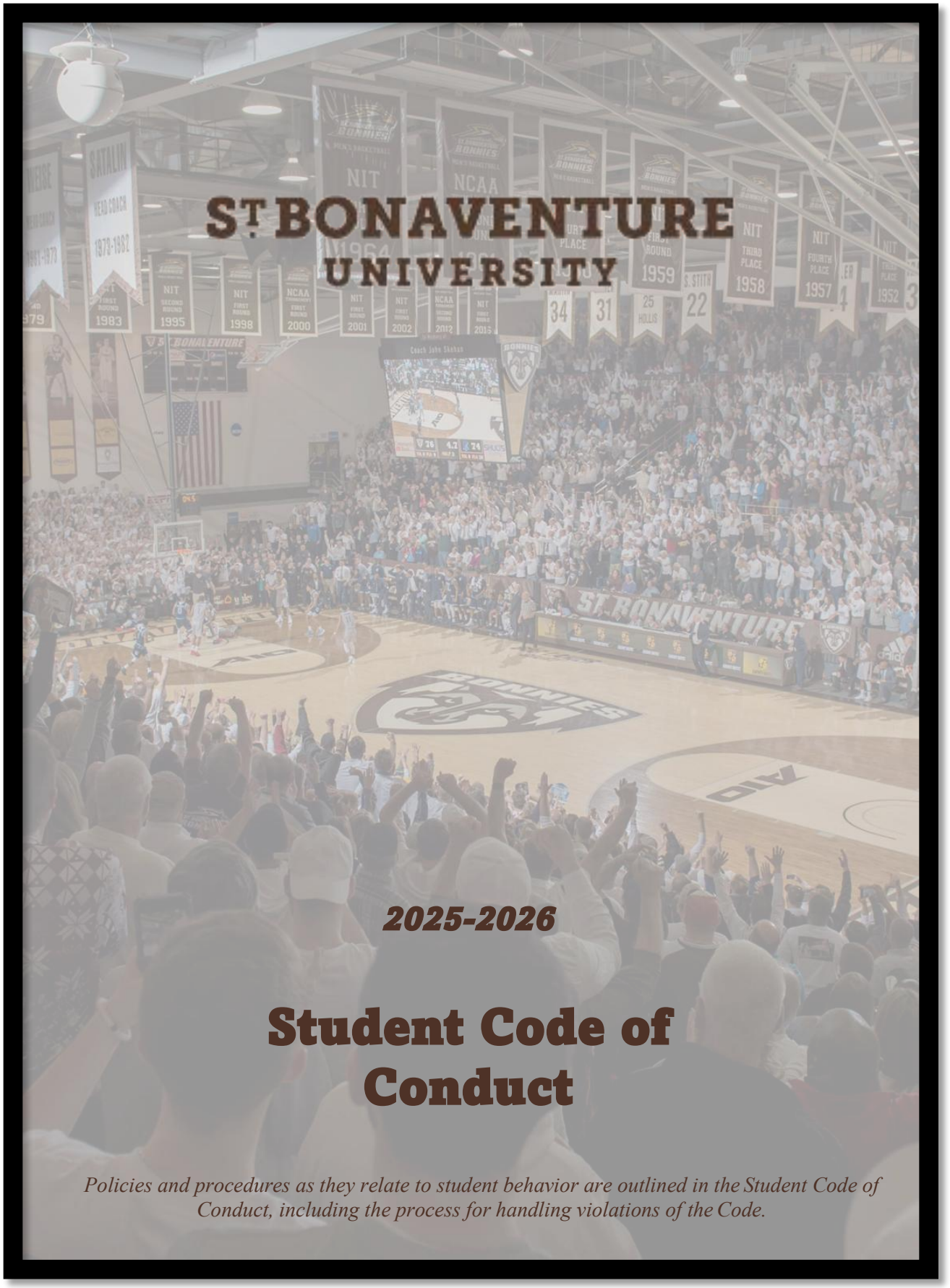

2025-2026

Student Code of Conduct

Policies and procedures as they relate to student behavior are outlined in the Student Code of Conduct, including the process for handling violations of the Code.

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This Student Code of Conduct contains many of the policies and procedures for students at St. Bonaventure University. The policies contained in this Student Code of Conduct are applicable to all St. Bonaventure University students – graduate, undergraduate and part-time. Students are responsible for being aware of these policies and following them accordingly. Responsible behavior is expected of St. Bonaventure University students, wherever they are, and the Student Code of Conduct applies to students both on and off campus. Enrollment at St. Bonaventure University implies acceptance of these policies and procedures and makes them binding on all St. Bonaventure University students.

The University reserves the right to change any provision or requirement at any time. Any such revisions will be posted to the online version of the Student Code of Conduct located at ***https://www.sbu.edu/life-at-sbu/student-health-safety-conduct/student-conduct***

FRANCISCAN PRAYER FOR PEACE

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

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

ALMA MATER

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

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

COLLEGE COLORS

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

St. Bonaventure University Mission Statement and Values

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

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

Our Values

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

We are a COMMUNITY…

- Nurturing COMPASSION
- Seeking WISDOM
- Building INTEGRITY

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

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

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

What We Stand For

Our commitment to create a campus community where everyone feels welcome and respected is deeply rooted in our Franciscan mission and values of compassion, wisdom and integrity.

Acknowledging the dignity of all people will help us to inspire a campus culture where everyone feels valued and supported. St. Bonaventure encourages students, faculty and staff to engage with one another in meaningful ways, reflecting the Franciscan ideal of building a caring environment where all members can thrive and contribute.

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

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

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

The Medical Emergency Response Team (MERT), a volunteer organization staffed by certified students who are advised and work with Health Services, assists the Office of Safety & Security in responding to medical and other emergencies. Calling the Office of Safety and Security dispatches MERT until additional personnel can arrive from off-campus agencies if needed

There are "blue light" phones located around campus in case of emergency. Picking up the phone will immediately put you in touch with the Office of Safety and 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 the Office of Safety and Security.

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

If you are a witness to a crime in progress, stay calm and assess the situation. Determine the location of the threat if possible, and dial the Office of Safety & Security (or 911 if you do not have the number for Safety and Security) as soon as it is safe to do so. Be prepared to give the location and nature of the threat/incident, the name and/or description of all persons involved, and the person's direction of travel and description of vehicles if applicable.

Reporting a Crime

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

Campus Security Authorities:
The Jeanne Clery Campus Safety Act (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 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 institutions 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 is available in the Office of Safety & Security.

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

SBU Silent Witness Program – may be accessed at MySBU.edu. Information reported through the silent witness program is utilized to help provide direction for investigation. It is checked periodically, and should never be used to report an emergency or crime in progress.
*Also, you may contact a Residence Director or Resident Assistant AT ANY TIME for support. If you cannot locate a residence life staff member, you can call The Office of Safety & Security, and they will contact the Residence Director on-duty to assist you.

Violent Felony Offenses

All violent felony offenses, including hate crimes and reports that a student who resides in housing owned or operated by the University is missing, reported to the University, occurring on campus or on University-owned property, will be reported to an appropriate law enforcement agency. Notification to the appropriate law enforcement agency will be made as soon as practicable but in no case more than twenty-four hours after a report. 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. Anyone wishing to report a violent felony should do so through the Office of Safety and Security.

Missing Persons

The 2008 Higher Education Opportunities Act requires that every student living in an on-campus student housing facility be given the option to register a confidential missing student contact. The registered person indicated would be notified within 24 hours of the determination that the student is missing. If the student is under 18 years of age and is not an emancipated individual, St. Bonaventure University is required to notify the custodial parent or legal guardian after the determination has been made that the student has been missing for more than 24 hours.

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

The University will also contact any person designated by the student as their "Missing Person Contact" should the student be determined to be missing for 24 hours or more. All residential students are encouraged to file information of their "Missing Person Contact" during the housing selection process. This information can be edited or changed at any time by the student through the on-line housing portal. If a student does not register this information, the University will notify the student's parent or legal guardian, and/or latest emergency contact information on file. All emergency contact information and missing persons contact information is collected and stored on a database accessible only by appropriate staff.

If a student is under 18 years of age and is not an emancipated individual, the University must contact the student's **parent or legal guardian** *no later than* 24 hours after the time the student is determined missing.

Compliance Statements

Under the Student Right to Know and Campus Security Act, colleges and universities produce statistics and/or information on the following subjects: (1) retention and graduation rates; (2) financial assistance available to students; (3) crime statistics on campus; (4) athletic program participation rates and financial support pursuant to the Equity in Athletics Disclosure Act; and (5) other institutional information, including cost of attendance, accreditation information, services available to students with disabilities, and withdrawal /refund policies. Information relating to the above referenced compliance is generally available in Student Code ofConduct, or through online resources on the University web site at https://www.sbu.edu/about-sbu/university-information/heoa- compliance. The following describes highlighted information and resources available to studentsseeking to access such information:

Drug Free Schools and Campuses Act

The Drug Free Schools and Campuses Act of 1989 requires St. Bonaventure University to provide information to students about the health risks and legal consequences of substance abuse. This information, and St. Bonaventure University's alcohol and drug policies, is outlined in this Student Code of Conduct and the Drug-Free Schools and Campus Act Annual Notification.

Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

St. Bonaventure University complies with the Jeanne Clery Campus Safety Act. This report contains a summary of St. Bonaventure University's Office of Safety and Security policies and procedures, along with crime statistics as required. A copy of this report may be obtained at the Office of Safety and Security in Doyle Hall, or by calling the (716) 375-2525. It can also be viewed electronically at https://www.sbu.edu/life-at-sbu/campus-safety/clery or through the U.S. Department of Education web site link: http://ope.ed.gov/security. The Office of Safety and Security is open 24 hours per day, 365 days a year.

Kerry Rose Fire Sprinkler Notification Act and Article 129-A of NYS Educational Law §6438

The Kerry Rose Fire Sprinkler Notification Act of 2013and Article 129-A if NYS Education Law §6438 require the University to provide a written fire safety notification to each student living in a university-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. The written notification is provided to all residential students each fall semester and to new students entering each spring semester

Non-Discrimination Statement

St. Bonaventure University subscribes fully to all applicable federal and state legislation and regulations regarding discrimination (including the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972 (Title IX); Section 504 of the Rehabilitation Act of 1973 (Section 504); the Americans With Disabilities Act (ADA); the Age Discrimination in Employment Act; the Age Discrimination Act; and the New York State Human Rights Law). The University does not discriminate against students, faculty, staff or other beneficiaries on the basis of an individual's 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 status under federal, state, or local laws in admission to, or access to, or treatment or employment in its programs and activities. Discrimination in any form will not be tolerated at St. Bonaventure University.

Peer-To-Peer File Sharing

Peer-to-peer file sharing, which is defined here as the use of St. Bonaventure University's computer network to illegally download or share any copyrighted material, including but not limited to video, music, or games, is strictly prohibited. The distribution or sharing of copyrighted materials without the copyright owner's permission is a violation of the U.S. Copyright Act and the Digital Millennium Copyright Act of 1998 and is also a violation of university policy.

Sex Offender Registry Information

In accordance with the Federal Campus Sex Crimes Prevention Act of 2000, the Office of Campus Safety is providing a link to the New York State Sex Offender Registry. This law requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by the state may be obtained concerning registered sex offenders. It requires sex offenders already required to register in a state to provide notice, as required under law, of each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student.

Members of the St. Bonaventure University community may obtain information concerning registered sex offenders by visiting the New York State Sex Offender registry's Web site at: http://www.criminaljustice.ny.gov/nsor/. The University shall comply with federal and state law concerning SORA. Should the Vice President for Student Affairs or designee be informed that a student is listed as part of a sex offender registry, the University reserves the right to take immediate action to temporary suspend the student pending a University administrative hearing. The University also reserves the right to take immediate action to suspend or dismiss the student from the University if the student represents a risk to the health, safety or welfare of the community or to any person or property.

