent and fair procedures promoting equal opportunity for all University organizations needing to implement fundraising activities;

3. To prohibit illegal or unacceptable activities and unfair competition (e.g., similar sales at the same time). Cash, Lottery Tickets and/or alcohol prizes are prohibited.

4. Sales determined to be in direct competition/conflict with permanent official University services are prohibited unless carried out in conjunction with the service (i.e. University Bookstore, CAB, travel, etc.) in question.

5. Activities determined to be for personal benefit are strictly prohibited. (i.e. Study Abroad)

6. Individual, organization and University liability is a primary concern for setting criteria, policies and procedures to govern fundraising activities. An organization wishing to sell food must be able to show product liability insurance that the product meets standards on health, freshness, etc., or work with on campus dining services provider to prepare said items.

7. Failure to comply with or knowingly violate the Fundraising Policy is a violation of the Code of Conduct and sanctions will be assigned.

8. The university itself cannot raise money for disaster relief. Money can be raised for other disaster relief organizations but they cannot be gifts to the university

B. Procedure for requesting, scheduling and conducting a fundraising, sales, or solicitation activity (this applies to approved student organizations and other groups of students):

On Campus:

1. Obtain a Fundraising Request Form and student fundraising policy/procedure information located on my.sbu.edu
2. If requesting table space in the Reilly Center, Richter Center or other student gathering areas approval must be given by Associate Dean for Student Life or designated representative of C.A.R.L based on available space. Upon approval, the student organization should submit the request for space into The 25 Live Event Scheduling Software.
3. If selling goods, the C.A.R.L. Office must approve design prior to sale.
4. The Associate Dean for Student Life and a SBU Athletics Department Representative must approve a fundraising activity to be held at a particular activity or event in the Reilly Center prior to or during basketball games. Table space will be limited and advanced registration is required.
5. Funds collected through any approved fundraising opportunity must be in the form of cash, check, designated internal donation websites and/or online payment links set up by St. Bonaventure University.
   a. External payment mechanisms including but not limited to PayPal, Venmo, GoFundMe, and Eventbrite, etc. are not acceptable forms of payment/donations for any student club or organization purpose. Exception would be made if St. Bonaventure University were to set up an online purchasing mechanism such as a PayPal/Venmo account for specific fundraising purposes.
   b. Money raised from a fundraiser cannot be used without depositing it into a University account first. All monetary donations must be deposited into a University account each day. To deposit revenues, students must complete a Cash Deposit Form, located on my.sbu.edu and deliver it to the either the cashier in Hopkins Hall or to the drop box outside Hopkins Hall in a secure pouch.
   c. Monetary gifts must be deposited into a university account. Gifts received in the form of cash or checks must be brought to Advancement Services in 201 Murphy. If a donor wishes to receive gift credit for an in-kind gift, a Gift-in-Kind (GIK) form must be completed and submitted to Advancement Services. GIK forms can be requested by the organization, not the donor, by emailing advserv@sbu.edu.
   d. If money or something with monetary value is given without receiving something in return and the donor has an expectation it will count towards their total giving to the university or that they will receive a receipt for tax purposes, it should be considered a gift.
6. The sponsoring organization will be responsible for the removal of all promotional materials campus-wide within 24 hours after the activity.
7. Promotion and advertisement for the fundraising activity must conform to the standards outlined in the “Advertising for Authorized Functions” policy (Appendix B, Student Code of Conduct).
8. Gift certificates, gift cards and merchandise may be raffled.
9. Cash, tobacco, lottery tickets and/or alcohol prizes are strictly prohibited.
10. 50/50 Raffles are prohibited for clubs and organizations as they present an unfair advantage to others groups at the same event.
11. Groups fundraising must stay in their own areas/table as to not impede on others ability to fundraise as well. Groups must be respectful of other organizations as to not play music, yell or cause distractions to take the focus off others.

Residence Halls:

12. Fundraising/sales activities are permitted only on a limited basis in residence hall facilities. Door-to-door sales are strictly prohibited. The Director for Residence Life and the Associate Dean for Student Life must approve all fundraising and solicitation activities taking place in residence halls and apartments.

Off-Campus:

1. The previously stated criteria and procedures must be followed.
2. Solicitation outside the St. Bonaventure community (i.e. Olean, Allegany, parents, alumni, etc.) must be authorized by the Associate Dean for Student Life and the Vice President for Advancement.
   a. No student organization may represent SBU online through online donation platforms including but not limited to Go Fund Me. If a student group obtains approval to fundraise online, they will work with the Associate Dean for Student Life and staff members from University Advancement to set up a donation website that is controlled and monitored by SBU.
3. If approved, all communication forwarded to off-campus persons must be well written and in good taste. The organization adviser and/or Associate Dean for Student Life must approve all communications including emails, notice boards, social media postings, letters, fliers, etc.

4. Organization representatives conducting off-campus fundraising activities will need a letter of introduction and/or authorization to share with off-campus agencies.

5. All business ventures by an individual or organization, profit or non-profit, involving the selling or promoting of a product or service off-campus, or involving the solicitation of funds and/or in-kind gifts off-campus in the name of the University, require written approval of the Office of University Advancement. Without such approval, the Vice President for Student Affairs may impose sanctions per the Student Code of Conduct upon an organization and/or confiscate any monies collected. If it is not a student organization, the case will be presented to the Vice President for Advancement.

6. No direct solicitation of money and/or in-kind gifts may be made without expressed approval of the Vice President for Advancement.

7. Credit card vendors are not permitted. Additionally, student groups are not allowed to solicit fellow students on behalf of credit card vendors.

8. Student Clubs and organizations are to thank all donors and sponsors that contribute to their cause.

C. Fundraising for Charitable Causes
Fundraising activities for charitable causes are permissible provided the above guidelines are adhered to along with the following.

1. Prior to conducting fundraising activities for non-profit or charitable organizations, Individuals, groups, organizations and/or teams must submit a statement of support from the organization that authorizes the fundraiser to occur on its behalf.

2. Educational information about the charitable organization and the services it provides must be made available at the fundraising event.

3. Monies raised on behalf of a charitable organization or cause must be deposited into a University account prior to being dispersed.

4. Distribution of funds must come from the fundraised efforts and not from an operating budget.

D. Request to solicit off-campus agencies/organizations/individuals for sponsorships and paid advertisements:

1. The previously stated criteria and procedures must be followed. In addition, the sponsoring organization and University must receive direct benefit from such a solicitation activity.

2. The Vice President for Finance and Administration is authorized to sign contracts on behalf of the institution.

E. Vendors: Vendors wishing to sell or promote a product or service for profit on the St. Bonaventure campus must comply with the following:

1. Vendor must be sponsored by a University-recognized organization. Vendors should not be sponsored without benefit to the organization. St. Bonaventure University may request a Certificate of Insurance naming St. Bonaventure University as Additionally Insured to $1,000,000 if the vendor provides any services to campus or comes on campus to sell and goods or services.

2. St. Bonaventure University supports non-profit organizations (charitable organizations) co-sponsored by a student organization. Registration with the Center for Activities, Recreation and Leadership is required. St. Bonaventure University may also request non-profit organizations to provide a Certificate of Insurance naming St. Bonaventure University as Additionally Insured to $1,000,000 if the vendor provides any services to campus or comes on campus to sell and goods or services.

3. Advertising (fliers, posters, social media outreach, submissions to digital displays etc.) by vendors is subject to approval from C.A.R.L. before distribution on University property may begin. Promotion and advertisement for the fundraising activity must conform to the standards outlined in the “Advertising for Authorized Functions” policy (Appendix B, Student Code of Conduct).

4. St. Bonaventure University reserves the right to limit or restrict vendors and/or the sale of certain services or products.

5. Anyone under the age of eighteen (18) must be accompanied by an adult at all times.

6. Credit card vendors are not permitted.
F. Use of University Logos:

3. University logo – The use of the University logo (the bell tower) is encouraged on all University publications. Please contact the Chief Communications Officer at (716) 375-2303 for approval of the use of the University logo.

4. University athletics logos – Please contact the Associate Athletic Director for External Relations at (716) 375-2319 for approval to use the University’s athletics logo(s).

Fundraising Examples. The following list contains general examples of activities that may be used for fundraising. The Center for Activities, Recreation and Leadership along with University Advancement reserves the right to review and approve all proposed activities during the application process.

1. The sale of items/services unique to the organization/group
2. Items that promote school spirit (e.g., apparel items, cups, lanyards).
3. Pre-packaged food items (e.g., candy bars, sticky buns).
5. Donations of food or clothing.

Prohibitions The University prohibits fundraising activities that include the following.

1. Uninvited, door-to-door solicitation on SBU property.
2. Fundraising during major University-wide events (such as Commencement, Welcome Days, Family Weekend, Orientation, Open House, Spring Into Bonaventure Day) without special invitation from the division/department in charge of the event.
3. Merchandise and/or advertisements that do not conform to commonly established standards of good taste as determined by the Office of Student Affairs and Office of Marketing and Communications (e.g., vapes, lewd, obscene, vulgar, intimidating, ridiculing, threatening or demeaning symbols and/or statements).
4. Merchandise and/or advertisements that promote alcohol, tobacco, drugs or irresponsible behavior (e.g., selling shot glasses, images of alcoholic products on t-shirts, references to intoxication).
5. Fundraising for the personal gain of individuals (e.g., individual club members profiting from a group activity).
6. Revenue generating fundraisers in the University’s residence halls unless authorized through the process.
7. Raising funds for political office candidates.
8. Sale of items that violate trademarks or copyrights (e.g., unauthorized use of logos, slogans).
9. Placing promotional materials on cars in the University’s parking lots
10. Placement of money boxes on University property unless at a supervised table during the fundraising event.
11. Fundraising for political parties or candidates excluding university organizations such as the College Democrats and Republicans.
12. Activities that requiring making physical contact with another person. i.e pie in the face.

G. Additional Restrictions.

Due to the scope and breadth of fundraising activities, St. Bonaventure University acknowledges that this policy cannot address every possible issue that may arise. Thus, the University reserves the right to
impose reasonable restrictions and/or requirements with respect to the time, place, and manner of fundraising activities that may be in addition to, or in lieu of, those set forth in the policy.
Appendix K – Guests/ Visitors and Visitation Policies

**Guest and Visitor** – St. Bonaventure University is private property, for use by faculty, staff, and students. St. Bonaventure University welcomes guests and visitors, and those with official business at St. Bonaventure. Students hosting guests and visitors in the residence halls will be held accountable for any violations of University policies committed by their guests or visitors. Guests/Visitors of resident students are limited to a 48-hour stay within a seven (7) day period. Students hosting guests overnight must register each guest on line through MySBU at [https://my.sbu.edu/custom/visit/form](https://my.sbu.edu/custom/visit/form).

Students with roommates must have roommate authorization in order for a guest to be registered to stay in the room. The University reserves the right to have guests leave campus immediately if they are caught in violation of our policies or state/federal laws. Guests of residential students who intend to park a vehicle on campus must also obtain a visitor pass from Safety and Security Services.

The University requests that guests and visitors abide by all University policies regarding use of facilities and maintenance of public order. While visiting the campus, vendors and guests not associated with residential students should proceed directly to the office where they have an appointment, or inquire at the Office of Safety and Security, first floor Robinson Hall, 716-375-2525.

**Visitation Policy** – visitation among students is not permitted to any residence hall floor other than one’s own residence hall floor between the hours of:

- 1 a.m. and 8 a.m. on weeknights
- 2 a.m. and 10 a.m. on weekends

**NOTE:** Students who live on a floor that is partitioned into separate wings for male and female students are not permitted on any wing other than their own during the times listed above.
Appendix L – Housing Accommodations Policies and Procedures – Accessibility Services and Accommodations

Section 1. Introduction and Background
St. Bonaventure University (SBU) recognizes the importance of providing reasonable accommodations in its housing policies and practices where necessary for individuals with disabilities to use and enjoy University housing. This Policy explains the specific requirements and guidelines which govern requests for reasonable accommodation in University housing. SBU reserves the right to amend this policy at any time as circumstances require.

Section 2. Procedures for Requesting Reasonable Housing Accommodations
The Director of Accessibility Services and Accommodations (ASA) is responsible for evaluating housing accommodation requests. A final decision on reasonable accommodation(s) will be made in consultation with the Office of Accessibility Services and Accommodations, the Office of Residence Life and the Center for Student Wellness. Individuals with a disability who reside or intend to reside in University housing who believe they need a reasonable accommodation must contact the Office of Accessibility Services and Accommodations.

Requests for reasonable accommodation in University housing policies and practices are governed by the following requirements:

1. Requesting Housing Accommodation(s)
   • An individual with a disability must complete the Housing Accommodation Request Form (p.4) to request a reasonable accommodation. This form can be obtained at the Office of Disability Support Services (within the Student Success Center) or downloaded from my.sbu.edu. If the individual requires assistance in completing the Request Form because of his/her disability, the Office of Disability Support Services will provide assistance in completing the form.
   • SBU will accept and consider requests for reasonable accommodation in University housing at any time. The individual making the request for accommodation should complete and provide the Request Form to Office of Disability Support Services based on the following dates:

      **New students starting in Fall Semester: July 1**
      **New students starting in Spring Semester: November 1**
      **Returning students: March 1***

   *Housing accommodation requests must be renewed on a yearly basis. However, if the request for accommodation is made after the above dates, SBU cannot guarantee that it will be able to meet the individual’s accommodation needs during the first semester or term of occupancy.
   • If the need for the accommodation arises when an individual already resides in University housing, he/she should contact the Office of Disability Support Services and complete the Request Form as soon as practicably possible. SBU cannot guarantee that it will be able to meet the accommodation needs during the semester or term in which the request is received.
   • Absent exceptional circumstances and upon receiving the documentation requirements outlined below,
the University will attempt to provide a written response to a reasonable accommodation request within fifteen (15) business days of receiving the information described above.

2. Information that May Be Requested for Housing-Related Reasonable Accommodation Requests

The Office of Accessibility Services and Accommodations shall limit its requests for information to only the information necessary to verify whether the individual making the request has a disability and/or to evaluate if the reasonable accommodation is necessary to provide the individual an equal opportunity to use and enjoy University housing.

a. Obvious Disability: If the individual's disability and the necessity for the accommodation are obvious (e.g. an individual with a physical disability using a wheelchair needs an accessible room), the individual need only explain what type of accommodation he/she is requesting. No verification of disability is required under these circumstances.

b. Non-Obvious Disability/Necessity:
   - If the disability is obvious but the need for the accommodation is not obvious or the disability is not obvious, the University will require the individual to designate a reliable third party to complete the Housing Accommodation Verification Form (p.5). The designated third party should be someone who can verify that the requested accommodation is necessary to provide the individual an equal opportunity to use and enjoy University housing.
   - A reliable third party is someone who is familiar with the individual's disability and the necessity for the requested accommodation. A reliable third-party should be a qualified professional (e.g., doctor, nurse practitioner, psychologist, psychiatrist, etc.). This person is not someone who is related to the student.
   - Absent exceptional circumstances, within fifteen (15) business days of receiving the completed Housing Accommodation Verification Form from the third-party, the Director of ASA will determine if the accommodation is necessary because of a disability to provide the individual an equal opportunity to use and enjoy University housing.
   - If the third-party returns the Housing Accommodation Verification Form without sufficient information for the Director of ASA to determine whether an accommodation is necessary, the Director will inform the individual in writing of the verification’s insufficiency and may request additional information, including additional documentation from the student or speaking directly with the individual supplying the third-party verification, within fifteen (15) business days of receiving the verification.
   - The individual making the request for accommodation must cooperate with the Director of ASA in a timely manner in providing all information needed to determine whether the requested accommodation is necessary.

3. Determination of Reasonableness
a. The Director of ASA may deny the requested accommodation if it is unreasonable.

b. An accommodation is unreasonable if it: (1) imposes an undue financial and/or administrative burden; (2) fundamentally alters university housing policies; (3) poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including University property; and/or (4) is otherwise unreasonable to the operation of the University.

4. Approval of Accommodation
a. If the Director of ASA determines a requested accommodation is necessary and is not unreasonable, she/he will contact the individual, in writing, within seven (7) business days of its determination to discuss the implementation of the accommodation.
5. Denial of Accommodation/Appeal
   a. If the Director of ASA determines a requested accommodation is necessary but unreasonable, she/he will contact the individual, in writing, within seven (7) business days of its determination and engage in an interactive process to determine if there are alternative accommodations that might effectively meet the individual’s disability-related needs.

   b. If the individual is unwilling to accept any alternative accommodation offered by the Director of ASA or there are no alternative accommodations available, the Director will provide written notification to the individual of the denial, the reasons for the denial, and the right to appeal the decision. The notification will occur within seven (7) business days of the student’s stated unwillingness to accept any of the alternative accommodations offered or the determination that there are no alternative accommodations available.

   c. Appeals can be submitted via St. Bonaventure University’s Grievance Procedure.

6. Confidentiality and Record-keeping
   In processing requests for reasonable accommodations, the University will take all steps required by federal, state, and/or local law to protect the confidentiality of any information or documentation disclosed in connection with the requests. The Office of Accessibility Services and Accommodations will securely maintain records related to reasonable accommodation requests including, dates, request forms with supporting documentation, the reason(s) for any denials, communications regarding concerns with the provision or effectiveness of the accommodations, and steps taken to resolve such concerns.

7. Non-retaliation Provision
   St. Bonaventure University will not retaliate against any individual because that individual has requested or received a reasonable accommodation in University housing.
Appendix M – Identification Cards (Bona ID)

All members of the St. Bonaventure University community are required to carry their University photo identification card at all times. Upon the request of University officials, such as Residence Life/Student Affairs staff and Campus Safety and Security officers, students must display their University identification card (Bona ID). Misuse of any identification card (altering, defacing, falsifying, loaning out for meals, etc.) will be documented and referred for disciplinary action. If an identification card is lost or misplaced, the Office of Student Affairs can issue a replacement identification.
Appendix N – Procedures for Reporting Harassment

Procedures

The University believes all reports of harassment should be investigated and handled through a fair and equitable process. Anyone wishing to report harassment that is neither bias-related, discrimination, nor sexual harassment, may do so in the following ways:

1. Students wishing to report being a victim of harassment, or knowledge of another student(s) being a victim of harassment, where such harassment was allegedly perpetrated by another student, may do so through any of the following student life staff members: Residence Director (RD), Director of Residence Life, Associate Dean for Campus Safety, Associate Dean for Student Life or Vice President for Student Affairs. The report will be investigated through the appropriate channels.

2. Students wishing to report being a victim of harassment, or knowledge of another student(s) being a victim of harassment, where such harassment was allegedly perpetrated by a faculty or staff member, may do so through those listed in #1 above, or the University Human Resources office. Students reporting to those listed above should expect to receive assistance in directing the report through the proper channels.

3. Faculty or staff wishing to report being a victim of harassment, or knowledge of another faculty or staff being a victim of harassment, where such harassment was allegedly perpetrated by a student, may do so through the Associate Dean for Student Life. Any formal charges would occur through the University student judicial process.

4. Faculty or staff person wishing to report being a victim of harassment, or knowledge of another faculty or staff being a victim of harassment, where such harassment was allegedly perpetrated by a faculty or staff person, is not subject to this policy or procedure outlined here, but is subject to the Human Resources policies and procedures, or procedures outlined in the Faculty Status and Welfare Manual.

Students, faculty and/or staff will have the following procedural options if filing a report of harassment through Judicial Affairs where the alleged is a student.

a. Speak with the University Ombuds Officer
b. Obtain a “No Contact” order immediately
c. File a written report through the Associate Dean for Student Life and take no action
d. File a written report with the Associate Dean for Student Life and have a mediation or restorative circle (only in appropriate situations)
e. File formal University charges against the student(s) allegedly perpetrating the harassment, and participate in a Judicial Process as outlined in the Code of Conduct for all violations of University Policy.

