



**2024 Annual Campus**

# **Security and Fire Safety Report**

## REMARKS FROM THE ASSOCIATE DEAN FOR CAMPUS SAFETY

Dear Community Member:

Greetings in the Spirit of Saints Francis and Bonaventure!

It is my honor to present the Annual Security and Fire Safety Report for St. Bonaventure University. This report is the result of the dedicated efforts of a diverse team representing various campus constituencies, including the Center for Student Wellness, Human Resources, Title IX, the Office of Safety and Security, Residence Life, Student Life, and the Office of the Vice President for Student Affairs.

This report fulfills the requirements of the Jeanne Clery Disclosure of Campus Policy and Campus Crime Statistics Act and is part of our ongoing commitment to keep you informed about our safety programs and services, as well as the steps you can take to protect yourself and others.

The safety and well-being of our students, faculty, staff, and visitors is our highest priority. Effective protection against campus crime relies on a strong Safety and Security presence, an informed and vigilant campus community, and a commitment to reporting suspicious activities and practicing common sense in daily activities.

In recent years, we have significantly enhanced our security technology across campus. We now have over 700 digital and analog cameras and more than 305 electronic card access points, along with a range of emergency notification systems.

While St. Bonaventure University is dedicated to reducing risk and preventing crime, it is important to acknowledge that incidents may still occur. Safety and security is a collective responsibility, and we encourage all community members, both current and prospective, to contribute to maintaining a secure campus environment.

Thank you for your attention and commitment to campus safety.

If you have any questions or suggestions concerning this publication, please contact the Office of Safety and Security at (716) 375-2525 or [security@sbu.edu](mailto:security@sbu.edu).

Pax et Bonum,

*Gary M. Segrue*

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Associate Dean for Campus Safety  
St. Bonaventure University

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# Contents

Annual Disclosure of Crime Statistics	1
The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act	1
Annual Report 2023	1
Preparation of Disclosure of Crime Statistics	1
 <b>Section I</b>	
The Office of Campus Safety and Security	2
Campus Security Authority	2
Clery Exemption for Pastoral and Professional Counselors	2
Specific Information about Classifying Crime Reports	3
Crime Definitions	3
Crime Statistics (2023, 2022, 2021)	8
 <b>Section II</b>	
St. Bonaventure University Security Procedures	10
Informing the Campus Community of Criminal Activity	10
Reporting a Crime, Emergency or Safety Concern	10
Reporting a Crime to Law Enforcement	11
Voluntary Confidential Reporting	11
Criminal Activity Off Campus	11
Notification of Final Results	11
Security Awareness and Crime Prevention	12
Security Awareness Programs	12
Crime Prevention Programs	13
Crime Prevention and Personal Safety Tips	14
Access to Campus	14
Maintenance and Security of Campus Facilities	14
Campus Notifications	15
Timely Warnings	15
Emergency Notification	16
Timely Warnings vs. Emergency Notification Summary Chart	17
Emergency Response Framework	17
How to Report an Emergency on Campus	17
Emergency Response and Procedures	17
Declaring an Emergency/Notification and Alerts	19
 <b>Section III</b>	
Sexual Assault Education and Prevention	20
New York State Definitions of Sex Offenses	20
St. Bonaventure University Sex Discrimination and Sex-Based Harassment Policy	26
General Rules of Application	26
Statement of Intent	26
Nondiscrimination Policy and Notice	27
Jurisdiction	27
Disability Accommodations	28
Overview of Consensual Relationships Policy	28
Prohibited Conduct	29
Pregnancy or Related Conditions	32

Additional Applicable Definitions	34
Non-Investigatory Measures Available Under the Policy	37
Supportive Measures	37
No Contact Orders	38
Orders of Protection	39
Emergency Removal	39
Confidentiality, Access to Resources and Reporting of Prohibited Conduct	39
Medical Attention and the Importance of Preserving Evidence	45
Law Enforcement	46
Discrimination and Misconduct Officials	46
Delegation of Authority, University Counsel and Use of External Resources	47
The Grievance Process	48
Notice of Allegations and Investigation	51
Advisor of Choice and Participation of Advisor of Choice	52
Investigation	53
Investigative Report	55
Hearing	55
Hearing Procedures	58
Hearing Determinations	60
Sanctions	61
Notice of Outcome	62
Finality	63
Transcript Notations	63
Withdrawal Prior to Completion of Process	63
Resignation Prior to Completion of Process	63
Temporary Withholding of Degree/Diploma; Denial to Participate in Commencement	63
Appeals	64
Student's Bill of Rights	66
Rights in Cases Involving Sexual Assault, Domestic/Dating Violence and Stalking	66
Clery Act Compliance	69
Federal Timely Warning Reporting Obligation	69
Disclosure of Results of Disciplinary Proceedings to Next of Kin	70
 <b>Section IV</b>	
Alcohol Policy	70
Drug Policy	73
St. Bonaventure University Program to Prevent Alcohol and Drug Abuse	75
Firearms, Dangerous Weapons, Dangerous Chemicals & Fireworks Policy	76
Bias-Related Incidents and Hate Crimes	76
Missing Person Contact and Notification	78
Sex Offender Registry Information	79
 <b>Section V</b>	
Annual Fire Safety Report	80
Inspections	80
Fire Safety Definitions	80
To Report a Fire	81
Complete Listing of Residence Hall Fire Safety Features	81
Resident Hall Fire Statistics (2023, 2022, 2021)	82
Fire Alarm/Sprinkler System Notification	83

Specific Fire-Prevention-Related Policies in Residence Halls	87
Education and Training Program	90
Smoking Policy	90
Plans for Fire Safety Improvements	91

# Annual Disclosure of Crime Statistics

## **The Jeanne Clery Disclosure of Campus Security Policy & Campus Crime Statistics Act**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 requires the distribution of an annual security report to all current students, faculty and staff. The annual security report includes statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings, property owned or controlled by St. Bonaventure University, and on public property within or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus safety and security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, domestic and dating violence, stalking, and fires in campus residential buildings.

## **Annual Report 2024**

This information is provided to meet the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 and has been prepared by the Office of Campus Safety and Security.

The Annual Security and Fire Safety Report is a combination of two federally required reports for institutions receiving Title IV (federal financial aid): Annual Security Report, and the Annual Fire Safety Report. This combined report is titled the Annual Security and Fire Safety Report (ASFSR). Each year, this report will be made available to all students, faculty and staff. The report may be viewed on-line at [www.sbu.edu/life-at-sbu/campus-safety](http://www.sbu.edu/life-at-sbu/campus-safety). Copies of this report may also be obtained at the St. Bonaventure University Office of Campus Safety and Security, located on the first floor of Doyle Hall, or by calling at 716-375-2525. Crime statistic information may also be obtained directly from the United States Department of Education's web site at: <https://ope.ed.gov/campus-safety/#/>.

## **Preparation of Disclosure of Crime Statistics**

The Office of Campus Safety and Security prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The report is prepared in cooperation with the local law enforcement agencies surrounding our campus, the Student Affairs Division and other campus security authorities.

Campus crime, arrest and referral statistics include those reported to the Office of Campus Safety and Security, designated campus officials and local law enforcement agencies. These statistics include crimes that occur on campus, in residence halls and on the local streets surrounding the campus. These statistics do not include crimes that have been reported through pastoral counselors or professional counselors at the Center for Student Wellness on a confidential basis for 2023.

Clery Act Compliance Committee is responsible for assisting with the gathering and verifying of Clery Act data and policies, with the ongoing goal of making Clery Act compliance an institutional-wide effort. The Clery Act requires colleges and universities to build bridges and enhance collaboration across disciplines, with the shared goal of creating and maintaining a safe community for all members.

## **SECTION I**

### **The Office of Campus Safety and Security**

The Office of Safety and Security, located on the first floor of Doyle Hall, is open 24 hours a day providing around-the-clock services to the campus community. Security Officers are on duty 24 hours a day, seven (7) days a week, 365 days a year and patrol university property. All Security Officers are non-sworn and have no official arrest powers in New York State other than enforcement authority granted to citizens of New York State. Security Officers aid in enforcement of federal, state and local statutes and St. Bonaventure University regulations.

All University security officers must meet the training requirements of the State of New York Security Guard Act. The Office of Safety and Security maintains a close working relationship with area law enforcement agencies within close proximity of St. Bonaventure University. The New York State Police, Cattaraugus County Sheriff's Department, City of Olean Police Department and the Village of Allegany Police Department may respond to emergencies on St. Bonaventure owned property. The Office of Safety and Security are involved in meetings between the leaders of these agencies, on both a formal and informal basis. These aforementioned law enforcement agencies have entered into a Memorandum of Understanding with St. Bonaventure for responding to emergencies on campus, in particular but not limited to:

- Response to an active shooter or hostage situation
- Response to an incident of sexual assault, domestic violence, dating violence and stalking
- Felony offenses and reports of missing persons

In regard to utilizing local law enforcement to monitor criminal activity at student organization non-campus locations, St. Bonaventure does not have any officially recognized "off-campus" student organizational facilities. All violent felony offenses reported to the University, occurring on campus or on University-owned property will be reported to the appropriate law enforcement agency for further investigation, including hate crimes.

### **Campus Security Authority**

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.

### **Clery Exemption for Pastoral and Professional Counselors**

There are two types of individuals who, although they have significant responsibility for student and campus activities, are not campus security authorities under Clery:

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

### Specific Information about Classifying Crime Statistics

The statistics in this report are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and the relevant federal law (the Clery Act). The Clery Act requires institutions to include four general categories of crime statistics:

**Criminal Offenses**—Criminal Homicide, including Murder and Non-negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault (*also referred to as Sex Offenses*), including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson;

**Hate Crimes**—Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/ Vandalism of Property that were motivated by bias;

**VAWA Offenses**—Any incidents of Domestic Violence, Dating Violence and Stalking. (Note that Sexual Assault is also a VAWA Offense but is included in the Criminal Offenses category for Clery Act reporting purposes); and

**Arrests and Referrals for Disciplinary Action** for Weapons (Carrying, Possessing, Etc.) Law Violations, Drug Abuse Violations and Liquor Law Violations.

### Crime Definitions

The following definitions are used to report crimes listed in accordance with Federal Bureau of Investigation Uniform Crime Reporting Guidelines and the Violence Against Women’s Act of 1994.

#### Criminal Offenses

**Murder and Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

**Negligent Manslaughter:** The killing of another person through gross negligence.

**Sexual Assault (Sex Offenses):** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.
- **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.



- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

**Robbery:** The taking or attempting to take anything of value from the care, custody or control of another person or persons by force or threat of force or violence and/or putting the victim in fear.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.

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

When counting multiple offenses, the Clery Act requires institutions to use the FBI's UCR Hierarchy Rule. Under this rule, when more than one Criminal Offense was committed during a single incident you should only count the most serious offense. A single incident means that the offenses were committed at the same time and place. Beginning with the most serious offense, the following list shows the hierarchy for Clery Act reporting: Murder and Non-negligent Manslaughter; Manslaughter by Negligence; Sexual Assault; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft.

There are **exceptions** to using the Hierarchy Rule when counting offenses. They apply to Arson, Sexual Assaults, Hate Crimes and VAWA Offenses. The rules for Arson and Sexual Assaults are defined below.

The rules for counting Arson are:

- Always count Arson regardless of the nature of any other offenses that were committed during the same incident.
- When multiple offenses are committed during the same distinct operation as the Arson offense, report the most serious offense along with the Arson.
- Include incidents in which persons are killed as a direct result of Arson as Murder and Non-negligent Manslaughter and Arson or Manslaughter by Negligence and Arson.

The rules for counting Sexual Assaults are:

- If Rape, Fondling, Incest or Statutory Rape occurs in the same incident as Murder, count both the sexual assault and the Murder.
- Fondling is recognized as an element of the other Sexual Assaults. Include a Sexual Assault as Fondling only if it is the only Sexual Assault. If Fondling occurs in the same incident as Murder, count both the Fondling and the Murder.

### **Hate Crimes**

A hate crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Hate crimes are a violation of St. Bonaventure University's community standards and code of conduct, but they are also prohibited under the NYS Penal Law. Under the Clery Act, only the following eight categories are reported:

**Race.** A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

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

**Sexual Orientation.** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

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

**Gender Identity.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

**Ethnicity.** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

**National Origin.** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

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

For Clery Act purposes, Hate Crimes include any of the seven offenses listed under Criminal Offenses, in addition to the four offenses listed below.

**Larceny Theft:** The unlawful taking of property from the possession, or constructive possession, of another.

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

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

**Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Hate Crimes are counted in the same manner that the offenses are when they are not Hate Crimes except that the Hierarchy Rule does not apply to Hate Crimes.

### **VAWA Offenses**

The third category of crime statistics that institutions must disclose are those added to the Clery Act by the *Violence Against Women Act*. These include Dating Violence, Domestic Violence, Sexual Assault and Stalking. Sexual Assault is included by the FBI as a Criminal Offense.

**Dating Violence** is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence** is defined as a felony or misdemeanor crimes of violence committed by a person who: (A) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the applicable jurisdiction, or a person similarly situated to a spouse of the victim; (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) shares a child in common with the victim; or (D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

**Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition—

**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.

**Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.

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

The Hierarchy Rule does not apply to VAWA Offenses.

### **Arrests and Referrals for Disciplinary Action**

The fourth category of crime statistics is the number of arrests, and the number of persons referred for disciplinary action for the following law violations: Weapons: Carrying, Possessing, etc.; Drug Abuse Violations; and Liquor Law Violations.

**Weapons: Carrying, Possessing, Etc.,** is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

**Drug Abuse Violations** are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

**Liquor Law Violations** are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

If an individual is both arrested and referred for disciplinary action for any offenses, only the arrest is included in the statistics. Arrests and referrals for the law violations are not covered by the Hierarchy Rule used to count Criminal Offenses. Therefore, arrests for Weapons, Drug Abuse and Liquor Law Violations are counted in addition to the most serious Criminal Offense when occurring in a single incident. For example, if an Aggravated Assault is committed with the use of a firearm in violation of a weapons law, both the Aggravated Assault and the arrest or referral for the Weapons Law Violation would be counted.

#### **Geography Definitions from the Clery Act**

**On-Campus** - (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

**Non-Campus Building or Property** - (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property** - All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. The crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.

## Crime Statistics

<i>Criminal Offenses</i>	<i>Year</i>	On Campus Property	On Campus Student Residential Facilities	Non-Campus Buildings or Property	Public Property
Criminal Homicide					
Murder & Non Negligent Manslaughter	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Negligent Manslaughter	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Sex Offenses					
Rape	2021	5	5	0	0
	2022	6	6	0	0
	2023	3	3	0	0
Fondling	2021	1	1	0	0
	2022	3	3	0	0
	2023	2	1	0	0
Incest	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Statutory Rape	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Robbery	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Aggravated Assault	2021	0	0	0	0
	2022	1	0	0	0
	2023	1	0	0	0
Burglary	2021	9	9	0	0
	2022	2	2	0	0
	2023	1	1	0	0
Motor Vehicle Theft	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Arson	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

<i>Arrests and Disciplinary Referrals</i>		<i>Year</i>	On Campus Property	On Campus Student Housing Facilities	Non-Campus Property	Public Property
Arrests						
Weapons-carrying, possession, etc.	2021	0	0	0	0	
	2022	0	0	0	0	
	2023	0	0	0	0	
Drug Abuse Violations	2021	2	1	0	0	
	2022	0	0	0	0	
	2023	0	0	0	0	
Liquor Law Violations	2021	0	0	1	0	
	2022	0	0	0	0	
	2023	0	0	0	0	
Disciplinary Action						
Weapons-carrying, possession, etc.	2021	0	0	0	0	
	2022	4	4	0	0	
	2023	0	0	0	0	
Drug Abuse Violations	2021	77	77	0	0	
	2022	77	77	0	0	
	2023	49	49	0	0	
Liquor Law Violations	2021	231	231	0	0	
	2022	152	152	0	0	
	2023	116	116	0	0	

<b>VAWA Offenses</b>		<i>Year</i>	On Campus Property	On Campus Student Housing Facilities	Non-Campus Property	Public Property
Domestic Violence	2021	5	5	0	0	
	2022	3	3	0	0	
	2023	3	3	0	0	
Dating Violence	2021	0	0	0	0	
	2022	0	0	0	0	
	2023	2	1	0	0	
Stalking	2021	1	1	0	0	
	2022	0	0	0	0	
	2023	1	0	0	0	

**No Hate Crimes were reported for 2021, 2022 or 2023.**  
**No unfounded crimes for 2021, 2022 or 2022.**

## SECTION II

### **St. Bonaventure University Security Procedures**

If you are the victim of a bias-related (or other) crime, St. Bonaventure University employs a variety of security procedures. Security procedures are referenced during New Student Orientation, New Student Welcome Days, and New Employee training. The Student Code of Conduct, the St. Bonaventure University Motor Vehicle Rules & Regulations and the annual Campus Safety & Security Report, can be found on-line @ <http://www.sbu.edu>.