Voter Registration

Voting is both your right and responsibility. If you are not yet registered to vote, please consider the information below to learn how you can get involved in the electoral process this year.

In accordance with the federal Higher Education Opportunity Act, St. Bonaventure University provides students with the opportunity to register to vote. By virtue of being a student living at and attending a New York state university, students are entitled to become registered voters in the state of New York. Students from other states who wish to vote in their home state elections should contact the Board of Elections for their state regarding absentee voting procedures and deadlines.

New York State Residents: In order to vote in New York State, you must be 18 years old by Dec. 31 of the year in which you apply and live at your present address at least 30 days before an election. For voter registration forms, and more information regarding voter registration please follow this link: http://www.eac.gov or call 1-800-FOR-VOTE.

Out-of-State Students: Out-of-state students may register to vote by completing the National Mail Voter Registration Form: http://www.eac.gov. To order a print version, contact the U.S. Election Assistance Commission (866-747-1471). After filling out this form, you must send it to a state or local election office for processing. See state- specific instructions included in the form for additional information. The national form also contains voter registration rules and regulations for each state and territory.

The Family Educational Rights and Privacy Act

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

1. **General Provisions**

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

   b. **Explanation of Records**. The University will respond to reasonable requests for explanation or interpretation of education records.

   c. **FERPA Coordinator**. The Registrar's office has been designated to coordinate FERPA procedures.

   d. **Records Maintained by the University**. Education records covered by FERPA and maintained by the University are: admissions, personal, academic, and financial files; and academic and placement records.

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

2. **Review and Challenge to Content of Records**

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

   b. **Limitations on Rights to Inspect**. Education records excepted from the right to inspect and review outlined in paragraph 2a are:
      i. Education records containing information about more than one student, (in which case the University will permit access only to that part of the record which pertains to the inquiring student);
      ii. Financial records;
      iii. Confidential letters and recommendations placed in the student's file prior to Jan. 1, 1975, that are used solely for the purpose for which they were intended; or
      iv. Confidential letters and recommendations placed in the student's file after January 1, 1975, to which the student has freely waived his or her rights of inspection and review in a signed statement, and which are associated with admissions, application for employment, or receipt of honors. If a student has waived the right of inspection under this section, the University will, upon request, give the student names of persons providing confidential letters of recommendation. A student may prospectively revoke such waiver with a signed statement.
      v. A student in default on any student loan may receive only an "unofficial" transcript until the default status is cleared.

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

d. **Right to Challenge Content of Records.** Students who believe that their education records contain information that is inaccurate or misleading, or is otherwise in violation of their privacy or other rights, may request the University to amend the records through written application to the Registrar. The Registrar will decide within a reasonable period of time whether or not to amend the record as requested. If the University decides not to amend the record, it will inform the student of this decision and of the student's right to a hearing.

e. **Right to a Hearing**. A student's request for the hearing provided for in Paragraph 2d must be made in writing to the Vice President for Academic Affairs who, within a reasonable period of time after receiving such request, will inform the student of the date, place and time of the hearing. The student may present evidence relevant to the issues raised and may be assisted or represented at the hearings by one or more persons of the student's choice, including an attorney, at the student's expense. The panel which will decide such hearings will be composed of three administrators who have no direct interest in the outcome of the hearing (the "Panel") appointed by the Vice President for Academic Affairs. Decisions of the Panel will be final, will be based solely on the evidence presented at the hearing, and will consist of written statements summarizing the evidence and stating the reasons for the decisions, and will be delivered to all parties concerned. The education records will be corrected or amended in accordance with the decisions of the Panel if the decision is in favor of the student, and the student will be so informed in writing. If the decision is against the student, the student may place a statement in the education records commenting on the information in the records, or setting forth any reasons for disagreeing with the decisions of the Panel. This statement will be maintained as part of the education records, and released whenever the records in question are disclosed.

3. Disclosure of Personally Identifiable Information

a. **DISCLOSURE**. Personally Identifiable Information is any information which would make the student's identity easily traceable. Except as such disclosure is permitted by law, no one outside the University shall have access to, nor will the University disclose, such information from a student's education records without the signed written consent of the student specifying: the records which may be disclosed, the purpose of the disclosed and the identity of the parties to whom disclosure is made. Under FERPA disclosure absent consent is permitted: a) To personnel within the University whom the University has determined have legitimate educational interest in the information. Only those employees of the University, individually or collectively, acting in the students' educational interests are allowed access to student education records. These employees include specific personnel in the offices of finance, financial aid, provost, student life, admissions, registrar and athletics.

All on a need-to-know basis:

i. To officials of other institutions in which students seek to enroll;
ii. To authorized representatives of federal, state or local government requesting access to the educational records in connection with an audit or evaluation of federal- or state-supported educational programs, or for the enforcement of or compliance with federal legal requirements which relate to those programs;
iii. To persons or organizations providing student financial aid which the student has received, or for which the student has applied, provided that the information requested is necessary to determine eligibility for aid, the amount of aid, the conditions for aid or to enforce the terms and conditions of the aid;
iv. To organizations conducting studies for the University to develop, validate or administer predictive tests; administer student aid programs; or improve instruction, provided that this information may be used only by such organization and will be destroyed when no longer needed;

v. To accrediting agencies carrying out their accreditation function;
vi. To persons in compliance with a judicial order or lawfully issued subpoena, provided that in advance of compliance, the University will make a good-faith effort to notify the student of the order or subpoena; and
vii. To persons in an emergency in order to protect the health or safety of students or other persons.

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

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

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

4, Complaints

a. **Complaints.** Students who believe that the University has failed to accord them their rights under FERPA may file complaints with The Family Policy and Regulations Office, U.S. Department of Education, Washington, DC 20202.

Campus Security Act of 1990/Campus Crime Statistics

Pursuant to Federal Regulation 34.688.47 and New York Education Law 129-A, § 6433, St. Bonaventure University makes available to prospective students and employees, distributes to all enrolled students and active employees, an annual security report which lists information about campus crime and criminal arrests. This annual report is available through the Office of Safety and Security, the Admissions Office, the Student Affairs Office and the Office of Human Resources. St. Bonaventure University also distributes the report electronically. Access to this report, and a separate list of hate crime offensives, are available on-line at Safety & Security | St. Bonaventure University (sbu.edu) or through the U.S. Department of Education web site link: http://ope.ed.gov/security.

Advisory Committee on Campus Safety

This committee is established to comply with New York Education Law 129-A, § 6431. The committee is tasked to review current campus security policies and procedures and make recommendations for their improvement. The Committee shall report, in writing, to the President or chief administrative officer its findings and recommendations at least once each academic year. The report is available upon request to Committee Chair. Committee membership is available on-line at Safety & Security | St. Bonaventure University (sbu.edu). The Committee shall specifically review current policies and procedures for:

a) educating the campus community, including security personnel and those persons who advise or supervise students, regarding sexual assault, domestic violence, stalking; bias and hate crimes;
b) educating the campus community about personal safety and crime prevention;
c) reporting sexual assaults, domestic violence, stalking, and hate crimes, and assisting victims during investigations;
d) referring complaints to appropriate authorities;
e) counseling victims; and
f) responding to inquiries from concerned persons.

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

University Policies for Students with Disabilities

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

Student Code of Conduct

Statement of Purpose

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

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

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

Student Rights/Responsibilities

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

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

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

University to address, investigate, and/or take any other appropriate measures against any member of the University community who infringes on this right as stated.

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

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

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

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

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

The Student Code of Conduct and Process Review Committee shall be established, and convene on a biennial basis meeting on even years beginning in the Fall of 2024. The committee shall meet no less than once per semester during the review year. The Committee shall report and make recommendations to the Vice President for Student Affairs. This committee shall serve two purposes:

1. To hear questions, concerns, issues and/or proposed changes to the Student Code of Conduct, judicial process and procedures, and related appendices, brought forward by any faculty, staff or students at the University, and make recommendations for change to the VPSA; and
2. Conduct a complete review of the Code, process and procedures and related appendices, making recommendations for change to the VPSA.

The committee shall comprise the following members: one member of the Student Government Association executive board, three additional students, one faculty member, one Residence Life staff member, and the Dean of Students. Committee membership will be solicited publicly from the University community. The VPSA and SGA President (regardless of whether they serving on the committee) shall appoint committee members, and a chair(s) will be chosen from among this membership. If there is interest additional university community members may also be appointed to the committee but the minimum committee membership is listed above.

Jurisdiction

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

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

B. Conduct On/Off Campus

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

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

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

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

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

C. University Cooperation with Law Enforcement

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

D. Room/Property Search and Inspection

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

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

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

Any time a University official enters a residence hall room, policy violations will be documented, and said officials may confiscate items which may be considered violations. Confiscated personal property will be secured pending further investigation and/or judicial action. When possible, confiscated personal property will be returned to the student when they can make arrangements to remove it from campus. Students are required to pick up all confiscated violation items by the time residence halls close at the end of each semester. Only the student who owns the item may pick up the item unless otherwise stated in writing by the student. All items not picked up will be disposed of the first Monday after the end of exams each semester. Items removed due to confiscation that are lost or stolen will not be replaced. Items not retrieved by the conclusion of the academic year will be discarded with no liability for loss by the University. Illegal contraband will either be destroyed or turned over to law officials.

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

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

Procedures for issuance of Summary Suspension/Mandatory Leave of Absence

1. When possible, the initial communication of the summary suspension or mandatory leave will be made verbally to the student(s) affected by the Vice President for Student Affairs or by their designee. If it is not possible to communicate this action verbally, written communication will suffice. However, every effort will be made to communicate this decision verbally.

2. The University will take reasonable steps to notify the affected student(s) in writing of the decision within 72 hours. If the student(s) has been required to leave campus before such written notice is delivered, the written notice will be mailed to the student's home and/or campus address of record (or other such document of the University) within 72 hours of the oral notification. The notification will also include information regarding any stipulations peculiar to this decision, and conditions for the student's return.

F. University's Right to Pursue Administrative Judicial Action Before, During or After Legal Proceedings

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

G. Students with Disabilities

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

Violations of the Student Code of Conduct

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

Acts of Violence or Abuse

a. **Assault** – any intentional and/or repeated acts that result in offensive or violent physical contact with another individual, with or without a weapon. These acts include but are not limited to striking or slapping, punching, shoving, kicking, pulling hair, etc.

b. **Participation in a Fight –** provoking, encouraging or engaging in a physical fight.

c. **Verbal Abuse -** Verbal Abuse or Harassment (non-discriminatory) – any intentional and/or repeated act,

1. placing another person in apprehension of immediate bodily harm or offensive contact, or
2. intending to defame one's character, or words/actions which a reasonable person could foresee defaming one's character, or
3. words or actions that create an intimidating or hostile environment.

Examples of verbal abuse or harassment include but are not limited to: verbal or physical threats, intimidation, etc.

d. **Bullying or Cyberbullying -** Bullying and cyberbullying are repeated and/or severe aggressive behaviors likely to intimidate or intentionally harm, control or diminish another person physically or emotionally.

Alcohol Policy

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

Bias-Related Harassment and Discrimination

Discrimination - Causing physical harm, verbally abusing, intimidating or engaging in other conduct that has the effect of limiting or denying educational services, benefits, opportunities, and/or employment based on actual or perceived Protected Characteristics. These acts include but are not limited to hazing, bullying, verbal abuse, assault, etc.

Bias-Related Harassment - Any unwelcome verbal or physical conduct directed against a person that occurs as a result of that person's actual or perceived Protected Characteristics, that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the University's educational program, employment, and/or activities, and/or results in the creation of a hostile educational or work environment.

Harassment may include but is not limited to: epithets, slurs, stereotyping, threatening, intimidating, hostile acts (even if claimed to be "jokes" or "pranks"). These acts may be written, graphic, electronic, verbal, physical, etc.