Resources and Supportive Measures

It is not necessary for a formal report to be made to receive resources or supportive measures. Certain resources and supportive measures may be made by the Associate Dean for Student Life, or appropriate designee, in an effort to protect the safety and/or well-being of any member(s) of the campus community. The University will maintain as confidential any resources or supportive measures provided, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the resources. These are intended to
address the immediate and ongoing effects of harassment or discrimination, or to prevent further harm to the alleged victim and to prevent further violations. Supportive measures could include, but are not limited to:

- changes in academic, living, transportation, and working situations if those changes are requested by the alleged victim and reasonably available;
- “No Contact” Orders
- Summary Suspension or Access Restrictions as provided in the Code of Conduct under “Interim Sanctions”;
- any other interim restriction or sanction deemed appropriate by the Associate Dean for Student Life.

When interim measures are issued, affected students have the right to submit evidence and request review of them by an appropriate University Official.

The University will also provide resources and supportive measures to individuals accused of misconduct and individuals otherwise involved in an investigation or proceeding under this policy.

**Orders of Protection**

If an outside agency or court of law has put in place an order of protection, the University will assist in upholding the order, including explaining the legal consequences for violating the order. If the University receives a report of an official order of protection being violated, the University will provide assistance in contacting the appropriate law enforcement agency.

**Retaliation**

Retaliation is defined in the Code of Conduct under “violations of the Code of Conduct”. Retaliation exists when an individual harasses, intimidates or takes other adverse action(s) against a person for making a good faith report of prohibited conduct, for intervening to attempt to prevent or stop prohibited conduct or assist someone who has been the target of prohibited conduct, for participating in good faith as a reporting party, respondent, witness or otherwise in an investigation or other process undertaken pursuant to this policy, or for supporting of someone involved in such an investigation or process. 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**

If a student is found responsible for harassment or related allegations through the student judicial process, all sanctions listed in the “Sanctions” section of this Code of Conduct would be considered possible outcomes, up to and including expulsion from the University.

For CODAH Policy and Procedures, go to my.sbu.edu, employee, governing documents, Discrimination and Harassment Policies and Procedures
Appendix O– Hazing Policy

St. Bonaventure University supports the emotional, psychological, and physical health and well-being of its students. Any form of hazing is unacceptable and is in direct conflict with our Franciscan heritage and University Mission, which honors the dignity of all people. All students have the right to belong to groups without risk of danger or humiliation. Consent to hazing is never a defense to a violation of this policy.

New members of clubs, organizations and teams can expect to participate in educational and fun activities that build teamwork and camaraderie among all members of the group. Such activities are intended to create a sense of identity and commitment within a group and are generally acceptable and encouraged. Students should check with the Center for Activities, Recreation and Leadership staff, athletics staff, club or organization advisors, etc. if there is any question about an activity constituting hazing.

Definition:

Hazing is any reckless or intentional act, occurring on or off campus, that produces physical, mental, or emotional pain, discomfort, humiliation, embarrassment, or ridicule directed toward other students or groups (regardless of their willingness to participate), that is required or expected of new members and which is not related to the mission of the team, group, or organization. This includes any activity, whether it is presented as optional or required, that places a new member in a position of servitude as a condition of membership. In addition to the activities listed below, prohibited acts of hazing include those covered under New York state law (see below).

Though it would be impossible to list all behavior that could be deemed to be hazing, the following are some typical examples of hazing and are prohibited:

1. any physical act of violence expected of, or inflicted upon, another person. Examples include but are not limited to: whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body
2. any physical activity expected of, or inflicted upon, another, including but not limited to excessive calisthenics, sleep deprivation, exposure to extreme elements, confinement in a small space, or other activity that subjects the student to an unreasonable risk or harm or that adversely affects the mental or physical health or safety of the student
3. any activity that pressures or coerces another person to consume a food, liquid, alcoholic beverage, liquor, drug, or other lawful or unlawful substance which subjects the student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of the student
4. kidnapping, forced road trips, and/or abandonment
5. required carrying of or possessing of a specific item or items
6. servitude (expecting a new member to do the tasks of an experienced member)
7. costuming, tattooing, piercing, and alteration of appearance
8. line-ups and berating
9. coerced lewd conduct
10. degrading games, activities or public stunts
11. interference with academic pursuits
12. violation of University policy
13. assignment of illegal and unlawful activities
14. any activity that intimidates or threatens the student with ostracism that subjects the student to extreme mental stress, shame, or humiliation, or that adversely affects the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the University rather than submit to the act.

Alleged violations of this policy will result in campus judicial action, and may be subject to criminal prosecution. Any retaliation against any person who reports, is a witness to, is involved with or cooperates with the adjudication of hazing is strictly prohibited, and would likely result in judicial action.
A St. Bonaventure University student commits an offense if he or she:

1. engages in hazing as defined above;
2. solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing as defined above;
3. intentionally, knowingly, or recklessly permits hazing to occur; or
4. in any way participates in the planning or organization, or has firsthand knowledge of the planning or organization, of a specific hazing incident involving another St. Bonaventure student, and fails to discontinue his or her involvement in said planning or organization and report the full extent of his or her knowledge of the planned hazing incident to an appropriate Campus Security Authority (C.S.A.), prior to the occurrence of said hazing incident and with adequate time for said C.S.A. to prevent the incident.

An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.

New York Hazing Law

Penal Law § 120.16 Hazing in the first degree.
A person is guilty of hazing in the first degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury. Hazing in the first degree is a class A misdemeanor.

Penal Law § 120.17 Hazing in the second degree.
A person is guilty of hazing in the second degree when, in the course of another person's initiation or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person. Hazing in the second degree is a violation.

Consent Not a Defense
It is not a defense for violation of this policy that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

Examples of Conditions That Create a Hazing Dynamic:

1. New members often wish to be accepted, either formally or informally, into any group, and will submit to hazing in order to be included. Because of this, consent to be hazed does not excuse hazing. Students have died or been seriously injured as a result of participating in activities to which they have “consented.” The psychological pull to be accepted is so strong that hazing victims cannot be expected to resist hazing, even if the hazing is presented as optional. That this pull can be so coercive should make this need to prohibit this conduct, to any degree, undeniably clear.

2. Any activity that places new members in a subservient position to experienced members creates an unhealthy and unsafe power dynamic in which control has been yielded to the experienced member. New members in any organization may expect to be trained, oriented, or indoctrinated, but membership in any group that puts a new member in a lesser role, unrelated to the original conditions for membership or mission of the group, is inappropriate and unfair to the new members. Any activities of membership should be equally shared among experienced and new members.
**Reporting Protection**
The University will take all appropriate measures to accommodate students reporting incidents of hazing, or are witnesses in investigations or judicial hearings, and are at risk for retaliation. Students who, in good faith, make reports and/or provide witness testimony in judicial hearings should do so without fear of retaliation or judicial action for unrelated violations of University Policy. Thus, the University reserves the right, in its sole discretion, to provide said students with immunity with regard to such violations or infractions of University policy, as it deems appropriate on a case by case basis.
Appendix P – Leaves of Absence

A leave of absence for medical reasons must be issued by the Vice President for Student Affairs. Students must make their requests in writing to the Vice President for Student Affairs at or prior to the time they are requesting to take the leave, and leaves will not be granted retroactively. Medical leaves of absence will not be entertained after the official last date to withdraw from classes, as established by the University’s academic calendar, with the exception of extreme emergency cases.

Medical leave is granted by the Vice President for Student Affairs upon recommendation of the University physician and/or Counseling Center personnel or other appropriate professionals (see below). Medical leave is typically granted when a student’s condition makes it necessary for the student to leave campus for an extended period of treatment. A medical leave serves a student in the following ways:

1. A student is withdrawn from classes, receives a “W” on the student transcript for those courses, and while the student does not receive academic credit for the courses, the student is not penalized for the withdrawal.
2. A student living in a residence hall is granted a space for the following semester upon readmission, provided that on-campus living is not a recommended restriction.
3. Financial payments to the University are reimbursed on a prorated basis.

Students leaving the University for medical reasons will be eligible to participate in the readmission process only after they have received necessary treatment, and upon approval of the Vice President for Student Affairs, in consultation with the Director for the Center for Student Wellness. The student may be recommended for readmission only after the University receives written reports of evaluations from qualified health care professionals, and the student participates in an interview with the Director for the Center for Student Wellness. After these evaluations are complete and received by the University, a recommendation will be made to the Vice President for Student Affairs who will make a decision regarding the student’s eligibility for readmission. The University reserves the right to require consultations between the student and relevant professionals at the University’s choice. Stipulations for return to the University will be outlined at the time a request for leave is granted. Students who have withdrawn from St. Bonaventure with good standing may be readmitted when formal application for readmission is approved by the Office of Admissions. If the student has been absent for more than one full semester, a processing fee must be filed with the application.

Before a student is readmitted, the student must furnish an updated medical history record. Any student who leaves St. Bonaventure University for medical reasons must complete the readmission process by July 15 for the fall semester and by Dec. 1 for the spring semester. The readmission process requires that a student complete the following steps:

1. make reapplication through the Office of Admissions;
2. submit a letter from the student to the appropriate University representative indicating why the student believes he/she is ready to return to the University;
3. provide documentation as required by the Office of Admissions;
4. discuss with the appropriate University representative(s) the request for admission. If readmission is approved, on-campus housing, when appropriate, will be assigned by the Housing Office.
Appendix Q – Maintenance of Public Order and Public Demonstrations

St. Bonaventure University recognizes an individual’s right to peacefully organize for the purpose of expressing opinions. Members of the St. Bonaventure University community are free to express opinions publicly and privately, but in an orderly and respectful manner that does not disrupt the operation of the institution. St. Bonaventure University reserves the right to revoke the campus privilege(s) including residency in or utilization of any of its buildings, or on its grounds, or any occupant whose conduct, solely in the University’s opinion, becomes injurious or potentially injurious to the academic community. St. Bonaventure University is private property, for use by students, faculty and staff. Members of the St. Bonaventure University hosting guests and/or visitors assume responsibility for the conduct of their guest(s)/visitor(s).

Unacceptable behavior/practices on the campus and properties of St. Bonaventure University include but are not limited to:
Harassment in any form; sexual harassment; violence against any community member or guest; theft or destruction of University or personal property; interference with academic freedom and freedom of speech; interference with an individual’s right to assemble peacefully; unauthorized occupation of any University facility, office or building; bias-related activity of any kind; lewd, indecent or obscene conduct or behavior; forcible interference with the freedom of movement of any member of the University community or guest; any action or situation that recklessly or intentionally endangers mental or physical health, causes bodily or physical harm, causes bodily or physical harm, or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization; any action that jeopardizes the safety of any member of the academic community, guest or visitor.

St. Bonaventure University does not condone, nor does it forbid, public demonstration. Campus demonstrations are limited to the outdoors and may include members of the University community exclusively. Demonstrations may not be conducted within 100 yards of the University Chapel, Franciscan Friary or Center for Student Wellness. Members of the University community who choose to peacefully demonstrate must register as a scheduled campus activity through the Office of University Events and be approved by the Vice President for Student Affairs no less than 48 hours (two business days) prior to the event. A recognized student organization or University faculty/staff member must sponsor any/all campus events. Said student organization or faculty/staff member assumes all responsibility for the scheduled event. All members of the St. Bonaventure University community are expected to comply with the reasonable directives of any authorized University official, including but not limited to University Safety and Security staff members. Sound-amplification equipment may not be used at any time, in any place, or in such a manner so as to disrupt the University’s functions of teaching, public service or administration, or study and sleep in the residence halls, or other authorized scheduled event. St. Bonaventure University neither permits, nor forbids, off-campus demonstrations by members of the University community. Students as participants in local community affairs, as residents of, or visitors to, Allegany, N.Y., Olean, N.Y., or other municipalities, colleges or universities, are expected to abide by local, state and federal laws and ordinances. The University will act in situations wherein a specific act off campus endangers the welfare of the University and/or wherein members of the University community are harmed as a result of student conduct off campus.
Appendix R - Parental Notification Policy

In situations involving serious injury, illness, emotional or psychological concerns, a University medical doctor, counselor, the Vice President for Student Affairs and/or her designee may notify the parent(s)/guardian of an affected student. The Vice President for Student Affairs or her designee may notify the parent(s)/guardian of other situations (e.g. disciplinary matters or crisis situations). Where possible, the student will be aware of and have the right to initiate such notification. Unless otherwise notified by the student, the University will assume that the student agrees to the involvement of parent(s)/guardian in this process as stated above.
Appendix S – Residence Hall and Food Service Agreement 2020-2021
Terms and Conditions

The services described in this agreement are offered under terms and conditions stated herein. A student indicates acceptance of this agreement by signing this document and the agreement will become binding for both parties when a student signs the agreement and the agreement is received and acknowledged by the University. Should the academic calendar for the institution change for any reason after the issuance of this agreement, the University reserves the right to adjust the dates and times within the agreement in its sole and absolute discretion, and will provide students notice via email.

1. **Period of Agreement** – This agreement is for the full academic year from August 24th, 2020 until May 13, 2021, and cannot be terminated or cancelled except under the conditions outlined below. If entered into after the beginning of the fall 2020 term, this agreement applies only to the balance of the 2020-2021 academic year. Additionally, to the extent the academic year is modified by the University for any reason whatsoever, the term of this agreement shall automatically be so modified in accordance therewith.

2. **Cancellation of Agreement by Applicant** –
   - **All freshmen, sophomores and juniors are required to live on campus through the end of their junior year as outlined in the On-Campus Housing Residency Policy and Requirements.** Exemptions to this policy can only be granted by the Vice President for Student Affairs or her designee.
   - A student requesting and receiving approval to break this agreement prior to the opening of residence halls for the fall semester, or within the first two weeks of class, does so under penalty of a $200 cancellation fee, in addition to whatever pro-rata costs have accumulated for the first two weeks of class if the student did not request to cancel the agreement prior to the date of opening of residence halls. A student requesting and receiving approval to break this agreement after the end of the second week of class of a semester does so under penalty of the cost of the room for the entirety of that semester, in addition to the $200 cancellation fee. In order to properly cancel this agreement, a student must submit a written request to the Director for Residence Life or his designee for approval. Once approved, a date and time for move out will be determined between the student and the Director. Should the requesting student fall under the designation of the On-Campus Housing Residency Policy, they will not be given permission to break the agreement.

3. **Termination by the University**
   A. The following shall constitute grounds for the termination of this agreement at the discretion of the University, represented by the Vice President for Student Affairs or her designee:
      - Default in payment due under the agreement.
      - Student withdrawal or transfer from the University
      - Student studying away/abroad through University program
      - Violation of the Student Code of Conduct
      - Other conduct on the part of the student determined to require removal of the student from the residence hall for his/her own best interest, or the best interest of other students
   B. Student is legally married on or after June 1, 2020
   C. If at any time during the period of the agreement the University terminates the agreement for cause, the student will be liable for all sums accruing to the University under the terms of the agreement prior to termination.

4. **Matriculation Status Requirement**
   A. Only students with full-time, matriculating status at the beginning of each semester are permitted to live in on-campus residence halls. Full-time students are defined as undergraduate students taking 12 or more credit hours per semester. Should a student fall below full-time status during the semester
the student should contact the Vice President for Student Affairs or her designee to see if they will be permitted to live in the residence halls, provided that the student is still attending classes.

B. Should a student fail to register for courses for the spring semester by the time they complete their last final examination of the fall semester, the student will be required to remove their belongings from their residence hall room prior to their departure for the semester break. Requests to reserve the space will not be granted.

5. General Obligation Deposit - The general obligation deposit of $100 (part of the enrollment confirmation deposit), which is made by the student at the time of admission to St. Bonaventure University, must remain on deposit as long as the student is enrolled. The general obligation deposit is applicable to any room damages and other indebtedness to the University and is forfeited by failure to provide notice of withdrawal from St. Bonaventure University by June 1, 2020.

6. Room Assignment

A. Room assignments are made without regard to race, color or creed.

B. Every consideration will be given to housing assignment requests, but the University cannot commit to honoring every request. Failure to honor an assignment request will not void this agreement.

C. The University reserves the right to change room or hall assignments, to assign roommates, or to consolidate vacancies, for any reason at any time. In the event one occupant moves out of a room, the student(s) who remain will be granted a short period of time to find another person to fill the space, or agree to accept an assigned roommate, or to move to another room upon request. If the student is unwilling to consolidate, the student may be required to buy out the room at a premium rate. The University is not responsible for moving personal belongings of students who are moving, even if the move is at the request of the University.

D. Student-initiated room changes will only be permitted during the period established by the Director for Residence Life. The student must show reasonable cause to his/her Residence Director for permission to move. During any other time a room change will not be granted unless necessitated by unforeseeable roommate conflicts.

E. Any unauthorized room changes will be handled judicially, and students may be required to move back to their originally assigned space.

F. The University does not offer family housing, and will not accommodate dependents, spouses, or any person other than the student signing the agreement.

7. Occupancy of Halls - New students participating in Welcome Days or Orientation are permitted to move in according to the start date of the orientation program. All continuing students may move-in on or after the date and time of the official opening of the residence halls as published on the official University calendar. For the fall 2020 semester, staggered move in will take place for non-freshman students from August 21st - August 23rd, 2020. Students will be sent individual instructions regarding their move in time. For the spring 2021 semester, opening of halls is Sunday, January 17, 2021, at 1:00pm. Move in dates for the Fall 2020 & Spring 2021 semester are subject to change with limited notice. Early arrivals will not be permitted unless the student is sponsored by a campus office.

Rooms must be vacated at the close of the period of agreement. Residence Halls will close for the Fall 2020 semester on Wednesday, November 25th at 10:00 am and for the Spring 2021 semester on Thursday, May 13th at 10:00 am. Residence Hall closing dates are subject to change with limited notice. Graduating students must vacate rooms no later than 5:00pm on Commencement day, Sunday, May 16th, 2021. A student who withdraws from the University must vacate his/her room no later than twenty-four (24) hours after withdrawal.

8. Vacation Housing

Rooms may not be occupied when the halls are closed during vacation periods. Residence Halls will be closed. Exceptions will only be made for international students, students sponsored by a University office or department, or other students with extenuating circumstances deemed appropriate by the Director for Residence Life, or his designee. Students must request permission to stay through the Office of Residence Life. The University reserves the right to consolidate students approved to stay into one location in order to achieve staffing efficiency and energy savings. The location will be determined by the Director for Residence Life, or his designee. Approved students will be assigned vacation housing by the Residence Life Office. The following are dates the University is closed for vacation, and students are not permitted to remain on-campus without special permission:

Winter Break: Wednesday, November 25th-2020 (10:00 am) until 1:00 pm Sunday, January 17th, 2021.
9. **Check-In / Check-Out**
   A. **Check-In** - Each resident student assumes responsibility for the condition of his/her assigned room. The University provides each resident student with a paper room condition report for this purpose. This form is to be completed and reviewed within the first week of classes, to assess the present condition of the room and to ensure proper damage billing when the student moves out.
   B. **Check-Out** – When the student moves out of the room for any reason at any time, the student must comply with the proper check-out procedures. The preferred method is Express Check-Out. An Express Check-Out form and key envelope must be obtained from a Residence Life staff member or from the Student Affairs Main Office on the 2nd Floor of the Reilly Center. The student must complete the form, place the room/building key(s) in the key envelope, and return both to a Residence Life staff member. Every student has the right to have a professional staff member evaluate the room in his/her presence to do a preliminary damage assessment. While the Express Check-Out form waives this right, students choosing to have a professional staff member evaluate the room must make arrangements with the Residence Director in advance of their departure. This preliminary assessment done with the room condition report may not be the final inspection, as final damage assessments cannot be made until all occupants of the room have removed all of their belongings. Failure to properly check-out, either with Express Check-Out or with a professional staff member, will result in a $25 Improper Check-Out fine, in addition to whatever key charges may apply.