### **Informing the Campus Community of Criminal Activity**

Ongoing efforts are made to notify and inform members of the campus community about campus crime and crime-related problems. These efforts include:

*Annual Report:* A comprehensive annual report of crime-related information is compiled, published and widely distributed. This annual report is available on-line for all interested parties.

*Special Alerts:* If circumstances warrant, special crime alerts will be announced either selectively or throughout campus as outlined under the timely warnings/emergency notifications.

*Crime Log:* The Office of Campus Safety and Security maintains a campus wide crime log which is located at the Office of Campus Safety and Security located in Doyle Hall. The crime log is open for public inspection 24 hours a day, 7 days a week.

It is the policy of St. Bonaventure University to encourage the reporting of all crimes to both the Office of Safety and Security and local law enforcement in an accurate and timely fashion should the victim of the crime elect to or is unable to make such a report. The Office of Safety and Security will assist any victim of a crime by contacting law enforcement to make such a report.

### **Reporting a Crime, Emergency or Safety Concern**

Students, employees and other members of the community should report criminal offenses in a prompt and timely manner for the purposes of making timely warning reports and annual statistical disclosure. Numerous efforts are made to advise members of the campus community on a timely basis about campus crime and crime-related problems. Dispatchers are available by contacting **716-375-2525** 24 hours a day to answer your call. In response to your call, St. Bonaventure University Safety and Security will take the required action of dispatching an officer and/or the on-duty residence director to assist with filing an incident report.

A crime, emergency or safety concern may also be reported to the following St. Bonaventure University officials; Associate Dean for Campus Safety at 716-375-2526 or Vice President for Student Affairs at 716-375-2011. These offices are not staffed 24/7. After-hour emergencies should be reported to Campus Safety & Security at 716-375-2525.

To report a non-emergency security or safety concern, call Campus Safety & Security at 716-375-2525 or in person at the Campus Safety and Security Office in Doyle Hall.

All incident reports involving students are forwarded to the Dean of Students for review and possible action. Title IX incidents are forwarded to the Title IX Coordinator for processing. If an act of sex discrimination or sex-based harassment should occur, staff on scene will offer the victim a wide variety of services. St. Bonaventure has trained staff available 24 hours a day to assist victims. Reports involving sex

discrimination or sex-based harassment may be reported in accordance with the St. Bonaventure University Sex Discrimination and Sex-Based Harassment Policy. Please refer to <https://www.sbu.edu/life-at-sbu/student-health-safety-conduct/student-conduct/title-ix> for the most up to date policy.

### **Reporting a Crime to Law Enforcement**

The New York State Police and Cattaraugus County Sheriff's Office have jurisdiction over criminal matters occurring on the St. Bonaventure University campus. An Individual may report a crime by calling 911, if an emergency, or 716-938-9191, if a non-emergency, to reach either agency.

### **Voluntary Confidential Reporting: St. Bonaventure University Silent Witness Program**

St. Bonaventure University also utilizes a program by which a student or employee may report a crime anonymously, voluntarily and confidentially. The link to this is on the Safety and Security web page @ <http://www.sbu.edu/life-at-sbu/campus-safety/silent-witness>.

If a victim or witness wishes to remain anonymous and desires to file a report of a crime confidentially the Associate Dean of Campus Safety can file a report on the details of the incident without the need of your identity through the Silent Witness Program. The purpose of a confidential report is to comply with the reporters wish to keep remain anonymous, while taking steps to ensure the future safety of the reporter and the St. Bonaventure community. With such information, St. Bonaventure University can keep an accurate record of the number of incidents involving, students, employees and visitors; determine where there is a pattern of crime in regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in annual crime statistics only after the Department of Safety and Security's investigation validates the Silent Witness Program report.

### **Criminal Activity Off Campus**

St. Bonaventure University does not operate off-campus housing and does not have off-campus student organizations. Students, employees, and on campus student organizations participating in University sponsored off-campus activities should report crime incidents to the local law enforcement agency where the crime occurred and also to the Safety and Security Office.

The Office of Safety and Security maintains a close working relationship with all appropriate law enforcement agencies and criminal justice systems. Regular meetings are held with those agencies, both on a formal and informal basis, and crime-related reports and statistics are routinely exchanged in accordance with accepted legal procedure and maintaining appropriate levels of confidentiality. Local law enforcement agencies provide information to Safety and Security when a student violates existing federal, state or local laws. As appropriate, St. Bonaventure University will process these reports considering the safety and impact to the university community as well as any violations of the St. Bonaventure University Code of Conduct.

### **Notification of Final Results**

Upon written request, St. Bonaventure University will disclose to the alleged victim of a crime of violence (as the term is defined in Section 16 of Title 18, United States Code), the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased because of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this statement.



## **Security Awareness and Crime Prevention**

We believe that nearly every violation committed on campus is preventable. As part of the University's mission, the Office of Safety and Security attempts to educate members of the campus community on how to reduce their chances of suffering from violation of their property or themselves.

These programs are based upon the dual concepts of eliminating or minimizing criminal opportunities and encourage students and employees to be responsible for their own security and the security of others. The following is a listing of the crime prevention programs and projects employed by St. Bonaventure.

### **Security Awareness Programs:**

Full-Scale Emergency Drill: The University engages in full-scale emergency drills, such as an active shooter drill, and typically require lock-down or lock-out of all or part of campus. Full-scale drills engage the entire campus and serve multiple purposes: testing emergency notification systems; engaging local and regional law enforcement and emergency responders; testing campus community knowledge of emergency plan and procedures; giving Emergency Management Team practice with incident management; collecting feedback from campus community, law enforcement, and emergency responders.

Targeted Single Facility Drill or Exercise: Emergency drills which focus on an individual building or residence hall. Occupants practice their responses and undergo the same protocols they would in case of a real emergency.

Table-Top Exercises: In years where a full-scale drill does not occur, table-top exercises typically occur to allow members of the Emergency Management Team and Emergency Response Team to practice incident management in a low-risk setting. These table-top drills also involve members of local law enforcement and emergency responders. They do not typically involve students or faculty.

Fire Alarm System and Fire Drills: The Office of Safety & Security monitors and maintains fire alarm systems on campus. Fire drills are conducted in each building on a semi-annual basis in accordance with NYS Law, and these alarms reach students, faculty and staff.

Electronic Card Access: Electronic card access is employed in all residence halls and certain administrative buildings that restricts entry to authorized campus community members.

Floor and Building Meetings: Each semester, members of the residential living team (Resident Assistants and Residence Directors) conduct building and floor meetings for students. Attendance at these meetings is mandatory. Topics related to safety awareness include but are not limited to: fire safety policies and procedures; securing personal belongings; personal safety tips; emergency notification systems; emergency procedures for shelter-in-place, lock-out and evacuation; importance of securing exterior and interior access to residence halls.

Facilities Surveys: Comprehensive surveys of exterior lighting, exterior doors and grounds are conducted each year by the Safety and Security Committee.

Safety and Security Surveys: Comprehensive security surveys or audits are made for all campus facilities each year by the Safety and Security Committee and residence life staff.

Burglar Alarm System: The Office of Safety & Security monitors burglar alarm systems on campus. These systems offer intrusion detection, are noise-activated and have duress alarms.

Video Surveillance: Video surveillance cameras are located in strategic areas on campus and are monitored by the Office of Safety and Security.

Enhanced Emergency Telephone System: All on-campus telephone calls made to the Office of Safety and Security are identified and the telephone number and location of the telephone are displayed on a screen to the Office of Safety and Security dispatcher. This enhanced emergency telephone system was installed to ensure that Safety and Security knows the on-campus origin of an emergency call, even if the caller is unable to communicate verbally.

### **Crime Prevention Programs:**

New Student Orientation at Welcome Days: A mandatory crime prevention presentation, accompanied by printed materials posted in the residence halls and throughout campus, is done with all new students during Welcome Days.

Residence Hall Security: Crime prevention presentations, accompanied by brochures or other printed material, are made available to residence hall students on a routine basis, scheduled by resident assistants with their floors.

Crime Prevention Presentation: Crime prevention presentations are made available upon request to the campus community including resident students, commuter students, international students and professional and support staff.

New Employee Orientation: Crime prevention materials are made available to new employees at Orientation and throughout the year.

Printed Crime Prevention Materials: Printed crime prevention brochures and/or posters related to motor vehicle security, bicycle security, residence hall security, health services, employee security and library security are available at Campus Safety and Security and are distributed on the website.

Crime Prevention Policy: Crime prevention articles and material are routinely made available to the student newspaper and the University's radio station via the University Office of Marketing Communications. This communication has the potential to reach students, faculty, staff, and anyone with access to the University's newspaper online.

Sexual Assault Awareness/Education and Prevention: Under the supervision of the Director of Sexual Violence Prevention and Education and the Coordinated Community Response Team, sexual assault awareness, education and prevention presentations are conducted throughout the year. Some programming is required for onboarding of new students (Sexual Assault Prevention program online, Welcome Days Bystander Training), while other programming is optional and ongoing for students, faculty and staff.

Architectural Design: The Associate Dean of Campus Safety makes recommendations relating to physical and electronic security systems for new and renovated campus facilities.

### **Crime Prevention and Personal Safety Tips**

- Do not leave valuables (including cash) in your room unattended. Take valuables home with you over the Christmas break period.
- Doors and windows to your residence halls should be locked. Peep holes should be used when allowing anyone access to your room and should not be removed. Always lock your doors when you are absent. Do not loan out your key or ID card.
- Never compromise your safety for a roommate who asks you to leave the door unlocked.
- Do not prop doors open and leave them unsecured day or night. Do not leave your identification, wallets, checkbooks, jewelry, phones, and other valuables unattended in open view.
- Know your neighbors and don't be reluctant to report illegal activities and suspicious loitering.
- Non-residents of a hall should not be allowed access to the hall unless they are the guests of a resident of that hall. All guests must be properly registered and should never be left unattended.
- Stay alert at all times and tune in to the surroundings.
- Trust your instincts; get help right away if the situation or place is uncomfortable.

Anyone with information on any suspicious or illegal activities is asked to provide information to the Office of Safety & Security at (716) 375-2525. If you prefer to remain anonymous, you can submit a report through the St. Bonaventure University Silent Witness program.

### **Access to Campus**

The St. Bonaventure University campus is considered private property but is generally open to members of the public. Most academic and administrative buildings are open to the public during normal business hours, and the hours may vary throughout the year. Building access to the aforementioned facilities after normal business hours is controlled by a combination of electronic card access and physical key. All St. Bonaventure University facilities are patrolled by Security Officers 24 hours a day. Campus community members and the general public may contact SBU Safety and Security at 716-375-2525 for information regarding access protocol for a specific building.

Access to residence halls is restricted to residents, their approved guests, and other approved members of the university community. Residents gain access to residence halls via electronic card access or with a physical key. Residents are cautioned against permitting strangers to enter the residence halls. SBU Safety and Security staff actively patrol residence halls on a regular basis. Residence Life staff also enforce security measures in residence halls and work with residents to achieve a community respectful of individual, group and community rights and responsibilities. Residence Life staff and Safety and Security staff conduct periodic educational sessions on crime prevention.

### **Maintenance and Security of Campus Facilities**

In addition to electronic card access to facilities, St. Bonaventure University Safety and Security monitors and records numerous digital and analog cameras located both inside and on the exterior of campus buildings.

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. SBU Safety and Security staff and Residence Life staff regularly patrol the campus and report any inadequate lighting, unsafe conditions or malfunctions to Facilities Management for correction. An online facilities maintenance request form is also available for any campus member to report an item requiring maintenance or correction.

The Office of Safety and Security advocates law enforcement, security and emergency response at St. Bonaventure University. The Office of Safety and Security provides support services tailored to meet the needs of the St. Bonaventure University community. Some of those services are:

- provide security patrols for all St. Bonaventure University property
- provide crime prevention and campus safety presentations
- register and provide parking enforcement for students, faculty and staff
- assist campus motorists with minor vehicle problems
- test and maintain all fire-prevention equipment and alarms
- inspect buildings for safety compliance
- maintain a lost-and-found department
- provide student transports for non-emergency medical or safety reasons
- monitors surveillance cameras and electronic card access points

Yellow exterior emergency telephones are located throughout the campus near building entrances. Other emergency telephone boxes are easily identified by a blue light, which is mounted directly above the box. They can be used to report a criminal incident, fire or any other type of emergency or suspicious incident. Safety & Security can also be contacted directly through the “shield” icon on the Bonnies Connect app.

## **Campus Notifications**

### **Timely Warnings**

A Timely Warning is a notification for a Clery crime category that is considered by the institution to represent a serious or continuing threat to student and employees. Some examples include sexual violence, aggravated assault, burglary, and murder. At no time will the Timely Warning include or identify the victims of the crime. The intent of a warning regarding a criminal incident(s) is to enable people to protect themselves. This means that a warning should be issued as soon as pertinent information is available.

Timely Warnings are decided on a case-by-case basis and issued as soon as the pertinent information is available – the intent is to alert the campus community of continuing threats allowing the community to protect themselves. A Timely Warning will include all necessary information for the campus community to protect themselves.

The decision to issue a Timely Warning includes, but not limited to:

- The nature of the crime
- The continuing danger to the campus community
- The possible risk of compromise law enforcement efforts

A general Timely Warning will included:

- Type of reported crime
- Time and location of reported crime
- Synopsis of the event
- Specific advice for the campus regarding steps to take to avoid becoming a victim

The determination to issue a timely warning is made after a collaborative discussion between the Vice President of Student Affairs, Associate Dean of Campus Safety and various campus managers, depending on who is available at the time of the incident.

Timely warnings are disseminated by the most expedient method to ensure that individuals have time to prepare or react to the situation. Dissemination methods may include: campus notice board emails, direct phone calls to designated personnel, campus texting system, Cisco phone system, posting on campus social media, posting on campus website, face to face residential life staff dissemination and contacting local media (if available/appropriate).

### **Emergency Notification**

An Emergency Notification is prompted by a confirmed significant emergency or dangerous situation occurring on the campus involving an immediate threat to the health or safety of students or employees.

Emergency Notifications have a wide focus on any significant emergency or dangerous situation, which may include Clery crimes. An Emergency Notification is triggered by an event that is currently occurring on or imminently threatening campus. An Emergency Notification is initiated immediately for any significant emergency or dangerous situation involving an immediate threat to the health and safety of students or employees occurring on campus.

Confirmation that there is a significant emergency or dangerous situation is achieved when subject matter experts working for credible sources confirm an emergency with either the Associate Dean of Campus Safety or the Vice President of Student Affairs. Subject matter experts include but are not limited to local law enforcement, Cattaraugus County Emergency Management, the National Weather Service, Safety and Security personnel or Residential Life staff.

Examples of significant emergencies or dangerous situations include, but are not limited to:

- Approaching severe weather
- Medical outbreak (meningitis, norovirus or other serious illness)
- Earthquake
- Gas leak
- Terrorist incident
- Armed person(s)
- Bomb Threat
- Civil unrest or rioting
- Chemical or hazardous waste spill

When confirmation is made that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the campus community, Campus Safety & Security and/or the University Emergency Management Team (EMT) will activate emergency procedures. At that time, the University will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the emergency notification system, unless issuing a notification will, in the professional judgement of responsible authorities, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The E2 Campus Text Alert notification system will text subscribers in order to reach mobile users who may be away from their computers or offices. This is a voluntary opt-in service. Members of the St. Bonaventure University campus community can enroll through the Student Services or Employee Health and Safety links of the MySBU portal.

## **Timely Warning vs. Emergency Notification Summary Chart**

<b>Emergency Notification</b> <b>Scope:</b> Wide focus on any significant emergency or dangerous situation ( <i>may include Clery Act crimes</i> ). <b>Why:</b> Emergency notification is triggered by an event that is currently occurring on or imminently threatening the campus. Initiate emergency notification procedures for any significant emergency or dangerous situation occurring on the campus involving an immediate threat to the health or safety of students or employees. <b>Where:</b> Applies to situations that occur on our campus or that impact our campus. <b>When:</b> Initiate procedures immediately upon confirmation that a dangerous situation or emergency exists or threatens.	<b>Timely Warning</b> <b>Scope:</b> Narrow focus on Clery Act crimes. <b>Why:</b> Timely warnings are triggered by crimes that have already occurred but represent an ongoing threat. The University will issue a timely warning for any Clery Act crime committed on University Clery Act geography that is reported to a University campus security authority or a local law enforcement agency and that is considered by St. Bonaventure University to represent a serious or continuing threat to students and employees. <b>Where:</b> Applies to crimes that occur anywhere on University Clery Act geography. <b>When:</b> Issue a warning as soon as the pertinent information is available.
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## **Emergency Response Framework**

### **How to Report an Emergency on Campus**

Dial 716-375-2525 or 911

Every student, faculty and staff member can report a crime by calling Safety and Security (716-375-2525) or by dialing 911, whether you are on campus or off. To expedite an 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 the Center for Student Wellness, assists Safety and Security in responding to medical and other emergencies. Calling Safety and Security dispatches MERT until additional personnel can arrive from off-campus agencies if needed.