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.

Retaliation – Retaliation refers to any adverse action taken against an individual who reports or participates in an investigation of prohibited conduct. This includes actions taken by students, faculty, staff, or third parties that are designed to intimidate, threaten, coerce, or discriminate against any individual for exercising their rights to report or oppose conduct believed to be in violation of the Bias-Related Harassment and Discrimination Policies and Procedures. Retaliation can occur in various forms, including but not limited to, academic penalties, employment demotion or termination, exclusion from University programs, and social ostracism. The University strictly prohibits retaliation and will take prompt and appropriate action, including disciplinary measures, against any party found engaging in retaliatory behavior. Bias-related retaliation would also be considered a form of Bias-Related Harassment.

Other Policy Violations Aggravated by Bias – Any violation outlined in the Student Code of Conduct committed against a person or property that is aggravated by the offender's bias against perceived Protected Characteristics.

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

Bicycles on Campus

Any bicycle (including electronic bikes) stored or operated on campus should have a valid permit affixed to it and must be parked in a bike rack, locked, and in operable condition. Improperly stored bikes (in stairwells, chained to trees, etc.) may be impounded. Inoperable bicycles left for a period longer than 48 hours may also be impounded. Locks that are cut or damaged during removal will not be replaced by SBU. Free indoor storage is available through Safety & Security for all registered bikes and electric modes of transportation. Bicycles may not be stored inside university facilities other than specific locations provided by Safety & Security. Bicycles stored inside a residence hall room/apartment must be agreed upon by all roommates.

Dishonest Behavior

Any act intended to deceive or mislead another person or misrepresent oneself. Acts of dishonest behavior whether written, verbal or through impersonation may include but are not limited to: lying, misuse of your own or another's identification, falsifying records, covering video cameras, bearing false testimony in the course of a judicial hearing hindering or obstructing a University investigation or disciplinary process, tampering with University documents, etc. whether written, verbal or through impersonation. Impersonation includes forging, altering or otherwise misusing the identity of any student, faculty, staff or administrator. This includes, but is not limited to, social networking sites, use of AI, and electronic communications. Impersonation may also be a violation of federal, state, or local law. Any misuse of a student ID card will result in an automatic $50 fine, upon the finding of responsibility. **For University's Policy on Identification Cards see Appendix M.**

Disorderly Conduct

Any behavior that results in disruption or disturbance to one or more individuals or to the

community in general.

Disruption of a University Activity or Event

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

Drug Policy

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

Electric Modes of Transportation

Hoverboards, electronic bikes, Segways, electric scooters, and electric skateboards are permitted in residential facilities under the following conditions: they can't be stored/parked in hallways, stairwells or paths of egress in the residential facility or residential room; they should be plugged directly into the wall; one electronic mode of transportation per resident is allowed; use of original or (UL) listed batteries and chargers required; they should be charged only when someone is awake/around to prevent overcharging; and they should not be modified or repaired inside residential/sleeping areas.

Hoverboards, electronic bikes, electric scooters, and electric skateboards are not permitted inside any other university facilities (*ie. academic buildings, library, Reilly Center, etc.*), other than specific locations provided by Safety & Security for long term storage.

Electronic modes of transportation are restricted from all pedestrian walkways and lawn areas. This restriction does not apply to mobility devices that are ADA-compliant and specifically designed to assist individuals with disabilities, provided they meet all applicable safety and accessibility standards.

All electric modes of transportation stored or operated on campus should have a valid safety & Security permit affixed to it. All electric modes of transportation stored inside a residence hall room/apartment must be agreed upon by all roommates.

Failure to Comply

Failure to comply to directions either verbally or written with the reasonable requests of any authorized University official. Such behaviors include, but are not limited to failure to produce one's identification, failure to complete one's judicial sanctions, failing to appear at a scheduled judicial hearing, meeting or mediation, leaving a situation when asked to remain, violating the terms of a mediation agreement, etc. Failure to comply with a sanction will result in a fine amount of $100-$500.

Failure to Attend a Scheduled Judicial Hearing

The failure to attend a scheduled judicial hearing assigned by a member of Student Affairs will result in the hearing being adjudicated in your absence and may result in further disciplinary action.

Gambling

The University expects students to abide by all NYS and Federal Laws pertaining to gambling, and any violation of those laws would be considered a violation of this policy. The University defines gambling as any "wagering of money or something of material value on an event with an uncertain outcome with the primary intent of winning additional money and/or material

goods" (Wikipedia). This includes online gambling.

Gender-Based Discrimination and Sexual Misconduct

For University's full Gender-Based Discrimination and Sexual Misconduct Policy, see Appendix AE.

Hall Sports

The activities such as, but not limited to, the use of skateboards, longboards, rollerblades, hockey, baseball, and/or bicycles in the residential facilities is prohibited. In addition, playing sports inside the residential facilities are not allowed. Such activities include but are not limited to football, bowling, golf, basketball, etc. **Pools, slip and slides etc. are not permitted indoors**. **Exterior use of these activities must be approved through Student Affairs.**
Skateboarding/Longboarding is prohibited indoors and on all exterior railings, stairways or accessibility ramps leading to facilities.

Hammocks

The use of outdoor hammocks on campus are allowed under the following requirements:

a. Hammocks are for short-term use and those left up overnight will be confiscated and disposed of. No one may anchor a hammock on campus between sunset and sunrise.
b. Hammocks may not be stacked one on top of another between the same two anchor points.
c. No hammock shall exceed two people at any time.
d. Hammocks may not be placed across travel routes (e.g. sidewalks, roads, walkways) in any way that disrupts the normal flow of pedestrian or vehicular traffic.
e. Hammocks may not be anchored over or around vegetation or other landscaping that could be harmed by trampling or erosion.
f. University personnel have the authority to direct any hammock users to move their setup to accommodate another activity or event in each location.
g. No hammocks shall be anchored on buildings, light poles, fences, or other manufactured structures that are not specifically designated as hammock anchor points.
h. Hammocks may not be anchored inside any building.
i. Straps used for anchoring hammocks to trees must be a minimum of one (1) inch in width.
j. Straps must be made of nylon or polyester webbing.
k. No rope may be used for anchoring hammocks because it does not meet the one (1) inch width requirement and could result in damage to the tree.
l. No ratcheting straps may be used for anchoring hammocks because they put too much pressure on the growing tissue of the tree.
m. Maximum strap mounting height is eight (8) feet.
n. Climbing trees to hang hammocks is not permitted.
o. No trees may be pruned, trimmed, or modified to accommodate hammocks.

Harassment

Any behavior directed toward another person which:

a. has the effect of creating an intimidating, hostile or offensive work or educational environment; or
b. has the effect of unreasonably interfering with an individual's academic or work performance; or
c. otherwise adversely affects an individual's employment or educational opportunities

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

As noted above, allegations of harassment and/or discrimination by students constituting violation of the Gender-Based Discrimination and Sexual Misconduct Policy will be addressed in accordance with Appendix AE. Allegations of other forms of harassment and/or discrimination by students will be addressed as outlined in, **Implementing the Student Code of Conduct.**

For University's Discrimination Policy, see Appendix F.
For University's Bias-Related Harassment and Discrimination Policies and Procedures, see Appendix D.
For University's Procedures for Reporting Harassment, see Appendix N.
For University's Procedures for Reporting Gender-Based Discrimination and Sexual Misconduct, see Appendix AE.

Hazing

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

For University's full Hazing Policy, see Appendix O.

Interference with Mission

Conduct that would interfere with the mission and/or Franciscan and Catholic values of the University.

Lack of Academic Progress

Students not making academic progress by missing multiple weeks of classes due to unexcused absences may be dismissed from living in residential facilities.

Lewd Behavior

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

Over Occupancy

Exceeding the maximum number of persons (including residents) permitted in townhouse, suite, or room at any one time. The maximum number of persons permitted per room type are as follows:

6-person house or suite – 24
4-person house, suite or
room – 16 3-person
room – 12
2-person room – 8

Reckless Endangerment of Persons

Behavior or conduct that places any person or persons at risk for harm or injury or potential harm or injury. This includes, but is not limited to, failing to follow established public or community health protocols, directives, etc.

Retaliation

Any behavior that harasses, intimidates or takes other adverse action(s) against a person for one of the following reasons:

- making a good faith report of prohibited conduct; and/or
- for intervening to attempt to prevent or stop prohibited conduct or assist someone who has been the target of prohibited conduct; and/or
- for participating in good faith as a reporting party, respondent, witness or otherwise in an investigation or other process undertaken pursuant to a policy violation; and/or
- for supporting someone involved in such an investigation or process.

Retaliatory actions include but are not limited to threats or actual violence against a person or their property, adverse educational or employment consequences, ridicule, intimidation, bullying, or ostracism.

Shirts and Shoes

Students accessing public buildings, such as classrooms or administration buildings, the health center, or the library etc., must wear a shirt and shoes while inside.

Smoking Policy

Any behavior which violates the University Smoking Policy. **For University's full Smoking Policy, see Appendix V**

Unauthorized Recording

Any unauthorized installation and/or use of any device for listening to, observing, photographing, recording, amplifying, transmitting or broadcasting sounds of any person while on the University premises, when such person has a reasonable expectation of privacy, without the knowing and willing consent of all persons involved, is prohibited. This includes, but is not limited to, taking photographic images of a person dressing or undressing; photographing or videotaping a person's intimate body parts; video or audio recording during class, meetings or administrative hearings; or creating social media communication or profiles using the name or likeness of another. Surveillance devices provided by students are prohibited. **See Appendix AA – Surveillance.**

Use of University Housing for Business Purposes

As part of the University's commitment to fostering a safe, respectful, and academically focused residential environment, students are not permitted to operate or manage any commercial business or for-profit enterprise from their university-assigned residence hall rooms, apartments or other campus housing facilities.

Prohibited activities include, but are not limited to:

- Selling, advertising, or distributing goods or services from a residence hall room, apartment or other campus housing facility
- Using the room, apartment, facility as a base of operations for an online business that involves inventory storage, order fulfillment, or service delivery
- Hosting clients, customers, or business meetings
- Utilizing University-provided resources (e.g., internet access, utilities, furniture, equipment) for business or profit-driven purposes

Limited exceptions may be granted for educational or entrepreneurial activities that are explicitly approved by the University, provided they do not involve commercial transactions from the residence or disrupt the residential environment.

B. St. Bonaventure students are expected to treat the physical and intellectual property and environment of the University with respect. The following behaviors are considered a violation of respect or the physical environment of the community:

Failure to Comply with University Technology Policy

Any behavior that violates the University Technology Policy. **For University's full Technology Policy see Appendix AB.**

Littering

Knowingly disposing of waste in an inappropriate manner, including but not limited to dropping trash on the ground, leaving bags of trash outside of apartment door, etc.

Misuse or Removal of University Property

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

Vandalism

Any behavior that is intentional, unintentional, reckless or grossly negligent that destroys, defaces, damages, or otherwise harms University property. Acts of vandalism include but are not limited to: spray painting University property, tearing down signs, breaking windows, cutting down trees, damaging the lawn (tire tread marks), pulling up flowers or damaging hedges, etc. Students will be charged the cost to repair and/or replace what is damaged plus a judicial fine or sanction.

Representing the University Without Permission of Authorized Officials

Knowingly utilizing the University logo, nameplate, etc., or entering into a contract with an outside vendor on behalf of the University without express permission from an authorized University official.

For full University Policy on Contracts, see Appendix E.
For full University Policy Regarding Fund-Raising, Sales and Solicitation, see Appendix J.

Theft

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

Unauthorized or Forced Entry into Any University Facility or Area

Entering any University facility, office, residence hall room, classroom, etc., without permission, with or without force, including access or presence to outdoor locations, such as roofs.