10. **Keys** – When checking into the residence hall, room keys will be issued by the Residence Life staff to all students living in that building/area. When the student moves out of the room, all keys must be returned to the residence life staff, as outlined in the check-out procedures above. If a student does not properly check-out, and fails to return all assigned keys, he/she must pay the lock change fee. If a student loses his/her key, he/she must report this loss immediately to the Residence Life office, and the student must pay a lock change fee. **This fee is $100 for the lock change and is billed to the student’s account.** Students are not permitted to duplicate or copy keys, or give their keys to another individual.

11. **Fire/Theft/Damage** – The University is not liable for a student’s property, which may be lost, stolen or damaged in any way, wherever or whenever this may occur on the premises, including storage facilities. The student agrees to pay for damages, lost property, or necessary services caused by him/her to University residence halls, apartment buildings, individual rooms, or grounds because of his/her negligence or intent. The student will share the total cost of group damages to the student’s floor, wing, building, and/or apartment, which cannot be ascribed to any individual. Where two or more students occupy the same room, and responsibility for damage or loss cannot be ascertained by the Residence Life team, the cost of the damage or loss will be divided and assessed equally between or among the residents of the room. Damages to University facilities, furnishings or equipment that cannot be assigned to an individual student may be assigned to the floor or building if the Residence Director determines there is a community responsibility for the damage or loss.

12. **Room Care** – The student is responsible for cleaning his/her own room, removing waste materials regularly, and maintaining sanitary and safety conditions acceptable to the University, so as to promote a healthy and productive atmosphere within the University residence facilities. Student rooms, common areas and University facilities may not be physically altered in any way. University furnishings may not be removed from student rooms or common areas for which that furniture was allocated. The stacking, dismantling or altering of University furnishings / equipment is strictly prohibited. University furnishings are to be used in a manner consistent with the intended use of the item. Dartboards, nails, hooks, anchors, or any device that may damage University structures, equipment, facilities or furnishings are not permitted. Residents may not install cables, wires, ropes or other devices into corridors or between rooms. Additional furniture, major appliances and fixtures are strictly prohibited in residence hall rooms. Students are also expected to abide by all policies and procedures outlined in the Student Code of Conduct.

13. **Room Entry** – The University affirms its respect for residents’ rights to maximum privacy in their room, apartment, and/or townhouse. However, all resident students are subject to Jurisdiction Section, Part D of the Student Code of Conduct referencing “Room / Property Search and Inspection”

14. **Pets** – Pets are not permitted in any University facility. NOTE: Modifications will be made to allow the presence and use of service animals in accordance with Section 504 of the Rehabilitation Act of 1973, the 1990 Americans with Disabilities Act, and the Fair Housing Act. Should a student require a service or
emotional support animal, they must contact Disability Support Services, and abide by the policies and procedures set forth for obtaining approval.

15. **Fire Safety** – Resident students are required to abide by all Fire Safety Policies and Procedures outlined in the Student Code of Conduct.

16. **Policies and Procedures** – The student must comply with all policies and procedures set forth in the University publications that are prescribed by reference, especially in the Student Code of Conduct and the University Catalog. The student is obligated to be familiar with said policies and procedures, especially those pertaining to his/her occupancy in the residence halls. Acceptance of the terms of this agreement assumes knowledge of the above described.

17. **Inability to Provide Accommodations** – The student acknowledges that the payments for room and board are a necessary component of the University’s overall financial health and stability, and accordingly are allocated by the University in a broader context than a standard residential rental agreement. The student also acknowledges and agrees that in the event the University is unable to provide accommodations described herein because of strikes, walkouts, epidemic, pandemic, acts of God, acts of Government, flood, fire, acts of terror, earthquakes, civil unrest, labor disputes, or any other circumstance reasonably beyond the control of the University, the Student waives any right to a refund of any previously paid room and board payments, and agrees that University shall not be obligated to offer any refund of previously made room and board payments. Notwithstanding the foregoing, University reserves the right to offer refunds of room and board on a pro-rata basis in its sole and absolute discretion, after deducting such sums as necessary to satisfy the University’s pre-existing commitments and obligations relative to maintenance, upkeep and preservation of integrity of the residence hall’s structure, systems, equipment and furnishings.

18. **Meal Plans** –
   - **Residential Meal Plan Requirement** - A student living in a residence hall must purchase one of the following meal plans: Bona Platinum, Bona Gold, Bona Silver. The only exceptions are students living in the townhouses or apartments and graduate students. If a student’s room assignment changes from an Apartment to a regular residence hall, the student will be required to take a full meal plan (Silver, Platinum or Gold), regardless of whether the change is student initiated or mandated by the University. The change will take effect the day the room switch is finalized, and the student will automatically be assigned a Silver plan if he/she does not indicate otherwise.
   - **Unused Flex Dollars and Block Plan Transfer** – Unused flex dollars and student block plan meals will transfer from the fall to spring semester. At the end of the spring semester, unused Flex Dollars and student block plan meals are nonrefundable and cannot be transferred to the summer or the new academic year. Absolutely no reimbursements will be given for unused meal plans or Flex Dollars.
   - **Meal Plan Changes** – Within the abovementioned guidelines, students may change their meal plan during the first ten (10) business days of each semester only. This policy is strictly enforced. Meal plan changes are done online through the students my.sbu.edu account.
   - **Meal Plans and Dining Availability During Break Periods** - Meal plans are not in effect and cannot be used when the campus and/or residence halls are closed during specified vacation periods, Christmassemester break and spring semester mid-term break. Residence Halls remain open for Easter Break along with limited dining services options, but there will be no dining services available on Easter (Sunday, April 4th, 2021).

Agreement:
I acknowledge that I have reviewed the Terms and Conditions of the Residence Hall and Food Service Agreement. I hereby agree to comply with all terms and conditions set forth herein. I understand that this agreement is binding for both fall and spring semesters, with exceptions outlined under Terms and Conditions of this agreement. I agree to pay the agreement rates as they have been announced above.

COVID 19 Waiver: I acknowledge that St. Bonaventure University uses reasonable and routine cleaning and sanitization procedures on and within the areas of the premises for which they are responsible for cleaning during my occupancy thereof, and on and within the remainder of the premises between occupancies. I also acknowledge and understand that no cleaning and sanitization procedures or regimen can reasonably be expected to eliminate the spread of communicable diseases, including but not limited to viruses and bacterial infections spread by and between human beings through airborne, droplet or bodily fluids, or surface contamination. Therefore, I acknowledge and agree that despite St. Bonaventure University’s cleaning and sanitization procedures I am at risk of contracting a communicable or infectious disease while using St. Bonaventure’s facilities, residence halls, and
premises (the "Premises") from other residents at the Premises, other users of the Premises, or other sources. By choosing to enter, remain in, or reside in the Premises for the period designated herein, I fully knowingly and voluntarily assume the risk of contracting a communicable or infectious disease from such other residents at the Premises, other users of the Premises, or other sources. I agree to waive any claims or demands on behalf of myself, as well as my heirs or my assignees, that I may now have or may in the future come to have against St. Bonaventure University and its agents, officers, directors, faculty members, employees, or servants, for damages, arising from or relating to my contraction of a communicable or infectious disease while entering, using, remaining within or residing at the Premises, or arising from the spread of a communicable or infectious disease within the Premises. To the extent that any provision of this acknowledgment and waiver is deemed violative of any statute, rule, regulation, common law or other authority, I agree that this clause shall be reformed to the maximum extent possible so as to give reasonable force and effect to its terms to the greatest extent permissible under such law or controlling authority.
Appendix T – On-Campus Residency Requirement

All St. Bonaventure University students (including transfer students) are required to live on-campus throughout their freshman, sophomore and junior years except as noted below. The terms freshman, sophomore, junior and senior are defined by credit hour as outlined in the University Catalog. The Residence Hall and Food Service Terms and Conditions are binding for both fall and spring semesters of that academic year. Therefore, a student’s residency requirement for the entire academic year is determined by that student’s status at the beginning of that academic year. As part of the Residence Hall and Food Service Terms and Conditions, undergraduate students living in dormitory style housing (Doyle, Devereux, Robinson, Falconio, Shay, Loughlen or Francis halls) are required to have either a silver, gold or platinum meal plan. Only students with full-time, matriculating status at the beginning of each semester are permitted to live in on-campus residence halls. Should a student fall below full-time status during the semester, he or she will not be required to move out provided they are still enrolled in and attending courses.

Exceptions to this housing residency requirement include:

1. Students commuting from home, when home address is within 30* miles of St. Bonaventure University (*effective the 2020-2021 academic year)
2. Married students or students with dependent children.
3. Students age 23 years or older at the start of the academic year.
4. Students whose Residence Hall and Food Service agreement is terminated by the University (see “Termination by the University” in most current Residence Hall and Food Service Terms and Conditions).
5. Students who are restricted from living on campus as a result of a judicial hearing sanction.

Students wishing to request an exception to this policy for extenuating reasons not covered above must complete the Housing Residency Exception Request Form and submit it to the Vice President for Student Affairs for consideration. Students to whom the above exceptions do not apply, or who do not receive permission from the Vice President, and do not participate in the room selection process, will be assigned a room after room selection, and billed for room and meal plan.
Appendix U– Service Animal and Emotional Support Animal Policy and Procedures

While St. Bonaventure University enforces a no-pet policy in its residence halls (with the exception of fish, not exceeding 10 gallons) and campus facilities, it is acknowledged that some members may require the use of service or support animals. St. Bonaventure University recognizes the importance of Service Animals as defined by the Americans with Disabilities Act Amendments Act (ADAAA) and the broader category of Emotional Support Animals under the Fair Housing Act that provides physical and/or emotional support to individuals with disabilities. St. Bonaventure University is committed to allowing individuals with disabilities the use of a Service Animal on campus to facilitate their full participation and equal access to the University’s programs and activities. St. Bonaventure University is also committed to allowing Emotional Support Animals necessary to provide individuals with disabilities an equal opportunity to use and enjoy University housing. The University reserves the right to amend this Policy as circumstances require. Set forth below are guidelines concerning the appropriate use of and protocols associated with Service Animals and Emotional Support Animals.

DEFINITIONS

Service Animals - A “service animal” is an animal trained to do work or perform tasks for the benefit of an individual with a disability. The work or tasks performed by a service animal must be directly related to the individual’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, pulling a wheelchair, or assisting an individual during a seizure. The ADAAA limits service animals to dogs and, in some circumstances, miniature horses. Service animals are not considered “pets” and are explicitly permitted to accompany the disabled person in all areas of the University where the disabled person is authorized to be. In extremely unusual circumstances, a service animal may not be permitted in a specific area, such as in an animal research lab if the service animal’s presence would pose a danger or interfere with research activities. In those cases, the University will work with the individual to explore alternative accommodations for the individual to participate in the University’s program.

Emotional Support Animals (ESA) - An ESA is not specially trained to assist a person with a disability and, therefore, is not a service animal. An ESA is required by a member of the St. Bonaventure University community in order to have an equal opportunity to use and enjoy their residence hall room or to participate in the housing program. The animal provides emotional support which alleviates one or more identified symptoms or effects of a person’s disability. There must be an identifiable and medically indicated relationship between the individual’s disability and the assistance the animal provides. A person with a medically documented need for an ESA is permitted to have the animal in his/her residence. An ESA is not permitted to accompany the individual with a disability in “no pet” areas of the University, other than his/her residence hall.

Pet - A pet is an animal kept for ordinary use and companionship unrelated to a disability. A pet is not considered a service or ESA. Pets, other than fish, are prohibited from residing and/or visiting University residence halls. Further, pets are not permitted in the facilities of St. Bonaventure University.

Approved Animal - An approved animal is a Service or ESA authorized pursuant to this policy.

Owner - The owner is a person with a disability who uses an authorized service or emotional support animal.

PROCEDURES FOR REQUESTING ACCOMMODATION FOR USE OF SERVICE OR EMOTIONAL SUPPORT ANIMALS

Service and emotional support animals may not reside in University housing without express pre-approval of University officials.

SERVICE ANIMALS

Students intending to bring a service animal to campus and/or to live with a student in a residence hall are requested to inform the Office of Accessibility Services and Accommodations (ASA) 100D Plassmann Hall.
Students are encouraged to make this notification by July 1 for fall term, November 1 for spring term, and March 1 for summer term to allow adequate time to make arrangements. Notification to ASA of the need for a service animal will assist the University in making any necessary preparations, as well as ensuring that appropriate University employees are made aware that the animal is a service animal authorized to be on campus. If it is readily apparent that the individual has a disability and that the animal is a service animal, no further information will be requested. If it is not readily apparent that the animal is a service animal, the individual may be asked if the animal is a service animal required because of a disability and to explain the work or task that the animal has been trained to perform. The animal will not be required to demonstrate this task and no documentation of training will be required. If the service animal is a miniature horse, additional consideration will occur, including but not limited to whether the animal is controllable by the owner and will not present a safety risk.

EMOTIONAL SUPPORT ANIMALS

No Emotional Support Animal may be kept in University housing at any time prior to the individual receiving approval as a reasonable accommodation pursuant to this Policy.

- To begin the process, students must complete the Emotional Support Animal Request Form, available at the ASA office in Plassmann Hall 716-375-2065 or through my.sbu
- Before a request for a support animal is reviewed, the student must submit sufficiently specific documentation, completed by a treating physician or qualified non-University health provider, to the ASA Director which permits him/her to determine that (1) the individual has a disability (2) the animal is necessary for the individual to have an equal opportunity to use and enjoy their residence, and that (3) there is an identifiable relationship between the disability and the assistance that the animal provides.
- Once the request and supporting documentation is submitted, in writing, to the ASA Director, it will be reviewed in consultation with Residence Life and the Center for Student Wellness (if necessary) to determine if an assistance animal is an appropriate accommodation to the University housing policy.

The Director of ASA may consider the following factors, among others, as evidence in determining whether the presence of the animal is reasonable or in the making of housing assignments for individuals with Emotional Support Animals:

- The size of the animal is too large for available assigned housing space;
- The animal's presence would force another individual from housing (e.g. serious allergies);
- The animal's presence otherwise violates individuals' right to quiet and enjoyment;
- The animal is not housebroken or is unable to live with others in a reasonable manner;
- The animal's vaccinations are not up-to-date;
- The animal poses or has posed a direct threat to the individual or others such as aggressive behavior towards or injuring the individual or others.

Students are encouraged to place their request for use of an assistance animal in University residence halls by July 1 for fall term, November 1 for spring term, and March 1 for summer term to allow adequate time to make arrangements. While requests submitted after these dates will be accepted and considered, St. Bonaventure University cannot guarantee that it will be able to meet late applicants' needs in time for the beginning of the semester. The Director of ASA, Residence Life and Center for Student Wellness meets as needed to determine on a case by case basis and in accordance with applicable laws and regulations whether the animal is a reasonable and appropriate accommodation for the student making the request. If the request is submitted by the deadlines listed above, the student will be notified in advance of moving into a residence hall room regarding the status of the application.

Emotional Support Animal's paperwork requirements: Before an emotional support animal is permitted on campus as an accommodation, its paperwork must be on file with ASA.

- Health and vaccination records: the animal must have an annual exam from a licensed veterinarian that does not identify health issues sufficient enough to prevent the animal from providing the necessary assistance to the individual. The animal must also have updated vaccinations, including but not limited to, the general maintenance vaccine series and any vaccinations deemed necessary by a licensed veterinarian. The animal must also wear a rabies vaccination tag.
- Licensing: Owner must follow all local or hometown licensing laws and tag laws.
OWNERS RESPONSIBILITIES REGARDING USE OF A SERVICE OR EMOTIONAL SUPPORT ANIMAL

Members of the St. Bonaventure University community with a Service Animal: The supervision of the animal is solely the responsibility of its owner. The owner must be in full control of their animal at all times, as outlined below. The owner is expected to ensure the health, safety, and humane treatment of their animal. The owner agrees to continue to abide by all other University policies. Reasonable accommodation which may constitute an exception to a policy that otherwise would prohibit having an animal does not constitute an exception to any other policy. The Office of Residence Life has the ability to relocate owner and approved animal as necessary according to the Housing contract. St. Bonaventure University personnel may intervene if the animal is found unattended, in need of care, or is causing a disturbance.

Under control of owner: The animal must be under the owner’s direct physical control with a harness, leash, or another tether, unless either the owner is unable because of a disability to use these, or the use of one of these would interfere with the service animal’s safety, effective performance of work or tasks. If so, the service animal must be otherwise under the owner’s control (e.g. voice control, hand signals, or other effective means).

- The animal’s behavior must not be disruptive to its surroundings or other members of the University community. Disruptive behavior includes, but is not limited to, jumping on people, barking, growling, excessive odor, taking food from dining area tables, or taking personal belongings of individuals other than the owner.

Proximity to owner: While on campus, in areas including classes, public areas or residences, food venues, or assembled gatherings, the animal must be in close physical proximity to the owner.

- Animals in University housing may not be left for extended periods of time either unattended or to be cared for by someone other than the owner.

Clean up and grooming requirements: The care of the animal is solely the responsibility of its owner. The animal must be housebroken. The owner shall:

- Always carry equipment sufficient to clean up the animal’s waste and immediately remove and dispose of the waste. Members of the University community who are not physically able to pick up and dispose of animal waste are responsible for making all necessary arrangements for assistance. St. Bonaventure University is not responsible for this task.

- Keep the animal clean, well groomed, and free of pests. If University facilities are used to bathe the animal, the owner will clean the area when done. Members of the University community who are not physically able to bathe the animal or clean University facilities when done are responsible for making all necessary arrangements for assistance. St. Bonaventure University is not responsible for this task.

Health and safety: The owner is expected to ensure the health, safety, and humane treatment of their animal.

- St. Bonaventure University personnel shall not be required to provide care or food for any animal including, but not limited to, removing the animal during emergency evacuations for events such as a fire alarm. Emergency personnel will determine whether to remove the animal and may not be held responsible for the care, damage to, or loss of the animal.

Members of the St. Bonaventure University community with an Emotional Support Animal in University housing: The care of the animal is solely the responsibility of its owner. The owner agrees to all of the requirements outlined above, with the exception of the identification recommendation, in addition to the requirements outlined below. The owner agrees to continue to abide by all other University policies. Reasonable accommodation which may constitute an exception to a policy that otherwise would prohibit having an animal does not constitute an exception to any other policy. The Office of Residence Life has the ability to relocate owner and approved animal as necessary according to the Housing contract. University personnel may intervene if the animal is found unattended, in need of care, or is causing a disturbance.

- The assistance animal is only permitted within the owner’s residence hall room when the owner is present.

- The owner is responsible for ensuring the assistance animal is contained, as appropriate, when the owner is not present during the day while attending classes or other activities.

- The owner must submit annual proof of immunizations as required to the Director of ASA.
LACK OF CLEANLINESS AND DAMAGES CAUSED BY THE SERVICE OR EMOTIONAL SUPPORT ANIMAL
All members of the University community are responsible for any extra cleaning required or damage to University property which is caused by them. The owner shall also be responsible for any extra cleaning required or damage to University property which is caused by the service or emotional support animal.

- The owner’s residence may be inspected to ensure it is being properly cleaned and that sanitary and safe conditions are being maintained. If required, the owner will be billed for the expense of the additional cleaning required.
- The owner’s residence may be inspected for physical damage during the regularly scheduled housing inspection. The owner will be billed for the expense of any damage to the University residence or University furnishings within the residence that are caused by the animal.