There are “blue light” phones located on campus in case of emergency. Picking up the phone will immediately put you in touch with the Office of Safety & Security. 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 & Security.

### **Emergency Response and Procedures**

Incidents/crises can happen anywhere, at any time, and often occur when they are least expected. When a crisis does occur, events usually unfold rapidly, leaving little time for planning. The key to success is to obtain the information, confirm its accuracy, disseminate the information as quickly as possible and prepare to address the situation as it unfolds. That is why advance preparation is essential, both in responding to an incident and communicating to the campus community and external constituents.

The St. Bonaventure University Emergency Preparedness Plan is designed to provide planning and emergency response guidelines for the Emergency Management Team, Emergency Response Team and

the campus community in the event that a serious threat, crisis, or emergency occurs on or near property owned or supervised by the university, or affects members of the campus community in some fashion.

The emergency preparedness plan outlines the actions to be taken by the university to protect faculty, staff, students and visitors from threats created by natural and man-made hazards. In developing an effective emergency preparedness plan, coordinators attempt to anticipate as many potential threats as possible and determine appropriate actions and responses ahead of time so that they can focus their time and attention on the most important decisions and actions required during an actual emergency. The emergency preparedness plan outlines specific steps to follow in the event of a crisis situation (incident management) and provides specific measures for recovery after the crisis has passed.

In the event that an emergency situation occurs on campus that presents an immediate threat to the health and safety of students or employees, St. Bonaventure University will follow this plan and its procedures in responding to the situation. The process which will be used to inform the campus community of such an event will include one, some or all of the following:

1. Alertus High Powered Speaker Array Outdoor Notification System
2. Cisco Phone Message Alert
3. E2 Campus Text Alert
4. Campus Notice Board E-mail Message
5. Face to Face Communications
6. Public Notification will be via the Office of Marketing & Communications

St. Bonaventure University will provide adequate follow-up information to the campus community as needed. The aforementioned system of notifications is tested at least once per year.

The E2 Campus Text Alert notification system will text subscribers in order to reach mobile users who may be away from their computers or offices. This is a voluntary opt-in service. Members of the St. Bonaventure University campus community can enroll through the Student Services or Employee Health and Safety links of the MySBU portal.

All foreseeable situations are addressed in the emergency plan in accordance with 34 CFR 668.46(g) and HEA requirements.

The University's Office of Safety & Security is responsible for the safety of the campus community and security of all buildings and property belonging to the university. The Office of Safety & Security will likely serve as the first contact and first responder in all campus emergency situations.

The Office of Safety and Security is responsible for initiating the emergency notification systems. The scope of the emergency preparedness plan applies to all campus faculty, staff, students, and visitors. All on campus and off campus, university owned property is covered under the emergency preparedness plan.

The Associate Dean of Campus Safety is authorized by the Vice President for Student Affairs, who is authorized by the President of the University, to oversee the emergency preparedness plan. In the event of an emergency, University authorities or their designees may serve as the Emergency Management

Coordinator (EMC) in declaring the scope of the emergency and directing its response. The Vice President for Student Affairs will serve as EMC unless otherwise directed.

The Emergency Management Team (EMT) is comprised of senior level administrators and staff who have primary and specific responsibilities related to threats and emergencies, and who will be involved directly in the decision-making process. The Vice President for Student Affairs will serve as the EMC with the Associate Dean of Campus Safety serving as the EMC's advisor. In the absence of the Vice President for Student Affairs, the Provost and Vice President for Academic Affairs, the Vice President for Finance and Administration, or the Associate Dean of Campus Safety will act on his/her behalf. All or some persons listed below may serve depending on the threat or emergency.

Once an emergency is declared the EMC will convene the EMT. This team will then advise key University personnel and appropriate non-University authorities (if necessary), such as local emergency responders, the F.B.I. and local municipal authorities of the nature of the threat and a prescribed course of action or response.

#### **Declaring an Emergency/Notifications and Alerts**

Upon notification of an emergency situation, the Safety & Security dispatcher will activate the campus crisis communications plan and is responsible for notifying appropriate emergency response agencies and the Emergency Management Coordinator. A detailed checklist of required dispatcher actions is available in the Campus Safety and Security office. Upon notification from the dispatcher, the EMC will initiate notification of Emergency Management Team members and specify the time and location to assemble.

The authority to declare a campus state of emergency rests with the President of the University. In the absence of the President, the Provost and Vice President of Academic Affairs will assume this responsibility.

Administrators, upon receiving notification of a Campus Emergency, will notify personnel under their direction of the emergency by utilizing either phone trees or other designated communication measures. Additional campus wide notification means include; a steam powered siren, CISCO telephone alerts to classrooms and offices, the E2Campus text alert system, campus email to include the Notice Board, and the St. Bonaventure University website, [www.sbu.edu](http://www.sbu.edu)

During an emergency, the Office of Safety & Security, with the EMC's authorization, shall place into immediate effect the appropriate procedures necessary to meet the emergency and to safeguard persons and property. The University's Marketing & Communication Office, under the direction of the Chief Communications Officer, is the authority for the release of all information to the public.

The Emergency Preparedness Plan and notification procedures will be tested at least on an annual basis using either a full-scale exercise, tabletop exercise(s), drills, or a combination of these. Scenarios will vary from year to year based on local risk analysis. These tests are scheduled, and the campus community notified beforehand via email. An after-action review is conducted following the test to determine strengths and weaknesses of the Emergency Preparedness Plan and notification procedures. For each annual test, a university official, in particular the Associate Dean of Campus Safety, will publicize and document a description of the exercise, the date, time, and whether it was announced or unannounced.



## SECTION III

### **Sexual Assault Education and Prevention**

St. Bonaventure University does not discriminate on the basis of sex and prohibits sex discrimination and sex-based harassment (*including offenses of sexual assault, dating violence, domestic violence, and stalking*) in any education program or activity that it operates, as required by Title IX, including in admission and employment.

It is the policy of St. Bonaventure University to offer primary prevention and awareness programming to students, staff and faculty to prevent domestic violence, dating violence, sexual assault (*including stranger and known offender assaults*) and stalking as defined in the St. Bonaventure University Sex Discrimination and Sex-Based Harassment Policy [Title IX | St. Bonaventure University \(sbu.edu\)](#).

In an effort to reduce the risk of sex discrimination and sex-based harassment, the University utilizes a range of campaigns, strategies and initiatives to provide awareness, education, risk reduction and prevention programming. Programming covers primary prevention and awareness programs for all incoming students and employees, as well as ongoing prevention and awareness campaigns for students and employees. Primary prevention programs are intended to stop violence before it occurs, change social norms and stereotypes and promote positive and healthy behaviors (respectful relationships and safe bystander intervention). Awareness programs are designed to increase knowledge, share information and resources to prevent violence, promote safety, and reduce perpetration of crimes.

The University requires all students (undergraduate, transfer and graduate) to complete annual on-line training through Vector LMS. These online programs fulfill the federal and state mandates and the NCAA mandates of onboarding educational requirements for new students, student athletes and student leaders regarding sexual violence. Vector's Sexual Assault Prevention 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. The SBU Title IX/Student Affairs Compliance Coordinator monitors student compliance for required annual training.

The University requires annual online training for faculty and staff about their obligations to report sex discrimination and sex-based harassment (including dating violence, domestic violence, sexual assault, and stalking). Human Resources tracks compliance for employee training.

### **New York State Definitions of Sex Offenses**

The following state definitions are informational and not used to classify crime statistics in the St. Bonaventure University Annual Security Report. The definitions are from the New York State Penal Law, Article 130.

**Sexual misconduct:** A person is guilty of sexual misconduct when (1) he or she engages in sexual intercourse with another person without such person's consent; or (2) engages in oral sexual conduct or anal sexual conduct without such person's consent; or (3) engages in sexual conduct with an animal or a dead human body.

**Rape in the third degree:** A person is guilty of rape in the third degree when (1) he or she engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) Being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or (3) engages in sexual intercourse with

another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

**Rape in the second degree:** A person is guilty of rape in the second degree when (1) being 18 years old or more, engages in sexual intercourse with another person less than 15 years old; or (2) engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree the defendant was less than four years older than the victim at the time of the act.

**Rape in the first degree:** A person is guilty of rape in the first degree when he or she engages in sexual intercourse with another person (1) by forcible compulsion; or (2) who is incapable of consent by reason of being physically helpless; or (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

**Criminal sexual act in the third degree:** A person is guilty of criminal sexual act in the third degree when (1) he or she engages in oral or anal sexual conduct with a person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) being 21 years old or more, with a person less than 17 years old; (3) with another person without such persons consent where such lack of consent is by reason of some factor other than incapacity to consent.

**Criminal sexual act in the second degree:** A person is guilty of criminal sexual act in the second degree when (1) being 18 years old or more, he or she engages in oral or anal sexual conduct with another person less than 15 years old; or (2) who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

**Criminal sexual act in the first degree:** A person is guilty of criminal sexual act in the first degree when he or she engages in oral sexual conduct or anal sexual conduct with another person (1) by forcible compulsion; or (2) who is incapable of consent by reason of being physically helpless; or (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

**Forcible touching:** A person is guilty of forcible touching when such person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire. Forcible touching includes squeezing, grabbing, or pinching.

**Persistent sexual abuse:** A person is guilty of persistent sexual abuse when he or she commits a crime of forcible touching, sexual abuse in the second or third degree, and, within the previous 10 year period, has been convicted two or more times, in separate criminal transactions for which a sentence was imposed on separate occasions of forcible touching, sexual abuse in the second or third degree or any offense defined in this article, of which the commission or attempted commissions thereof is a felony.

**Sexual abuse in the third degree:** A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that (a) such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and (b) such other person

was more than 14 years old and (3) the defendant was less than five years older than such other person.

**Sexual abuse in the second degree:** A person is guilty of sexual abuse in the second degree when he or she subjects another person to sexual contact and when such other person is (1) incapable of consent by reason of some factor other than being less than 17 years old; or (2) less than 14 years old.

**Sexual abuse in the first degree:** A person is guilty of sexual abuse in the first degree when he or she subjects another person to sexual contact (1) by forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old; or (4) when the other person is less than 13 years old and the actor is 21 years old or older.

**Aggravated sexual abuse in the fourth degree:** (1) A person is guilty of aggravated sexual abuse in the fourth degree when (a) inserts a foreign object in the vagina, urethra, penis or rectum or anus of another person and the other person is incapable of consent by reason of some factor other than being less than 17 years old; or (b) he or she inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than 17 years old. (2) Conduct performed for a valid medical purpose does not violate the provisions of this section.

**Aggravated sexual abuse in the third degree:** (1) A person is guilty of aggravated sexual abuse in the third degree when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person: (a) by forcible compulsion; or (b) when the other person is incapable of consent by reason of being physically helpless; or (c) when the other person is less than eleven years old. (2) When he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated. (3) Conduct performed for a valid medical purpose does not violate the provisions of this section.

**Aggravated sexual abuse in the second degree:** (1) A person is guilty of aggravated sexual abuse in the second degree when he or she inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person: (a) by forcible compulsion; or (b) When the other person is incapable of consent by reason of being physically helpless; or (c) When the other person is less than eleven years old. (2) Conduct performed for a valid medical purpose does not violate the provisions of this section.

**Aggravated sexual abuse in the first degree:** (1) A person is guilty of aggravated sexual abuse in the first degree when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person: (a) by forcible compulsion; or (b) when the other person is incapable of consent by reason of being physically helpless; or (c) when the other person is less than eleven years old. (2) Conduct performed for a valid medical purpose does not violate the provisions of this section.

**Facilitating a sex offense with a controlled substance:** A person is guilty of facilitating a sex offense with a controlled substance when he or she: (1) knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or

substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and (2) commits or attempts to commit such conduct constituting a felony defined in this article.

**Course of sexual conduct against a child in the second degree:** A person is guilty of course of sexual conduct against a child in the second degree when, (1) over a period of time not less than three months in duration: (a) he or she engages in two or more acts of sexual conduct with a child less than eleven years old; or (b) he or she, being eighteen years old or more, engages in two or more acts of sexual conduct with a child less than thirteen years old. (2). A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section.

**Course of sexual conduct against a child in the first degree:** A person is guilty of course of sexual conduct against a child in the first degree when, (1) over a period of time not less than three months in duration: (a) he or she engages in two or more acts of sexual conduct, which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than eleven years old; or (b) he or she, being eighteen years old or more, engages in two or more acts of sexual conduct, which include at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than thirteen years old. (2) A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section.

**Incest in the third degree:** A person is guilty of incest in the third degree when he or she marries or engages in sexual intercourse, oral sexual conduct or anal sexual conduct with a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

**Incest in the second degree:** A person is guilty of incest in the second degree when he or she commits the crime of rape in the second degree, or criminal sexual act in the second degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

**Incest in the first degree:** A person is guilty of incest in the first degree when he or she commits the crime of rape in the first degree, or criminal sexual act in the first degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or half blood, uncle, aunt, nephew or niece.

**Domestic Violence:** means a felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the victim,
- a person with whom the victim shares a child in common,
- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant money (under VAWA), or
- any other person against an adult or youth victim who is protected from that person's act under the domestic or family violence laws of the jurisdiction."

New York State takes domestic violence very seriously. The Family Court Act outlines numerous “family offenses” covered under “domestic violence”: disorderly conduct; harassment (1st and 2nd degree); aggravated harassment 2nd degree; assault (2nd, 3rd degree and attempted); criminal mischief; sexual abuse (2nd and 3rd degree); strangulation; menacing (2nd and 3rd degree); reckless endangerment; stalking; sexual misconduct; forcible touching; criminal obstruction of breathing or circulation; identity theft (1st, 2nd or 3rd degree); coercion (2nd degree); grand larceny (3rd and 4th degree)

**Dating Violence:** means “violence committed by a person:

- who is or has been in a social relationship of romantic or intimate nature with the victim; and
- where the existence of such relationship shall be determined based on a consideration of the following factors:
  - the length of the relationship;
  - the type of relationship; and
  - the frequency of interaction between the persons involved in the relationship.”

Although New York State does not specifically define “dating violence”, using many of the perimeters outlined above often times the conduct may fall under one the “family offenses” and may be adjudicated in either criminal court or in some cases family court.

**Stalking:** means “engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- fear for his or her safety or the safety of others; or
- suffer substantial emotional distress.”

Note: Stalking is specifically addressed in Article 120 of the New York State Penal Law

**Stalking in the fourth degree:** A person is guilty of stalking in the fourth degree when he or she intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct: (1) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person’s immediate family or a third party with whom such person acquainted; or (2) causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person’s immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person’s place of employment or business, and the actor was previously clearly informed to cease that conduct.

For the purposes of subdivision two of this section, “following” shall include the unauthorized tracking of such person’s movements or location through the use of a global positioning system or other device.

**Stalking in the third degree:** A person is guilty of stalking in the third degree when he or she: (1) Commits the crime of stalking in the fourth degree against three or more persons, in three or more separate transactions, for which the actor has not been previously convicted; or (2) Commits the crime of stalking in the fourth degree against any person, and has previously been convicted,

within the preceding ten years of a specified predicate crime, as defined in subdivision five of section 120.40 of this article, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) With intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or (4) Commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

**Stalking in the second degree:** A person is guilty of stalking in the second degree when he or she: (1) Commits the crime of stalking in the third degree and in the course of and in furtherance of the commission of such offense: (i) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, shotgun, machine gun, electronic dart gun, electronic stun gun, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, slingshot, slungshot, shiriken, "Kung Fu Star", dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapon; or (ii) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or (2) Commits the crime of stalking in the third degree against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime as defined in subdivision five of section 120.40 of this article, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) Commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree as defined in subdivision four of section 120.50 of this article against any person; or (4) Being twenty-one years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or (5) Commits the crime of stalking in the third degree, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

**Stalking in the first degree:** A person is guilty of stalking in the first degree when he or she commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she: (1) intentionally or recklessly causes physical injury to the victim of such crime; or (2) commits a class A misdemeanor defined in article one hundred thirty of the NYS Penal Law (NYSPL), or a class E felony defined in section 130.25, 130.40 or 130.85 of the NYSPL, or a class D felony defined in section 130.30 or 130.45 of the NYSPL.

**Affirmative Consent:** *(this is New York State Law, but governs University Policies. Violations of this are considered policy violations at the institution, but should not be considered a violation of New York State Law)*

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

Certain conditions prevent a person from being able to consent. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol or drugs or other intoxicants may be incapacitated and therefore unable to consent.