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

Courtesy and Quiet Hours

Campus Quiet hours are Sunday-Thursday, 10:00 p.m.-7:30 a.m. Weekend quiet hours, beginning at 12:00 a.m. and continuing through 8:30 a.m., will be observed on Friday and Saturday. Beginning the last day of classes each semester, 24/7 quiet hours are observed and strictly enforced through the last day of finals. The University reserves the right to adjust quiet hours at certain times of year.

Bands, DJs, vendors or other performers or Karaoke type machines are prohibited from playing in any residential facility, on the grounds of the Townhouse or Apartment areas or elsewhere on campus unless approved by the Dean of Students and the Events Office. The University reserves the right to prohibit large speakers and music systems.

Failure to Abide by the Provisions of the Residence Hall and Food Service Terms and Conditions

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

Hosting Guests and Visitors

Students hosting guests and visitors in the residence halls will be held accountable for any violations of University policies committed by their guests or visitors.

For University's full Guests and Visitor Policy, see Appendix K.

Pets

Pets are not permitted in any University facility. If it is discovered that a student has an unregistered pet in their room/apartment they will be documented. If the student is found to be in violation of the pet policy, their pet may be confiscated at that time and/or the student will be removed from campus housing. NOTE: Modifications will be made to allow the presence and use of service animals in accordance with Section 504 of the Rehabilitation Act of 1973, the 1990 Americans with Disabilities Act, and the Fair Housing Act. Should a student require a service or emotional support animal, they must contact Accessibility Services and Accommodations, and abide by the policies and procedures set forth for obtaining approval. Animal waste needs to be removed from the building in an enclosed bag and disposed of in an outside dumpster.

D. St. Bonaventure University feels every student has an equal responsibility for the safety and welfare of the community as a whole, because each individual benefits from being a member of it. The following behaviors are violations of the welfare and safety of the community:

Arson

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

Bomb Threat

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

Drones

St. Bonaventure University prohibits the operation of Drones/Unmanned Aircraft Systems (UAS) without prior approval by the Associate Dean for Campus Safety. The University reserves the right to terminate any flight that may cause a threat to the health, safety, privacy or environment.

Failure to Comply with University Traffic Regulations

Any behavior or act that violates University Transportation and Parking regulations outlined by the Office of Safety & Security website. The motor vehicles of all faculty, staff and students operated or parked on University property must bear a current registration decal. Students must register their motor vehicles through Safety and security office. Disabled vehicles on University property will be towed at owners' expense after **15** business days. Information can be found on the safety and security site @ Traffic Rules and Regulations.

Fire Safety

Any behavior that directly violates codes set forth by the NYS Dept. of Fire Safety, and/or University Fire Safety Policy.

For University Fire Safety Policies, see Appendix I.

Possession/Use of Firearms, Dangerous Weapons, Dangerous Chemicals and/or Fireworks

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

Residential Building Security

St. Bonaventure University has taken reasonable steps to install safety and security equipment for the purpose of keeping our residents safe and secure. However, safety is ultimately the responsibility of those who live in the community. Residents will be subject to disciplinary action if they attempt to bypass any security safeguards and are responsible for adhering to the following: 1. All external access doors to residential spaces are to be locked 24 hours a day. Propping doors jeopardizes the safety of students, staff and property. Residents are prohibited from propping exterior doors or leaving doors propped open. 2. Residents may not open doors for non-residents of the hall or allow non-residents to follow them into the building. Residents are responsible for the behavior of anyone they allow into the building. 3. Residents are prohibited from tampering with or otherwise altering any security device, including University security cameras and alarms, on campus.

Rioting/Unapproved Demonstrations

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

For University Policy on Maintenance of Public Order/Public Demonstrations, see Appendix Q.

Implementing the Student Code of Conduct

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

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

A. Initiating a Complaint

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

The individual complainant could:

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

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

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

B. Student Procedural Rights

If the University or a complainant elects to pursue judicial action, an Administrative Hearing Officer

(AHO) will be appointed to hear the case. If there is significant history with the student that was documented for the violation and the hearing officer that responded to the incident, the Dean of Students may assign the case to a different hearing officer. The AHO will schedule a judicial meeting with the accused student. If a student fails to respond, or appear at the scheduled hearing, the AHO may find that student responsible in his/her absence and sanction the student accordingly, or place a judicial hold on the student's records until the meeting takes place.

At a judicial meeting, the student is notified of the alleged violation of the Code and afforded the opportunity to review the factual allegations that led to the charge. The AHO will explain the rights and options available as well as describe potential sanctions for the alleged violation in question.

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

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

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

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

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

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

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

C. Administrative Hearing

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

D. University Judicial Board

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

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

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

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

E. Judicial Board Member Selection

A pool of judicial board members shall be formed through the following process:

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

F. University Judicial Board General Procedures

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

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

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

After all statements have been presented, the complainant and the accused student may summarize their positions. Subsequently and in private, the UJB will determine by a preponderance of evidence with a majority vote whether the accused student has violated the Code. The UJB will make known its decision and the basis for the decision to the Dean of Students. The Dean of Students will inform the accused student and the complainant of the UJB's decision and basis for the decision subject to the limitations of federal law.

Should a student be found responsible for any violation of the Student Code of Conduct or any related policies, the Board will then determine appropriate sanctions.

Sanctioning

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

1. Statements made at the judicial meeting and/or at any hearing;
2. Prior disciplinary record of the student,
3. Disciplinary precedent;
4. Guidelines in the Student Code of Conduct.

Sanction Notification for Reporting Party and Respondent

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

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

Sanctions for Violations of the Code

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

Verbal/Written Disciplinary Warning

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

Disciplinary Fines

These monetary payments may be for punitive purposes or for purposes of restitution because of damage to persons or property; or misappropriation of property. Payments can be made at the Student Records and Financial Services Office located in the Administration Building or through my.sbu.edu on the student account

Community Service

An action that requires a student to give a specific number of hours of uncompensated service to some task recognized as valuable to the University community. The Administrative Hearing Officer will make the particular assignment of duties. The person under whose direction the work is done shall certify to the AHO when the work has been completed. Failure to complete the service within a specific period of time will result in additional disciplinary action. The Administrative Hearing Officer has the discretion to assign work in the community-at-large or on-campus service. Failure to complete the required community service by the imposed deadline will result in a fine amount of $20 per hour not completed. The community service must still be completed regardless of the fine.

Attendant Restrictions

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

1. **Loss of Good Disciplinary Standing**: an action that excludes a student from representing the University in intercollegiate activities, or from holding any elected or appointed office in a University-recognized organization, or from being selected for certain committees or programs, or from membership in student organizations for a stated period of time.
2. **Disciplinary Residence Hall Room Change**: an action that requires a student to vacate his/her current room and relocate to another room because of disciplinary reasons.
3. **Exclusion from University Buildings, Intramural Sports, Extracurricular and Residence Hall Activities**: an action that excludes a student from university buildings, intramural sports, extracurricular activities and residence hall activities for a stated period of time.
4. **Restrictions on Housing Lottery**: an action that may exclude a student from participation in a particular housing lottery or affect his or her ranking within a particular lottery.
5. **Judicial Hold on Records**: A judicial hold may be placed on the academic records of any student who fails to comply with any requirements imposed following a violation of the Code of Student Conduct. A judicial hold may prevent, among other things, class registration, the release of transcripts, and the award of a diploma. Students who are suspended or expelled from the University are subject to a judicial hold to prevent class registration.
6. **Educational Measures:** An action that requires the student to complete an educational task as assigned by the AHO or the Dean of Students. Failure to complete this assignment within a specific period of time will result in additional disciplinary action. Educational measures may include but are not limited to: participation in counseling on- or off-campus, attending content specific programming, completing on-line courses such as AlcoholEDU for Sanctions, writing reflection papers, etc.

Participation in Educational Activities Addressing the Nature of the Violation

Students may be assigned educational activities to help them understand the nature and impact of their actions on others. For example Alcohol Edu would be assigned for alcohol violations. In the case of a Fire Safety violation a written reflection after watching a fire safety video could be assigned. This would be consistent for other types of violations.

Disciplinary Probation

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

Residence Hall Probation

Residence Hall probation is an official written notice to a student that violation of University regulations or policies, or patterns of behavior contrary to University standards or expectations, will not be tolerated. Repeated offenses or violations of any conditions of residence hall probation will result in more severe action, including, but not limited to, deferred loss of campus residency or possible temporary/permanent removal from University housing. Residence Hall Probation lasts for a stated period of time. By being placed on Residence Hall Probation, you are automatically subject to judicial review for the room selection process. Should there be any further violations between now and room selection, you may automatically face partial or full restriction from the room selection process or you may be removed from your current residence.

Deferred Loss of Campus Residency

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

Organizational Sanctions

The following actions or sanctions may be imposed upon University-recognized, sponsored or sanctioned student groups, clubs, teams, residence hall floors, wings or townhouses, or other groups of students operating as a collective body as determined by the University. Sanctions may be imposed for violations of the Student Code of Conduct, guidelines as outlined in the SBU Club Sport Manual and/or university policy, including, but not limited to, hazing, discrimination, harassment, or other policy violations deemed severe.

1. Group Disciplinary Action: University-recognized, sponsored or sanctioned student groups, clubs, teams, residence hall wings or floors, or townhouses or other groups of students operating as a collective body as determined by the University are subject to the disciplinary actions outlined in the Code of Conduct and/or the club manual and may also be subject to the following or other penalties applied:

    A. Limitation of social and other organization privileges or programs
    B. Educational sanctions that include the removal or limitation of funding
    C. Probation
    D. Cancellation of housing
    E. Suspension or expulsion if membership within the group is an element in the violations of the Code of Conduct, the penalty may also include a limitation on membership.

2. Temporary Group Suspension: The Vice President for Student Affairs, the Dean of Students or designee, or other authorized University official as outlined by policy, guidelines, regulations, terms or conditions may impose an immediate temporary suspension of a student organization, club or team pending investigation and/or adjudication when the conduct of the group constitutes a possible threat to the safety, welfare and/or integrity of the University community. Groups placed on temporary suspension may have all activities of the group cancelled for the duration of the temporary suspension. During this time, funding may be frozen, the group may lose University recognition and all privileges thereof, including exclusion from all University programs and services, student government, funding, and advertising the organization and/or displaying the organization name. Exclusions also may include participating in or sponsoring any activities as an organization, including recruitment activities.

3. Group Suspension: The suspension of a student organization, club or team denotes the revocation of University recognition for a designated period of time and includes, but is not limited to, the loss of University recognition and all privileges thereof, including exclusion from all University programs and services, student government, funding, advertising the organization and/or displaying the organization name. Suspension also means that students are not allowed to participate in or sponsor any activities as an organization including recruitment activities. Organization members are not allowed to hold positions related to their membership in the suspended organization (e.g., Campus Activities Board, Student Government, etc.). These conditions are in effect for the duration of the suspension. Any organization that violates its sanctions and/or conditions of suspension may be subject to the loss of University recognition.

4. Group Expulsion: The expulsion of a student organization, club or team denotes the revocation of University recognition and all privileges thereof. An organization that is expelled is excluded from all University programs and services including, but not limited to: student government, funding, advertising the organization and/or displaying the organization name; the inability to participate in recruitment activities; or for organization members to hold positions related to their membership in the suspended organization (e.g., Student Government, etc.).

Loss of Campus Residency

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

Deferred University Suspension

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

Residential Floor/Building Fine

All residents on a floor, wing or in a building may be fined for continuous acts of vandalism or other violations of the code of conduct. Generally this happens after multiple attempts have been made to rectify the situation or investigate who is doing the damage or creating the violation. This fine is not appealable due to this being the last measure taken after communicating concerns with the residents.

Suspension

Suspension is an action that excludes a student from registration, class attendance, residence on campus, and use of University facilities for a specific period of time. Suspended students are not permitted on campus or on any property owned or controlled by St. Bonaventure University, and/or any event conducted or sponsored by the University until the suspension has been lifted. Suspended students are not permitted on the campus without prior approval of the Vice President for Student Affairs.