MANAGING DISABLING CONDITIONS AND CONCERNS OF ALL MEMBERS OF THE ST. BONAVENTURE UNIVERSITY COMMUNITY
Within University residences, the health and well-being of all roommates, suitemates, apartment mates, and building occupants will be considered.

- Members of the University community with medical conditions(s) that are affected by animals (e.g., respiratory diseases, asthma, and severe allergies) are asked to contact the Office of Residence Life if they have a health or safety related concern about exposure to an animal.
- Roommates, suitemates, apartment mates, will be made aware of the planned presence of an animal in their residence by the requesting person. They will be asked to sign an acknowledgment stating that they understand they will be living in the presence of an animal and are aware of how to address concerns if needed. In the event that a roommate, suitemate, and/or apartment mate has an allergy or other physical or emotional condition aggravated by the presence of the animal, the University will work with the students involved to find a housing solution acceptable to all. However, when faced with students with incompatible medical needs, the University may find it necessary to relocate one or more students involuntarily, including, where the University deems appropriate, the student with the animal.

REMOVAL OF A SERVICE OR ASSISTANCE ANIMAL
St. Bonaventure University may pursue the process for determining if an approved animal should be removed from campus housing for the following reasons:

- The animal is not under the direct physical control of the owner
- The animal’s behavior is disruptive to its surroundings or other members of the University community
- The animal poses a direct threat to the health and safety of others
- The animal’s presence fundamentally alters the nature of a program or activity
- The owner fails to comply with any of their responsibilities under this policy

Process for removal of a service or assistance animal:

- Any member of the University community may submit a complaint about a service or assistance animal, identifying one or more concerns in the areas listed above.
- The University will investigate the situation. If the University determines that a violation of this policy occurred, the owner of the animal will be informed, and the University will take appropriate responsive measures. The University’s responsive measures will depend on the circumstances of the situation. Where reasonable, the University will work with the owner to resolve the situation in a way that allows the owner to continue to have the service or assistance of the animal or another animal. The University reserves the right to require an owner to remove the animal from University property.

Decisions made pursuant to this policy are reviewable by the Vice President of Student Affairs upon request by the affected person(s). The request for review should be made to the Vice President of Student Affairs within ten business days of the decision. Additionally, in appropriate cases, an appeal may be available through the University’s Grievance Procedure.
Appendix V – Smoke-Free Policy

In compliance with New York State law, and faithful to the core values of St. Bonaventure University, the following smoke-free regulations have been adopted, and apply to all legal smokable products, including but not limited to cigarettes, e-cigarettes, and “vaping”:

1. **Smoke-free Workplace**: St. Bonaventure University guarantees its employees and students a smoke-free workplace. Smoking is prohibited in **ALL** indoor areas of the University, including University vehicles and all residence facilities, as well as **ALL** outdoor areas of the University main campus *(east and west side)* property.

2. **Tobacco Products**: Sale of tobacco products is prohibited on campus.

3. **Posting of Signs**: “Smoke-Free” signs will be prominently displayed. Additionally, copies of this policy will be posted on the University Web site, employee handbooks and available to all employees and prospective employees upon request.

4. **Enforcement**: Complaints may be directed to the Associate Dean for Campus Safety, the University’s agent responsible for enforcing this policy, and/or the residence life staff for violations occurring in the residence halls. Failure to comply with this policy places both the smoker and the University at risk of substantial civil penalty.
   a) Sanctions: Sanctions for students will be imposed as a result of a University judicial hearing.
   b) Repeated violations of this policy may be cause for severe disciplinary action up to and including dismissal from employment (for employees) or expulsion (for students). These sanctions will be assessed through already existing University procedures.

This prohibition applies to all University events and events held on University grounds or property, and applies to all members of the University community including faculty, staff, students, friends, volunteers, patients, customers, vendors, contractors, guests and visitors.

NYS Smokers Quit Line - [https://www.nysmokefree.com/](https://www.nysmokefree.com/)

CDC Smoking & Tobacco Use *(Quit Smoking)* - [https://www.cdc.gov/tobacco/quit_smoking/index.htm?s_cid=osh-stu-home-nav-002](https://www.cdc.gov/tobacco/quit_smoking/index.htm?s_cid=osh-stu-home-nav-002)
Appendix W – Social, Recreational and/or Educational Activity Policies

1. All University organizations and departments must contact the University Events Office and the Center for Activities, Recreation and Leadership (Richter Center) as the first steps in scheduling a special event, activity or program. In addition, both offices will assist your organization or department in making your event a successful event across the board. In order to ensure compliance with University policy and procedure, and to best ensure a successful event for all concerned, the following areas should be given careful consideration:
   a. Scheduling a facility
   b. Technical needs to include sound & light reinforcement, multi-media, etc.
   c. Ticket sales
   d. Marketing
   e. Research, planning, advertising, promotion, production and assessment
   f. Risk awareness
   g. Policies and procedures
   h. Security
   i. Food Service
   j. Transportation
   k. Hospitality
   l. Contract
   m. Labor
   n. Anticipated attendance
   o. Goals and Objectives
   p. Anticipated outcomes
   q. Analysis of who, what, why, when and where

2. Every student club and organization that plans to do a special event, activity, or program needs to complete a Club/Organization Event Request Form on MySBU. This form must be completed and approved by the Associate Dean for Student Life or their designee prior to any special event, activity, or program taking place. All events must also be reserved on 25Live to ensure placement on the University calendar and to receive assistance with special event needs. It is further understood that prior to approval, no advertising or promotion of the event will take place in any form.

   It is understood that no student, student club or organization member, officer, or adviser is permitted at any time, to commit any current or future St. Bonaventure University resources in support of a program or event without the approval and written consent of the Associate Dean for Student Life or their designee. Also, any inquiries or contacts made outside the University by a student club or organization towards securing goods or services from a vendor, implied or otherwise, both verbal or in writing, are not considered valid by the University without the approval of the Associate Dean for Student Life or their designee. It is further understood that student club and organization officers, members, and advisers cannot commit University or student funds either allocated or raised under University guidelines to any student for services or goods to be rendered, without the approval and written consent of the Assistant Director of the Center for Activities, Recreation and Leadership. As per University purchasing policy, student club and organization officers, advisers, and members must submit a Club/Organization Purchasing Request Form, located on MySBU. Goods or services cannot be ordered or purchased before receiving permission, and following these procedures. Failure in any way to comply with this University purchasing policy will make the non-compliant party or parties responsible for the debt incurred to the outside vendor.
3. The organization sponsoring a special event, activity or program is responsible for any and all damages caused by those attending and the organization must pay the cost of repairing any damages and/or replacement costs. If the organization contests payment, the matter will be brought to the Vice President for Student Affairs.

4. Student organizations (including all student members of the organization) require an adviser (chaperone/s) when traveling/representing St. Bonaventure University. A sufficient number of advisers (chaperones) are required to adequately supervise the number of students representing St. Bonaventure University at an event/function away from campus. Please refer any questions related to organizational travel to the Associate Dean for Student Life or the Assistant Director of the Center for Activities, Recreation and Leadership. Please note: A Risk Awareness/Travel Agreement form is required of each person prior to traveling on a University-sponsored trip.

5. Students traveling internationally while participating in extra-curricular activities, including University social and service-related trips, must complete the required medical form available through University Health Services.

6. The organization sponsoring a special event, activity, or program is responsible for the maintenance of good order and proper behavior and must abide by the rules and regulations as outlined by the Associate Dean for Student Life, and under the provisions outlined by St. Bonaventure University and Student Code of Conduct.

ID/GUESTS: Campus Rathskeller
1. All SBU persons attending over- and under-age events with alcohol being served must have a St. Bonaventure University identification card to gain admittance to the event.

2. All SBU persons and/or guests who wish to purchase and consume legal beverages at the campus Rathskeller must have a legal form of appropriate identification.

3. A member of the SBU community, if applicable, must accompany all guests. Students are responsible for the conduct and behavior of their guest(s).

4. If the event of a program is deemed a closed event by the organization sponsoring it (meaning open to those only of age and/or members of a particular class), appropriate legal identification is required for admittance.

GENERAL REQUIREMENTS:
1. The University and New York State prohibit showing or carrying any form of false identification, public intoxication, and operation of a motor vehicle while under the influence of alcohol or a controlled substance.

2. When legal beverages are purchased at the Rathskeller, non-alcoholic beverages and high protein foods must be available during the hours of operation and must be free of charge during closed events.

All University, federal, state and local laws and regulations are in effect at events in which legal beverages are available for purchase. It is further understood by all attending who purchase and consume alcoholic beverages at these events, that they will do so in a responsible manner and will not drink alcohol and drive a motor vehicle.
Appendix X – Student Clubs and Organizations Policies and Procedures

Each student is strongly encouraged to become involved in the University by becoming a member of a student organization(s). The Center for Activities, Recreation and Leadership and the Student Government Association coordinate, initiate and respond to concerns relating to student organizations. Organizational members and advisers are expected to keep these offices informed. All activities and projects must be registered with these offices.

1. Issuance of Charters
   a. A University-recognized organization may exist on campus only when it has received a charter from Student Government. Petitions for a charter must include:
      i. The name and purpose of the group
      ii. The appropriate membership expected
      iii. The name of the advisor of the group
   b. When a group receives a charter, the names of the responsible officers and a copy of the group’s constitution must be submitted to Student Government as soon as they are established. All chartered student organizations must submit an organization registration form and an updated constitution to Student Government.

2. Revocation of Charters
   a. A charter may be revoked by Student Government, in consultation with or at the request of the Associate Dean for Student Life in the following instances:
      iv. If an organization does not follow its original intent and guidelines
      v. If there is a mismanagement of University appropriated funds
      vi. If the organization is found to be responsible for serious violations of University policy
      vii. If the organization is found to be responsible for serious violations of local, state or federal law
   b. A student organization may appeal a decision concerning the revocation of its charter to the Vice President for Student Affairs.

3. Membership in Student Organizations
   a. Active membership in student organizations is open to full-time and part-time students in attendance at St. Bonaventure University as well as to the academic and administrative staff of the University. Other persons may be inactive members of a student organization if its constitution or by-laws so provide.
   b. Only active members may:
      i. Hold an office in the organization
      ii. Preside, officiate and vote at the meeting
      iii. Distribute materials on campus on behalf of the organization. Inactive members may assist an active member in distributing materials, but an active member must be present at all times.
      iv. Solicit funds on behalf of the organization.

4. Advisers to Student Organizations
   a. Every student organization must have an adviser. The advisers for the University’s organizations are subject to final appointment, on an annual basis, by the Associate Dean for Student Life, after consultation with the appropriate organization. The adviser must be a member of the administrative staff or faculty. The adviser’s responsibilities and the organization’s responsibilities to the advisers will be distributed to each at the beginning of the year.
b. Use of the University’s name – Events or activities sponsored by student organizations must not be advertised or promoted in such a way as to suggest that they are functions sponsored by the University.
Appendix Y – Student Complaint Policy and Procedures

St. Bonaventure University is committed to excellence in the academic and support services we provide to our students. To properly address issues and continuously improve, the university encourages students having concerns with their educational experiences or the quality of services they receive to share them with those in positions to help.

The procedures outlined below are intended to provide structure for resolving these concerns. While these procedures do not provide an avenue for anonymous reports, the university reinforces its commitment to confidentiality: This information will only be shared with those in a position to help resolve the complaint or those responsible for tracking the progress of the resolution. This policy is not a replacement for existing disciplinary procedures outlined in the Code of Conduct, Title IX procedures, or other existing appeals processes.

Most concerns should be handled directly through the department in which the issue originates.

1. Student concerns about a course, a faculty member, or issue directly related to instruction should be initially raised with the faculty member or with the faculty member’s department chair or the chair of the department where the issue originates. Should the concern fail to be addressed at that level, the issue should then be raised to the dean of the school from which the issue originates.

2. Student concerns with a staff member or a non-academic policy or procedure should be initially raised directly with that staff member or a staff member in the area in which there is a policy or procedure complaint. If the complaint cannot be resolved at this level, then the issues should be raised with the staff member’s direct supervisor. Should the concern fail to be addressed at that level, the issue should then be raised to the director of the area.

3. The university ombuds officer is always an option for students, faculty and staff to consult to find resolution to conflicts or other concerns. The ombuds officer focuses on conflict resolution and problem solving. The ombuds officer contact information can be found here: Conduct at SBU.

4. Student concerns about other issues related to student life may be raised through Student Government Association. Students may contact SGA to determine who their representative is, or may seek assistance through the SGA executives.

5. Students having concerns or grievances about another student should consult policies and procedures outlined in the student Code of Conduct.

Concerns not resolved after following the steps outlined above then can be brought forward as formal complaints to the appropriate executive officer utilizing our Student Complaint Form. Students submitting a complaint through this form should expect to hear back about the status of their complaint within 14 class days of submission.

Students who believe their concerns have not been adequately addressed after seeking assistance through all of the abovementioned parties have the right to register their issue with the New York State Department of
Education Complaint Form. The state Department of Education does not intervene in matters concerning an individual’s grades or examination results, as grading is the prerogative of the institution’s faculty. The state DOE will not accept anonymous complaints or complaints not processed through all available institutional avenues.
Appendix Z – Students with Disabilities Policy

Under Section 504 of the Federal Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990, St. Bonaventure University is mandated to make reasonable accommodations for otherwise qualified students with disabilities. These limitations may include visual or auditory impairments, learning disabilities, orthopedic involvement, mobility impairment or other medical conditions. Individuals with non-visible disabilities, such as seizure disorder, head trauma, emotional illness or diabetes may also be entitled to receive support services. Specific accommodations will be arranged with each student depending on the type and extent of the disability. The full policy statement entitled St. Bonaventure University Policy Statement – Students with Disabilities is available in the Disability Support Services Office in the Teaching and Learning Center in Doyle Hall.
Appendix AA – Surveillance

Safety and Security works to ensure the safety of the campus community, minimize crime or other behavioral problems, and maintain an appropriate academic and residential environment. The Office of Safety and Security is authorized to monitor, prevent, investigate and report any violations of state or federal law, and/or University regulations or Code of Conduct on campus.

Safety and Security officers patrol the campus regularly. In addition, the campus is monitored by a closed-circuit television/camera system. Cameras are located outside and inside many campus buildings, including residence halls and academic buildings.
Appendix AB – Technology Policy

Technology Services
Due to rapid changes in technology, you should refer to our Web site at http://technology.sbu.edu for the latest information and support for using University technology, software, and network services. Also, please read the computer use policy available on our tech assistance Web site within our MySBU portal.

Connecting to University Network
All students will be required to have virus protection installed on their computers before connecting to the network. Users running Microsoft Windows operating systems will also be required to update the critical patches provided by Microsoft. Critical patches address system vulnerabilities as they are found in Microsoft’s operating systems. Most systems are automatically set to install updates as they are released. However, you should check periodically to make sure this is being done. Please contact the Helpdesk if you have any questions on updates.

Computer/Phone Support
Students are ultimately responsible for their own computers and phones. Technology Services reserves the right to refer students back to the vendor for further technical support. If you are experiencing problems, contact the Helpdesk (716-375-7600). The Helpdesk office is located on the first floor of the library building. Staff is available from 8:00 a.m. through 8 p.m. Monday through Thursday and 8:00 a.m. through 5 p.m. on Fridays. You can leave a voice mail message after hours or send an e-mail to helpdesk@sbu.edu and someone will contact you the next business day. You may also want to visit our Web site at https://my.sbu.edu/tech-assistance for the latest updates and information.

SBU Accounts
Your SBU network account is used to log into all of the web services available at St. Bonaventure such as your email account, My SBU, Moodle and more. Your username & password is the key that provides access to your personal information. Do not share your password with anyone including your roommate, boyfriend, girlfriend or even family members.

SBU employees will never ask you for your password in any manner; email, etc... Remember: someone with your password can change your courses, access your financial records, employment information and more.

Your SBU Email account (Office 365) is the account that will be used for all official communications from various campus offices and faculty. Your email address will be: username@bonaventure.edu. Your Bonaventure email account is yours to keep after you graduate from St. Bonaventure. Please take a moment to read the password security tips below –

- Keep your new password to yourself
- Make sure your password is not easy to guess.
- See Creating Strong Passwords for tips on creating your password.
- Passwords must meet minimum criteria listed when you attempt to change your password
- If you think your password has been compromised-log into MySBU and change your password
- If you have any trouble or can’t remember your new password:
  Reset your password using the "Account Help" link on the MySBU homepage OR
  Contact the SBU Helpdesk at helpdesk@sbu.edu or 716 375 - 7600.

MySBU
The MySBU campus portal is your gateway to many essential services. Checking your grades, viewing your unofficial transcripts, accessing your e-mail, registering for classes and paying your bills are just some of the services available at MySBU. It can be accessed from any Internet connection (on or off campus) at http://my.sbu.edu.
Office 365: St. Bonaventure email (Office 365) can be accessed directly from https://outlook.office.com.
Appendix AC – University Policy on AIDS

Overview of AIDS Policy: In February of 1991, the Board of Trustees of St. Bonaventure University approved a comprehensive AIDS policy. This policy affects every member of our community in an effort to respond to this issue. It commits the University to an extensive, annual, proactive education program designed to meet not only its legal responsibilities, but also its moral responsibilities to each member of the University family. What follows is a synopsis of this policy.

Legal Issues: According to the Federal Rehabilitation Act and New York State Anti-Discrimination Laws, AIDS, AIDS Related Complex (ARC) and positive HIV status are considered handicaps.

Because of this, the information that a person has a positive HIV status is protected under the New York State Public Health Law. Hence, no one has a right to know the HIV status of another individual. Because the HIV virus cannot be transmitted by casual contact, the general public is not in danger of contracting the virus through normal daily contact with an infected person. No one, therefore, has any right to know the HIV status of any member of the Bonaventure community. The primary focus of the University’s AIDS policy is on education. It is only through education that the spread of this disease can be prevented. Every student, staff worker, faculty member and administrator must know the kinds of behaviors and what kinds of situations can put them at risk of contracting HIV. For example, students put themselves at risk by sharing a razor blade or piercing needles. Safety and Security and Health Services staff should routinely use protective gloves and bleach solution to deal with spit, blood or other bodily fluids. Everyone must know when they are at risk, assume that others may be infected, and observe Universal Precautions in such situations. Universal Precautions are a set of safety procedures observed by all health care professionals.

Policies: AIDS epidemiology, transmission, prevention, individual risk assessment, blood testing and post-test counseling and partner notification will be the primary foci of AIDS health service at the University. The Center for Student Wellness staff is prepared to provide medical care, support, referral, resources and education to students, faculty, administrators, and staff with AIDS or with concerns about AIDS. All medical information will be handled in a strictly confidential manner in accordance with the law. The Student Health Services staff will also update and advise the University on the latest data related to the prevention of HIV transmission.

No one will be discriminated against with regard to admission or employment on the basis of his or her HIV status. As an employer, the University has a legal obligation under the Occupational Safety and Health Act to provide a safe working environment for its employees. Appropriate measures are taken to provide employees with information about Universal Precautions and equipment necessary for observing these precautions.
Appendix AD - St. Bonaventure University Gender-Based Discrimination and Sexual Misconduct Policy and Procedures

General Rules of Application

Effective Date
This Policy will become effective on August 14, 2020, and will only apply to Formal Complaints of alleged violations under this policy brought on or after August 14, 2020.

Statement of Intent
St. Bonaventure University promotes respect for the dignity and integrity of each person. Members of the University community, guests and visitors have the right to an environment free from all forms of gender and sex-based discrimination and misconduct, examples of which can include acts of sexual assault, sexual harassment, domestic violence, dating violence and stalking. All members of the University community are expected to conduct themselves in a manner that does not infringe upon the rights of others. St. Bonaventure University takes reports of gender-based discrimination and sexual misconduct very seriously and treats each report with the utmost care and urgency. When an allegation of discrimination or misconduct is brought to an appropriate administrator’s attention, and a Respondent is found to have violated this policy, sanctions will be applied to prevent such actions from being repeated. In addition, accommodative and remedial measures will be offered to mitigate the effects of the conduct. This policy was developed to reaffirm these principles, to provide a mechanism for determining when this policy has been violated, and to provide recourse for those individuals whose rights have been violated.