A person who has been drinking or using drugs is still responsible for ensuring that he or she has the other person's affirmative consent and/or appreciating the other person's incapacity to consent. It is not an excuse that the person accused of sexual misconduct was himself or herself under the influence of alcohol or drugs and, therefore, did not realize the incapacity of the other.

Consent to some sexual contact cannot be presumed to be affirmative consent for other sexual activity. A current or previous sexual or dating relationship is not sufficient to constitute affirmative consent. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

Sexual activity as the result of coercion is non-consensual. Coercion is a threat, undue pressure, intimidation, force or threat of harm to engage in sexual activity.

## **St. Bonaventure University Sex Discrimination and Sex Based Harassment Policy**

### **General Rules of Application**

#### **Effective Date**

This Policy is effective on August 1, 2024 with updates as noted, and will only apply to sex discrimination that allegedly occurred on or after August 1, 2024. With respect to sex discrimination that allegedly occurred prior to August 1, 2024, regardless of when the alleged sex discrimination was reported, St. Bonaventure University will respond and comply in accordance with the Title IX statute and regulations, and University Policy, in place at the time that the alleged sex discrimination occurred.

#### **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 sex discrimination, including sex-based harassment. 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 sex discrimination and sex-based harassment very seriously and treats each report with the utmost care and urgency. St. Bonaventure University will take prompt and effective action to end any sex discrimination in its education program or activities and to prevent its recurrence and remedy its effects. All complaints of sex discrimination will be responded to with a fair, transparent, and reliable process that includes trained, unbiased decisionmakers to evaluate all relevant and not otherwise impermissible evidence. Supportive measures, as outlined in this Policy, will be provided to Complainants and Respondents affected by conduct that constitutes sex discrimination, including sexual violence and other forms of sex-based harassment. 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.

### **Nondiscrimination Policy and Notice**

#### *Policy*

St. Bonaventure University does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment.

#### *Notice*

St. Bonaventure University does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment.

Inquiries about Title IX may be referred to St. Bonaventure University's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both.

#### Contact Information for the Title IX

Coordinator Haylie Scheer  
Office Address: Reilly Center, Room  
237 Email Address:  
hscheer@sbu.edu Telephone  
Number: 716-375-2109

#### Contact Information for the U.S. Department of Education, Office for Civil

Rights 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>

St. Bonaventure's grievance procedures can be located in this Policy or @ <https://www.sbu.edu/life-at-sbu/student-health-safety-conduct/student-conduct/title-ix>.

To report information about conduct that may constitute sex discrimination or make a Complaint of sex discrimination under Title IX, please refer to this Policy or @ <https://www.sbu.edu/life-at-sbu/student-health-safety-conduct/student-conduct/title-ix>.

### **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 this Policy 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 University's policy or process may contact the Department of Education's Office for Civil Rights using contact information available @ <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 or sex-based harassment 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 may consult with the Office of Accessibility Services & Accommodations to provide support to students with disabilities to determine how to comply with Section 504 of the Rehabilitation Act of 1973. 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 positions 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 himself/herself/themselves of the professional responsibility for evaluation and/or cease such conduct.

### **Overview of Sex Discrimination and Sex-Based Harassment**

St. Bonaventure University prohibits all forms of sex discrimination in any education program or activity that it operates. Sex discrimination refers to any discrimination based on sex, including but not limited to, sex-based harassment. Sex-based harassment is a form of sex discrimination which includes conduct of a sexual nature, as well as other forms of harassment that are not necessarily “sexual” but are based on a person’s sex – such as pregnancy harassment, gender identity, or sex-based stereotypes. Sex discrimination 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. Sex discrimination also includes specific offenses described in this Policy, including sexual assault, domestic violence, dating and stalking (when based on sex).

St. Bonaventure University is prohibited from separating or treating any person differently based on sex in a manner that subjects that person to more than de minimis harm, except in the limited circumstances where Title IX regulations allow otherwise, such as in the context of sex-separate living facilities and sex-separate athletic teams. Policies and practices that prevent a student from participating in an institution’s education program or activity consistent with their gender identity impose more than de minimis harm on that student on the basis of sex, and therefore generally violate Title IX’s nondiscrimination mandate. This Policy does not address Title IX’s application to sex-separate athletic teams.

### **Prohibited Conduct**

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 and also applies to a broader range of contexts and behaviors inconsistent with the University’s commitment to equal opportunity.

Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations prohibit sex discrimination in educational programs and activities operated by recipients of Federal financial assistance. This prohibition encompasses discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

St. Bonaventure University is required to address all sex discrimination occurring under its education program or activity in the United States. The University will address a sex-based hostile environment in its education program or activity even when some conduct alleged to be contributing to the hostile

environment occurred outside the University's education program or activity, or outside the United States. Conduct that occurs under the University's education program or activity includes, but is not limited to:

- Conduct that occurs in any building owned or controlled by a student organization that is officially recognized by the University; and
- Conduct that is subject to the University's disciplinary authority.

The University recognizes the following as conduct violations under this Policy:

1. **Sex Discrimination.** Sex Discrimination is different treatment with respect to an individual's employment or participation in a University education program or activity based, in whole or in part, on sex, sex stereotypes, gender, sexual orientation, sex characteristics, pregnancy or pregnancy-related conditions or gender identity. Sex Discrimination includes, but is not limited to, Sex-Based Harassment, Sexual Assault, Domestic Violence and Dating Violence, and Stalking on the basis of sex.
2. **Quid Pro Quo Sex-Based Harassment.** An employee, agent, or other person authorized by the University to provide an aid, benefit, or service under the University's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
3. **Hostile Environment Sex-Based Harassment.** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it effectively limits or denies a person's ability to participate in or benefit from the University's education program or activity. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
  - i. The degree to which the conduct affected the Complainant's ability to access the University's education program or activity;
  - ii. The type, frequency, and duration of the conduct;
  - iii. The parties' ages, roles within the University's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
  - iv. The location of the conduct and the context in which the conduct occurred; and
  - v. Other sex-based harassment in the University's education program or activity.
4. **Specific Offenses.**
  1. *Sexual Assault*, which 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. Nonconsensual Sexual Contact. 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. This form of sexual assault also includes any intentional touching, however slight, for sexual

- gratification or with sexual intent, directly or with any object that is without affirmative consent. Acts may include but are not limited to intentional contact (directly or over clothing) with another person's breasts, buttocks, groin, genitals, inner thigh, mouth, or touching another with 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.
2. **Dating Violence**, 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.
  3. **Domestic Violence**, meaning felony or misdemeanor crimes of violence committed by a person who: (A) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the applicable jurisdiction, or a person similarly situated to a spouse of the victim; (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) shares a child in common with the victim; or (D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.
  4. **Stalking**, meaning engaging in a course of conduct directed at a specific person 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.
  5. **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.

6. **Retaliation.** Retaliation is an adverse act perpetrated to "get back" at a person because the person reported misconduct under this Policy, made 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 intimidation, threats, coercion, or discrimination against any person for the purpose of interfering with any right or privilege secured by Title IX or its regulations or this Policy, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy, including an informal resolution process. Peer retaliation, defined as retaliation by one student against another student, is also prohibited under this Policy. Nothing in these definitions precludes the University from requiring an employee or other person authorized by the University to provide aid, benefit, or service under the University's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing.

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.

### **Pregnancy or Related Conditions**

Title IX prohibits an institution from treating students, employees, or applicants differently based on sex in connection with parental, family or marital status. Pregnant students, employees, and applicants are afforded additional protections and accommodations due to their pregnancy or any related condition, this includes adoptive parents, stepparents, or legal guardians. The University will not discriminate based on, and prohibits discrimination based on, any student's current, potential or past pregnancy or related conditions; this includes pregnancy,

childbirth, termination of pregnancy or lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy or lactation; and recovery from pregnancy, childbirth, termination of pregnancy, lactation or related medical conditions. Such conditions include but are not limited to morning sickness, fatigue, nausea, dehydration, gestational diabetes, preeclampsia, prenatal or postpartum depression, infertility, recovery from childbirth, miscarriage or abortion, lactation conditions or complications, menstruation, perimenopause and menopause.

- a. Students' Rights. The University will provide students reasonable modifications to its policies, practices and procedures for pregnancy or related conditions.
  - i. When a student informs a University employee of the student's pregnancy or related condition, the employee must provide that person with the Title IX Coordinator's contact information and inform the student that the Title IX Coordinator can implement specific actions and supports to prevent sex discrimination to ensure the student's equal access to the University's education program or activity.
  - ii. Upon learning of the student's pregnancy or related condition, the Title IX Coordinator will provide the student with the option of individualized, reasonable modifications as needed to prevent discrimination and ensure equal access to the University's education program or activity. Reasonable modifications may include, but are not limited to, breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures. The student can accept or decline any such reasonable modification offered.
  - iii. The University will allow the student a voluntary leave of absence for, at minimum, the time period deemed medically necessary by their healthcare provider.
  - iv. The University will not require supporting medical documentation from a student for modifications or leaves of absence described above, unless doing so is necessary and reasonable to determine and provide such modifications or leaves of absence.
- b. Employees rights. The University will not adopt or implement any policy, practice, or procedure or take any employment action on the basis of sex:
  - i. Concerning the current, potential, or past parental, family, or marital status of an employee or applicant for employment; or,
  - ii. Based upon whether an employee or applicant is the head of the household or principal wage earning in such employee's or applicant's family unit.

Lactation Time and Space: The University will provide access to a space for students and employees for lactation or breastfeeding needs. The space will not be a bathroom but will be within a reasonable distance from a bathroom, and will be clean, shielded from view, and free from intrusion of others.

## **Additional Applicable Definitions**

### **Admission**

Admission means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an education program or activity operated by St. Bonaventure University.

### **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/she/they is/are 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.

**Bystander**

A bystander means a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of the rules or policies of the University, including this Policy.

**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 a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under this Policy; or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under this Policy and who was participating or attempting to participate in the University's education program or activity at the time of the alleged sex discrimination. In some cases, the Title IX Coordinator may file a 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 sex discrimination.

**Complaint**

A complaint means an oral or written request to the University that objectively can be understood as a request for the University to investigate and make a determination about alleged misconduct under this Policy.

**Community Member**

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

**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.

**Gender Identity**

Gender identity is one's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth.



## **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 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 questions the institution advisor will pose during the hearing.

## **Non-Community Member**

A non-community member is any person who is not enrolled or deposited 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, an alumnus or alumna, a parent, a visitor to the campus, an employee at a local business, or any member of the public.

## **Party**

A party means a Complainant or Respondent.

## **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.

## **Relevant Evidence and Questions**

“Relevant” means related to the allegations at issue. Questions are relevant when they seek evidence that may aid in showing if the alleged conduct occurred. Evidence is relevant when it may aid a decisionmaker in determining if the alleged conduct occurred.

**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 Complaint has been made.

**Sex Characteristics**

Sex characteristics are defined as physiological sex-based characteristics. Sex discrimination based on a person’s physiological sex characteristics may include discrimination based on a person’s anatomy, hormones, and chromosomes associated with male and female bodies.

**Sex Stereotype**

Sex stereotype is defined as fixed or generalized expectations regarding a person’s aptitude, behavior, self- presentation, or other attribute based on sex.

**Sexual Orientation**

An inherent or immutable enduring emotional, romantic or sexual attraction to other people. Note: an individual’s sexual orientation is independent of their gender identity.

**Student**

A student means a person who has gained admission. An individual remains a student for purposes of this Policy during academic breaks, between academic years and while on a leave of absence from the time of admission through graduation or permanent departure from the University.

**Non-Investigatory Measures Available Under the Policy****Supportive Measures**

It is not necessary for a Complaint or report to be made to receive resources or supportive measures. Certain resources and supportive measures may be provided, as reasonably 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 and restore or preserve access to the University’s education program or activity during the University’s grievance process or during an informal resolution process. The University Victim Advocate (representative from Connecting Communities in Action 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 a Deputy Title IX Coordinator. 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 University 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 cannot be unreasonably burdensome to a party, cannot be imposed for punitive or disciplinary reasons and are offered without fee or charge. The University, as appropriate, may modify or terminate supportive measures at the conclusion of the grievance process or informal resolution process, or may continue measures beyond that point. Supportive measures may 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 provided, 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, Complainants and Respondents, whether they are students, employees, guests, or visitors. All reporting parties, Complainants and Respondents receive information about the following in writing:

- evidence preservation;
- availability of orders of protection and issuance of no contact orders;
- options for, assistance in, and how to request changes to academic, living, transportation, and work situations or protective measures, if requested and reasonably available;
- procedures for institutional disciplinary proceedings;
- how to report the offense, on and off campus, and assistance with reporting;
- notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available within the University and/or in the community;
- sanctions under the University grievance process; and
- an explanation of rights and options provided 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. A no contact order 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 otherwise prohibited interaction, for example because the parties are not in close proximity to one another. Restrictions on

contact can be applied to one or more parties.

### **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 health or safety of a Complainant, or any students, employees or other person arising from the allegations of violations under this Policy justifies a removal. Emergency removal determinations are not based on the severity of the allegations or whether a complaint was made.

If the University determines such removal is necessary, the Title IX Coordinator, or their designee, will provide written notice of the emergency removal to both the Complainant and Respondent. This notice will contain the date/time the removal is scheduled to begin, the reason for the emergency removal, the consequences of non-compliance, and how to challenge the decision. Any 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.

**Note on student employees:** when a Complainant or Respondent is both a student and an employee of St. Bonaventure University, the University will make a fact-specific inquiry to determine whether this procedure applies to that student employee. Among other things, the University will consider if the Complainant or Respondent's primary relationship with the University is to receive an education and whether the alleged Policy violation occurred while the Party was performing employment-related work.

### **Confidentiality, Access to Resources and Reporting of Prohibited Conduct**

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 Sex Discrimination and Sex-Based Harassment Policy, which include but are not limited to violations of Sexual Assault, Dating or Domestic Violence, and Stalking.

Certain University employees are considered “confidential” employees. As described below, confidential resources generally will not share information about an individual without the individual’s express written permission.

Confidential employees must share the following information:

- That they are confidential, including when they are not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination;
- How to contact the University’s Title IX Coordinator and how to make a complaint of sex discrimination; and
- That the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the grievance procedures.

All other employees at the University are considered non-confidential and are required to report sex discrimination they observe or learn about to the Title IX Coordinator so the University may take steps to offer resources and supportive measures, and/or prevent the recurrence of sex discrimination or sex-based harassment. 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 Connecting Communities in Action 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 not submit anonymous statistical information for Clery Act purposes.

Quick Reference Contact Information for On-Campus Confidential Resources:

- **University Student Wellness (Health Center):** 122 Doyle Hall (first floor right side entrance); 716-375- 2310
- **University Student Wellness (Counseling Center):** 2<sup>nd</sup> Floor Reilly Center (Student Development/CPRC wing); 716-375-2310
- **University Chaplain:** McGinley-Carney Center for Franciscan Ministries, Rm. 111 – 716-375- 7841

- **Connecting Communities in Action-** Victim Services: Toll Free Crisis Hotline- 1-888-945-3970  
(Advocate housed on campus)

Quick Reference Contact Information for Off-Campus Confidential Resources:

- Olean General Hospital Sexual Assault Forensic Examiner (SAFE) Unit: Report to the OGH Emergency Room- 716-372-0614
- New York State Domestic and Sexual Violence Hotline-1-800-942-6906
- New York State Police 24 Hour Hotline- 1-844-845-7269
- The New York State Office for the Prevention of Domestic Violence hotlines: <http://www.opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options that can be found and are presented in several languages can also be found here: <http://www.opdv.ny.gov/help/index.html> (or by calling 1-800-942-6906)
- SurvJustice: <http://survjustice.org/our-services/civil-rights-complaints/>
- Legal Momentum: <https://www.legalmomentum.org/>
- NYSCASA: <https://nyscasa.org/responding>
- NYSCADV: <http://www.nyscadv.org/>
- Pandora's Project: <http://www.pandys.org/lgbtsurvivors.html>
- GLBTQ Domestic Violence Project: <http://glbtqdv.org/>
- RAINN: <https://www.rainn.org/get-help>
- Safe Horizons: <http://www.safehorizon.org/>

Employees conducting research under the auspices of an institutional review board (IRB) on sex -based discrimination (whether the University's or another IRB), are confidential with respect to that approved study.

### **Non-Confidential Resources and Reporting Options**

University employees other than confidential resources must report sex misconduct they observe or learn about to the Title IX Coordinator, so that the University may take steps to offer resources and supportive measures and/or prevent the recurrence of misconduct. Non-Confidential employees will provide privacy, but not confidentiality, upon receiving a report of or learning about conduct prohibited under this Policy.

### **Making a Report to the University (Title IX Coordinator)**

Any person may report prohibited conduct under this Policy (whether or not the person reporting is the person alleged to be the victim of the conduct), in person, by mail, by telephone, or electronically via email using the contact information listed for the Title IX Coordinator or the on-line report form @ [Report Form](#) 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: Haylie Scheer  
 Title: Title IX/Student Affairs Compliance Coordinator  
 Office Address: Reilly Center, Room 237  
 Email Address: [hscheer@sbu.edu](mailto:hscheer@sbu.edu)  
 Telephone Number: 716-375-2109

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.