Suspension is recorded in a disciplinary file in the Office of the Vice President for Student Affairs. Upon termination of the period of suspension, the student shall be considered for readmission if:

1. the student is academically eligible for readmission; and
2. the student has complied with any conditions for readmission placed upon the student by the Vice President for Student Affairs and/or their designate, or stipulations outlined by a University Judicial Board.

Expulsion

Expulsion is an action that permanently excludes a student from registration, class attendance, residence on campus, and use of University facilities. Expelled students are not permitted on campus or on any property owned or controlled by St. Bonaventure University, and/or any event conducted or sponsored by the University. Expelled students who enter the campus are subject to arrest. Disciplinary expulsion is recorded in a disciplinary file in the Office of the Vice President for Student Affairs.

Revocation of Degree

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

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

Maintenance and Destruction of Disciplinary Files

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

Sanctioning Guidelines for Off-Campus Incidents

Students are representatives of St. Bonaventure University when they are off campus. As such, the University

takes students' off-campus conduct seriously and can pursue judicial sanctioning for violations occurring off campus. In most cases, minor, first-time infractions will be handled by a simple meeting where a letter of written warning is delivered.

Alcohol Related Medical Issues

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

Interim Sanctions

Summary Suspension

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

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

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

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

No Contact Orders

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

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

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

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

Access Restrictions

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

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.

Denial of participation in commencement is the action of denying a student the ability to participate in all commencement exercises such as walking in with the class, being seated with the class and be acknowledged up on the platform. Such would be the same as withholding ones degree or diploma.

Appeals

Appeal Process for Administrative Hearings:

Respondents have three business days from the date of the notice of finding(s) and sanction(s) to submit a request for appeal. Unless noted otherwise in writing, sanctions are imposed and in effect, pending any appeal. The appealing party must file the appeal electronically as a Word Document attachment via University email to the judicial officer that adjudicated the case. The Judicial Affairs Office will determine where the case will be appealed based on the following. Cases originally adjudicated by the Residence Hall Director will be appealed to the Dean of Students. Cases originally adjudicated by the Dean of Students will be appealed to the Vice President for Student Affairs or their designee. All appeals must be in writing, written by the student, and must specify the grounds for the appeal. The University does not accept appeals submitted by others (including parents and attorneys on behalf of a student); the student must file his/her own appeal.

The Dean of Students or Vice President for Student Affairs shall follow the general guidelines below in making his determination, without convening an Appeals Board.

1. Student(s) may submit an appeal based on the findings. Appeals of the finding(s) of responsibility must be based on procedural error or new information that was not available at the time of the hearing, could not have been produced by a reasonable effort and could reasonably have impacted the findings.
2. The sanction(s) may be appealed on grounds that the sanction(s) imposed are disproportionate given the respondent's prior disciplinary record or the severity of the offense(s).
3. The Dean of Students or designee or the Vice President for Student Life will notify the student of the appeal outcome.

Appeal Process for Judicial Board Hearings:

Appeals Board

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

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

Appeal of Finding

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

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

Appeal for Review of Sanction

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

Appeal Procedure

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

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

Appendices

Appendix A – Academic Honesty Policy

Acts of academic dishonesty are not processed through the University Judicial Process.

Definitions of Academic Dishonesty

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

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

a. **Cheating**: copying another student's work using unauthorized notes, study aids, electronic communication or information on an examination; altering a graded work after it has been returned, then submitting the work for re-grading; allowing another person to do one's work and submitting that work under one's own name; submitting identical or similar papers for credit in more than one course without prior permission from the course instructors.
b. **Plagiarism**: submitting material that in part or whole is not entirely one's own work without attributing those same portions to their correct source.
c. **Fabrication**: falsifying or inventing any information, data or citation; presenting data that were not gathered in accordance with standard guidelines defining the appropriate methods for collecting or generating data and failing to include an accurate account of the method by which the data were gathered or collected.
d. **Obtaining an Unfair Advantage**: (a) stealing, reproducing, circulating or otherwise gaining access to examination materials prior to the time authorized by the instructor; (b) stealing, destroying, defacing or concealing library materials with the purpose of depriving others of their use; (c) unauthorized collaborating on an academic assignment; (d) retaining, possessing, using or circulating previously given examination materials, where those materials clearly indicate that they are to be returned to the instructor at the conclusion of the examination; (e) intentionally obstructing or interfering with another student's academic work; or (f) otherwise undertaking activity with the purpose of creating or obtaining an unfair academic advantage over other students' academic work.
e. **Aiding and Abetting Academic Dishonesty**: (a) providing material, information, or other assistance to another person with knowledge that such aid could be used in any of the violations stated above; or (b) providing false information in connection with any inquiry regarding academic integrity.
f. **Falsification of Records and Official Documents**: altering documents affecting academic records; forging signatures of authorization or falsifying information on an official academic document, grade report, letter of permission, petition, add/drop or withdrawal form, ID card, or any other official University document.
g. **Unauthorized Access to computerized academic or administrative records or systems**: viewing or altering computer records, modifying computer programs or systems, releasing or dispensing information gained via unauthorized access, or interfering with the use or availability of computer systems or information.

Reporting Academic Dishonesty Policy

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

A faculty or staff member* who has evidence that a student has committed an unacceptable practice shall inform the student of the allegation, present the evidence, and discuss the sanction deemed appropriate** with the student. While this should be done in person, email is acceptable.

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

**Note: Reporting of academic dishonesty may be reported by faculty, or staff (as might be the case with Falsification of Records and Official Documents), but hereafter "faculty member" will be used for brevity. If appropriate, multiple faculty/staff members may submit a single case as a group.*

***Note: For situations involving students in a course, sanctions would typically be limited to those that affect the course grade. For situations arising outside of a course, sanctions related to probation or suspension may be more appropriate. This policy leaves the details of "appropriate sanction" to the faculty member(s) involved.*

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

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

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

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

1. The student should not sign any documents presented to him or her by the faculty member.
2. The faculty member shall present in writing the accusation, the evidence and the recommended sanction to the Dean, with a copy provided to the student.
3. The Dean shall examine the evidence and confer with the student and the faculty member
4. If the Dean judges the charge to be justified, the Dean will inform the student and the faculty member, and uphold the sanction or impose an alternate sanction. If the student accepts the Dean's judgment and the sanction, it shall be imposed.

a. The Dean shall send a copy of the offense and the sanction to the Registrar, who shall place the documentation in the student's academic file.
b. The Registrar shall review the student's academic records. If there are any prior offenses, the Registrar will notify the Dean, who will notify the Board that a hearing must be held.
    i. The Dean shall forward to the Board Chair all documentation pertaining to the incident.
    ii. The Dean shall notify the faculty member and the student that the Board has been invoked in the case.

1. If the Dean judges that the charges are not justified, the Dean will inform the student and the faculty member.

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

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

D) Policy Clarifications

1. Once a faculty member emails the accused student with the charging document (in A1 or B1 above), the student has 5 calendar days to respond. If the student fails to respond within the timeframe, the charge will be considered accepted by default, and the proposed sanction will be applied without further appeal. Procedure B should be followed.
    a. The same timeframe applies for both the faculty member and student if the Dean becomes involved: the student and faculty member must respond within 5 calendar days. If the student does not respond, the Dean should follow Procedure C. If the faculty member does not respond, the case should be dismissed..
2. Suggested sanctions by the charging faculty member need not be limited to course grade reductions and can include censure.
3. A student's withdrawal from a course does not negate allegations of academic dishonesty. If a faculty member identifies academic dishonesty and the student withdraws before the matter is resolved, the case may still be reported and should follow the procedures outlined above. In cases where the student withdraws from the course, faculty may request that the case be escalated to the Academic Honesty Board directly, with a potential sanction being the denial of the course withdrawal.
4. If a faculty member determines that an individual not enrolled in a course has engaged in academic dishonesty (e.g., assisting a student in cheating, submitting work on behalf of an enrolled student), the case may be referred to the Academic Honesty Board directly. The Academic Honesty Board, in consultation with relevant university officials, may impose appropriate disciplinary measures, including a permanent record of infraction, suspension, or restrictions on future course enrollment.

E) Specifically for cases involving those defined in subsections f (Falsification of Records and Official Documents) and g (Unauthorized Access to computerized academic or administrative records or systems)

1. For cases involving these subsections, while the above procedure must be followed, any party can directly request an automatic hearing before the Board following the Academic Honesty Board Case Procedure set forth below.

Academic Honesty Board Case Procedure

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

Timetable:

1. Within 7 calendar days of receiving a case, the Board Chair shall:
    a. Notify the faculty member who made the initial accusation of academic dishonesty and the student that the case is now being heard by the Board.

b. The Board Chair will provide a copy of all written documentation to the accused student's University email. If the student does not acknowledge receipt within 48 hours, the Chair may ask Tech Services to verify the email has been seen by the student. If it has not, or if Tech Services cannot verify, the Chair will send all documentation by certified mail to the student's SBU Post Office box or, when no SBU Post Office box is on file, to the permanent address on file in the Records Office, to be paid by the student's Dean.

2. At the same time, the Board Chair may request that the faculty member provide a more detailed description of the charge and additional supporting evidence in addition to the original written documentation forwarded to the Board by the Dean. The faculty member shall provide this documentation to the Board within 5 semester days of receiving the request.
3. The Board Chair will provide the student with a list of University faculty and professional staff members who have agreed to serve as advisors to students in such cases.
4. The Board, through its Chair, shall schedule a hearing within four weeks.
   a. If the alleged academic dishonesty occurs during either a summer session or within four weeks of the end of a semester, the hearing must be held no later than four weeks after the start of the following regular semester.
   b. In the case where the alleged academic dishonesty involves a student who is scheduled to graduate at the end of the semester in which the incident occurs, the Board will make every effort to render a decision as close to the end of the semester as possible.
5. At least one week prior to the hearing, the Board Chair shall notify the faculty member and the accused student of the time and place of the hearing,and provide them with a list of Board members.
6. Should a decision not be reached within five months of the dean's receipt of the report, all charges will be dropped.

Hearing Procedures:

1. The student shall attend the hearing. The student is strongly encouraged to be accompanied at the hearing by an advisor (not to be confused with the student's academic advisor). In the absence of an excuse from the Board Chair, a student who fails to appear for a Board hearing forfeits the right to defend oneself.
   a. The accused student will be notified that he or she may select and contact an advisor for the hearing.
   b. The Board Chair will provide the student with a list of persons who have agreed to act as advisors in academic dishonesty cases, if such a list is available. Students are not required to select an advisor from the list provided. Any member of the faculty or professional staff may function in such a role. Personal attorneys are not permitted at any meeting or hearing involved in the case.
   c. Once a person has agreed to act as an advisor in a case, he or she should immediately notify the Board Chair in order to receive a copy of the written charge, the time and place of the hearing, and a list of the Board members.
   d. An individual agreeing to act as the accused student's advisor is expected to aid the student in collecting evidence and in interviewing witnesses.
   e. The advisor is also expected to be present at the hearing and to counsel the student in answering and asking questions.
   f. Advisors are expected to be well versed in the policy and procedures.
2. The faculty member shall attend the hearing, and bears the burden of proving the allegation of academic dishonesty by clear and convincing evidence. Hearsay evidence is inadmissible.
3. Ordinarily, the Board order and procedure for the hearing will be as follows:
   a. The faculty member may make a statement, and may be questioned by members of the Board and then by the accused student and/or the student's advisor. The student and/or the student's advisor may make a statement, and may be questioned by members of the Board and then by the faculty member.
      i. During their statement, the student should clearly state whether they are fighting the charge, the sanction, or both.
   b. The faculty member and the student may call witnesses, who may be questioned by members of the

Board and by the faculty member, the student, and/or the student's advisor. The witnesses will be heard in an order determined by the Board Chair. Each witness will be present at the hearing only when giving testimony. Witnesses will be instructed not to discuss the case outside the hearing.

c. The faculty member, the student and the student's advisor may also raise evidentiary and procedural objections.

d. The Board Chair, together with a majority of the Board members, shall be the final judge regarding the authoritative interpretation or application of any provision of this policy.