Jurisdiction and Non-Discrimination in Application
This policy applies to all students, faculty, and staff of St. Bonaventure University. This policy also applies to conduct by third parties that include visiting speakers, contracted professionals, guests of enrolled students, visiting athletic teams, conference attendees, etc. Any member of the St. Bonaventure University community found in violation of these policies may be subject to disciplinary action. This policy also applies regardless of the Complainant’s or Respondent’s race, creed, color, gender, gender identity, gender expression, ethnicity, national origin, religion, marital status, familial status, pregnancy, age, sexual orientation, veteran status, disability, genetic predisposition status, domestic violence victim status, criminal conviction or any other protected characteristic under applicable local, state or federal law. All requirements and protections are equitably provided to individuals regardless of such status or status as Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the institution’s policy or process may contact the Department of Education’s Office for Civil Rights using contact information available at https://ocrcas.ed.gov/contact-ocr.

The disciplinary actions the University may take will differ depending on the level of control the University has over the accused. Regardless of the level of disciplinary action that can be taken, St. Bonaventure University is committed to remedying the effects of any sex discrimination, sexual harassment or sexual misconduct and preventing its recurrence.

One or more of the University’s personnel policies or faculty and staff handbook policies may overlap with this policy in a particular situation. The processes described in this policy apply to any situation where a student is the Complainant or Respondent (as defined below). In all other situations, the University reserves the right to apply this process or another applicable University policy or process. The University will apply this process to any situation where the University determines that Title IX requires the application of this process.
Disability Accommodations
This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the processes described below that do not fundamentally alter the applicable process(es). The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the parties, even where the parties may be receiving accommodations in other institutional programs and activities.

Overview of Consensual Relationships Policy
The educational mission of the University is promoted by professionalism in relationships between administrators, faculty, students and staff. Professionalism is fostered by an atmosphere of mutual trust and respect. Trust and respect are diminished when those in position of authority abuse, or appear to abuse, their power.

Sexual relationships between faculty and student, or staff and student, are expressly prohibited. Even when both parties have consented to the development of such relationships, they can raise serious concerns about the validity of the consent, conflicts of interests, and/or unfair treatment of others. Moreover, others may be adversely affected by such behavior because it places the faculty or staff member in a position to favor or advance one student's interests at the expense of others.

Sexual relationships between supervisor and employee are prohibited when a direct evaluative relationship exists. In such cases the University requires that the faculty member, administrator, staff member or employee divest him or herself of the professional responsibility for evaluation and/or cease such conduct.

Gender-Based Discrimination and Sexual Misconduct Violations
St. Bonaventure University prohibits all forms of gender-based discrimination and sexual misconduct. Gender-based discrimination or sexual misconduct can be committed by any person upon any other person, regardless of the sex, gender, sexual orientation, gender identity and/or gender expression of the persons involved in the acts.

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

The designation of conduct or allegations as either “Title IX Category” or “University Standards” is not a function of the seriousness of the alleged conduct but rather a function of the scope and coverage of Title IX versus the University’s broader jurisdiction to prohibit and discipline a larger scope of inappropriate behavior.

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

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

1. Sexual Harassment (as defined by Title IX).
   a. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
b. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution’s education program or activity;

2. Sexual assault (as defined in the Clery Act). “Sexual assault” includes any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving affirmative consent. Sexual assault consists of the following specific acts:

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

   b. Fondling. The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

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

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

3. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on the Complainant’s statement with consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship. Dating violence does not include acts covered under the definition of domestic violence.

4. Domestic violence (as defined in the VAWA amendments to the Clery Act), which consists of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction. This definition does not apply to roommates who have not expressed interest in entering into, or who have not entered into, a dating or sexual relationship.

5. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person on the basis of sex (including gender, sexual orientation, gender identity or gender expression) that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress. For purposes of this definition:

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

   b. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

   c. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the person against whom the stalking was committed.

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

(i)  **Sexual harassment.** “Sexual harassment” means unwelcome, offensive conduct that occurs on the basis of sex, sexual orientation, self-identified or perceived sex, gender, gender expression, gender identity, gender-stereotyping or the status of being transgender, but that does not constitute sexual harassment as a Title IX Category Violation as defined above. Sexual harassment can be verbal, written, visual, electronic or physical.

The fact that a person was personally offended by a statement or incident does not alone constitute a violation. Instead, the determination is based on a “reasonable person” standard and takes into account the totality of the circumstances. The University considers the context of a communication or incident, the relationship of the individuals involved in the communication or incident, whether an incident was an isolated incident or part of a broader pattern or course of offensive conduct, the seriousness of the incident, the intent of the individual who engaged in the allegedly offensive conduct, and its effect or impact on the individual and the learning community.

(ii)  **Sexual assault.** “Sexual assault” includes any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving affirmative consent, but that does not constitute sexual assault as a Title IX Category Violation as defined above because of the context in which it occurs (for example because the Complainant was not in the United States at the time of the alleged conduct, because the Complainant was not participating in or seeking to participate in the University’s education program or activity at the time of the complaint, or because the conduct did not occur in the context of the University’s education program or activity). Sexual assault consists of the following specific acts:

(a)  Rape. The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the victim.

(b)  Non-Consensual Sexual Contact. Any intentional touching, however slight, for purposes of sexual gratification or with sexual intent, directly or with any object that is without affirmative consent. Acts of non-consensual sexual contact may include but are not limited to intentional contact (directly or over clothing) with another person’s breasts, buttocks, groin, genitals, or inner thigh, mouth, or touching another with any of these body parts, or making another touch oneself or themselves with or on any of these body parts, or any other intentional sexual touching with any object by a person upon another person, without consent.

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

(d)  Statutory Rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent.

(iii)  **Dating violence.** “Dating violence” means violence committed by a person: (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship shall be determined based on the Complainant’s statement with consideration of the following factors:

(i) the length of the relationship;
(ii) the type of relationship; and
(iii) the frequency of interaction between the persons involved in the relationship;

but that does not constitute dating violence as a Title IX Category Violation as defined above because of the context in which it occurs (for example because the Complainant was not in the
United States at the time of the alleged conduct, because the Complainant was not participating in or seeking to participate in the University’s education program or activity at the time of the complaint, or because the conduct did not occur in the context of the University’s education program or activity. Dating violence does not include acts covered under the definition of domestic violence.

(iv) **Domestic violence.** “Domestic violence” means violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction, if the conduct does not constitute domestic violence as a Title IX Category Violation as defined above because of the context in which it occurs (for example because the Complainant was not in the United States at the time of the alleged conduct, because the Complainant was not participating in or seeking to participate in the University’s education program or activity at the time of the complaint, or because the conduct did not occur in the context of the University’s education program or activity). This definition does not apply to roommates who have not expressed interest in entering into, or who have not entered into, a dating or sexual relationship.

(v) **Stalking.** “Stalking” is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress, but that does not constitute stalking as a Title IX Category Violation as defined above because of the context in which it occurs (for example because the Complainant was not in the United States at the time of the alleged conduct, because the Complainant was not participating in or seeking to participate in the University’s education program or activity at the time of the complaint, or because the conduct did not occur in the context of the University’s education program or activity). For purposes of this definition:

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

b. “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

c. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the person against whom the stalking was committed.

Stalking that does not occur on the basis of sex may be addressed as a University Standards Violation as described below.

(vi) **Sexual Exploitation.** Sexual exploitation occurs when, without affirmative consent, a person takes sexual advantage of another in a manner that does not constitute another violation under this Policy. Examples of sexual exploitation include, but are not limited to: prostituting another person; observing or recording (whether by video, still photo or audio tape) of a sexual or other private activity (such as consensual sexual activity, undressing or showering) when there is a reasonable expectation of privacy during the activity, without the affirmative consent of all involved; taking intimate pictures of another, but then distributing the pictures to others without the photographed person’s affirmative consent or beyond the boundaries of consent given; engaging in voyeurism; engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) without informing the other person of such infection; exposing one’s genitals in non-consensual circumstances or nonconsensual disrobing of another person so as to expose the other person’s private body parts; causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity; misappropriation of another person’s identity on apps, websites, or
other venues designed for dating or sexual connections; or forcing a person to take an action against that person’s will by threatening to show, post, or share information, video, audio, or an image that depicts the person’s nudity or sexual activity.

(vii) **Retaliation.** St. Bonaventure University will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, including as necessary for the conduct of any investigation, hearing, or judicial proceeding under this Policy.

Retaliation is an adverse act perpetrated to “get back” at a person because the person reported misconduct under this policy, filed a complaint, or participated in an investigation or proceeding conducted pursuant to this policy by the University or by an external agency in any capacity (e.g., as a Complainant, Respondent or witness), or for the purpose of interfering with any right or privilege under this policy. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. A person who acts in good-faith is protected from retaliation. The fact that a statement is not determined to be proven or established following investigation and adjudication does not mean that the statement lacked good-faith; a person may provide inaccurate information believing it is accurate, which is still good-faith. If a person who makes a statement knowing that it is false, the person has acted without good faith.

(viii) **Gender-Based Discrimination.** Gender-Based Discrimination includes discrimination on the basis of gender, sexual orientation, gender identity, gender expression or domestic violence victim status in any aspect of employment or access to University curricular, co-curricular or extracurricular educational programs and/or resources, including without limitation:

- hiring and firing;
- compensation, assignment, or classification of employees;
- transfer, promotion, layoff, or recall;
- job advertisements;
- recruitment;
- testing or grading;
- use of University facilities;
- training and apprenticeship programs;
- fringe benefits;
- pay, retirement plans, and disability leave;
- admissions and recruiting standards and practices;
- financial aid and scholarship awarding policies and practices;
- eligibility for academic programs;
- use of student housing;
- participation in extracurricular student activities; and
- other terms and conditions of employment or the student experience.

This policy does not apply to decisions relating to requests for reasonable accommodation due to a disability. Student disability accommodations are handled by the Office of Disability Support Services and pursuant to that office’s policies. Work-related disability accommodations are handled by the Human Resources Office and pursuant to that office’s policies.

(ix) **Other Misconduct Offenses.** The following Other Misconduct Offenses will be addressed under this policy when based on gender, gender identity, gender expression, sexual orientation, or domestic violence victim status:

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which
threatens or endangers the health or safety of another person;
• Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
• Hazing (see Hazing Policy of the St. Bonaventure University Student Code of Conduct for definition); and
• Bullying, defined as repeated and or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or emotionally.

Additional Applicable Definitions

Advisor of Choice
An advisor of choice is a person selected by the Complainant or Respondent to advise and accompany the Complainant or Respondent throughout the investigation and adjudication process. An advisor of choice may be any person, including an attorney. The University does not appoint or pay for an advisor of choice. An advisor of choice’s role is limited to the functions further described in this policy.

Affirmative Consent
Affirmative consent is a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity or gender expression. Whenever the word "consent" is used in this policy, it should be understood to mean affirmative consent as defined here.

The following conditions apply to the term “consent” according to the University:

1. Silence, lack of physical resistance, and/or the absence of a verbal “no”, are not forms of consent.
2. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. In other words, it is not an excuse that the person initiating the act was intoxicated or incapacitated due to alcohol or other drugs.
3. Consent can be initially given but withdrawn at any time.
4. When consent is withdrawn or can no longer be given, sexual activity must stop. Once a person says “no,” it is established that he or she is not giving consent to a sexual act. However, the absence of a verbal “no” does not constitute consent. Any activity or further encouragement beyond that point could be construed as force, coercion or intimidation.
5. A current or previous dating relationship is not sufficient to constitute consent. Further, past consent to engage in sexual activity with any person cannot be presumed to be consent to sexual activity in the future with the same or a different person. A sexual act must be mutually agreed upon each time it occurs.
6. Consent to one sexual act does not indicate consent to other sexual acts.
7. Consent cannot be given if a person is incapacitated (see definition of “incapacitation”). Sexual activity with someone whom one should know to be — or based on the circumstances should reasonably have known to be —incapacitated (for example, by disability, sleep, involuntary restraint, or the taking of drugs or alcohol, unconsciousness or blackout) constitutes a violation of this policy.
8. Consent cannot be given under coercion, force, or threat of physical harm or injury.
9. Consent cannot be given if someone is under the legal age of consent. In New York State, a minor (meaning a person under the age of 17 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 17 years old is a crime as well as a violation of this policy, even if the minor wanted to engage in the act.
Coercion
Coercion is the use of pressure to compel someone to initiate or continue sexual activity against their will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person’s words or conduct are sufficient to constitute coercion if they deprive another individual of the ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to “out” someone based on sexual orientation, gender identity or gender expression, and threatening to harm oneself if the other party does not engage in the sexual activity. Coercing an individual into engaging in sexual activity violates this Policy in the same way as physically forcing someone into engaging in sexual activity.

Complainant
The term Complainant refers to the person who allegedly experienced the sexual misconduct in violation of the policy. In some cases, the Title IX Coordinator may file a Formal Complaint and thereby initiate an investigation and adjudication process pursuant to this policy. In that instance, the Title IX Coordinator is not the “Complainant”; the Complainant remains the person who allegedly experienced the sexual misconduct.

Community Member
A community member is any person who is enrolled at the University, works for the University, or volunteers for the University.

Education Program or Activity
For the purposes of this Policy, St. Bonaventure University’s “education program or activity” includes locations, events, or circumstances where the University exercises substantial control over both the Respondent and the context in which the conduct at issue is alleged to have occurred, including:

- Any on-campus premises and any building owned or controlled by a student organization that is officially recognized by the University.
- Any off-campus premises that the university has substantial control over.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of St. Bonaventure University’s programs and activities over which the university has substantial control.

Formal Complaint
A Formal Complaint is a document – including an electronic submission - filed by a Complainant with a signature or other indication that the Complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging a Title IX Category Violation or University Standards Violation, as defined in this policy, against a Respondent and the context in which the conduct at issue is alleged to have occurred, including:

- Any on-campus premises and any building owned or controlled by a student organization that is officially recognized by the University.
- Any off-campus premises that the university has substantial control over.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of St. Bonaventure University’s programs and activities over which the university has substantial control.

Force
Force is the use of physical violence and/or imposing on someone physically to gain sexual access. It includes threats and/or intimidation (implied threats) that overcome resistance or produce purported (but ineffective) consent. It also includes rendering someone incapacitated by administering alcohol or any other drug. NOTE: There is no requirement that a party resists a sexual advance or request, but resistance is a clear demonstration of non-consent. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

Incapacitation
Incapacitation is a state where someone lacks the ability to knowingly choose to participate in a specific activity. Incapacitation can result from disability, sleep, lack of consciousness, involuntary restraint, or other factors that prevent voluntary choice. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs or other intoxicants may be incapacitated and therefore unable to consent, but consumption of such substances alone is insufficient to establish incapacitation. In assessing capacity, the University will consider
whether the individual had the ability to understand the nature of the act (e.g., to understand the who, what, when, where, why or how of the sexual interaction) and/or was physically helpless. Possession, use and/or distribution of any of the so-called “date rape” drugs (including Rohypnol, Ketamine, GHB, Burundanga and others) is prohibited, and administering any of these drugs to another and engaging in sexual activity with that person is a violation of this policy.

**Institution Advisor**
A Complainant or Respondent who does not opt to be accompanied by an advisor of choice at a hearing is entitled to be appointed an advisor by the University at no charge to the party. This advisor is referred to an “institution advisor.” An institution advisor’s primary role is to ask cross-examination questions of the other party during a hearing. An institution advisor does not represent a party in any legal sense. Except for respective questions permitted below, the institution advisor doesn’t advocate or participate in the hearing. Their role is to support and advise the party. The party is responsible for formulating the cross-examination questions the institution advisor will pose during the hearing.

**Non-Community Member**
A non-community member is any person who is not enrolled at the University, does not work at the University, and does not volunteer for the University. This may include, but is not limited to, a student from another institution, a parent, a visitor to the campus, an employee at a local business, or any member of the public.

**Relevant Evidence and Questions**
“Relevant” evidence and questions refer to any questions and evidence that tends to make an allegation more or less likely to be true.

“Relevant” evidence and questions do not include the following types of evidence and questions, which are deemed “irrelevant” at all stages of the Grievance Process:
- Evidence and questions about the Complainant’s sexual predisposition or prior sexual behavior unless:
  - They are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
  - They concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.

**Privacy vs. Confidentiality**
References made to confidentiality refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or University officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to privacy mean University offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. The University will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

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

**Respondent**
The term Respondent refers to the person alleged to have committed a violation of this policy. The term “accused” may be used in this policy to refer to the Respondent prior to the time that a Formal Complaint has been made.

**Sexual Misconduct**
Sexual misconduct is an umbrella term used in this policy to more conveniently refer to any form of conduct prohibited by this policy.
Non-Investigatory Measures Available Under the Policy

Supportive Measures
It is not necessary for a Formal Complaint or report to be made to receive resources or supportive measures. Certain resources and supportive measures may be made available by the Title IX Coordinator, or appropriate designee, in an effort to protect the safety and/or well-being of any member(s) of the campus community. The University Victim Advocate (representative from Cattaraugus County Victim Services) can also assist in obtaining supportive measures. Any person needing resources or supportive measures should request them from the Title IX Coordinator or listed Responsible Administrator. The University will maintain as confidential any resources or supportive measures provided, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the resources or protective measures. Supportive measures are intended to address the immediate and ongoing effects of harassment, discrimination, sexual assault, sexual exploitation, dating or domestic violence, stalking or retaliation, or to prevent further harm to a party and to prevent further violations. Supportive measures are non-disciplinary and non-punitive.

Supportive measures could include, but are not limited to:

- Counseling
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus escort services
- mutual restrictions, and in certain circumstances one-directional restrictions, on contact between the parties (no contact orders – see below)
- changes in work or housing locations
- leaves of absence
- increased security and monitoring of certain areas of the campus

When supportive measures are issued, affected students have the right to request review of them by an appropriate University Official, appointed by the Title IX Coordinator, or appropriate designee, to reconsider the need for and/or terms of the supportive measures. In addition, if a party’s request for a supportive measure is denied, the party will be afforded an opportunity to have the denial promptly reviewed by such a University Official to assess whether the supportive measure is reasonable under the circumstances. The request for review of the denial of, or the need for or details of, supportive measures should be made to the Title IX Coordinator and may be made at any time. Each party will be allowed to submit evidence in support of, or in opposition to, the request to the extent the supportive measures under review affect that party. The University Official’s determination is not subject to further review absent changed circumstances.

A written summary of rights, options, supports, and procedures, is provided to all reporting parties and Respondents, whether they are students, employees, guests, or visitors. All reporting parties, Complainants and Respondents receive the following:

- written notification about existing counseling, health, mental health, advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available, both within the institution and in the community;
- written notification about available options for, assistance in, and how to request changes to academic, living, transportation and working situations or protective measures; and
- written explanation of the student or employee’s rights and options under this Policy.

No Contact Orders
A no contact order defines specific restrictions on contact between the parties. A no contact order can forbid both direct and indirect contact between the involved parties. Indirect contact includes electronic communication and messages sent via other people. It does not require a party to refrain from attending an event (such as an athletic contest, a campus speaker presentation, etc.) in circumstances where simultaneous attendance can occur without prohibited interaction, for example because the parties are not in close proximity to one another.
Orders of Protection
The Associate Dean for Campus Safety or designee will, upon request, provide reasonable assistance to any member of the campus community in obtaining an order of protection or, if outside of New York State, an equivalent protective or restraining order. The Associate Dean or designee will, additionally:

- provide a copy of an order of protection or equivalent to affected parties when received by the University and provide an opportunity to meet or speak with a University representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the other person’s responsibility to stay away from the protected person or persons;
- provide an explanation of the potential consequences for violating these orders, including but not limited to arrest, additional conduct charges, and emergency removal; and
- provide assistance in contacting local law enforcement to effect an arrest for violating such an order.