## **Mandatory Reporters**

All St. Bonaventure University employees, except those identified in this Policy as confidential, must report all prohibited conduct under this Policy they observe or learn about to the Title IX Coordinator.

All employees MUST complete training annually, on:

- St. Bonaventure University's obligation to address sex discrimination in its education program or activity;
- The scope of conduct that constitutes sex discrimination under Title IX and this Policy, including the definition of sex-based harassment; and
- all applicable notification and information requirements for:
  - o pregnancy and related conditions –including the responsibility to provide Title IX Coordinator contact information and that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the University education program or activity
  - o notifying the Title IX Coordinator when the employee has information about conduct that may reasonably constitute sex discrimination under this Policy

Training must be completed within thirty (30) days of hire or when an employee changes role/designation under this Policy.

## **Deputy Title IX Coordinators**

Deputy Title IX Coordinators are Mandatory Reporters and have authority to take corrective action on behalf of the University, and will ensure the reporting party has information regarding their resources and reporting options. Deputy Title IX Coordinators are required to share all information regarding potential violations of this Policy, including personally identifiable information, with the Title IX Coordinator. Deputy Title IX Coordinators will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this Policy.

The Deputy Title IX Coordinators are:

- Vice President for Student Affairs
  - o Kathryn O'Brien-Phone: 716.375.2011 or Email: [kobrien@sbu.edu](mailto:kobrien@sbu.edu)
- Associate Dean for Campus Safety
  - o Gary Segrue-Phone: 716.375.2526 or Email: [gsegrue@sbu.edu](mailto:gsegrue@sbu.edu)
- Dean of Students
  - o Rob DeFazio-Phone: 716.375.2190 or Email: [RDEFAZIO@sbu.edu](mailto:RDEFAZIO@sbu.edu)
- Director of Talent Acquisition, HRIS & Employee Services
  - o Kyle Leslie-Phone: 716.375.2074 or Email: [kleslie@sbu.edu](mailto:kleslie@sbu.edu)
- Director of Benefit Management
  - o Dawn Parisella-Phone: 716.375.2084 or Email: [dparisella@sbu.edu](mailto:dparisella@sbu.edu)
- Executive Director, Student Success Center
  - o Adriane Spencer-Phone: 716.375.2065 or Email: [aspencer@sbu.edu](mailto:aspencer@sbu.edu)

- Senior Executive Deputy Director of Athletics
  - Ryan Clingan-Phone: 716.375.2249 or Email: [rclingan@sbu.edu](mailto:rclingan@sbu.edu)
- Associate Athletics Director for Compliance
  - Sarah Wolcott-Phone: 716.375.2288 or Email: [swolcott@sbu.edu](mailto:swolcott@sbu.edu)

In addition to all other training requirements detailed under this Policy, Title IX Coordinators and Deputy Title IX Coordinators will be trained on their specific duties and responsibilities including:

- coordinating compliance with Title IX;
- taking prompt and effective action to end any sex discrimination, prevent its recurrence and remedy its effects;
- providing equitable treatment;
- providing supportive measures;
- record keeping; and
- any other training necessary to coordinate the University's compliance with Title IX.

### **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 Student 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 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 publicly available record keeping, including Clery Act reporting and disclosures, excluding any personally identifying information. A full list of CSAs can be found in the Office of Safety & Security.

### **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. The Title IX Coordinator will take the following factors into consideration when determining if the Coordinator should initiate a complaint:

- The Complainant's request not to proceed with initiation of a complaint;
- The Complainant's reasonable safety concerns regarding initiation of a complaint;
- The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- Whether the Respondent has a history of violent behavior or is a repeat offender;
- Whether the alleged incident represents escalation in unlawful conduct on behalf of the Respondent from previously noted behavior;
- Whether the Respondent allegedly used a weapon or force;
- Whether the University possesses other means to obtain evidence such as security footage;
- Whether available information reveals a pattern of perpetration at a given location or by a particular group;
- The age and relationship of the parties, including whether the Respondent is an employee of the University;
- The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- Whether the University could end the alleged sex discrimination and prevent its recurrence without initiating a grievance procedure under this Policy.

If the Title IX Coordinator determines that the conduct as alleged present an imminent and serious threat to the health or safety of the Complainant or another person, or that the conduct as alleged prevents the University from ensuring equal access on the basis of sex, the Title IX Coordinator may initiate a complaint. If the Title IX Coordinator does initiate a complaint, the Complainant will be notified prior to doing so, and the Title IX Coordinator will appropriately address any reasonable concerns about safety, including by providing supportive measures.

In cases where the reporting party requests confidentiality or anonymity, and the circumstances allow the University to honor that request, the University will offer supportive measures and remedies to the reporting party and the community, but will not otherwise pursue formal action.

### **Public Awareness Events**

When St. Bonaventure University's Title IX Coordinator is notified of information about conduct that reasonably may constitute sex-based harassment under Title IX or this Policy that was provided by a person during a public event to raise awareness about sex-based harassment that was held on the University's campus or through an online platform sponsored by it, the University is not obligated to act in response to the information, unless it indicates an imminent and serious threat to the health or safety of a Complainant, any students, employees, or other persons.

However, the University will use this information to inform its efforts to prevent sex-based harassment, including by providing tailored training to address alleged sex-based harassment in a particular part of its education program or activity or at a specific location when information indicates there may be multiple incidents of sex-based harassment.

### **First Disclosure of a Report**

St. Bonaventure University shall ensure that, at a minimum, at the first instance of disclosure by a Complainant to a University employee (*confidential or non-confidential*), the following information shall be presented to the Complainant: "You have the right to make a report to university campus safety, local law enforcement, and/or state police or choose not to report; to report the incident to St. Bonaventure University; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your St. Bonaventure University."

### **Confidentiality During Processes**

The University will take reasonable steps to protect the privacy of the parties and witnesses during the pendency of its processes contemplated by this Policy, provided that such steps do not restrict the ability of the parties to obtain and present evidence, to speak to witnesses, to consult with their family members, Confidential Resources, or advisors, or otherwise prepare for or participate in a process. The University will also take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the processes contemplated by this Policy. However, disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of Sex-Based Discrimination will be authorized.

### **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 Connecting Communities in 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 Connecting Communities in 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- 716-375-4149**

**Law Enforcement**

All violent felony offenses, including hate crimes, reported to the University, occurring on campus or on University-owned property, will be reported to an appropriate law enforcement agency. In sexual offense incidents, the University will inform each victim of a of their options to notify proper law enforcement authorities, including on-campus and local police; inform the victim of the right to report or not to report such offense to local law enforcement agencies; and offer the option to be assisted by campus authorities in notifying such authorities, if the victim of sexual assault so chooses. 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 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 process 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 sex discrimination, sex-based harassment, domestic violence, dating violence, sexual assault, stalking and other forms of conduct prohibited under this Policy.

In addition to the training requirements for all employees detailed under this Policy, discrimination and misconduct officials also receive annual training on the definition of sex discrimination and sex-based harassment, the scope of the University's education program or activity, how to conduct an investigation and grievance process, how to serve impartially, including avoiding pre- judgement of the

facts at issue, conflicts of interest, and bias, the meaning and application of the term “relevant” in relation to questions and evidence, 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. Individuals facilitating an informal resolution process must also be trained on the rules and practices associated with the University’s informal resolution process. All materials used to train Discrimination and Misconduct Officials for these purposes will be made available upon request to the Title IX Coordinator.

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 by 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/her/their 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/her/their 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 sex discrimination or sex-based harassment, 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.

### **Making a Complaint**

The timeframe for the grievance process under this Policy begins when a Complainant makes a Complaint, which can be written or verbal so long as it is objectively understood that a request has been made for the University to investigate an incident. The Grievance Process will be concluded within a reasonably prompt manner, typically no longer than one hundred and twenty (120) business days after a Complaint is made, 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. The timeframes of the major stage of the grievance process are estimated as follows: Intake: 5 business days; Investigation: 25 business days; Evidence Review and Investigative Report Review/Response: 45 business days; Adjudication (*including pre-hearing meetings and issuance of Notice of Outcome*): 30 business days; and Appeal Process: 15 business days. Both parties will be notified simultaneously if the University determines the Grievance Process cannot be concluded within one hundred and twenty (120) business days. The notification will outline the reasons for extension.

To make a Complaint, a Complainant must verbally or in writing request the Title IX Coordinator to investigate the facts alleged. If a Complainant does not wish to make a Complaint, the Title IX Coordinator may determine if the University will make a Complaint, if necessary, as described above. 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 or Respondent may, at any time, request to address the matter through the Informal Resolution Process. St. Bonaventure University offers mediation as an informal resolution process. A Complaint is not required before requesting or initiating an Informal Resolution Process. 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 alleged allegations. Factors that the Title IX Coordinator, or designee, may weigh in considering the appropriateness of the informal resolution process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to the campus, whether the Respondent is a repeat offender, and whether the parties are participating in good faith. This determination is not subject to appeal. No party should feel intimidated, coerced or threatened to participate in an informal resolution process, and the Title IX Coordinator or designee will not authorize use of the informal resolution process where there is reason to believe that a party's consent to use the process is not truly voluntary.

An Informal Resolution Process is a voluntary process in which a trained facilitator assists the parties

in resolving the allegations made by a Complainant. One objective of informal resolution is to provide to the parties an opportunity to understand each other's concerns and address them as collaboratively and usefully for the parties as possible, with the assistance of the facilitator. The intent of an Informal Resolution Process is for the parties, through a facilitated discussion regarding the matters at issue related to the allegations, to see if they can reach agreement on a resolution that leaves both parties feeling satisfied with that resolution.

The Informal Resolution Process is not available in circumstances involving more than two parties unless (1) all parties consent to use the Informal Resolution Process, (2) there is an understanding among all parties about what happens when the right of any party to stop the Informal Resolution Process and return or proceed to the formal grievance and hearing process is invoked, and (3) there is an understanding among all parties about whether some parties, but not all, can agree to a resolution.

Supportive measures are available to the parties in the same manner as they would be if a Complaint were proceeding under the formal grievance and hearing process.

The Title IX Coordinator, or designee, will offer the Informal Resolution Process to the parties if appropriate and requested by a party. The Title IX Coordinator, or designee, and all parties must consent to use the Informal Resolution Process. 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 Complaint. In some instances, the facilitator in the Informal Resolution Process may terminate the process as well if the facilitator believes at any point in the Informal Resolution Process that one party is not behaving in a way that allows for a productive resolution between the parties. In such circumstances, the University will have discretion to require that the Informal Resolution Process be cancelled and the complaint will return to the formal investigation and hearing process.

All Parties must agree to enter the informal resolution process through an informed written consent. A written notice will be given to the parties before entering an Informal Resolution Process, and the parties must consent to the process in writing. Before the initiation of an informal resolution process, the Title IX Coordinator will provide to the Parties a written notice that explains:

- The allegations;
- The requirements of the informal resolution process;
- That, prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and to initiate or resume the University's formal grievance process;
- That the Parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the Parties from initiating or resuming the formal grievance process arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and
- What information the University will maintain and whether and how the University could disclose such information for use in its formal grievance process if it is initiated or resumed.

If the parties consent to participate in the Informal Resolution process, the University will assign a trained facilitator who will act in an independent, impartial manner to facilitate a resolution

between the parties. The facilitator will also be screened to ensure that such person is free from conflicts of interest and bias.

During the Informal Resolution Process, a facilitator will guide a discussion between the parties. In circumstances where the parties do not wish to meet face to face, either party can request a “caucus” process, and the facilitator will conduct separate meetings and may “shuttle” between the parties.

For the Informal Resolution Process to have the best chance for success, the parties should be free to express themselves. As a result, the information received from both parties during the Informal Resolution Process will be kept confidential by the facilitator. In addition, the facilitator will not be available as a witness in any hearing that may occur should either party terminate the Informal Resolution Process before a resolution. This is in keeping with the concept that the facilitator is impartial and is only facilitating the interaction between/among the parties and is not listening or taking notes for any purpose other than assisting the parties. Should the formal investigation and adjudication process under this Policy commence or resume following an attempt at informal resolution, the parties may not disclose information shared by the other party during the process in the investigation or hearing. This confidentiality protection does not apply to information that is learned outside the Informal Resolution Process through the investigation or otherwise.

A resolution is reached only if both parties agree. The facilitator will not impose an outcome, although they may assist the parties in suggesting resolutions that appear to meet the parties’ needs. If the parties reach agreement on a resolution, the facilitator will draft a document reflecting the agreement between the parties that becomes final once it is signed by the parties. This written and signed resolution indicates that the report has been resolved under this Policy without the need for further investigation or to pursue the formal grievance and hearing process. The Title IX Office will monitor adherence to the resolution and close the matter when compliance is satisfactory.

After a written resolution has been finalized, the University will keep a record of the parties’ written consent to the Informal Resolution Process and the written resolution. An Informal Resolution is a final resolution of the matter. In unusual circumstances, the University may decline to accept the parties’ Informal Resolution, in which case the formal investigation and hearing process can commence or resume. If a Party breaches the resolution agreement or if the University has other compelling reasons, such as if it learns of any fraud by a Party in entering into the agreement, the University may void the agreement and initiate or resume the formal grievance process.

### **Multi-Party Situations**

The University may, but is not required to, consolidate complaints of sex discrimination under this Policy against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances.

### **Dismissal of a Complaint**

The University may dismiss a complaint under this Policy if:

- The University is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in the University’s education program or activity and is not employed by the University;

- The Complainant voluntarily withdraws any or all of the allegations in the complaint in writing, the Title IX Coordinator declines to initiate a complaint, and the University determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute prohibited conduct under this Policy even if proven; or
- The University determines the conduct alleged in the complaint, even if proven, would not constitute prohibited conduct under this Policy. Before dismissing the complaint, the University will make reasonable efforts to clarify the allegations with the Complainant.

Upon dismissal, St. Bonaventure University will promptly notify the Complainant of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then St. Bonaventure University will notify the Complainant and Respondent of the dismissal and the basis for the dismissal simultaneously in writing. Any party may appeal a dismissal determination using the process set forth in "Appeals," below.

When a complaint is dismissed, the University will:

- Offer supportive measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
- To the extent necessary, take other prompt and effective steps, as appropriate, through the Title IX Coordinator, to ensure that sex discrimination does not continue or recur within the University's education program or activity.

### **Notice of Allegations and Investigation**

When a Complaint has been made, 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. To the extent the Title IX Coordinator has reasonable concerns for the safety of any person as a result of providing the Notice of Allegations and Investigation, the Title IX Coordinator may reasonably delay providing the Notice in order to address the safety concerns appropriately. Reasonable concerns must be based on an individualized safety and risk analysis and not on mere speculation or stereotypes. In any event 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 Sex Discrimination and Sex-Based Harassment 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 the parties may inspect and review evidence obtained as part of the investigation 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 University 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 University 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 parties to participate in its processes directly and not through an advocate or representative. Individuals participating as Complainant or Respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing 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 Complaint has been made, and in the absence of an informal resolution, the University will appoint an investigator to conduct an investigation into the allegations in the 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 time period 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 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 relevant witnesses and inculpatory and exculpatory evidence, (i.e. evidence that tends to prove or disprove the allegations) as described below. The investigator may decline to interview any witness if they determine that the expected testimony is not sufficiently relevant to the charges. The investigator may also interview witnesses on their own initiative.

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 relevant and not impermissible 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. For purposes of this Policy, the following types of evidence will be excluded as impermissible (even if otherwise relevant):

- (i) evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a Confidential Resource, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- (ii) a party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the University obtains that party's or witness's voluntary, written consent for use in the investigation and adjudication process; and
- (iii) evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the alleged Complainant's prior sexual conduct with the Respondent that is offered to prove consent.

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 University 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.

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 and not impermissible evidence (including both inculpatory and exculpatory evidence), and will provide that Report to the Title IX Coordinator. At least ten (10) business 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.

### **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 while they are speaking. 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 or audio-visual 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 Live 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 parties will have an opportunity to raise any objections regarding a Hearing Panel member'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. The University will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party's participation. If a party does not appear and submit to questioning by a party's advisor at the hearing as described below, the Hearing Panel may nevertheless rely on statements of that party, during the hearing or otherwise, in reaching a determination regarding responsibility, but may also determine what significance to afford those statements in view of the lack of questioning (for example, the Hearing Panel may choose to place less or no weight upon statements by a party or a witness who does not attend or refuses to respond to questions deemed relevant and not impermissible). The Hearing Panel will not, however, draw an inference as to responsibility based solely on a

party's absence from the hearing or refusal to answer questions posed by the other party's advisor. 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 Choice (at the party's expense, if the advisor is a paid advisor). The parties are not permitted to conduct questioning; 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. If a party does not attend the live hearing, the party's advisor may appear and conduct questioning 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 for purposes of conducting questioning of the other party and witnesses as described below.