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

f. A student found guilty of academic dishonesty shall be assigned an appropriate sanction to be determined by the Board.
   i. Ordinarily in the case of a first offense, the Board shall uphold the original sanction imposed by the faculty member or the Dean; however, the Board has the right to determine an alternate sanction.
   ii. In the case of a second (or further) offense, the Board may impose the sanction determined by the faculty member or the Dean and an additional penalty the Board deems appropriate from one of two penalty categories— Censure, or removal from the university, with conditions specified by the Board.
   iii. A student's record of Censures shall be expunged upon graduation.
   iv. For cases arising from Definitions of Academic Dishonesty subsections f and/or g, the following sanctions are provided for serious consideration, although the Board has the right to determine the exact sanction:
      a) Revocation of any benefit from the dishonesty
      b) Academic probation or suspension for a defined period
      c) Censure specific to forgery placed in the student's file
      d) For egregious or multiple cases falling under these subsections, expulsion from the University is warranted at the discretion of the Board.

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

4. Electronic or verbatim record of the hearing shall be permitted.
5. The record of each hearing shall consist of a detailed written report, which shall include a statement of the rationale for the decision and any evidence provided.
6. As a rule, academic honesty hearings are closed and the proceedings are confidential. A hearing may be open, however, upon a written request filed with the Board Chair by the accused student.
7. The faculty member or the accused student may challenge for cause the participation of any member of the Board. Except in cases where the Chair is being challenged, the Chair's decision shall be final regarding any challenge for cause. A unanimous decision by the remaining Board members is necessary in order to disqualify the Chair for cause.
8. The Board's decision regarding the facts of the case and any appropriate sanction and/or penalty shall be final and will become part of the student's academic record until the student leaves the University.
9. In cases of multiple charges of academic dishonesty stemming from the same incident, and/or the same charge being applied to multiple students, the Board Chair shall decide whether to combine the cases in one hearing or to schedule separate hearings. The decision of the Board Chair is final.
10. Documentation of all academic honesty incidents will remain on file in the Registrar's office until the student leaves the University.
11. If at any point in the process the student has been cleared of the charges, the Dean shall ensure that all records pertaining to the incident are destroyed.

Board Composition, Terms of Appointment and Findings Report

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

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

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

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

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

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

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

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

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

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

Dated: April 2025

Revisions to the Academic Honesty Policy approved by the Faculty Senate and the President:

April 2025

Student Athlete Academic Misconduct and Impermissible Academic Assistance Investigation Procedure

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

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

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

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

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

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

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

Dated: October 2016

Appendix B – Advertising for Authorized Functions

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

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

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

Use of University Logos:

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

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

Appendix C – Alcohol Policies

St. Bonaventure University does not condone the underage use of alcoholic beverages, and promotes responsible behavior in those persons of legal drinking age that choose to consume. Therefore, underage possession and consumption of alcoholic beverages is not permitted on this campus. Persons twenty-one (21) years of age or older are permitted to possess and consume alcohol, provided they do so within the specified guidelines outlined below. In 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.

1st Violation:

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

2nd Violation:

- $100 fine or comparable community service, and
- Parental Notification, and
- Educational program evaluating behaviors relating to alcohol and/or meeting with counselor from the Center for Student Wellness

3rd Violation:

- $200 fine or comparable community service, and
- Parental Notification, and
- Educational program evaluating behaviors relating to alcohol, and meeting with counselor from the Center for Student Wellness, 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

4th + Violations:

These situations are very rare, and are handled more on a situation to situation basis. They typically result in student restriction from living on campus, significant fines (minimum $400), other attendant restrictions, and/or suspension or expulsion from the University for repetitive violations.

Medical Amnesty

At St. Bonaventure University, the health and safety of every student is a top priority. Medical Amnesty is designed to promote responsible decision-making and encourage students to prioritize wellness and seek help in medical emergencies related to alcohol or drug use.

The University recognizes that students may occasionally face serious health situations due to excessive alcohol consumption or drug use. Medical Amnesty ensures that when a student seeks medical attention—either for themselves or for another individual—no formal student conduct disciplinary action will be taken related to the personal consumption or possession of alcohol or drugs.

Medical Amnesty applies exclusively to incidents involving the personal possession or consumption of alcohol and/or drugs. It does not exempt students from disciplinary action for other violations of the Student Code of Conduct, including but not limited to: providing alcohol to underage individuals; physical assault or other acts of violence; property damage; possession with intent to distribute or distribution of illicit substance. Additionally, Medical Amnesty does not prevent or limit the authority of law enforcement personnel or other third parties from taking appropriate action.

Medical Amnesty may be granted in the following situations: a student seeks emergency medical care for themselves; a student seeks emergency medical care on behalf of another individual; or members of a student organization seek emergency medical care for another individual.

Medical Amnesty is extended only to those students or organizations that actively seek medical assistance.

To promote ongoing education and responsible behavior, students and student organizations granted Medical Amnesty will be required to participate in follow-up measures:

For Individual Students:

- A mandatory meeting with a Residence Director or the Dean of Students
- Completion of educational programming with a Health Educator or other appropriate referral
- Responsibility for any costs associated with property damage
- Parental notification, as deemed appropriate

For Student Organizations:

- Completion of mandatory leadership training related to the incident
- Possible limitations on event registration or restricted campus access

Medical Amnesty is intended to support one-time incidents and is not designed for repeated use. If a student has prior alcohol or drug violations or has previously been granted Medical Amnesty, the Dean of Students will evaluate the situation on a case-by-case basis to determine whether amnesty will be granted again. Repeated incidents may result in disciplinary action and will typically be addressed through meetings with the Dean of Students.

Appendix D – Bias-Related Harassment and Discrimination Policies and Procedures

Bias 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.

Policy Jurisdiction

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

Policy Violations

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

Discrimination - Causing physical harm, verbally abusing, intimidating or engaging in other conduct that has the effect of limiting or denying educational services, benefits, opportunities, and/or employment based on actual or perceived Protected Characteristics. These acts include but are not limited to hazing, bullying, verbal abuse, assault, etc.

Bias-Related Harassment – Any unwelcome verbal or physical conduct directed against a person that occurs as a result of that person's actual or perceived Protected Characteristics, that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the University's educational program, employment, and/or activities, and/or results in the creation of a hostile educational or work environment.

Harassment may include but is not limited to: epithets, slurs, stereotyping, threatening, intimidating, hostile acts (even if claimed to be "jokes" or "pranks"). These acts may be written, graphic, electronic, verbal, physical, etc.

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.

Retaliation – Retaliation refers to any adverse action taken against an individual who reports or participates in an investigation of prohibited conduct. This includes actions taken by students, faculty, staff, or third parties that are designed to intimidate, threaten, coerce, or discriminate against any individual for exercising their rights to report or oppose conduct believed to be in violation of the Bias-Related Harassment and Discrimination Policies and Procedures. Retaliation can occur in various forms, including but not limited to, academic penalties, employment demotion or termination, exclusion from University programs, and social ostracism. The University strictly prohibits retaliation and will take prompt and appropriate action, including disciplinary measures, against any party found engaging in retaliatory behavior. Bias-related retaliation would also be considered a form of Bias-Related Harassment.

Other Policy Violations Aggravated by Bias – Any violation outlined in the Student Code of Conduct committed against a person or property that is aggravated by the offender's bias against perceived Protected Characteristics.

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

Judicial Sanctions for Policy Violations

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

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

Everyone is encouraged to report incidents motivated by hate and bias so that the University can investigate and resolve these issues. The following are ways in which any member of the University community can report these types of incidents:

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

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

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

- **Other Student Affairs Officials**
  A report may be made to the Vice President for Student Affairs, the Dean of Students, the Associate Dean for Campus Safety, The Director of Residence Life, Resident Directors and Resident Assistants.

- **Local Law Enforcement**

All violent felony offenses, including hate crimes and reports that a student who resides in housing owned or operated by the University is missing, reported to the University, occurring on campus or on University-owned property, will be reported to an appropriate law enforcement agency. Notification to the appropriate law enforcement agency will be made as soon as practicable but in no case more than twenty-four hours after a report. 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.

Possible Methods for Resolution

One or more of the University's personnel policies or faculty and staff handbook policies may overlap with this policy in incidents where the alleged offender is a staff or faculty member. This policy and the judicial process as outlined in the Student Code of Conduct may be implemented when an incident involves a student as a reporting party or alleged offender. In incidents where the alleged offender is a staff or faculty member, the University reserves the right to apply another applicable University policy or process, which may result in discipline up to and including termination.

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

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

Counseling Resources for Victims

Confidential counseling is available to students, regardless of whether they choose to report incidents. The Center for Student Wellness provides free counseling services on campus to students. Additionally, clergy and staff in University Ministries are available to provide pastoral support and counseling.

- **Center for Student Wellness** – 716-375-2310, or stop in to 122 Doyle Hall to schedule an appointment

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

Other Supportive Measures

The University will maintain as confidential any resources or supportive measures provided, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the resources. These are intended to address the immediate and ongoing effects of bias-related harassment, discrimination or hate crime. Supportive measures could include, but are not limited to:

- changes in academic, living, transportation, and working situations if those changes are requested by the alleged victim and reasonably available;

- "No Contact" Orders;
- Safety and Security escorts;
- Services through the Equity Institute;
- Access Restrictions as provided in the Code of Conduct;
- any other interim restriction or sanction deemed appropriate by the Dean of Students.

It is not necessary for a formal report to be made to receive resources or supportive measures. The University will also provide resources and supportive measures to individuals accused of misconduct and individuals otherwise involved in an investigation or proceeding under this policy.

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

Policy Dissemination and Student Education

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 additional 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.

Intentionally Dishonest Complaints of Bias-Related Incidents

Lack of corroborating evidence should not discourage complainants from reporting bias-related incidents, hate crimes, discrimination and/or harassment to the University. However, charges found to have been intentionally dishonest or made maliciously without regard for truth may be subject to disciplinary action.

Monitoring Incidents

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.

NYS Law on Hate Crimes and Bias Incidents and Associated Penalties

Penal Law - PEN § 485.05 Hate crimes

1. A person commits a hate crime when he or she commits a specified offense and either:

   (a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity 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, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

2. Proof of race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation of the defendant, the victim or of both the defendant and the victim does not, by itself, constitute legally sufficient evidence satisfying the people's burden under paragraph (a) or (b) of subdivision one of this section.