Emergency Removal
St. Bonaventure University retains the authority to remove a student Respondent from its program or activity on an emergency basis, where the university (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of violations under this policy justifies a removal.

If the university determines such removal is necessary, the Respondent will be provided notice and an opportunity to challenge the decision immediately following the removal. The challenge shall be submitted to and decided on by Title IX Coordinator.

The emergency removal process does not apply to employee Respondents. St. Bonaventure University retains the authority to place a non-student employee Respondent on administrative leave during the grievance process outlined in this policy, consistent with any Staff Handbook or Faculty Status and Welfare Handbook.

Confidentiality, Access to Resources and Reporting of Offenses
In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. The University offers a number of confidential and non-confidential resources and reporting options for violations of the Gender-Based Discrimination and Sexual Misconduct policy, which include but are not limited to violations of Sexual Assault, Dating or Domestic Violence, and Stalking.

Certain University employees are considered “confidential” resources because they are not required by law or University policy to report known incidents of sexual assault or other crimes to University officials. Confidential resources generally will not share information about an individual without the individual’s express written permission.

Other employees at the University are non-confidential resources and may share information about a report with other officials at the institution so the University may take steps to offer resources and supportive measures, and/or prevent the recurrence of gender-based discrimination or sexual misconduct. If you are unsure of an individual’s reporting obligations, please ask before disclosing any information you wish to remain confidential.

Even University offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution, or for the Associate Dean for Campus Safety to report statistical information about Clery reportable crimes.
Confidential Assistance and Resources
Confidential disclosure is defined as seeking resources and/or assistance without personally identifiable information about the disclosure being shared with anyone else. If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with counselors or health care providers in the Center for Student Wellness, clergy within the University acting in their role as clergy (friars or sisters), and/or off-campus resources such as Victim’s Services or Olean General Hospital. All of these resources will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. Confidential resources that are University employees will submit anonymous statistical information for Clergy Act purposes unless they believe it would be harmful to their client, patient or parishioner.

Quick Reference Contact Information for Confidential Resources:
- **New York State Domestic and Sexual Violence Hotline** – 1-800-942-6906
- **University Center for Student Wellness: 127 Doyle Hall (first floor right side entrance)** – 716-375-2310
- **Olean General Hospital Sexual Assault Forensic Examiner (SAFE) Unit: Report to the OGH Emergency Room** – 716-372-0614
- **Cattaraugus Community Action - Victim Services**: Toll Free Crisis Hotline – 1-888-945-3970
- **New York State Police 24 Hour Hotline** – 1-844-845-7269 (for reporting to law enforcement, know that your report may not be confidential, but law enforcement is not obligated to share any information with the University)

Non-Confidential Resources and Reporting Options
University employees other than confidential resources may share reports of gender-based discrimination or sexual misconduct with the Title IX Coordinator or Responsible Administrator so that the University may take steps to offer resources and supportive measures and/or prevent the recurrence of misconduct. Non-Confidential officials will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy.

Making a Report to the University (Title IX Coordinator)
Any person may report sex discrimination or sexual misconduct (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual misconduct), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report.

**Contact Information for the Title IX Coordinator**
- **Name**: Leslie Carlson
- **Title**: Title IX Coordinator/Director of Human Resources
- **Office Address**: 1st Floor Doyle Hall
- **Email Address**: carlson@sbu.edu
- **Telephone Number**: 716-375-2143

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

**Responsible Administrators**
Should a person want to report an incident of gender-based discrimination or sexual misconduct, they may also report to one of the “Responsible Administrators” listed below. Responsible Administrators are representatives of the University that will ensure the reporting party has all of their resources and reporting options, and have authority to take corrective action on behalf of the University. Responsible Administrators are required to share all information, including personally identifiable information, with the Title IX Coordinator. Responsible Administrators will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy.
Responsible Administrators:
• Title IX Coordinator
  ▪ Leslie Carlson - Phone: 716. 375.2143 or Email: carlson@sbu.edu
• Vice President for Student Affairs
  ▪ Kathryn O’Brien - Phone: 716. 375.2011 or Email: kobrien@sbu.edu
• Associate Dean for Campus Safety
  ▪ Gary Segrue - 716. 375.2526 or Email: gsegrue@sbu.edu
• Associate Dean for Student Life
  ▪ Rob DeFazio - 716. 375.2190 or Email: RDEFAZIO@sbu.edu
• Accessibility Services and Accommodations Director (formerly Disability Support Services)
  ▪ Adriane Spencer - Phone: 716.375.2065 or Email: aspencer@sbu.edu
• Chair of the Council on Discrimination and Harassment
  ▪ Dr. Russell Woodruff - Phone: 716.375.2470 or Email: WOODRUFF@sbu.edu
• Associate Athletic Director of Compliance
  ▪ Ryan Clingan - Phone: 716.375.2249 or Email: rclingan@sbu.edu

Amnesty
The health and safety of every student at St. Bonaventure University is of utmost importance. The University recognizes that students who have been drinking and/or using drugs, (whether such use is voluntary or involuntary) at the time that violence occurs, including but not limited to Domestic Violence, Dating Violence, Stalking, or Sexual Assault, may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The University strongly encourages students to report Domestic Violence, Dating Violence, Stalking or Sexual Assault to University officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of Domestic Violence, Dating Violence, Stalking or Sexual Assault to University officials or law enforcement will not be subject to the University’s Code of Conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the Domestic Violence, Dating Violence, Stalking, or Sexual Assault.

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

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

CSAs must report information about any Clery reportable crime, including Sexual Assault, Dating or Domestic Violence, and Stalking, to the Director for Safety and Security Services. They are required to report non-personally identifiable information (nature, date, time, general location, current disposition). CSAs will generally be able to honor a reporting party’s request to anonymously report an incident. In compliance with the Clery Act, the University will complete publically available record keeping, including Clery Act reporting and disclosures, excluding any personally identifying information. A full list of CSAs can be found in St. Bonaventure University’s Annual Security Report.

***Resident Assistants must report all information to the Residence Director On-Duty and are not permitted to withhold personally identifiable information.

If a report is made to anyone other than the Title IX Coordinator or Responsible
Administrators listed above, the reporting party risks the possibility that the information will not come to the attention of the proper University officials and available resources and support measures may not be conveyed.

How Decisions about Confidentiality and Taking Action are Handled
If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. In cases involving alleged or apparent pattern, predation, physical threat, weapons, and/or violence, the University will likely be unable to honor a request for confidentiality or anonymity. If the University determines that it must proceed with an investigation, the reporting party can choose whether he/she is going to be part of it. The burden of investigation, disciplinary charges, and consequences is not on the reporting party, but instead rests with the University. In cases where the reporting party requests confidentiality or anonymity, and the circumstances allow the University to honor that request, the University will offer interim supports and remedies to the reporting party and the community, but will not otherwise pursue formal action.

Medical Attention and the Importance of Preserving Evidence
For your safety and well-being, immediate medical attention is encouraged. The preservation of evidence relating to sexual violence (including sexual assault) is essential for both law enforcement investigations and campus investigations. All involved parties are encouraged to preserve all evidence relating to the incident. In most cases, DNA evidence needs to be collected within 72 hours in order to be analyzed by a crime lab—but a sexual assault forensic exam can reveal other forms of evidence beyond this time frame that can be useful if you decide to report. Place your belongings, including the clothes you were wearing, in a paper bag to safely preserve evidence. Physical evidence should also be collected through a medical examination. Olean General Hospital has a Sexual Assault Forensic Examiner program, designed specifically to conduct physical examinations after an incident of sexual violence, and evidence is collected during this examination. Having this examination does not commit a person to pursuing legal charges against an individual. However, failure to have an accurate examination to collect physical evidence in a timely manner may negatively affect a person’s ability to pursue legal charges in the future. Victim Advocates from Cattaraugus Community Action Victim Services can explain options for victims to be reimbursed for medical examinations. Even after the immediate crisis has passed, consider seeking support from the University’s Health and Wellness Center, or from Victim’s Services of Cattaraugus Community Action. Other examples of relevant evidence that should be preserved include electronic communications (e.g., e-mails, Twitter, Instagram and text messages), photographs, clothing, bedding, and medical information.

Olean General Hospital Sexual Assault Forensic Examiner (SAFE) Unit: Report to the OGH Emergency Room – 716-372-0614

Law Enforcement
It is the policy of St. Bonaventure University to notify law enforcement when allegations of criminal sexual misconduct occur, typically without providing identifying information about the incident, unless a victim wishes that information to be shared, or an emergency requires disclosure. A victim of a crime is encouraged to, but is not required to, report the incident to law enforcement authorities and pursue criminal charges. The criminal process and the University’s disciplinary processes are not mutually exclusive or dependent on each other, meaning that a person may pursue either a criminal complaint, a University complaint, both, or neither. Victims have the option to notify law enforcement directly, or to be assisted in doing so by campus authorities. If requested, campus officials can facilitate reporting to campus or law enforcement, but may also respect a victim’s request not to do so.

- **New York State Police 24 Hour Hotline** – 1-844-845-7269 (for reporting to law enforcement, know that your report may not be confidential, but law enforcement is not obligated to share any information with the University)
- Cattaraugus County Sherriff’s Department – 716-938-9191
- Allegany Police Department – 716-373-0873
• **911** – Calling 911 is always an option in reporting incidents of sexual assault, domestic/dating violence, and/or stalking. The most appropriate first available law enforcement agency will respond.

**Discrimination and Misconduct Officials**

Discrimination and Misconduct Officials are investigators, Hearing Panel members, Appeals Panel members and individuals who facilitate any informal resolution policy and are involved in investigating and adjudicating alleged violations under this policy. Discrimination and Misconduct Officials, and the Title IX Coordinator, will be individuals who receive annual training and participate in ongoing development on issues related to gender-based discrimination, sexual harassment, domestic violence, dating violence, sexual assault, stalking and other forms of sexual misconduct. They will also receive training on the definition of sexual harassment, scope of the university’s education program or activity, how to conduct an investigation and grievance process, how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias, the effects of trauma, and the rights of the Respondent, including the right to a presumption that the Respondent is “not responsible” until a finding of responsibility is made pursuant to this policy. Decision-makers must also receive training on any technology to be used at live hearings. Panel members and investigators must also receive training on issues of relevance, including how to apply the rape shield protection provided for Complainants. All materials used to train Discrimination and Misconduct Officials for these purposes will be posted on the university website.

Any Discrimination and Misconduct Official assigned to a case shall not have been a party to the case, nor a witness to the case, nor the current faculty advisor to any party in the case, nor a current instructor to or supervisor of any party in the case, nor have any familial relation, professional relationship or close friendship to any party or witness to the case, nor otherwise have any actual or perceived conflict of interest or bias that may give the perception of a lack of ability to fairly perform their role under this policy in connection with the case. If assigned as a Hearing Panel member or Appeals Panel member, they shall not have been an investigator on the case. Any potential conflict of interest or bias shall be disclosed to the affected Discrimination and Misconduct Official as soon as practicable; similarly, any Complainant or Respondent who objects to the participation of a Discrimination and Misconduct Official based upon a conflict of interest or bias shall identify the conflict of interest or bias as soon as practicable. Any conflicts of interest should be reported to the Title IX Coordinator, and the Title IX Coordinator will make the determination as to whether recusal is warranted, and if so, will appoint a non-conflicted replacement. If a party believes the Title IX Coordinator to have a conflict of interest or bias, it should be reported to the Vice President for Finance and Administration, who will make this determination.

**Delegation of Authority, University Counsel and Use of External Resources**

Any University administrator or official whom this Policy empowers to act may request that the Title IX Coordinator delegate that authority to another appropriate University official, or the Title IX Coordinator in his or her own discretion may delegate that administrator’s or official’s authority to act to another appropriate person. Delegation of authority may be necessary to avoid conflicts of interest or where time constraints or other obligations prevent a University official named in this Policy from fulfilling his/her designated role.

The Title IX Coordinator may delegate his or her responsibilities and/or authorities under this policy to any other appropriate official.

The University may also utilize appropriately trained personnel for any role under this policy as it may deem necessary or appropriate.

Any University administrator or official involved in implementing this policy may seek the advice of the University’s legal counsel, to be coordinated through the Title IX Coordinator.

**The Grievance Process**

St. Bonaventure University strongly encourages any individual who has been subjected to gender-based discrimination or sexual misconduct, including but not limited to sexual assault, dating or domestic violence,
and/or stalking to report the misconduct to University officials and/or law enforcement. The proceedings under this policy will be prompt, fair and impartial from the initial investigation to final result.

**Filing a Formal Complaint**
The timeframe for the grievance process under this policy begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, typically no longer than sixty (60) business days after the filing of the Formal Compliant, provided that the process may be extended with notification to the parties for good reason, including but not limited to the absence of party, a party’s advisor, or a witness; concurrent law enforcement activity; breaks in the academic schedule; or the extensions described below. Both parties will be notified simultaneously if the University determines the Grievance Process cannot be concluded within sixty (60) business days. The notification will outline the reasons for extension.

To file a Formal Complaint, a Complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. If a Complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. St. Bonaventure University will inform the Complainant of this decision in writing, and the Complainant need not participate in the process further but will receive all notices issued under this Policy.

Nothing in this Policy prevents a Complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

**Informal Resolution**
A Complainant who files a Formal Complaint may elect, at any time, to address the matter through the Informal Resolution Process (mediation). Informal resolution processes can only be used when both parties and the Title IX Coordinator, or designee, agree informal resolution is an appropriate option to resolve the Formal Complaint. Informal resolution can never be used to resolve allegations that an employee sexually harassed a student. All Parties to a Formal Complaint must agree to enter the informal resolution process through an informed written consent. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume (or commence) the grievance process with respect to a Formal Complaint.

**Multi-Party Situations**
The University may consolidate Formal Complaints alleging Title IX Category Violations or University Standards Violations against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Title IX Category Violations or University Standards Violations arise out of the same facts or circumstances.

**Mandatory and Discretionary Dismissal**
In order to comply with Title IX regulations, the Title IX Coordinator must “dismiss” allegations of Title IX Category Violation(s) alleged in a Formal Complaint if, at any time following receipt of the Formal Complaint, it is apparent that the allegations are not within the scope of Title IX, including that the conduct alleged (1) would not constitute sexual harassment, sexual assault, dating violence, domestic violence or stalking as defined as Title IX Category Violations even if proved, (2) did not occur in the University’s education program or activity, or (3) did not occur against a person in the United States. Even if allegations of Title IX Category Violations are subject to dismissal, the University may continue to process the allegations as University Standards Violations if the allegations, if true, would constitute University Standards violations.

The Title IX Coordinator also may (but is not necessarily required to) dismiss a Formal Complaint brought under this policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:
- A Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- The Respondent is no longer enrolled or employed by St. Bonaventure University; or,
- Specific circumstances prevent the university from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.
Any party may appeal a dismissal determination using the process set forth in “Appeals,” below.

**Notice of Allegations and Investigation**

Where a Formal Complaint has been filed, and in the absence of an informal resolution, the Title IX Coordinator will draft and provide the Notice of Allegations and Investigation to the parties. The parties will be notified by their University email accounts if they are a student or employee, and by other reasonable means if they are neither. The University will provide sufficient time for the parties to review the Notice of Allegations and Investigation and prepare a response before any initial interview.

**Contents of Notice**

The Notice of Allegations and Investigation will include the following:

- Notice of the University’s Gender-Based Discrimination and Sexual Misconduct Policy and Informal Resolution Process and a hyperlink to a copy of the processes.
- To the extent known, the identities of the involved parties; the date, time, location and factual allegations concerning the alleged violation; the policy provisions allegedly violated; a description of the investigation and adjudication process; and potential sanctions;
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, in accordance with this policy;
- A statement that as defined in the Student Code of Conduct (if applicable) the University’s prohibition on Dishonest Behavior prohibits knowingly making false statements or knowingly submitting false information in the course of a judicial/grievance process, including but not limited to, an investigation, hearing, appeal or informal resolution process; and
- A statement about the University's policy on retaliation.

**Ongoing Notice**

If, in the course of an investigation, the institution decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Allegations and Investigation and are otherwise covered within this Policy, the institution will notify the parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means.

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional allegations.

**Advisor of Choice and Participation of Advisor of Choice**

The Complainant and Respondent have a right to be accompanied by an advisor of their choice, who may be an attorney, as described below. Any restrictions on advisor participation will be applied equally.

The university has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. Students participating as Complainant or Respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice is not an advocate. Except where explicitly stated by this Policy, Advisors of Choice
shall not participate directly in the process as per standard policy and practice of the university.

St. Bonaventure University will not intentionally schedule meetings or hearings on dates where the Advisors of Choice for all participating parties are not available, provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

The university’s obligations to investigate and adjudicate in a prompt timeframe apply to matters governed under this Policy, and the university cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. The university will not be obligated to delay a meeting or hearing under this process more than five (5) days due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by the university.

**Notice of Meetings and Interviews**

St. Bonaventure University will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

**Delays**

Each party may request a delay in the Grievance Process for good cause (granted or denied in the sole judgment of the Title IX Coordinator or designee) provided that the requestor provides reasonable notice and the delay does not overly inconvenience other parties.

**Investigation**

**General Rules of Investigations**

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

The University may appoint any qualified investigator, who may be a person internal or external to the University. The University also may appoint more than one investigator in the University’s sole discretion. The investigation is an impartial fact-finding process. The Complainant and Respondent will be provided with notice of the name of the appointed investigator in the Notice of Allegations and an opportunity of not more than three (3) days after the notice to raise an objection to the investigator based on any alleged conflict of interest known to the party. If an objection is raised, the Title IX Coordinator will determine whether a conflict of interest in fact exists and necessitates the replacement of the investigator.

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

The University’s investigation may be temporarily delayed where there is a concurrent law enforcement investigation if necessary to avoid interference with the law enforcement investigation; such a delay will not exceed ten (10) days unless a longer days is requested and justified by the law enforcement agency.

St. Bonaventure University, and not the parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing whether a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from St. Bonaventure University and does not, in and of itself, indicate whether there is responsibility.
St. Bonaventure University cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include medical information. St. Bonaventure University will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove or disprove the allegations) as described below.

The University does not appoint an advisor for a party during the investigation phase of the process.

**Inspection and Review of Evidence**

Prior to the completion of the investigation, at a time designated by the Title IX Coordinator, the parties will have an equal opportunity to inspect and review evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will include any evidence that is directly related to the allegations raised in the Formal Complaint, even if that evidence does not end up being relied upon by the University in making a determination regarding responsibility, subject to redaction permitted and/or required by law. All parties must submit any evidence they would like the investigator(s) to consider prior to when the parties’ time to inspect and review evidence begins.

The institution will make the evidence available for each party and each party’s advisor, if any, to inspect and review (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform). The Institution is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The parties will have ten (10) business days to inspect and review the evidence and, if desired submit a written response by email to the investigator. Based on the parties’ written responses the investigator(s) will determine if additional investigation is necessary (and, if so, will complete any additional investigative steps), and will incorporate relevant elements of the responses and any additional relevant evidence into the report.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the grievance process outlined in the policy. The parties and their advisors agree not to photograph or otherwise copy the evidence.