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 questioning by a party's advisor at the hearing, the Hearing Panel may nevertheless rely on statements of that witness, during the hearing or otherwise, in reaching a determination regarding responsibility, but may also determine what significance to afford those statements in view of the lack of questioning (for example, the Hearing Panel may choose to place less or no weight upon statements by a party or a witness who refuses to respond to questions deemed relevant). The Hearing Panel will not, however, draw an inference as to responsibility based solely on a witness's absence from the hearing or refusal to answer questions posed by the other party's advisor.

### **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 or advisor 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 ask questions that are harassing, and 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 impermissible ad hominem attacks upon a party or witness.
7. The advisor may not ask repetitive questions if the repeated question does not seek additional information and is therefore irrelevant. This includes questions that have already been asked by the Hearing Panel or the advisor during questioning. When the Hearing Panel Chair determines a question has been “asked and answered” or is otherwise irrelevant or impermissible, 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 and Not Impermissible Questions Asked in Violation of the Rules of Decorum**

Where an advisor asks a relevant and not impermissible 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 impermissible 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 not impermissible, 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 and not impermissible may be considered, including hearsay, history and information indicating a pattern of behavior, and character evidence. 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 for review by the parties, 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 or impermissible 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 and not impermissible questions and follow-up questions, including those challenging credibility to the extent credibility is both disputed and relevant to evaluating one or more allegation under this Policy. For purposes of the preceding sentence, following types of questions are impermissible even if otherwise relevant:

- (i) questions regarding information that is protected under a privilege as recognized by Federal or State law or information provided to a Confidential Resource, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- (ii) questions regarding a party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the



provision of treatment to the party or witness, unless the University obtains that party's or witness's voluntary, written consent for use in this process; and

- (iii) questions that relate to the Complainant's sexual interests or prior sexual conduct, unless evidence about the prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent.

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 questioning on behalf of that party.

Only relevant and not impermissible 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 not impermissible, and explain any decision to exclude a question as impermissible. If the Chair determines that an advisor's question is relevant and not otherwise impermissible, then the question may be asked, provided that the Chair will not permit questions that are unclear. The Hearing Panel Chair must give an advisor an opportunity to clarify a question that the Chair has determined is unclear and, if the advisor sufficiently clarifies the question, the question may be asked. The advisor posing a question may request that the Chair reconsider any decision to exclude or require clarification of 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.

### **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 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 alleged conduct in violation of University policy.

### **Sanctioning Procedures**

When a Respondent is found responsible for a violation, 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.

### **Sanctions**

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

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

- Verbal/Written Disciplinary Warning
- Disciplinary Fines
- Community Service
- Attendant Restrictions
- Participation in Educational Activities Addressing the Nature of the Violation
- Disciplinary Probation
- Residence Hall Probation
- Deferred Loss of Campus Residency
- Loss of Campus Residency
- Organizational Sanctions
- Deferred University Suspension
- Suspension
- Expulsion
- Temporary Withholding of Degree/Diploma; Denial of Participation in Commencement
- 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 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:** Potential Employee sanctions include the following:

- 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 policies and procedures used to evaluate the allegations;
- The Hearing Panel’s evaluation of the relevant and not otherwise impermissible evidence and determination whether prohibited conduct occurred;
- 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 or other affected individual(s); and
- The procedures and permissible bases for the Complainant and Respondent to appeal (described below in “Appeals”).

The Title IX Coordinator will provide the written determination to the parties simultaneously. The determination regarding responsibility will be issued to the parties as soon as practical.

### **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: “Withdrew with conduct charges pending.”

Transcript notations for suspensions may be removed by an Appeals Panel as 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. If a finding of responsibility is vacated for any reason, any such transcript notation will 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**

### **Dismissal and Determination**

Each party may appeal (1) the dismissal of a 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 would change the outcome of the matter;
- New evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility or dismissal was made;
- 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 remain available during the pendency of the appeal.

If a party appeals, the University will as soon as practicable notify the other party in writing of the appeal, and shall provide the other party an opportunity to submit a statement in support of, or challenging, the outcome.

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, reinstituting the Complaint or specific allegations in the 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.

### **Transcript Notations**

A Respondent may request to have a suspension transcript notation removed by submitting a request in writing to the Title IX Coordinator, who will share the request with the Provost/Vice President for Academic Affairs and the Vice President for Student Affairs, who shall serve as the Appeal Panel in transcript notation appeals. They will make all decisions about notation removal.

A request for transcript notation removal will not be considered if submitted before the expiration of one year after the suspension is completed.

All requests for transcript notation removal must include:

- A statement describing the incident and what was learned over the time away from the University;
- The rationale for removal of the notation; and
- Documentation of successful completion of any terms imposed as sanctions in the underlying grievance process (*ie. educational programming, etc.*)

Requests will be reviewed and a decision will be provided by the Vice Presidents in writing, generally within 30 days of submission. The Vice Presidents and/or the Title IX Coordinator may request additional information from the Respondent. Decisions regarding the removal of transcript notations are within the discretion of the Vice Presidents.

If the Vice Presidents decide against removing a notation, the student may submit subsequent requests seeking removal after three (3) years from the Vice Presidents' most recent determination. These requests will be made with the same process as the first request and include updated information about the student's experience since the earlier request(s).

### **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. Connecting Communities in 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 Sex Discrimination and Sex-Based Harassment 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 Title IX or contact the Title IX Coordinator (Haylie Scheer) at 716-375-2109 or by email at [hscheer@sbu.edu](mailto:hscheer@sbu.edu). 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](http://www.ovs.ny.gov).



## **Additional Information**

### **Title IX Coordinator Role and Responsibilities**

While St. Bonaventure University retains the ultimate responsibility for complying with Title IX, the Title IX Coordinator is vested with the responsibility for ensuring the University's consistent compliance with its responsibility under Title IX. Title IX Coordinator is responsible for monitoring the University's education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX; and taking steps reasonably calculated to address such barriers.

The University, through its Title IX Coordinator, will take steps to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects, when notified of conduct that may reasonably constitute sex discrimination. The Title IX Coordinator will:

- Treat the Complainant and Respondent equitably;
- Offer and coordinate supportive measures at appropriate times for Complainants and Respondents;
- Notify the Complainant of the grievance procedures and informal resolution if available/appropriate;
- Initiate grievance procedures if a complaint is made;
- In the absence of a complaint or withdrawal of allegations/complaint, determine whether to initiate a complaint;
- If the Title IX Coordinator initiates a complaint, notify the Complainant prior to initiation of complaint and address reasonable concerns about safety; and
- Whether or not a complaint is initiated, take other prompt and effective steps to ensure that discrimination does not continue or recur.

### **Recordkeeping**

St. Bonaventure University shall maintain for a period of at least seven years:

- For each complaint of sex discrimination, records documenting the informal resolution process or the grievance procedures and resulting outcome;
- For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX or this Policy, records documenting the actions St. Bonaventure University took to meet its obligations under Section 106.44 of the Department of Education's 2024 Title IX Final Rule; and
- All materials used to provide training under Section 106.44(d) of the Department of Education's 2024 Title IX Final Rule. Trainings materials must be made available upon request for inspection by members of the public.

### **Distribution of Policies and Procedures**

The St. Bonaventure University Sex Discrimination and Sex-Based Harassment 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](http://www.sbu.edu/codeofconduct), or by going to the Student Conduct webpage at [www.sbu.edu](http://www.sbu.edu).

Students, faculty and staff can also locate the Student Code of Conduct and the Sex Discrimination and Sex-Based Harassment Policy and procedures on MySBU under general links. Hard copies of the

Student 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 203. Additionally, the Sex Discrimination and Sex-Based Harassment 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 Doyle Hall, and in the Student Affairs Office.

### **Student Prevention Education**

All students new to the St. Bonaventure University community (first years, transfers and graduate students) are required to complete on-line Sexual Assault Prevention training prior to their arrival on campus, as well as participate in bystander education sessions offered during Welcome Days. All student DI athletes and club sport team members must have documentation of completion of additional annual training prior to competition. Student club and organization executive officers must have documentation of completion of annual training prior to recognition as a club officer. Returning students (undergraduate and graduate) must complete on-line prevention education annually.

### **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/their 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. Without limiting the foregoing, if determined appropriate by the Title IX Coordinator, the processes described in this Policy may be used to respond to, investigate and adjudicate conduct allegedly violating other policies if the alleged conduct is related to or arises out of the same facts, circumstances or incidents as allegations to be addressed pursuant to this Policy.

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 Accessibility Services & Accommodations and pursuant to that office's policies. Work-related disability accommodations are handled by the Office of Human Resources and pursuant to that office's policies.

### **Clery 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/Complainants 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 University 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.

## SECTION IV

**University Alcohol Policy**

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 cases of substance abuse or misuse, individuals may be advised, and in some cases mandated, to attend University-sponsored educational programs and/or formal counseling programs. Within the definitions below, "residential facilities" 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 residential facilities 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.

**Displays** - Displaying any alcohol beverage containers, signs, lights, or other alcohol related materials in any window/common space is prohibited by students less than 21 years old. This includes displays in any residential spaces where 1 or more occupant is less than 21 years old.

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

**Events with Alcohol** - Alcoholic beverages may not be served at any student event without specific approval of the Vice President for Student Affairs, Dean of Students or their designee, through the alcohol event form. The University food service vendor must provide the alcohol. All food and beverage requirements are outlined in the SBU Club and Organization Manual located on my.sbu.edu. No privately obtained alcoholic beverages may be brought into an organized event. Any organization or group that fails to comply with these regulations may lose its privilege of serving alcoholic beverages at events and/or the right to schedule facility use at St. Bonaventure University. No club or organization may sponsor events off campus where alcohol

is served without authorization from the Vice President for Student Affairs, Dean of Students or their designee.

**Giving/Selling Alcohol to Persons Under the Age of 21** – 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, is prohibited.

**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, is prohibited. 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 contain or transport alcohol.

**Operation of a Motor Vehicle** - The operation of a motor vehicle on campus while under the influence of alcohol or a controlled substance is prohibited.

**Participation in Drinking Games, etc.** – The University prohibits any game or contest used for the purpose of encouraging the rapid consumption of alcohol. In addition, no one shall be pressured or coerced to drink 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 residential facility.

**Public Intoxication** – Exhibiting characteristics of intoxication in public areas including but not limited to lounges, hallways, bathrooms, etc., is prohibited

**Restriction from University Events** - The University reserves the right to prevent any visibly intoxicated person from entering any university sponsored on or off campus activity or event and to require persons who appear visibly intoxicated to leave the event/activity.

**Tailgating** - To ensure the University is able to provide a safe, healthy, and welcoming environment for all fans and athletes, alcoholic beverages are prohibited at all on campus athletic and club sports venues, parking lots, and the designated tailgate area without advanced approval from the Associate Dean for Campus Safety. **The complete University Food and Beverage Policy can be found on my.sbu.edu.** Following university approval, alcoholic beverages in outdoor or public areas must be provided by the university food service vendor.

**Unauthorized Presence/Participation of Anyone Under 21 at a University Function Where Alcohol is Being Served is prohibited.**

**False Identification, etc.** – The University prohibits the possession of altered or falsified forms of identification by students, as well as any other form of misrepresenting one's age for the purpose of buying or otherwise obtaining alcohol, cigarettes, etc. Fake ID's will be destroyed.

## **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. 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.

Neither the University nor the police are in a position to ensure that students will not be harmed through alcohol abuse by themselves or others. Those who use alcohol are fully and individually responsible for their own actions, including the personal and legal consequences associated with illegal use, possession, or distribution of alcohol. Being under the influence of alcohol will not be a defense in any campus disciplinary or administrative proceeding.

### **Typical Sanctions for Violation of University Alcohol Policies**

Sanctions are **ALWAYS** at the discretion of the judicial officer conducting the hearing, and several factors are taken into consideration. The following is a general guideline for what students may expect when found in violation of the University Alcohol Policy, absent significant aggravating or mitigating factors. 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, and the full range of sanctions is available in any case. Additional sanctions may also apply based on accompanying violations of other University policies.

#### **1<sup>st</sup> Violation:**

- Up to \$50 disciplinary fine possible
- Educational program evaluating behaviors relating to alcohol (example: AlcohoLEDU for Sanctions)

#### **2<sup>nd</sup> 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

#### **3<sup>rd</sup> 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, and
- 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

#### **4<sup>th</sup> + 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 or expulsion from the University for repetitive violations.

### **New York State Law Summary Pertaining to Alcohol**

*Below is a summary of New York State Laws pertaining to alcohol. University Policies are listed below NYS Laws, and define how the institution enforces these laws on-campus.*

**Legal Minimum Purchase Age:** No person shall sell, deliver, or give away or cause or permit or procure to be sold, delivered or given away, any alcoholic beverages to any person, actually or apparently, under the age of 21 years. Persons under 21 are not permitted to purchase, possess or consume alcoholic beverages. Effective January 1, 1990, persons under the age of 21 are prohibited from possessing any alcoholic beverage with intent to consume the beverage.

**Selling or Giving Alcohol to an Intoxicated Person:** No person shall sell, deliver, give away, permit or procure to be sold, delivered or given away, any alcoholic beverages to an intoxicated person or any person under the influence of alcohol.

**Using False I.D.s:** Any person under 21 years of age who is found to have presented or offered false or fraudulent written identification of age for the purpose of purchasing or attempting to purchase alcoholic beverages may be faced with probation for a period of not exceeding one year, and may in addition receive a fine not exceeding \$100.00. Effective November 1, 1989, persons under the age of 21 who present falsified or fraudulently altered proofs of age for the purpose of purchasing or attempting to purchase alcoholic beverages are guilty of a violation, punishable by a fine of up to \$100.00 and a community service requirement of up to thirty (30) hours. Previously, violations of this section were punishable only by the imposition of a one-year probationary period and a fine. Additionally, effective October 19, 1989, a person under the age of 21 who presents an altered New York State driver's license for the purpose of illegally purchasing an alcoholic beverage may be subject to a suspension of that driver's license for up to ninety (90) days and may also be required to apply to the Department of Motor Vehicles for a restricted use driver's license following the suspension.

**Personal Liability:** The New York State legislation has enacted a law which imposes liability for injuries to third parties upon persons who knowingly cause the intoxication or the impairment of ability of a person under 21 years of age by "unlawfully furnishing" or "unlawfully assisting in procuring" alcoholic beverages for underage persons.

### **University Drug Policy and Drug-Free Workplace & 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. Although New York State has approved legislation to legalize marijuana, at the federal level marijuana is still classified as an illegal substance.

As St. Bonaventure University is a federal grant recipient and/or a federal contractor within the meaning of the Drug-Free Workplace Act, the University is required to take steps toward maintaining, and to certify to contracting and granting federal agencies that it maintains, a drug-free workplace. In addition, federal laws (including the Controlled Substances Act and the Drug Free Schools and Communities Act) prohibit marijuana at educational institutions and on the premises of other recipients of federal funds. In accordance with these laws, the University will not tolerate the unlawful possession and/or use of controlled substances on its premises. Students are prohibited from using, possessing, selling, purchasing, cultivating, processing, manufacturing or giving away marijuana/cannabis or its derivatives, in any form, on University owned or leased property. The possession and use of medical or recreational marijuana, even if lawful under New York State law, is also prohibited on University property.

For the definitions below, controlled or illicit substances include, but are not limited to, marijuana, mushrooms, edibles, dabs, 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 otherwise in their possession (including without limitation one’s campus residence), 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, vaping, 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 or anyone else other than the recipient 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, needles, Dab Rigs, 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.

### **1<sup>st</sup> Violation:**

- \$100 fine
- Parental Notification
- Residence Hall Probation and/or restrictions for room selection

- Educational program evaluating behaviors relating to drugs

#### **2<sup>nd</sup> Violation:**

- Residence Hall Probation and/or restrictions for room selection process
- Community Service
- Mandatory Counseling
- \$200 Fine
- Deferred Loss of Campus Residency

#### **3<sup>rd</sup> Violation:**

- \$300 Fine
- Loss of Campus Residency
- Deferred University Suspension
- Prohibited in taking part in University events and activities

#### **4<sup>th</sup> Violation:**

- \$400 Fine
- University Suspension

### **St. Bonaventure University Program to Prevent Alcohol and Drug Abuse**

The Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226; Final Regulations published on August 16, 1990) required all colleges in the United States to certify to the U.S. Department of Education by October 1, 1990, that they have adopted and implemented a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. This program must include the annual distribution of the following to each student and employee:

- University Student Code of Conduct that clearly prohibit, at a minimum, the unlawful possession, use or distribution of drugs and alcohol by students and employees on the institution's property or as any part of the institution's activities;
- A description of the applicable legal sanctions under local, state or federal law for unlawful possession, use or distribution of illicit drugs and alcohol;
- A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- A description of any drug and alcohol counseling, treatment or rehabilitation programs that are available to students and employees, and a clear statement that the institution will impose sanctions on students and employees (consistent with local, state, and federal law) and a description of these sanctions, up to and including expulsion or termination of employment and referral for prosecution for violations of these standards of conduct.