3. A "specified offense" is an offense defined by any of the following provisions of this chapter: section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); section 120.06 (gang assault in the second degree); section 120.07 (gang assault in the first degree); section 120.10 (assault in the first degree); section 120.12 (aggravated assault upon a person less than eleven years old); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); section 121.11 (criminal obstruction of breathing or blood circulation); section 121.12 (strangulation in the second degree); section 121.13 (strangulation in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); section 125.26 (aggravated murder); section 125.27 (murder in the first degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); section 130.20 (sexual misconduct); section 130.25 (rape in the third degree); section 130.30 (rape in the second degree); section 130.35 (rape in the first degree); former section 130.40; former section 130.45; former section 130.50; section 130.52 (forcible touching); section 130.53 (persistent sexual abuse); section 130.55 (sexual abuse in the third degree); section 130.60 (sexual abuse in the second degree); section 130.65 (sexual abuse in the first degree); section 130.65-a (aggravated sexual abuse in the fourth degree); section 130.66 (aggravated sexual abuse in the third degree); section 130.67 (aggravated sexual abuse in the second degree); section 130.70 (aggravated sexual abuse in the first degree); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.60 (coercion in the third degree); section 135.61 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.10 (criminal

trespass in the third degree); section 140.15 (criminal trespass in the second degree); section 140.17 (criminal trespass in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 150.05 (arson in the fourth degree); section 150.10 (arson in the third degree); section 150.15 (arson in the second degree); section 150.20 (arson in the first degree); section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in the second degree); section 155.42 (grand larceny in the first degree); section 160.05 (robbery in the third degree); section 160.10 (robbery in the second degree); section 160.15 (robbery in the first degree); section 230.34 (sex trafficking); section 230.34-a (sex trafficking of a child); section 240.25 (harassment in the first degree); subdivision one, two or four of section 240.30 (aggravated harassment in the second degree); section 240.50 (falsely reporting an incident in the third degree); section 240.55 (falsely reporting an incident in the second degree); section 240.60 (falsely reporting an incident in the first degree); subdivision one of section 265.03 (criminal possession of a weapon in the second degree); subdivision one of section 265.04 (criminal possession of a weapon in the first degree); section 490.10 (soliciting or providing support for an act of terrorism in the second degree); section 490.15 (soliciting or providing support for an act of terrorism in the first degree); section 490.20 (making a terroristic threat); section 490.25 (crime of terrorism); section 490.30 (hindering prosecution of terrorism in the second degree); section 490.35 (hindering prosecution of terrorism in the first degree); section 490.37 (criminal possession of a chemical weapon or biological weapon in the third degree); section 490.40 (criminal possession of a chemical weapon or biological weapon in the second degree); section 490.45 (criminal possession of a chemical weapon or biological weapon in the first degree); section 490.47 (criminal use of a chemical weapon or biological weapon in the third degree); section 490.50 (criminal use of a chemical weapon or biological weapon in the second degree); section 490.55 (criminal use of a chemical weapon or biological weapon in the first degree); or any attempt or conspiracy to commit any of the foregoing offenses.

4. For purposes of this section:

(a) the term “age” means sixty years old or more;
(b) the term “disability” means a physical or mental impairment that substantially limits a major life activity;
(c) the term "gender identity or expression" means a person's actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender.

PEN § 485.10 Sentencing

1. When a person is convicted of a hate crime pursuant to this article, and the specified offense is a violent felony offense, as defined in section 70.02 of this chapter, the hate crime shall be deemed a violent felony offense.
2. When a person is convicted of a hate crime pursuant to this article and the specified offense is a misdemeanor or a class C, D or E felony, the hate crime shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant's conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.

3. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class B felony:

(a) the maximum term of the indeterminate sentence must be at least six years if the defendant is sentenced pursuant to section 70.00 of this chapter;
(b) the term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to section 70.02 of this chapter;
(c) the term of the determinate sentence must be at least twelve years if the defendant is sentenced pursuant to section 70.04 of this chapter;
(d) the maximum term of the indeterminate sentence must be at least four years if the defendant is sentenced pursuant to section 70.05 of this chapter; and
(e) the maximum term of the indeterminate sentence or the term of the determinate sentence must be at least ten years if the defendant is sentenced pursuant to section 70.06 of this chapter.

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

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

New York State Education Law: EDN § 6436. Bias related and hate crime prevention information

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

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

Appendix E – Contracts

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

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

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

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

Note: Any individual not following the above procedures may be personally responsible for losses or damages resulting from an agreement they sign without authority to do so. Inquiries may be directed to the Dean of Students or the Purchasing Office.

Appendix F – University Non-Discrimination Policy

St. Bonaventure University subscribes fully to all applicable federal and state legislation and regulations regarding discrimination (including the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972 (Title IX); Section 504 of the Rehabilitation Act of 1973 (Section 504); the Americans With Disabilities Act (ADA); the Age Discrimination in Employment Act; the Age Discrimination Act; and the New York State Human Rights Law). The University does not discriminate against students, faculty, staff or other beneficiaries on the basis of an individual's 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 status under federal, state, or local laws in admission to, or access to, or treatment or employment in its programs and activities. Discrimination in any form will not be tolerated at St. Bonaventure University.

Any student who believes that they are being subject to discrimination should refer to **Appendix D – Bias-Related Harassment and Discrimination Policies and Procedures.**

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 St. Bonaventure University's Title I X Coordinator
Name: Katie O'Brien
Title: Interim Title IX Coordinator/Vice President for Student Affairs /
Office Address: Reilly Center, Room 204
Email Address: kobrien@sbu.edu
Telephone Number: 716-375-2011

Contact Information for U.S. Department of Education's Office for Civil Rights
Available at https://ocrcas.ed.gov/contact-ocr

St. Bonaventure University's gender-based discrimination grievance procedures can be located in **Appendix AE**.

To report information about conduct that may constitute gender-based discrimination or sexual misconduct, or make a complaint under Title IX, please refer Appendix AE.

Appendix G –Drug Policy and Drug-Free Workplace & Campus Community Policy

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

Policies Regarding Possession, Use, and Distribution of Controlled Substances
St. Bonaventure University expects all students to abide by NYS and federal laws pertaining to possession, use and/or distribution of controlled and illicit substances. 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. Evidence of these prohibitions (including odor, smoke, vapor, residue, or paraphernalia) is also prohibited. It is prohibited to be under the influence of cannabis in any form. Individuals who exhibit behaviors that appear to have been influenced by cannabis use may be subject to the disciplinary process. Such behaviors may include but are not limited to smelling like cannabis, claiming to be high, or engaging in disruptive behavior as a result of cannabis use. 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.

1st Violation:

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

2nd Violation:

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

3rd Violation:

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

4th Violation:

- $400 Fine
- Parental Notification
- University Suspension

Medical Amnesty

At St. Bonaventure University, the health and safety of every student is a top priority. Medical Amnesty is designed to promote responsible decision-making and encourage students to prioritize wellness and seek help in medical emergencies related to alcohol or drug use.

The University recognizes that students may occasionally face serious health situations due to excessive alcohol consumption or drug use. Medical Amnesty ensures that when a student seeks medical attention—either for themselves or for another individual—no formal student conduct disciplinary action will be taken related to the personal consumption or possession of alcohol or drugs.

Medical Amnesty applies exclusively to incidents involving the personal possession or consumption of alcohol and/or drugs. It does not exempt students from disciplinary action for other violations of the Student Code of Conduct, including but not limited to: providing alcohol to underage individuals; physical assault or other acts of violence; property damage; possession with intent to distribute or distribution of illicit substance. Additionally, Medical Amnesty does not prevent or limit the authority of law enforcement personnel or other third parties from taking appropriate action.

Medical Amnesty may be granted in the following situations: a student seeks emergency medical care for themselves; a student seeks emergency medical care on behalf of another individual; or members of a student organization seek emergency medical care for another individual.

Medical Amnesty is extended only to those students or organizations that actively seek medical assistance.

To promote ongoing education and responsible behavior, students and student organizations granted Medical Amnesty will be required to participate in follow-up measures:

For Individual Students:

- A mandatory meeting with a Residence Director or the Dean of Students
- Completion of educational programming with a Health Educator or other appropriate referral
- Responsibility for any costs associated with property damage
- Parental notification, as deemed appropriate

For Student Organizations:

- Completion of mandatory leadership training related to the incident
- Possible limitations on event registration or restricted campus access

Medical Amnesty is intended to support one-time incidents and is not designed for repeated use. If a student has prior alcohol or drug violations or has previously been granted Medical Amnesty, the Dean of Students will evaluate the situation on a case-by-case basis to determine whether amnesty will be granted again. Repeated incidents may result in disciplinary action and will typically be addressed through meetings with the Dean of Students.

Appendix H – Fan Code of Conduct

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

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

- Fans will be treated in a consistent, professional and polite way by all staff and team personnel.
- No obscene or abusive language, gestures, signage or behavior.
- Verbal or physical confrontation, including dangerous, abusive or profane behavior is prohibited.
- Harassment of game officials or visiting team's fans, players or coaching staff is prohibited.
- Disruptive actions or behavior that is unruly, disruptive, or illegal, including but not limited to throwing objects on the court or unauthorized trespassing on the court or other restricted areas of the Reilly Center, will result in immediate removal from the arena.
- All weapons and firearms, as outlined in the Student Code of Conduct, are prohibited.
- Signs of alcohol impairment in and around the Reilly Center that result in irresponsible behavior will lead to denial of entry or subject persons to arrest or ejection from the arena.
- Smoking is prohibited.
- Individuals who improperly enter the competition area shall include, but not be limited to, expulsion from the facility, arrest for trespassing, and the loss of future ticket privileges. In addition to these three penalties, violators that are students shall be subject to institutional student disciplinary measures.
- Obscene or indecent clothing or related material will not be admitted into the Reilly Center.
- Interfering with or failure to abide by security procedures, emergency procedures or requests from staff concerning operations at outdoor venues or the Reilly Center will result in immediate removal from the grounds or arena.

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

Appendix I –Fire Safety Policies and Procedures

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

Fire Safety Policies

Appliances: The uncontrolled use of appliances can cause the overloading of circuits and result in fires in residence halls. Students are permitted to bring approved appliances provided they are all in good working order. The following are approved appliances: televisions, irons, refrigerators (not to exceed 4.5 cubic feet). Large appliances, such as refrigerators, must be plugged directly into a wall outlet.

- 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.
- 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 is 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. Holiday lights may not hang crisscross from room to room in an apartment or residence hall. 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. Garbage/shoes/door mats/items left in hallways/atrium will be placed into the apartment/room from which they came from.

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. Students are permitted to use the firepits and grill at the Marchiori Pavilion

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: Wall and Window Coverings / Ceilings: Students are prohibited from covering more than 10% of a given wall in the following residential facilities: Doyle Hall, Garden and Townhouse Apartments. Students may cover up to 50% of a given wall in Francis Hall, Shay Hall, Loughlen Hall, Devereux Hall (once sprinkler system is active), Robinson and Falconio Halls where sprinkler systems are active. Added tapestries and window coverings, etc. (other than those provided by the University) shall be calculated in the total wall covering percentage. Non-fire rated 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. Residents may not hang any items in or place any items on or outside of the windows of their residential facility.

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 or at (716) 375-2115*). 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.

Appendix J – Fundraising, Sales and Solicitation Activities

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

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

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

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

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

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

4. Any sports related gambling or betting to raise money is prohibited (e.g. Super Bowl Squares, March Madness pools, Fantasy Leagues, Casino Nights, etc.)

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

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

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

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

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

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

On Campus:

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

Residence Halls:

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

Off-Campus:

1. The previously stated criteria and procedures must be followed.
2. Solicitation outside the St. Bonaventure community (i.e. Olean, Allegany, parents, alumni**,** etc.) must be authorized by the Dean of Students and the Vice President for Advancement.
    a. No student organization may represent SBU online through online donation platforms including but not limited to Go Fund Me. If a student group obtains approval to fundraise online, they will

work with the Dean of Students and staff members from University Advancement to set up a donation website that is controlled and monitored by SBU.

3. If approved, all communication forwarded to off-campus persons must be well written and in good taste. The organization adviser and/or Dean of Students must approve all communications including emails, notice boards, social media postings, letters, fliers, etc.
4. Organization representatives conducting off-campus fundraising activities will need a letter of introduction and/or authorization to share with off-campus agencies.
5. All business ventures by an individual or organization, profit or non-profit, involving the selling or promoting of a product or service off campus, or involving the solicitation of funds and/or in-kind gifts off campus in the name of the University, require written approval of the Office of University Advancement. Without such approval, the Vice President for Student Affairs may impose sanctions per the Student Code of Conduct upon an organization and/or confiscate any monies collected. If it is not a student organization, the case will be presented to the Vice President for Advancement.
6. No direct solicitation of money and/or in-kind gifts may be made without expressed approval of the Vice President for Advancement.
7. Credit card vendors are not permitted. Additionally, student groups are not allowed to solicit fellow students on behalf of credit card vendors. Advertising, marketing and merchandising of credit cards is not permitted on campus.
8. Student Clubs and organizations are to thank all donors and sponsors that contribute to their cause.