**Investigative Report**

The investigator(s) will create an Investigative Report that fairly summarizes relevant evidence, and will provide that Report to the Title IX Coordinator. At least ten (10) days prior to a hearing to determine whether there is responsibility for the allegations, the Complainant and Respondent, and each party’s advisor, if any, will be provided access to a copy of the investigative report, which may be sent in hard copy or electronic format or made available through an electronic file sharing platform, for each party’s review and (if desired) written response. Both parties have the right to review any written response submitted by the other party. The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report.
Hearing

General
St. Bonaventure University will not issue a disciplinary sanction arising from an allegation of a conduct violation under this Policy without holding a live hearing, unless otherwise resolved through an informal resolution process. A hearing before a 3-member Hearing Panel designated by the Title IX Coordinator will be convened not less than ten days after the parties have been provided access to the final investigative report, for the purpose of determining whether the Respondent is responsible or not responsible for the charge(s).

The Title IX Coordinator will notify the parties in writing of the date, time, and location of the hearing, the names of the Hearing Panel members, and how to challenge participation by any Hearing Panel member for bias or conflict of interest.

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

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

All proceedings will be recorded through audio recording. That recording will be made available to the parties as outlined in this policy.

The Title IX Coordinator may postpone the hearing for good cause as determined by the Title IX Coordinator. Good cause may include, without limitation, unavailability of one or more participants due to unanticipated events or circumstances, the timing of academic breaks or holidays, or other extenuating circumstances. If so, the Title IX Coordinator will notify all participants and endeavor to accommodate all participants’ schedules and complete the hearing as promptly as practicable.

Participants in the living hearing
Participants in the hearing will include the members of the Hearing Panel, the Complainant and the Respondent (the Parties), their respective advisors, the investigator(s) who conducted the investigation, and witnesses (solely during their own testimony).

Hearing Panel Members
No member of the Hearing Panel will also have served as the Title IX Coordinator, investigator, or advisor to any party in the case, nor may any member of the Hearing Panel serve on the appeals body in the case. No member of the Hearing Panel will have a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor or against the parties to the particular case. The Hearing Panel will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for Complainants, and any technology to be used at the hearing. The parties will have an opportunity to raise any objections regarding a decision-maker’s actual or perceived conflicts of interest or bias at the commencement of the live hearing. The Hearing Panel members may be members of the campus community or may be external to the University, as determined by the Title IX Coordinator.

The Hearing Panel may be advised by and/or consult with the University’s legal counsel as the Chair of the Hearing Panel deems necessary or appropriate.

Complainant and Respondent (the Parties)
The parties cannot waive the right to a live hearing. The university may still proceed with the live hearing in the
absence of a party, and may reach a determination of responsibility in their absence, including through any
evidence gathered that does not constitute a “statement” by that party. The university will not threaten, coerce,
imimidate or discriminate against the party in an attempt to secure the party’s participation. If a party does not
submit to cross-examination, the decision-maker cannot rely on any prior statements made by that party in reaching
a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence
that does not constitute a “statement” by that party. The Hearing Panel cannot draw an inference about the
determination regarding responsibility based solely on a party’s absence from the live hearing or refusal to answer
cross examination or other questions. The parties shall be subject to the Rules of Decorum outlined below.

Advisors
The Complainant and the Respondent may each have present with them during the hearing an advisor of their
choice (at the party’s expense, if the advisor is a paid advisor). The parties are not permitted to conduct cross-
examination; it must be conducted by the advisor. If a party does not have an advisor present at the hearing, the
University will provide, without fee or charge to that party, an advisor of the University’s choice for the limited
purpose of conducting questioning on behalf of that party as provided in this Policy.

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

An advisor’s questioning of the other party and any witnesses must be conducted in accordance with the Rules of
Decorum outlined below. If the Chair determines that an advisor is not adhering to those rules or other ground rules,
the advisor may be required to leave the hearing, and the hearing will proceed without an opportunity for the party to
obtain a replacement advisor; provided, however, that the University will assign an advisor of the University’s
choosing, without charge, for the purpose of conducting questioning on behalf of the party as provided below.

The advisor is not prohibited from having a conflict of interest or bias in favor of or against Complainants or
Respondents generally, or in favor or against the parties to the particular case. The advisor is not prohibited from
being a witness in the matter. If a party does not attend the live hearing, the party’s advisor may appear and conduct
cross-examination on their behalf. If neither a party nor their advisor appear at the hearing, the University will
provide an advisor to appear on behalf of the non-appearing party.

Witnesses are not permitted to bring an advisor or other person to the hearing, absent an approved disability
accommodation.

Witnesses
Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing
free from retaliation. If a witness does not submit to cross-examination, as described below, the Hearing Panel
cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including
any statement relayed by the absent witness to a witness or party who testifies at the live hearing.

Rules of Decorum
The following Rules of Decorum are to be observed in the hearing and applied equally to all parties (meaning the
Complainant and Respondent) and advisors:
1. Questions must be conveyed in a neutral tone.
2. Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name
   and gender used by the person and shall not intentionally mis-name or mis-gender that person in
   communication or questioning.
3. No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses,
   advisors, or decision-makers.
4. While an advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within
   this forum.
5. The advisor may not yell, scream, badger, or physically “lean in” to a party or witness’s personal space. Advisors may not approach the other party or witnesses without obtaining permission from the Hearing Panel Chair.

6. The advisor may not use profanity or make irrelevant *ad hominem* attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.

7. The advisor may not ask repetitive questions. This includes questions that have already been asked by the Hearing Panel or the advisor in cross-examination. When the Hearing Panel Chair determines a question has been “asked and answered” or is otherwise not relevant, the advisor must move on.

8. Parties and advisors may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

**Warning and Removal Process**

The Hearing Panel Chair shall have sole discretion to determine if the Rules of Decorum have been violated. The Hearing Panel Chair will notify the offending person of any violation of the Rules. Upon a second or further violation of the Rules, the Hearing Panel Chair shall have discretion to remove the offending person or allow them to continue participating in the hearing or other part of the process.

Where the Hearing Panel Chair removes a party’s advisor, the hearing will proceed without an opportunity for the party to obtain a replacement advisor; provided, however, that the University will assign an advisor of the University’s choosing, without charge, for the purpose of conducting questioning on behalf of the party as provided below.

**Relevant Questions Asked in Violation of the Rules of Decorum**

Where an advisor asks a relevant question in a manner that violates the Rules of Decorum, such as yelling, screaming, badgering, or leaning-in to the witness or party’s personal space, the question may not be deemed irrelevant by the Hearing Panel Chair simply because of the manner it was delivered. Under that circumstance, the Hearing Panel Chair will notify the advisor of the violation of the Rules, and, if the question is relevant, will allow the question to be re-asked in a respectful, non-abusive manner by the advisor (or a replacement advisor, should the advisor be removed for violation of the Rules).

**Hearing Procedures**

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

1) Hearing Panel Chair will open and establish rules and expectations for the hearing
2) Opportunity for Opening Statement by the Complainant
3) Opportunity for Opening Statement by the Respondent
4) Questions for the investigator(s) by the Hearing Panel and, if desired, on behalf of Complainant and the Respondent (as described below)
5) Questions for the Complainant by the Hearing Panel and, if desired, on behalf of the Respondent (as described below)
6) Questions for the Respondent by the Hearing Panel and, if desired, on behalf of the Complainant (as described below)
7) Questions for each witness by the Hearing Panel and, if desired, on behalf of Complainant and the Respondent (as described below)
8) Opportunity for Closing Statement by the Complainant
9) Opportunity for Closing Statement by the Respondent

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

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

**Questioning Procedures**
The Hearing Panel will permit each party’s advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility; provided that questions that seek disclosure of information protected under a legally recognized privilege will not be permitted unless the person or entity holding the privilege has waived the privilege in writing. Questioning must be conducted by the party’s advisor in accordance with the Rules of Decorum, and never by a party personally. If a party does not have an advisor present at the hearing, the Title IX Coordinator will arrange for the University to provide without fee or charge to that party, an advisor of the University’s choice to conduct cross-examination on behalf of that party.

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

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

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

**Review of Hearing Recording**
The recording of the hearing may be accessed by the parties prior to any appeal. The recording will not otherwise be released except if the University is legally required to do so, such as by an order from a court.

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

**Sanctioning Procedure for Students**
If the Respondent found responsible for a violation is a student, the Hearing Panel will determine appropriate sanctions. Each party may submit a written personal impact statement to the Title IX Coordinator for consideration by the Hearing Panel in determining an appropriate sanction if there is a finding of responsibility on one or more of the charges. The parties must submit their statements to the Title IX Coordinator prior to the hearing. The Title IX Coordinator will provide each of the parties an opportunity to review any statement submitted by the other party.

In addition to the impact statement(s), if any, factors considered when determining sanctions may include:
the nature and severity of, and circumstances surrounding, the violation(s);

the Respondent’s state of mind at the time of the violation(s) (intentional, knowing, bias-motivated, reckless, negligent, etc.);

the Respondent’s previous disciplinary history;

the need for sanctions to bring an end to the conduct; and/or to prevent the future recurrence of similar conduct;

the need to remedy the effects of the conduct on the Complainant and/or the community;

the impact of potential sanctions on the Respondent;

sanctions imposed by the University in other matters involving comparable conduct; and

any other lawful factors deemed relevant by the Hearing Panel.

**Sanctioning Procedure for Faculty or Staff**

If the Respondent found responsible for a violation is a faculty or staff member, the Title IX Coordinator will consult with the chair of CODAH and the appropriate executive officers to review:

- the Respondent’s personnel file;
- any past informal complaint where there has been a finding of discrimination and/or harassment;
- a finding of discrimination and/or harassment by the Respondent through the formal complaint process; or
- any past formal or informal complaint against the Respondent that was not judged to be a spurious complaint.

After this history has been taken into consideration, the Title IX Coordinator and Chair of CODAH will make their final recommendation for corrective action to the appropriate executive officer for implementation, if appropriate. Copies of the final recommendation will be sent to the Complainant, Respondent, Chair of the CODAH and an appropriate executive officer for both the Complainant and Respondent, and retained in the Director of Human Resources office.

The executive officer will fully implement the recommendations unless she/he has good reason not to.

An executive officer who, for whatever reason, chooses not to fully implement the recommendations will explain her/his reasons for this decision in writing (insofar as possible) or in a face-to-face meeting with the Title IX Coordinator and Chair of CODAH.

After disposition and/or implementation of the corrective actions, the executive officer must notify the reporting party, Title IX Coordinator and Chair of CODAH, in writing, of the disposition and/or corrective actions that have been implemented.

**Sanctions**

The following sanctions may be imposed upon any community member found to have violated the Gender-Based Discrimination and Sexual Misconduct Policy. Ranges for violations are referenced below.

**Student Sanctions (where Applicable, as defined in the Code of Conduct):**

- Written Warning
- Disciplinary Fines
- Community Service
- Attendant Restrictions
- Participation in Educational Activities Addressing the Nature of the Violation
- Disciplinary Probation
- Deferred Loss of Campus Residency
- Loss of Campus Residency
- Organizational Sanctions
- Deferred Suspension
- Suspension
- Expulsion
- Withholding of Diploma and/or Degree Conferral
- Revocation of Degree
- **Other Actions:** In addition to or in place of the above sanctions, the Hearing Panel may assign any other sanctions as deemed appropriate, including but not limited to the following:
  - Mandated counseling so the Respondent has the opportunity to gain more insight into his/her/their behavior.
  - A "no contact" directive (including but not limited to continuation of a no contact directive imposed as a supportive measure) prohibiting contact with one or more identified persons, in person or through telephonic, electronic, written or other means. A no contact directive may include additional restrictions and terms.
  - Requiring the Respondent to write a letter of apology.
  - Requiring unpaid service to the campus or local community stated in terms of type and hours of service.
  - Restitution for damage to or misappropriation of property, or for personal injury, and other related costs.
  - Loss, revocation or restriction of housing privileges (e.g., exclusion from specified locations or alteration of status in the housing lottery or other selection system).
  - Monetary fines.

**Employee Sanctions:**
- Warning – written
- Performance Improvement Plan
- Required Counseling
- Written Reprimand
- Formal Apology
- Transfer or reassignment
- Disciplinary Probation
- Non-Renewal of Employment Agreement
- No Contact Order
- Required Training/Education
- Demotion
- Loss of Annual Pay Increase
- Suspension Without Pay
- Suspension With Pay
- Termination

No corrective action will be implemented that violates any provision of a St. Bonaventure University employment contract or collective bargaining agreement.

**Notice of Outcome**
The Hearing Panel will issue a written determination regarding responsibility to the Title IX Coordinator including the following information:
- A description of the charges that were adjudicated;
• A description of the procedural steps taken from the submission of the Formal Complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
• Findings of fact supporting the determination;
• Conclusions regarding the application of the Policy to the facts;
• A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University’s educational programs or activities will be provided to the Complainant; and
• The procedures and permissible bases for the Complainant and Respondent to appeal (described below in “Appeal”).

The Title IX Coordinator will provide the written determination to the parties simultaneously. If there are no extenuating circumstances, the determination regarding responsibility will be issued to the parties by within ten (10) business days of the completion of the hearing.

Finality
The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in “Appeals” below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

Transcript Notation
The following standards for institutional transcript notation apply to any student accused of a violation of any St. Bonaventure University policy that is defined as a crime of violence reportable under the Clery Act:

• Students suspended after a finding of responsibility for said violations will have the following noted on the transcript: “Suspended after a finding of responsibility for a code of conduct violation.”
• Students expelled after a finding of responsibility for said violations will have the following noted on the transcript: “Expelled after a finding of responsibility for a code of conduct violation.”
• Students withdrawing from the University during an investigation, or any time prior to the completion of judicial procedures (including an appeal process), with respect to allegations of said violations, will have the following noted on the transcript: “Withdrawn with conduct charges pending.”

Transcript notations for suspensions may be removed by an Appeals Panel, described below. The Appeals Panel may consider appeals for removal of a suspension notation from the official transcript. If granted, the suspension notation will be removed no less than one year after the suspension is completed. Transcript notations for expulsion may not be removed.

Withdrawal Prior to Completion of Process
Students withdrawing from the University during an investigation, or any time prior to the completion of judicial procedures (including an appeal process), to which they are subject as a Respondent, may not be eligible for re-admission to the University or re-enrollment in any courses offered by the University on campus, online, or through any affiliate programs, unless and until the pending charges are resolved to the University’s satisfaction.

Resignation Prior to Completion of Process
Employees who resign from the University during an investigation, or any time prior to the completion of judicial procedures or other resolution process (including an appeal process), to which they are subject as a Respondent, may not be eligible for re-hire unless and until the pending charges are resolved to the University’s satisfaction.

Temporary Withholding of Degree/Diploma; Denial of Participation in Commencement
The University may withhold a student’s degree and/or diploma for a specified period of time and/or deny a student participation in commencement activities if the student is the subject of a pending complaint or
investigation, or has disciplinary charges pending. This is not a disciplinary sanction, but is intended to facilitate an equitable resolution of the process.

**Appeals**

Each party may appeal (1) the dismissal of a Formal Complaint or any included allegations and/or (2) a determination regarding responsibility. An Appeals Panel shall be convened when either the Complainant or the Respondent choose to file an appeal. The Appeals Panel composition under this Policy shall be three (3) Discrimination and Misconduct Officials. Appeal Panel members will be free of conflict of interest and bias, and may not have served as investigator, Title IX Coordinator, or Hearing Panel member in the same matter. To appeal, a party must submit their written appeal to the Title IX Coordinator within five (5) business days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), or Hearing Panel members had a conflict of interest or bias for or against an individual party, or for or against Complainants or Respondents in general, that affected the outcome of the matter;
- A claim that the sanction imposed is substantially disproportionate to the severity of the violation.

The submission of appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

If a party appeals, the institution will as soon as practicable notify the other party in writing of the appeal, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

If the Title IX Coordinator determines the appeal states a proper basis, the Appeals Panel will convene. Principles applicable to consideration of an appeal include the following:

1. The Appeals Panel process is not a “re-hearing” of the case. It will only consider facts and issues relevant to the basis for the appeal, and will not be conducting new investigations.
2. It will be assumed by the Appeals Panel that the original investigation and sanctions of the Hearing Panel are sound, and the burden is on the appealing party to prove otherwise.
3. The Panel may meet with the appealing party and the non-appealing party (if requested), and may meet with anyone else deemed necessary to make their determination, including the investigators in the case.
4. The Panel will make one of the following decisions:
   a. **Finding/Sanction Stands:** If upon review of relevant information the Panel finds that there is no merit to the appeal, or that any issue brought up in the appeal would not change the result of the matter, then the Panel will affirm the finding and (if applicable) the sanction or the dismissal. This decision is final, and the case is closed.
   b. **Appeal Granted:** If upon review of relevant information the Panel finds that the appellant has met the burden of establishing that one or more grounds for appeal have merit, the Panel has discretion to take action consistent with that determination. That may include, without limitation, in the case of procedural error or new information, remanding the case in whole or in part to the original Hearing Panel or a new Hearing Panel; in the case of disproportionality of a sanction, modifying that sanction as appropriate; or, in the case of a
dismissal, reinstating the Formal Complaint or specific allegations in the Formal Complaint that were dismissed.

5. Once an appeal of a case is concluded, no further appeals are allowed, except to the extent that one or more parties seek review of proceedings ordered by the Appeals Panel on remand.

The outcome of appeal will be provided in writing simultaneously to both parties, and include rationale for the decision.

The above process is not exclusive of rights afforded to employees and Faculty under the Staff Handbook or Faculty Status and Welfare Handbook.

**Students’ Bill of Rights**

Pursuant to Article 129-B, Section 6443, of the New York State Education Law, in matters related to sexual assault, domestic violence, dating violence and stalking, all students have the right to:

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

**Rights in Cases Involving Sexual Assault, Domestic/Dating Violence and Stalking**

Pursuant to Article 129-B, Section 6444 of the New York State Education Law, anyone reporting an incident of sexual assault, domestic or dating violence or stalking shall be advised of their rights to:

1. Notify Campus Safety and Security, local law enforcement, and/or New York State Police;
2. Emergency access to a Title IX Coordinator or other appropriately trained official who shall be available upon the first instance of disclosure by a reporting individual and who can provide information, including:
   a) options to proceed, including the right to make a report to Safety and Security (reports to Safety and Security are reported to the Title IX Coordinator), Local Law Enforcement, and/or the New York State Police or choose not to report; to report the incident to the University; to be protected by the University from retaliation for reporting an incident; and to receive assistance and resources from the University, as
set out in this Policy;

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

c) that the criminal justice process utilizes different standards of proof and evidence than the University’s judicial procedures and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney;

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

e) any other reporting options.

3. If they are a student, to contact the University Center for Student Wellness (716-375-2310) where they may be offered confidential resources pursuant to applicable laws/policies and can be assisted in obtaining services for reporting individuals; if they are not a student but are otherwise a member of the University community, or if they are a student but prefer to seek off-campus assistance, to contact non-University confidential resources, including:
   a) Olean General Hospital Sexual Assault Forensic Examiner (SAFE) Unit (716-372-0614)
   b) Cattaraugus County Community Action –Victim Services (1-888-945-3970)
   c) New York State Domestic and Sexual Violence Hotline – 1-800-942-6906

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

5. Disclose the incident to an official of the University who can offer privacy or, in appropriate cases determined by the Title IX Coordinator, confidentiality, subject to the limitations set forth in this Policy, and can assist in obtaining resources for reporting individuals;

6. File a report of sexual assault, domestic violence, dating violence, and/or stalking and consult the Title IX Coordinator and other appropriate University personnel for information and assistance. Reports shall be investigated in accordance with University policy. A reporting individual's identity shall remain private if that is what the reporting individual wishes, however privacy is not the same as confidentiality; private information can be shared to implement and fulfill the University’s obligations under the law and its Gender-Based Discrimination and Sexual Misconduct Policy;

7. Disclose, if the Respondent is a University employee, the incident to Human Resources or to request that a private employee assist in reporting to Human Resources;

8. Receive reasonable assistance from appropriate University representatives if interested in initiating legal proceedings in family court or civil court; and

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

For information on filing a report or seeking resources, including intervention, mental health counseling, and medical services go to www.sbu.edu/life-at-sbu/conduct-at-sbu/gender-based-sexual-misconduct or contact the Title IX Coordinator (Leslie Carlson, Director of Human Resources) at 716-375-2143. In addition, information on sexually transmitted infections and sexual assault forensic examinations can be obtained from University Center of Student Wellness, if a student, or from the hospital listed above, if an employee or student. Certain resources are also available to victims of crimes through the New York State Office of Victim Services, www.ovs.ny.gov.