The law further requires that the University conduct a biennial review of its program to (a) determine its effectiveness and implement changes as they are needed; and (b) ensure that the sanctions developed are consistently enforced. The University's Biennial review can be found on the University website where we post all other information related to Higher Education Act compliance:

<https://www.sbu.edu/about-sbu/university-information/heoa-compliance>. A print copy of this document would also be made available to anyone requesting it through the Vice President of Student Affairs Office.

### **On-Campus Substance Abuse Prevention Programming and Counseling Service**

**Vector Online Educational Platform:** St. Bonaventure University contracts with Vector Solutions, a higher



education training platform that provides online prevention courses focused on health, wellness, culture change and other issues specific to colleges and universities. AlcoholEDU for College is a 2.5-hour curriculum designed for first year students. It's designed for non-drinkers, light to moderate drinkers, and frequent heavy drinkers and offers students a personalized experience based on their drinking choices and readiness to change. The University also utilized AlcoholEDU Ongoing, a program designed for returning students, and AlcoholEDU for Sanctions which is required when a student is found responsible for a violation of the alcohol policy.

***First Year Experience Mandatory Programming:*** Each year, as part of Welcome Days programming, freshmen are **required** to attend a presentation that specifically addresses issues surrounding alcohol and other drug abuse among college-age students.

***Assessment and Substance Abuse Counseling:*** Assessment and substance abuse counseling is primarily provided as an educational sanction for St. Bonaventure students who have violated the University's alcohol and/or drug policies. As part of the judicial process, students in repeat violation of institutional policies, or other students who may be considered at risk, are referred to counselors in the Center for Student Wellness for assessment by the Vice President for Student Affairs, the Chief Judicial Affairs Officer or her designee, or by the Judicial Board. Additionally, evaluation from a counselor in the Center for Student Wellness is generally required of any student needing medical attention as a result of over-consumption of alcohol or other drugs. All students and employees of the University are welcome to voluntarily utilize these programs or speak to a counselor about referring another person. Referrals to outside agencies and local substance abuse treatment centers are also available.

***Residence Life and C.A.R.L. Programming:*** The Residence Life Office works to provide educational programming on a wide range of topics, including drug and alcohol awareness. Additionally, the Center for Activities, Recreation and Leadership consistently provides alcohol-free late-night programming.

### **Firearms, Dangerous Weapons, Dangerous Chemicals and Fireworks**

The use, and/or possession of firearms, weapons or hunting materials, including, but not limited to knives, slingshots, catapulting devices, etc., other than by authorized police agencies, is prohibited on the campus, grounds or in the facilities of St. Bonaventure University. This includes the illegal possession or use of explosives and dangerous chemicals and fireworks of any kind.

**NYS Penal Law: 265.01-a. Criminal possession of a weapon on school grounds.** A person is guilty of criminal possession of a weapon on school grounds when he or she knowingly has in his or her possession a rifle, shotgun, or firearm in or upon a building or grounds, used for educational purposes, of any school, college, or university, except the forestry lands, wherever located, owned and maintained by the State University of New York college of environmental science and forestry, or upon a school bus as defined in section one hundred forty-two of the vehicle and traffic law, without the written authorization of such educational institution.

**NYS Penal Law: 265.06 Unlawful possession of a weapon upon school grounds.** It shall be unlawful for any person age sixteen or older to knowingly possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge in or upon a building or grounds, used for educational purposes, of any school, college or university, without the written authorization of such educational institution.

## **Bias-Related Incidents and Hate Crimes**

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, religion, creed, color, sex, gender, pregnancy (including childbirth and related medical conditions), age, national or ethnic origin, marital status, veteran status, disability, gender identity or expression, sexual orientation, genetic information or predisposition, domestic violence victim status, familial status, or any other protected category under applicable local, state, or federal law (collectively, “Protected Characteristics”).

### **Examples of Bias-Related Acts or Incidents, include but are not limited to:**

- Unwelcome comments and conduct with connotation(s) or subject matter that are demeaning to a racial/ethnic group or people of a particular gender identity/expression or sex;
- Offensive and vulgar jokes, name-calling, displaying photographs or objects; ridicule or mockery, physical gestures or enactments, insults or put-downs, or stereotyping based on a person’s race, skin color, ethnicity, or national origin, religion, sex or gender identity/expression;
- Any other bias-related act or incident that substantially or unreasonably interferes with an individual’s work or academic performance.

**Hate Crime** – A person commits a hate crime when they commit 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, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
- (b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

While many, if not most, bias incidents rise to the level of a violation of the University 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. Reported bias incidents that are not violations under a University Policy will be referred to Bias Incident Response Team.

The University, in compliance with current regulations, reports as hate crimes any occurrences of criminal homicide, sex offenses, robbery, aggravated assault, simple assault, burglary, larceny, motor vehicle theft, arson, intimidation and destruction/damage/vandalism of property and any other crime involving bodily injury that manifests evidence that the victim was intentionally selected because of the perpetrator's bias (race, gender, religion, national origin, sexual orientation, gender identity, ethnicity or disability) that have been reported to local law enforcement or a Campus Security Authority.

All returning and new students to the St. Bonaventure University community (first years, transfers and ground-graduate students) are required to complete on-line Diversity, Inclusion and Belonging training prior to their arrival on campus each year. The on-line training utilizes a scaffolded learner framework to deliver core concepts such as recognizing bias, building a culture of respect, understanding labeling and engaging in active allyship. This policy is also embedded in the on-line training module. Each fall and spring semester, new students also participate in a general education session offered in-person by the Equity Institute.

In addition to the Student Code of Code, which is emailed to all registered students annually, and available on-line, the Division of Student Affairs uses a variety of methods to advise and update students about University policies security procedures, including, but not limited to: posters and flyers in residence halls and across campus; workshops and interactive educational sessions sponsored by the Equity Institute and Residence Life programming; Orientation and Resident Assistant information sessions offered at the start of the academic year or semester; through social media; and student emails. More information, including statistics on hate crimes, is available from Campus Safety & Security located in Doyle Hall, as well on the University website @ [Safety & Security | St. Bonaventure University \(sbu.edu\)](#), as a separate, clearly designated category.

### **Missing Person Contact and Notification**

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify SBU Safety & Security at (716) 375- 2525. SBU Safety & Security will initiate an investigation. Additional members of the SBU Community who can be notified of a missing student include:

- Associate Dean of Campus Safety at 71-375-2526
- Dean of Students at 716-375-2190
- Vice President for Student Affairs at 716-375-2011

In addition to registering a general emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by SBU in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, SBU will notify that individual no later than 24 hours after the student is determined to be missing. A student who wishes to identify a confidential contact can do so through the SBU Residential Living Department. A student's confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of the investigation. This information can be edited or changed any time by the student by contacting a residential living staff member.

After investigating a missing person report, should the SBU Safety & Security Department determine that the student has been missing for 24 hours, SBU will notify the Cattaraugus County Sheriff's Department or another available law enforcement agency (NYS Police, Allegany Police or Olean Police Department) and the student's emergency contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, SBU will notify the student's parent or legal guardian immediately after the SBU Safety & Security Department has determined that the student has been missing for 24 hours.

### **Sex Offender Registry Information**

In accordance with the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, St. Bonaventure University is providing a link to the New York State Sex Offender Registry. All sex offenders are required to register in the state of New York and to provide notice of each institution of higher education in New York State at which the person is employed, carries out a vocation, or is a student. You can find information regarding locations of registered sex offenders on the Cattaraugus County Sheriff's website, [www.cattco.org/sheriffs-office](http://www.cattco.org/sheriffs-office), or by calling 716-938-9191. Additionally, a search can be done through the New York State Division of Criminal Justice services website, <http://criminaljustice.ny.gov/nsor/>.

In addition to the above notice to the State of New York, all sex offenders are required to deliver written notice of their status as a sex offender to the Director of Human Resources & Title IX Coordinator no later than three (3) business days prior to their enrollment in, employment with, volunteering at, or residence in St. Bonaventure University. Such notification may be disseminated by St. Bonaventure University to, and for the safety and well-being of, the St. Bonaventure University community, and may be considered by St. Bonaventure University for enrollment and discipline purposes.

## SECTION V

### **Annual Fire Safety Report: 2023, 2022, 2021**

The Higher Education Act, as amended by the Higher Education Opportunity Act specifies new campus safety requirements, including an annual fire safety report and fire log. Statistics must be collected and reported, in the annual fire safety report and the Department of Education's web-based data collection system, for each on-campus housing facility. An on-campus housing facility is defined as any student housing facility that is owned or controlled by the institution, or is located on property owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus. For the purposes of fire safety reporting a fire is defined as any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

### **Inspections**

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.

Fire safety systems in each on campus facility are inspected annually by New York State licensed inspectors. During these inspections, all components of the fire safety system are checked for proper function ability. These tests include the fire panel, heat detectors, smoke detectors, audible horns, strobes and battery back-up. Every device associated with a buildings fire safety system is tested. In addition, every fire extinguisher on campus is checked to verify it is in its proper location, is readily accessible, and is full and free from defects. Inspections are conducted monthly, annually and every five years as required by law.

On an annual basis, the New York State Office of Fire Prevention and Control conducts inspections in all buildings on campus. These inspections are based on the most up to date International Fire Code and National Fire Protection Association standards. Additionally, if any violations are found, the Office of Fire Prevention and Control will conduct a follow-up inspection to ensure all violations have been abated.

### **Fire Safety Definitions**

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

**Cause of fire** is the factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

**Fire** is any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Fire drill** is a supervised practice of a mandatory evacuation of a building for a fire.

**Fire-related injury** is any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting

rescue, or escaping from the dangers of the fire. The term “person” may include students, employees, visitors, firefighters, or any other individuals.

**Fire-related death** is any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or dies within one year of injuries sustained as a result of the fire.

**Fire safety system** is any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

**Value of property damage** is the estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

### To Report a Fire

If a fire is discovered all campus community members are to call the Cattaraugus County 911 Center, 911, or Safety and Security, 716-375-2525, to report a fire. For the purpose of including a fire in the statistics in the Annual Security Report, students and employees should report that a fire occurred to the Associate Dean for Campus Safety.

### Complete Listing of Residence Hall Fire Safety Features

Building	Alarm Type	Smoke Detection	Pull Stations	Notification Capability	Sprinkler System	Drills Per-Year
Devereux Hall	Simplex 4100ES	YES	YES	Centrally Monitored	No	4 minimum
Doyle Hall	Simplex 4100ES	YES	YES	Centrally Monitored	No	4 minimum
Francis Hall	Simplex 4100ES	YES	YES	Centrally Monitored	Yes	4 minimum
Gardens East	Simplex 4007ES	YES	YES	Centrally Monitored	No	4 minimum
Gardens West	Simplex 4007ES	YES	YES	Centrally Monitored	No	4 minimum
Robinson/Falconio	Simplex 4100ES	YES	YES	Centrally Monitored	Yes-all	4 minimum
Shay/Loughlen	Simplex 4100ES	YES	YES	Centrally Monitored	Yes-All	4 minimum
Townhouse Building 11	Simplex 4010ES	YES	NO	Centrally Monitored	No	4 minimum
Townhouse Building 12	Simplex 4010ES	YES	NO	Centrally Monitored	No	4 minimum
Townhouse Building 13	Simplex 4010ES	YES	NO	Centrally Monitored	No	4 minimum
Townhouse Building 21	Simplex 4007ES	YES	YES	Centrally Monitored	No	4 minimum
Townhouse Building 22	Simplex 4007ES	YES	YES	Centrally Monitored	No	4 minimum
Townhouse Building 23	Simplex 4007ES	YES	YES	Centrally Monitored	No	4 minimum
Townhouse Building 24	Simplex 4007ES	YES	YES	Centrally Monitored	No	4 minimum
Townhouse Building 25	Simplex 4007ES	YES	YES	Centrally Monitored	No	4 minimum
Townhouse Building 26	Simplex 4007ES	YES	YES	Centrally Monitored	No	4 minimum
Townhouse Building 31	Simplex 4007ES	YES	YES	Centrally Monitored	No	4 minimum
Townhouse Building 32	Simplex 4007ES	YES	YES	Centrally Monitored	No	4 minimum
Townhouse Building 33	Simplex 4007ES	YES	YES	Centrally Monitored	No	4 minimum

### 2023 Actual Resident Hall Fire Statistics

Building	# of Fires	Causes	#of Injuries	# of Deaths	Damage
Devereux Hall	0	0	0	0	0
Doyle	0	0	0	0	0
Francis	0	0	0	0	0
Gardens East	0	0	0	0	0
Gardens West	0	0	0	0	0
Robinson/Fal	0	0	0	0	0
Shay/Loughlen	0	0	0	0	0
Townhouse 11	0	0	0	0	0
Townhouse 12	0	0	0	0	0
Townhouse 13	0	0	0	0	0
Townhouse 21	0	0	0	0	0
Townhouse 22	0	0	0	0	0
Townhouse 23	0	0	0	0	0
Townhouse 24	0	0	0	0	0
Townhouse 25	0	0	0	0	0
Townhouse 26	0	0	0	0	0
Townhouse 31	0	0	0	0	0
Townhouse 32	0	0	0	0	0
Townhouse 33	0	0	0	0	0

### 2022 Actual Resident Hall Fire Statistics

Building	# of Fires	Causes	#of Injuries	# of Deaths	Damage
Devereux Hall	0	0	0	0	0
Doyle	0	0	0	0	0
Francis	0	0	0	0	0
Gardens East	0	0	0	0	0
Gardens West	0	0	0	0	0
Robinson/Fal	0	0	0	0	0
Shay/Loughlen	0	0	0	0	0
Townhouse 11	0	0	0	0	0
Townhouse 12	0	0	0	0	0
Townhouse 13	0	0	0	0	0
Townhouse 21	0	0	0	0	0
Townhouse 22	0	0	0	0	0
Townhouse 23	0	0	0	0	0
Townhouse 24	0	0	0	0	0
Townhouse 25	0	0	0	0	0
Townhouse 26	0	0	0	0	0
Townhouse 31	0	0	0	0	0
Townhouse 32	0	0	0	0	0
Townhouse 33	0	0	0	0	0

### 2021 Actual Resident Hall Fire Statistics

Building	# of Fires	Causes	#of Injuries	# of Deaths	Damage
Devereux Hall	0	0	0	0	0
Doyle	0	0	0	0	0
Francis	0	0	0	0	0
Gardens East	0	0	0	0	0
Gardens West	0	0	0	0	0
Robinson/Fal.	0	0	0	0	0
Shay/Loughlen	0	0	0	0	0
Townhouse 11	0	0	0	0	0
Townhouse 12	0	0	0	0	0
Townhouse 13	0	0	0	0	0
Townhouse 21	0	0	0	0	0
Townhouse 22	0	0	0	0	0
Townhouse 23	0	0	0	0	0
Townhouse 24	0	0	0	0	0
Townhouse 25	0	0	0	0	0
Townhouse 26	0	0	0	0	0
Townhouse 31	0	0	0	0	0
Townhouse 32	0	0	0	0	0
Townhouse 33	0	0	0	0	0

### Kerry Rose Fire Sprinkler Notification Act (A. 5715-A/S. 4180-B)

The Kerry Rose Fire Sprinkler Notification Act of 2013 requires the University to provide a written fire safety notification to each student living in a college-owned or operated housing facility, both on and off campus. The notification consists of a description of the fire safety system for the student's housing facility, including whether or not the housing facility is equipped with a fire sprinkler system. The notification also includes information on how to access the University's Campus Fire Safety Report required by federal law. In accordance with the Kerry Rose Fire Sprinkler Notification Act, written notification is provided to students annually when the Annual Security and Safety Report is released.

#### Devereux Hall

- Has a fire alarm/detection system throughout the building going to a 4100ES central panel. Each bedroom on the 1st, 2nd, 3rd, & 4th floors which house students has a 10 Year Worry-Free Lithium Battery smoke alarm. The Battery smoke alarms are not connected to the main panel (local sounding alarm only). 10yr Worry-Free Lithium battery operated CO alarms are placed on the lowest living floors (Basement & 1st Floor), these are placed on the wall in the hallways, and they are not tied into the fire alarm system (local sounding alarm only). If either the Smoke alarms or the CO alarms are activated students should contact Campus Safety & Security Office (716-375-2525). If the fire alarm system is activated, an alarm will sound to evacuate the building. On the 3<sup>rd</sup> and 4<sup>th</sup> Floors on the South End of the hallway a Fire Escape can be used if the means of egress are blocked. Fire alarm system Alarms will be sent to the St. Bonaventure University Safety & Security Office and the Dispatcher will contact Cattaraugus County 911. Safety & Security Officers will respond to investigate all alarms and report back to the Safety & Security Office Dispatcher. If a source of CO or illness is detected a call will be placed to 911 and



they will dispatch local fire and ems personnel. The fire alarm is inspected annually by a certified company. All 9V smoke & combo smoke / CO alarms are inspected and batteries changed annually by the Safety & Security Department. There is no sprinkler system in Devereux Hall.

#### **Doyle Hall**

- Has a fire alarm/detection system throughout the building going to a 4100ES central panel. Each bedroom on the 1st, 2nd, 3rd, & 4th floors which house students has a 10 Year Worry-Free Lithium Battery smoke alarm. The Battery smoke alarms are not connected to the fire alarm system (local sounding alarm only). 10yr Worry-Free Lithium battery operated CO alarms are placed on the lowest living floors (Basement & 1st Floor), these are placed on the wall in the hallways, and they are not tied into the fire alarm system (local sounding alarm only). If either the smoke alarms or the CO alarms are activated students should contact Campus Safety & Security Office (716-375-2525). If the fire alarm system is activated, an alarm will sound to evacuate the building. Fire alarm system Alarms will be sent to the St. Bonaventure University Safety & Security Office and the Dispatcher will contact Cattaraugus County 911. Safety & Security Officers will respond to investigate all alarms and report back to the Safety & Security Office Dispatcher. If a source of CO or illness is detected a call will be placed to Cattaraugus County 911 and they will dispatch local fire and ems personnel. The fire alarm is inspected annually by a certified company. All 9V smoke alarms are inspected and batteries changed annually by Safety & Security Department. There is no sprinkler system in Doyle Hall.

#### **Falconio Hall**

- Has a fire alarm/detection system throughout the building going to a 4100 ES central panel. Each bedroom on the 2<sup>nd</sup> & 3<sup>rd</sup> floors which house students have a smoke detector with a sounder base. This building is also fully equipped with a sprinkler system that is also tied into the fire alarm system. On the 1<sup>st</sup> Floor bedrooms, they have a combo smoke / CO detector sounder base. If the CO alarm is activated students should contact Campus Safety & Security Office (716-375-2525). If the fire alarm or sprinkler systems are initiated an alarm will sound to evacuate the building. Fire alarm system Alarms will be sent to the St. Bonaventure University Safety & Security Office and the Dispatcher will contact 911. Safety & Security Officers will respond to investigate all alarms and report back to the Safety & Security Office Dispatcher. If a source of CO or illness is detected a call will be placed to 911 and they will dispatch local fire and ems personnel. The fire alarm and sprinkler systems are inspected annually by a certified company.

#### **Francis Hall**

- Has a fire alarm/detection system throughout the building going to a 4100ES central panel. Each bedroom on the 2<sup>nd</sup>, 3<sup>rd</sup>, & 4<sup>th</sup> floors which house students have a smoke detector. This building is also fully equipped with a sprinkler system that is also tied into the fire alarm system. 10yr Worry-Free Lithium battery operated CO alarms are placed on the lowest occupied floors (Basement & 1<sup>st</sup> Floor), these are placed on the wall in the hallways, and they are not tied into the fire alarm system (local sounding alarm only). If the CO alarm is activated students / employees should contact Campus Safety & Security Office (716-375-2525). If the fire alarm system is activated, an alarm will sound to evacuate the building. On the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Floors on the South End of the hallway a Fire Escape can be used if the means of egress are blocked. Fire alarm system Alarms will be sent to the St. Bonaventure University Safety & Security Office and the Dispatcher will contact Cattaraugus County 911. Safety & Security Officers will respond to investigate all alarms and report back to the Safety & Security Office Dispatcher. If a source of CO or illness is detected a call will be placed to Cattaraugus County 911 and they will dispatch local fire and ems personnel. The fire alarm and sprinkler systems are inspected annually by a certified company.

### **Loughlen Hall**

- Has a fire alarm/detection system throughout the building going to a 4100ES central panel. Each bedroom on the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, & 4<sup>th</sup> floors that house students have a smoke detector with a sounder base. The building is fully equipped with a sprinkler system that is also tied into the fire alarm system. 10yr Worry-Free Lithium battery operated CO alarms are placed on the lowest living floors (Basement & 1<sup>st</sup> Floor), these are placed on the wall in the hallways, and they are not tied into the fire alarm system (local sounding alarm only). If the CO alarm is activated students should contact Campus Safety & Security Office (716-375-2525). If the fire alarm or sprinkler systems are initiated an alarm will sound to evacuate the building. Fire alarm system Alarms will be sent to the St. Bonaventure University Safety & Security Office and the Dispatcher will contact Cattaraugus County 911. Safety & Security Officers will respond to investigate all alarms and report back to the Safety & Security Office Dispatcher. If a source of CO or illness is detected a call will be placed to Cattaraugus County 911 and they will dispatch local fire and ems personnel. The fire alarm and sprinkler system are inspected annually by a certified company.

### **Robinson Hall**

- Has a fire alarm/detection system throughout the building going to a 4100 ES central panel. Each bedroom on the 2<sup>nd</sup> & 3<sup>rd</sup> floors which house students have a smoke detector with a sounder base. This building is also fully equipped with a sprinkler system that is also tied into the fire alarm system. On the 1<sup>st</sup> Floor bedrooms, they have a combo smoke / CO detector sounder base. If the CO alarm is activated students should contact Campus Safety & Security Office (716-375-2525). If the fire alarm or sprinkler systems are initiated an alarm will sound to evacuate the building. Fire alarm system Alarms will be sent to the St. Bonaventure University Safety & Security Office and the Dispatcher will contact Cattaraugus County 911. Safety & Security Officers will respond to investigate all alarms and report back to the Safety & Security Office Dispatcher. If a source of CO or illness is detected a call will be placed to Cattaraugus County 911 and they will dispatch local fire and ems personnel. The fire alarm and Sprinkler systems are inspected annually by a certified company.

### **Shay Hall**

- Has a fire alarm/detection system throughout the building going to a 4100ES central panel. Each bedroom on the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, & 4<sup>th</sup> floors that house students have a smoke detector with a sounder base. The building is fully equipped with a sprinkler system that is also tied into the fire alarm system. 10yr Worry-Free Lithium battery operated CO alarms are placed on the lowest living floors (Basement & 1<sup>st</sup> Floors), these are placed on the wall in the hallways, and they are not tied into the fire alarm system (local sounding alarm only). If the CO alarm is activated students should contact Campus Safety & Security Office (716-375-2525). If the fire alarm or sprinkler systems are initiated an alarm will sound to evacuate the building. Fire alarm system Alarms will be sent to the St. Bonaventure University Safety & Security Office and the Dispatcher will contact Cattaraugus County 911. Safety & Security Officers will respond to investigate all alarms and report back to the Safety & Security Office Dispatcher. If a source of CO or illness is detected a call will be placed to Cattaraugus County 911 and they will dispatch local fire and ems personnel. The fire alarm and sprinkler system are inspected annually by a certified company.

### **Townhouses 11, 12, & 13**

- Has a fire alarm/detection system throughout the building going to a 4010ES central panel. Each bedroom on the 1<sup>st</sup> & 2<sup>nd</sup> floor of the Apartments have a 10 Year Worry-Free Lithium Battery smoke alarm. The Battery smoke alarms are not connected to the fire alarm system (local sounding alarm only). 10yr Worry-Free Lithium battery operated CO alarms are placed on the lowest living floor (1st Floor), these are placed on the wall in the Living Room area next to the

Mechanical Room Closet door, and they are not tied into the fire alarm system (local sounding alarm only). If either the smoke alarms or the CO alarms are activated students should contact Campus Safety & Security Office (716-375-2525). If the fire alarm system is activated an alarm will sound to evacuate the building. Fire alarm system Alarms will be sent to the St. Bonaventure University Safety & Security Office and the Dispatcher will contact Cattaraugus County 911. Safety & Security Officers will respond to investigate all alarms and report back to the Safety & Security Office Dispatcher. If a source of CO or illness is detected a call will be placed to Cattaraugus County 911 and they will dispatch local fire and ems personnel. The fire alarm is inspected annually by a certified company. All 9V Smoke & CO Alarms are inspected and batteries changed annually by the Safety & Security Department. There are no sprinkler systems in Townhouses 11, 12 or 13.

#### **Apartments/Townhouses 21, 22, 23, 24, 25, 26, 31, 32, & 33**

- Has a fire alarm/detection system throughout the building going to a 4007ES central panel. Each bedroom which houses students and common space on the 1<sup>st</sup> & 2<sup>nd</sup> floors has a hardwired smoke detector with 9V back up battery that is not connected to the fire alarm system (local sounding alarm only). The CO detector is placed in each apartment next to the water heater closet and is a 10-year worry-free sealed lithium battery (local sounding alarm only). If either the smoke detector or the CO alarms are activated students should contact Campus Safety & Security Office (716-375-2525). If the fire alarm system is activated an alarm will sound to evacuate the building. Fire alarm system Alarms will be sent to the St. Bonaventure University Safety & Security Office and the Dispatcher will contact Cattaraugus County 911. Safety & Security Officers will respond to investigate all alarms and report back to the Safety & Security Office Dispatcher. If a source of CO or illness is detected a call will be placed to Cattaraugus County 911 and they will dispatch local fire and ems personnel. The fire alarm is inspected annually by a certified company. All smoke detectors & CO alarms are inspected, and batteries changed annually by the Safety & Security Department. There are no sprinkler systems in Townhouses 21, 22, 23, 24, 25, 26, 31, 32 or 33.

#### **Gardens East & West Apartments**

- Has a fire alarm/detection system throughout the buildings going to a 4007ES central panel. Each bedroom on the 1<sup>st</sup> & 2<sup>nd</sup> floor Apartments have a smoke detector with a sounder base, also a hard-wired CO Detector is placed in each Apartment. If the CO alarm are activated students should contact Campus Safety & Security Office (716-375-2525). If the fire alarm system is activated an alarm will sound to evacuate the building. Fire alarm system Alarms will be sent to the St. Bonaventure University Safety & Security Office and the Dispatcher will contact Cattaraugus County 911. Safety & Security Officers will respond to investigate all alarms and report back to the Safety & Security Office Dispatcher. If a source of CO or illness is detected a call will be placed to Cattaraugus County 911 and they will dispatch local fire and ems personnel. The fire alarm is inspected annually by a certified company. All 9V smoke alarms are inspected and batteries changed annually by Safety & Security Department. There is not a sprinkler system in Gardens East or West Apartments.

The Safety and Security Department coordinates with the Police, Fire Department, State Fire Marshal and Emergency Services in the investigation of any and all fire incidents, as necessary.

## Specific Fire-Prevention-Related Policies in Residence Halls

### 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 Bonaventure-owned student housing 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.

- Townhouses and Apartments - Microwaves, crockpots, toasters, and other small kitchen appliances with automatic shutoffs are allowed only in the kitchen areas of the apartments and townhouses. Many other appliances are not permitted in the Townhouses, Apartments and Garden Apartments. These appliances include **BUT ARE NOT LIMITED TO:** all sandwich and indoor grills, waffle irons, hot plates, deep fryers, air fryers, space heaters, propane tanks, electric frying pans, instant pots or skillets, halogen lamps, etc.
- Residence Halls - Many appliances **are not permitted** in the residence halls, These appliances include **BUT ARE NOT LIMITED TO:** microwaves, all sandwich and indoor grills, toaster ovens, toasters, waffle irons, hot plates, deep fryers, air fryers, space heaters, propane tanks, electric frying pans or skillets, halogen lamps, etc.
- Hoverboards, Segways, electronic bikes, electric scooters, and electric skateboards are not permitted inside residential facilities (*all brands*) and are prohibited from being stored inside university facilities. Batteries for such transportation are also prohibited from being stored in residential facilities. All modes of such transportation are to be registered with Safety and Security and stored outside. If any of these types of transportation are left inside any building on campus they can be confiscated.
- Air conditioners are not permitted unless granted through the university Accessibility and Accommodations Office.

**Bonfires/Other Outdoor Fires** – All burning or creating fires indoors or 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.

**Candles and Other Sources of Ignition:** All candles, regardless of whether or not they are for decorative purposes, are **strictly prohibited** in all residential facilities. Additional sources of ignition that are prohibited in all residential facilities include, but are not limited to, the following: incense, lanterns, torches, charcoal, vapes, cigarettes, cigars, lighter fluid of all kinds, matches, lighters, blow torches. Any evidence of burning is a violation. Additionally, smoking including vaping is strictly prohibited on St. Bonaventure University property. Sanctions for candles or ignition devices are minimally \$50 and will double for each violation.

***Tampering with a smoke detector: The removal, covering or tampering with a smoke detector is a violation and will result in a fine of \$250 plus possible additional sanctions. Fines for repeat violations of tampering with a smoke detector will double for each occurrence. If it is discovered that your smoke detector was tampered with, removed or covered, Residence Life Staff reserves the right to return to your room/apartment and reinspect at any point within two weeks following your judicial hearing.***

**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. Bed risers with outlets or a charging station is prohibited.

**Holiday Lights Christmas Trees, Cable Cords, Electrical Wires, etc.:** Only LED strip lights and/or LED Holiday lights are allowed and must be plugged directly into the wall, may not drape over wall coverings and may not be daisy chained. Real Christmas trees are prohibited in all residential 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. If garbage of any type is left in the hallway/common space out of a room/apartment or outdoors the occupants of the room/apartment who left the garbage in that space will be documented resulting in judicial action.

**Outdoor Grills:** Students living in Townhouses, Apartments and Gardens are permitted to have outdoor grills, provided they remain outdoors and at least 50 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 the following residential facilities: Devereux Hall, Doyle Hall, Garden and Townhouse Apartments. Students may cover up to 50% of a given wall in Francis Hall, Shay Hall, Loughlen Hall, Robinson and Falconio Halls. Added tapestries and window coverings, etc. (other than those provided by the University) shall be calculated in the total wall covering percentage. Curtains are prohibited in residential facilities. Additionally, hanging any objects from ceilings or pipes is strictly prohibited. Wallpaper and adhesives are prohibited from being hung in all residential facilities.

## **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. If you reside in a building with an elevator, never use the elevator when the alarm sounds, take the stairs. Evacuation procedures for individuals with disabilities are discussed below. 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 716-375-2525. **All fire alarms must be taken seriously, and students must evacuate the residence hall immediately during any sounding of an alarm.** Failure to leave the building for a fire alarm will result in Residence Hall Probation.

**Fire Escapes:** Students are only permitted to use the fire escapes as an exit/entrance to a building in the instance of the fire alarm sounding. If it is discovered that a student is using the fire escape for any reason when the alarm is not sounding or for any non-emergency reason, the student will be documented.

**Evacuation Procedures for Individuals with Disabilities:** Students with a disability, including a temporary disability, that require assistance evacuating during an emergency are asked to self-identify with the Office of Accessibility Services & Accommodations ([bbouge@sbu.edu](mailto:bbouge@sbu.edu) or at [\(716\) 375-2115](tel:7163752115)). Once a student self-identifies with the Office of Accessibility Services & Accommodations, necessary campus personnel are notified of the need for assistance during an emergency in housing and/or academic buildings. University emergency personnel are available to assist in creating an individual Personal Evacuation Plan, if requested. Pre-planning includes developing an evacuation plan and discussing the specifics of a plan with members of the university community, including, but not limited to, Safety & Security personnel, peers, residence hall staff, and other residents.

Self-identification is voluntary. The purpose of self-identifying is to provide information to assist the university with alerting, evacuating, or otherwise assisting individuals with disabilities in the event of an emergency. At the beginning of each academic semester (or as necessary), all students who desire assistance with evacuating in the event of an emergency or drill should self-

identify with the Office of Accessibility Services & Accommodations. It is the responsibility of the individuals who believe they may need assistance during an emergency to self-identify and to update their information at the beginning of each academic semester, or whenever circumstances warrant an update.

Residential floor meetings are held at the beginning of each semester and include discussion of emergency procedures, including those for individuals with disabilities.

**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.

### **Education and Training Programs**

The Office of Campus Safety and Security in accordance with the Office of Fire Prevention and Control (OFPC) conducts training in the form of a minimum of four (4) drills in each campus building per year. Seminars are conducted to update and train Residence Life and Security staff. Residence Life staff trains the student community in the form of documented floor meetings.

### **Smoking 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 Office of Safety and Security.
  - a) **Sanctions:** Sanctions for students will be imposed as a result of a University judicial hearing.

### **Smoking Cessation Resources**

- NYS Smokers Quit Line -<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)

### **Plans for Fire Safety Improvements**

St. Bonaventure University plans include continual educational and technological advancements to improve life safety for the community. All notifications in residential facilities are now centrally monitored. Additional student education continues through annual fire inspections each fall. These efforts are aimed at reducing response/corrective action time and improving overall safety.





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