Individuals reporting violations under this Policy to the Title IX Coordinator or a Responsible Administrator, receive the following at the time of notification:

- Written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to victims, within the University and/or in the community;
• Written notification to victims about available options for, assistance in, and how to request changes to, academic, living, transportation and working situations or protective measures; and
• Written explanation of the student or employee’s rights and options provided when a student or employee reports to the institution that they have been a victim of a violation under this Policy.

New York State Sexual Harassment Addendum
In compliance with New York State law, the University provides for the following notifications concerning workplace sexual harassment. The following does not replace -- and is instead in addition to -- the University’s Gender-Based Discrimination and Sexual Misconduct Policy. Sexual harassment is defined in the University’s Gender-Based Discrimination and Sexual Misconduct Policy, and the procedures for reporting, investigating and adjudicating complaints of sexual harassment are contained in that Policy.

The University’s policies addressing sexual harassment apply to all employees. They also apply to individuals who are not employees of the University but are employees of contractors, subcontractors, vendors, consultants, and other persons who provide services in the University’s workplace, such as interns and temporary employees.

Sexual harassment is a form of employee misconduct. A University employee who is experiencing sexual harassment or suspects that another employee is being harassed may contact his/her supervisor or department head, Human Resources, or the Title IX Coordinator. A University supervisor or manager who receives a complaint or information about workplace sexual harassment is required to take appropriate action. Appropriate action may include immediately intervening if harassment is witnessed by the supervisor or manager, and in all instances includes reporting the situation to the Title IX Coordinator.

In addition to being subject to discipline if they themselves engage in sex discrimination, sexually harassing conduct, or retaliation, persons with supervisory authority over other University employees will be subject to discipline for knowingly allowing sexual harassment to continue. Employees may make reports as outlined in this Policy.

The University reserves the right to take action to correct -- including to discipline -- behaviors that violate the University’s professional conduct expectations even if the conduct does not violate the law. Therefore, not all situations that violate University policy will constitute a violation of the law or allow for a legal remedy. The following agencies enforce laws prohibiting sexual harassment. An individual who has experienced harassment may file a complaint with the University only or also may file a complaint with an enforcement agency.

The New York State Division of Human Rights (DHR) enforces the Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., which prohibits sexual harassment in employment in New York State, and protects employees, and other individuals working in an employer’s workplace. A complaint alleging a violation of the Human Rights Law may be filed either with DHR, subject to a one year statute of limitations, or in New York State Supreme Court, subject to a three year statute of limitations. Complaining internally to the University does not extend your time to file with DHR or in court.

The DHR will investigate the complaint to determine if unlawful harassment occurred and if the circumstances amount to a violation of the law. If unlawful discrimination is found after a hearing, the DHR or the court may award relief, which varies, but may include requiring the employer to take action to stop the harassment, or redress the damage caused, including reversing an unlawful employment action, paying monetary damages, attorneys’ fees and civil fines.

DHR’s main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400 www.dhr.ny.gov. The DHR can be contacted at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form and contact information for DHR’s regional offices across New York State.

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An employee must file a complaint with the EEOC within 300 days from the conduct giving rise to the complaint. The EEOC also investigates complaints, but does not hold hearings or award relief. The EEOC may take other action including...
pursuing cases in federal court on behalf of complaining parties, or issuing a Right to Sue Letter that allows an individual to pursue his/her claims in federal court. Federal courts may award remedies if discrimination is found to have occurred.

The EEOC can be contacted by calling 1-800-669-4000 (1-800-669-6820 (TTY)), or visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual files an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the individual’s right to proceed in federal court.

There may be additional applicable laws, including local laws, or agencies that address the topics covered by this Policy. If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. An employee who believes that a crime has been committed, or who employee believes he/she/they is/are in physical danger, is/are urged to file a report with the local police department immediately.

Individuals are reminded that no one who in good-faith makes a complaint of sexual harassment or participates in an investigation into sexual harassment -- whether an internal University process or an external enforcement agency process -- may be retaliated against. Retaliation is against University policy and it is against the law.

**Additional Information**

**Distribution of Policies and Procedures**

The St. Bonaventure University Gender-Based Discrimination and Sexual Misconduct Policy and Procedures as they relate to SBU students can be found in the Student Code of Conduct. The Student Code of Conduct is located online at www.sbu.edu/codeofconduct, or by going to the Student Affairs webpage at www.sbu.edu. Students, faculty and staff can also locate the Code of Conduct and the Gender-Based Discrimination and Sexual Misconduct policy and procedures on MySBU under general links. Hard copies of the Code of Conduct can be obtained by contacting the Student Affairs Division, 716-375-2512, or by going to the Student Affairs Office, Reilly Center 201. Additionally, the Gender-Based Discrimination and Sexual Misconduct Policy and Procedures are available in the University’s Clery Act Annual Security Report, published on the Student Affairs page of the University website, and hard copies are available in both the Safety and Security Office on the first floor of Robinson Hall, and in the Student Affairs Office.

**Training and Prevention Programming**

In an effort to reduce the risk of gender-based discrimination and sexual misconduct occurring on campus and among community members, St. Bonaventure University utilizes a range of campaigns, strategies and initiatives to provide awareness, education, risk reduction and prevention programming.

It is the policy of St. Bonaventure University to offer programming to prevent sexual misconduct, including but not limited to domestic violence, dating violence, sexual assault (including stranger and known offender assaults) and stalking, each year. Educational programs are offered to raise awareness for incoming students and employees, and are often conducted during new student and new employee orientation and during an incoming student’s first semester. These programs and others offered throughout the year include strong messages regarding not just awareness, but also primary prevention (including normative messaging, environmental management and bystander intervention), and discuss institutional policies on gender-based discrimination and sexual misconduct as well as the federal and New York State definitions of domestic violence, dating violence, sexual assault, stalking and consent in reference to sexual activity. Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies and/or creating distractions.

Programs also offer information on risk reduction that strives to empower victims, how to recognize warning signals and how to avoid potential attacks, and do so without victim-blaming approaches. Throughout the year, ongoing awareness and prevention campaigns are directed to students and employees, including faculty, often taking the form of campaigns, guest speakers, events, and programs sponsored by student clubs and organizations.

Specifically for students, the University requires students to complete annual on-line training through Everfi.
Everfi’s Sexual Assault Prevention (SAP) Suite engages students as they progress through their time at the University, fosters healthy relationships, and prepares them to recognize and respond to sexual assault and harassment when it occurs. Everfi’s Sexual Assault Prevention Program provides information about:

- sexual violence, relationship violence, and stalking,
- alternatives for intervening in situations you see happening and supporting friends and other members of our community, and
- resources both on and off campus.

**First-Year Students Sexual Assault Prevention for Undergraduates** enables first-year students to recognize sexual assault and harassment behavior, identify healthy and unhealthy relationship practices, and equips students with essential skills to navigate consent-based conversations and engage in bystander intervention safely.

**Continuing Students Sexual Assault Prevention for Ongoing Students** empowers students beyond their first year by strengthening their consent and relationship skills, and their ability to intervene when friends engage in unsafe or unhealthy behavior. Building on students’ developmental experiences, this course prepares them to navigate professional environments using realistic scenarios and increases survivor empathy through understanding the impact of trauma.

**Graduate Students Sexual Assault Prevention for Graduate Students** equips graduate students with the tools needed to navigate new and complex relationships including how to identify and respond to harassment from a faculty member or advisor, other workplace-based harassment, how to respectfully engage with undergraduate students, and how to respond to student disclosures.

The University also utilizes **Bringing in the Bystander®** curriculum to teach student bystanders how to safely intervene in instances where sexual violence, relationship violence or stalking may be occurring or where there may be risk that it will occur. This program is required for first year students during Welcomes Days, with several additional sessions throughout the academic year for athletes, clubs and organizations, and interested students. Participants in the program:

- gain an understanding of what bystander responsibility is through the presentation of concepts and examples
- have the opportunity to apply the concept of bystander responsibility to their own past experiences
- gain an understanding of individual and situational factors that facilitate appropriate bystander intervention
- have the opportunity to apply the concept of bystander responsibility to sexual and relationship violence and stalking
- are able to identify the range of unacceptable sexual behaviors and become aware of the prevalence and context of sexual violence
- understand the variety of negative consequences of sexual and relationship violence and stalking for victims and communities
- increase their empathy for victims
- understand the role community members can play in preventing sexual and relationship violence and stalking and reducing its negative consequences
- cultivate skills in identifying situations where bystander intervention may be appropriate
- gain experience in working through the decision process with regard to bystander behaviors including the costs and benefits of intervention
- gain knowledge of resources that are available to support bystanders and victims/survivors
- express motivation and commitment to be an active bystander
- learn to describe the range of potential bystander behaviors and situations where action might be appropriate

In addition to the above programs, education and awareness continues throughout the academic year with ongoing events including, but not limited to: National Domestic Violence Awareness Month Information Tabling, In Their Shoes, Take Back the Night, Clothesline Project, One Love Amor del Bueno, Behind the Post, Affirmative Consent Workshops, Spin to Win Relationship Trivia, and Love Song Trivia.
Interpretation/Other Issues
Final interpretation of this Policy is vested in the Title IX Coordinator, who will have discretion to construe any uncertain or disputed provisions. Issues that are not specifically addressed in this Policy may be resolved by the Title IX Coordinator in his/her discretion.

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

This Policy does not apply to decisions relating to requests for reasonable accommodation due to a disability. Academic disability accommodations are handled by the Office of Disability Support Services and pursuant to that office’s policies. Work-related disability accommodations are handled by the Office of Human Resources Office and pursuant to that office’s policies.

Policy Compliance
Any person with a concern about the University’s handling of a particular matter should contact the Title IX Coordinator, Leslie Carlson at carlson@sbu.edu.

The U.S. Department of Education, Office for Civil Rights is a federal agency responsible for ensuring compliance with Title IX. OCR may be contacted at:

400 Maryland Avenue,
SW Washington, DC
20202-1100
(800) 421-3481
Facsimile: 202-453-6012 TDD#: 877-521-2172
E-mail: OCR@ed.gov
Web: http://www.ed.gov/ocr

Clergy Act Compliance
The University is required to include for statistical reporting purposes the occurrence of certain incidents in its Annual Security Report (ASR). Names of individuals involved in incidents are not reported or disclosed in ASRs.

Federal Timely Warning Reporting Obligations
Victims of sexual misconduct should also be aware that the University must issue timely warnings for reported incidents that represent a serious or continuing threat to members of the campus community. In such circumstances, the name of the alleged perpetrator may be disclosed to the community, but the name of the alleged victim/Complainant will not be disclosed.

Disclosure of Results of Disciplinary Proceedings to Next of Kin
Upon request, St. Bonaventure University will disclose the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of any crime of violence or non-forcible sex offense (incest or statutory rape) to the alleged victim’s next of kin if the victim is deceased as a result of the offense.
Appendix AE – Social Compact and COVID-19

Guided by our Franciscan values and a true sense of community care and belonging, we take seriously our obligations to ourselves and to one another. Each of us must act to protect the health and safety of all our community members. We will fulfill this commitment to each other by monitoring and following the recommendations of the Centers for Disease Control and Prevention (CDC), American College Health Association (ACHA), and local, state, and federal guidelines.

As members of the St. Bonaventure community, we will be expected to commit to the behaviors described in the Community Compact below. Our success is dependent on staying healthy and by agreeing to behavioral changes that will keep the campus and community protected from illness.

Signage will be posted across campus to encourage and reinforce the message of personal responsibility to protect the health and safety of the entire community.

The COVID-19 Community Compact is in effective as an addendum to the St. Bonaventure University Code of Conduct starting June 8, 2020 until otherwise noted by the University. The University reserves the right to update and make edits to the Social Compact to be in line with the guidance that comes from local, state, and national public health agencies as well as government officials. All updates to the Social Compact will be clearly noted with the date and posted on the College’s website.

If there are any conflicts between the Community Compact and the current Code of Student Conduct, the Compact overrules the Code of Student Conduct (i.e. visitor restrictions, etc.)

Behaviors that violate the expectation outlined in the Compact jeopardize health and safety, increase the likelihood of a viral outbreak on our campus or in the greater community, and may result in actual harm to one or more community members. Therefore, failure to comply with the Compact and/or existing behavioral expectations outlined in the Code of Conduct may result in a forfeiture of campus access or removal from University housing, in addition to other disciplinary measures.

COVID-19 Waiver. St. Bonaventure University uses reasonable and routine cleaning and sanitization procedures on and within the areas of the premises for which they are responsible for cleaning. No cleaning and sanitization procedures or regimen can reasonably be expected to eliminate the spread of communicable diseases, including but not limited to viruses and bacterial infections spread by and between human beings through airborne, droplet or bodily fluids, or surface contamination. Despite St. Bonaventure University’s cleaning and sanitation procedures there is a risk of contracting a communicable or infectious disease while using St. Bonaventure’s facilities, residence halls, and premises (the "Premises") from other residents at the Premises, other users of the Premises, or other sources. By choosing to enter, remain in, or reside in the Premises, students voluntarily assume the risk of contracting a communicable or infectious disease from such other residents at the Premises, other users of the Premises, or other sources. Students agree to waive any claims or demands on behalf of themselves, as well as their heirs or assignees, that they may now have or may in the future come to have against St. Bonaventure University and its agents, officers, directors, faculty members, employees, or servants, for damages, arising from or relating to their contraction of a communicable or infectious disease while entering, using, remaining within or residing at the Premises, or arising from the spread of a communicable or infectious disease within the Premises. To the extent that any provision of this waiver is deemed violative of any statute, rule, regulation, common law or other authority, students agree that this clause shall be reformed to the maximum extent possible so as to give reasonable force and effect to its terms to the greatest extent permissible under such law or controlling authority.
Community Compact:
A commitment to protect ourselves, each other and our community.

Guided by our Franciscan values and a true sense of community care and belonging, we take seriously our obligations to ourselves and to one another. Each of us must act to protect the health and safety of all our community members. We will fulfill this commitment to each other by monitoring and following the recommendations of the Centers for Disease Control and Prevention (CDC), American College Health Association (ACHA), and local, state, and federal guidelines.

As members of the St. Bonaventure community, we will be expected to commit to the behaviors described in this compact. Our success is dependent on staying healthy and by agreeing to behavioral changes that will keep the campus and community protected from illness.

To Protect Myself I will:
- Take a PCR COVID-19 test before arriving on campus, and submit the results through the Health Services patient portal. If my test is positive, I will notify Health Services and will not return to campus until instructed to do so by Health Services staff.
- Monitor myself for symptoms of COVID-19 daily and report to Health Services if I experience any COVID-19 symptoms. I will complete any and all periodic health assessments required by the university.
- Make University Health Services my first point of contact for any symptoms related to COVID-19.
- Take a viral test if I am experiencing any of the COVID-19 symptoms, or if I have been contacted and notified that I was in close contact with someone who has tested positive.
- Strongly consider getting a flu vaccine when available during the fall semester.
- Frequently wash my hands with soap and water for at least 20 seconds, especially after being in a public place or after blowing my nose, coughing or sneezing, before touching food, and after using the bathroom. I will use hand sanitizer at times when soap and water are not available.
- Carry hand sanitizer, an extra face covering, and cleaning wipes in my backpack.
- Avoid touching my face, mouth, eyes or nose.
- Avoid sharing food, drink, utensils or similar items.
- Minimize touching surfaces in shared areas.
- Avoid crowded rooms, elevators, busses, or off campus locations where social distancing is difficult.
- NOT host and/or attend gatherings and parties where social distancing is not possible.
- Keep track of my activities and limit my social contacts to a core group of friends.
- Respond to calls or texts from contact tracers to enable tracking of the disease.
- Download and activate any required SBU approved public health applications.
- Read all university emails to stay informed about health and safety updates or responses to COVID-19.
- Respond to messages from university staff checking on my well-being or in need of my assistance.

To Protect Others I Will:
- Wear an acceptable face covering any time I am within 6 feet of another person, other than my roommate. This includes all spaces outside my housing assignment.
- Wear an acceptable face covering when I enter any buildings and in public spaces such as elevators, bathrooms, lobbies, hallways, laundry rooms, lounges and other public areas.
- Wear an acceptable face covering in all outdoor public spaces, on public transportation, sidewalks, or as directed by the university or local/state health authorities.
- Wear an appropriate face covering in all instructional settings (classrooms, studios etc.).
• Maintain appropriate social distancing, especially in classrooms, labs, or in any shared indoor spaces.
• Observe the posted occupancy limits of shared indoor spaces, and abide by any limitations on guests, access or visitation in the residence halls. Residential students should only access their assigned residence hall room/apartment/townhouse. Until notified, only students assigned to a specific residential space are allowed in that space.
• Not host or invite a guest onto campus or into any campus facility.
• Follow any signage directing traffic patterns or other social distancing precautions. Stay home and contact University Health Services if I feel ill or after possible exposure to someone who is ill or has tested positive for COVID-19 and avoid close contact with others.
• Adhere to recommended limits on sizes of group gatherings. Respect social distancing signs, barriers, and protocols on campus and in university host communities.

To Protect the University and Local Communities I will:
• Participate in testing, screening and contact tracing as instructed to preserve community health.
• Adhere to isolation and quarantine instructions if I test positive for COVID-19 or if I am exposed to someone who has tested positive.
• Limit my own personal travel outside of WNY and surrounding communities and not host outside visitors.
• Acknowledge that unnecessary travel beyond the Allegany/Olean area, particularly out of state, may require me to self-quarantine.
• Serve as an active bystander for the well-being of others and myself by helping to enforce social distancing and other health guidelines outlined here. I will remind others to wear face coverings and keep appropriate distance to assure everyone’s safety.
• Report any concerns regarding compliance to the Associate Vice President of Student Affairs, Associate Dean for Student Life or the Director of Residence Life.
• Demonstrate social responsibility by following public health guidelines in local businesses, public places, and on all public transportation. Show compassion, care and respect for other members of the community.

If there are any conflicts between this Community Compact and the current Code of Student Conduct, this document overrules the Code of Student Conduct (i.e. visitor restrictions, etc.)

I have read, understand, and agree to comply with this SBU Community Compact above. I understand that behaviors that violate these expectations jeopardize health and safety, increase the likelihood of a viral outbreak on our campus or in the greater community, and may result in actual harm to one or more community members. Therefore, failure to comply with the Compact and/or existing behavioral expectations outlined in the Code of Conduct may result in a forfeiture of campus access or removal from University housing, in addition to other disciplinary measures.

Students arriving from states on the NYS Travel Restriction List: All students traveling from impacted locations are REQUIRED to complete the New York State Traveler Health Form @ https://forms.ny.gov/s3/Welcome-to-New-York-State-Traveler-Health-Form and complete a 14 day quarantine. I attest I have complied with the travel quarantine guidelines above and have completed the NYS required quarantine period.

Print Name: ____________________________________________

Signature: ____________________________________________ Date: _______

*adopted with permission from the University of Massachusetts Amherst