C. Fundraising for Charitable Causes

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

1. Prior to conducting fundraising activities for non-profit or charitable organizations, Individuals, groups, organizations and/or teams must submit a statement of support from the organization that authorizes the fundraiser to occur on its behalf.
2. Educational information about the charitable organization and the services it provides must be made available at the fundraising event.
3. Monies raised on behalf of a charitable organization or cause must be deposited into a University account prior to being dispersed.
4. Distribution of funds must come from the fundraised efforts and not from an operating budget.

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

1. The previously stated criteria and procedures must be followed. In addition, the sponsoring organization and University must receive direct benefit from such a solicitation activity.
2. The Vice President for Finance and Administration is authorized to sign contracts on behalf of the institution.

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

1. Vendor must be sponsored by a University-recognized organization. Vendors should not be sponsored without benefit to the organization. St. Bonaventure University may request a Certificate of Insurance naming St. Bonaventure University as Additionally Insured to $1,000,000 if the vendor provides any services to campus or comes on campus to sell and goods or services.
2. St. Bonaventure University supports non-profit organizations (charitable organizations) co-sponsored by a student organization. Registration with the Center for Activities, Recreation and Leadership is required. St. Bonaventure University may also request non-profit organizations to provide a Certificate of Insurance naming St. Bonaventure University as Additionally Insured to $1,000,000 if the vendor provides any services to campus or comes on campus to sell and goods or services.
3. Advertising (fliers, posters, social media outreach, submissions to digital displays etc.) by vendors is subject to approval from C.A.R.L. before distribution on University property may begin. Promotion and

advertisement for the fundraising activity must conform to the standards outlined in the "Advertising for Authorized Functions" policy (Appendix B, Student Code of Conduct).

4. St. Bonaventure University reserves the right to limit or restrict vendors and/or the sale of certain services or products.
5. Anyone under the age of eighteen (18) must be accompanied by an adult at all times.
9. Credit card vendors are not permitted. Advertising, marketing and merchandising of credit cards is not permitted on campus.

F. Use of University Logos:

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

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

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

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

Prohibitions. The University prohibits fundraising activities that include the following.

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

G. Additional Restrictions.

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

Appendix K – Guests/ Visitors and Visitation Policies

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

Guests must be at least 17 years of age in order to stay overnight in a residential facility. Guests must be of the same sex as the host. Visitors and guests are not permitted in residential facilities during academic year breaks.

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

The University requires that guests and visitors (including but not limited to, invitees and licenses) abide by all University policies regarding use of facilities and maintenance of public order in or on property owned or rented by the University.

While visiting the campus, vendors and guests not associated with residential students should proceed directly to the office where they have an appointment, or inquire at the Office of Safety and Security, first floor Doyle Hall, 716-375-2525.

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

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

NOTE: Students who live on a floor that is partitioned into separate wings for male and female students are not permitted on any wing other than their own during the times listed above.

Appendix L – Housing Accommodation Policy

Section 1. Policy Statement

St. Bonaventure University (SBU) recognizes the importance of providing reasonable accommodations in its housing policies and practices where necessary for individuals with disabilities (as defined by the Americans with Disabilities Act (ADA) to fully participate in University housing.

Reasonable and appropriate accommodations depend on the disability, the housing environment, and the steps necessary to create equal access for one's living situation. Requested accommodations will not be approved if they are unreasonable or if alternative accommodations are available.

The Disability Housing Accommodation Committee (DHAC) is responsible for evaluating housing accommodation requests. Membership of the DHAC includes; Associate Director of Accessibility Services and Accommodations, Director of Residence Life, and representatives from the campus Wellness Center.

Individuals with a disability who reside or intend to reside in University housing who believe they need a reasonable accommodation must contact the Office of Accessibility Services and Accommodations to begin the process outlined below.

Section 2. Requesting Reasonable Housing Accommodations

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

Requesting Housing Accommodation(s)

- An individual with a disability must complete the Housing Accommodation Request Form to request reasonable accommodations. This form can be obtained at the Office of Accessibility Services and Accommodations (within the Student Success Center) or downloaded from this packet. If the individual requires assistance in completing the Request Form because of their disability, the Office of Accessibility Services and Accommodations will assist in completing the form.
- The individual making the request for accommodation should complete and provide the Request Form to Accessibility Services and Accommodations based on the following dates:
    - New students starting in Fall Semester: **July 1**
    - New students starting in Spring Semester: **November 1**
    - Returning students: **March 1**
- SBU will accept and consider requests for reasonable accommodation in University housing at any time. However, if the request for accommodation is made after the above dates, SBU cannot guarantee that it will be able to meet the individual's accommodation needs during the first semester or term of occupancy.
- If the need for the accommodation arises when an individual already resides in University housing, they should contact Accessibility Services and Accommodations and complete the Request Form as soon as practicably possible. SBU cannot guarantee that it will be able to meet the accommodation needs during the semester or term in which the request is received.
- Absent exceptional circumstances and upon receiving the documentation requirements outlined below, the University will attempt to provide a written response to a reasonable accommodation request within fifteen (15) business days of receiving the information described above.

**Housing accommodations will be reviewed on a yearly basis and students will be contacted if additional information is required.*

Information That May Be Requested for Housing Related Accommodation Requests

- The Office of Accessibility Services and Accommodations (ASA) shall limit its requests for information to only the information necessary to verify whether the individual making the request has a disability and/or to evaluate if the reasonable accommodation is necessary to provide the individual with an equal opportunity to use and enjoy University housing.
    - OBVIOUS DISABILITY: If the individual's disability and the necessity for the accommodation are obvious (e.g., an individual with a physical disability using a wheelchair needs an accessible room), the individual need only explain what type of accommodation he/she is requesting. No verification of disability is required under these circumstances.
    - NON-OBVIOUS DISABILITY/NECESSITY: If the disability is obvious but the need for the accommodation is not obvious or the disability is not obvious, the University will require the individual to designate a reliable third party* to complete the Housing Accommodation Verification Form. The designated third party should be someone who can verify that the requested accommodation is necessary to provide the individual an equal opportunity to use and enjoy University housing.

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

Determination of DHAC Decision

The DHAC may deny the requested accommodation if the requested accommodation is unreasonable or not necessary to participate in and enjoy housing. A request may also be denied if the requested accommodation is determined to not be necessary for equal access and alternate accommodations can meet the student's needs.

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

Approval of Accommodation

- If the DHAC determines a requested accommodation is necessary and reasonable, they will contact the individual, in writing, within seven (7) business days of its determination to discuss the implementation of the accommodation.
- If a student is approved for housing accommodations, the approved accommodations will take priority over housing choice and roommate selection. Housing accommodations are granted for the student, not for a group of students or roommate(s).

Denial of Accommodation/Appeal

If the DHAC determines a requested accommodation is not approved, the DHAC will contact the individual, in writing, within seven (7) business days of its determination and engage in an interactive process to determine if there are alternative accommodations that might effectively meet the individual's disability-related needs or to obtain more information to reassess the request.

- The student will be given the option to:
    - provide additional documentation to support their request. The student can either submit additional written documentation or request that their provider contact the ASA to provide additional information.
    - meet with the Associate Director of the ASA to discuss the accommodation denial. At this meeting, the reasons for denial will be explained and the student will be offered alternative accommodations.

If the requested accommodation is not approved after additional documentation is reviewed by the DHAC, the student will be given the option to meet with the Associate Director of the ASA to discuss the accommodation denial. At this meeting, the reasons for denial will be explained and the student will be offered alternative accommodations or supports.

If the student believes that the DHAC did not follow proper process and procedures in making the decision, they will be notified of their right to appeal the decision. The notification will occur within seven (7) business days of the student's stated unwillingness to accept any of the alternative accommodations offered or the determination that there are no alternative accommodations available.

DHAC appeals will be reviewed by the Executive Director of the Student Success Center and the Vice President of Student Affairs. To request an appeal, **please email bbouge@sbu.edu for contact information.**

Confidentiality and Record-Keeping

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

Non-Retaliation Provision

St. Bonaventure University will not retaliate against any individual because that individual has requested or received a reasonable accommodation in University housing.

Section 3. Housing Accommodation Request Paperwork

The Housing Request paperwork is available to students upon request.

The completed Housing Accommodation Request packet can be submitted to the ASA office through the following methods:

- Email to: asa@sbu.edu;
- Dropped off to Plassmann 112;
- Faxed to 716-375-2072; or
- Mailed to: Accessibility Services and Accommodations

  St. Bonaventure University
  PO Box 2479
  St. Bonaventure NY, 14778

Section 4. Frequently Asked Questions

What if I need a quiet place to study? Can I request a single room?
There are plenty of options for quiet study spaces on campus (such as study areas in Friedsam Library, empty classrooms, computer labs, outdoor spots, study rooms, etc.). Students are also encouraged to use tools such as noise-cancelling headphones, white noise machines, or phone applications to help block out distractions. Residence halls are not designed to be quiet study spaces; rather, they are designed to be living areas.

What if I have a mental health disability and need a space to be alone or I am anxious about having a bad roommate?
Most of the residence halls have double occupancy rooms. Students have access to places on campus where they can unwind and process emotions in private. Students are able to work with residence life staff to foster a healthy living environment with roommates, if necessary. Staff can help with boundary setting and communication between roommates.

What if I have medications? How can I be accommodated?
If students are concerned about the safety of medications, they are encouraged to lock them in a small lock box or safe, or keep their dorm locked when they leave.
If a student's medications need to be refrigerated, they are allowed to use small refrigerators that fit specific dimensions as determined by housing policies.

What if I have a medical condition where I need others to keep an eye on me?
If you have a medical condition that requires supervision or support with activities of daily living, you are able to hire a personal care attendant at your own expense. A PCA works directly for and is employed by the student with a disability. The tasks a PCA performs are comparable to those that family member or medical personnel would perform, and will vary from person to person. Living in a specific residence hall with a group of friends is **not** a reasonable accommodation. It is not another student's responsibility to help accommodate your disability.

What if I have a medical need for food / drink access such as Diabetes?
Students are allowed to use small refrigerators that fit specific dimensions as determined by housing policies. If a student requires access to food or drink, they can bring a refrigerator to keep food.

What if I experience allergies or asthma?
Students are able to bring small air purifiers, if necessary, that fit housing policy specifications. Students are also able to request air conditioning units. These requests are reviewed by the DHAC.

What if I want to request an Emotional Support Animal? (ESA)
Students are requested to complete the **ESA Request Packet** to request an ESA. The first step would be to meet with the Associate Director of the ASA to obtain the correct paperwork and go over the ESA policy.

NOTE: Students with documented medical issues who wish to request a meal plan modification or exemption must submit a Housing Accommodation Request Form to the Accessibility Services and Accommodations office. Requests for the Fall semester should be completed by March 1st. Requests for the Spring semester should be completed by November 1st. A renewal for this request must be submitted each year.

Before a meal plan modification or exemption can be considered by the DHAC, the student must meet with the SBU dining staff to discuss options. SBU dining will make every effort to accommodate dining and dietary needs.

Appendix M – Identification Cards (Bona ID)

All members of the St. Bonaventure University community are required to carry their University photo identification card at all times. Upon the request of University officials, such as Residence Life/Student Affairs staff and Campus Safety and Security officers, students must display their University identification card (Bona ID). Misuse of any identification card (altering, defacing, falsifying, loaning out for meals, etc.) will be documented and referred for disciplinary action. Any misuse of a student ID card will result in an automatic $50 fine, upon the finding of responsibility. 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. If an identification card is lost or misplaced, the Office of Safety and Security located on the 1st floor of Doyle Hall can issue a replacement identification.

Appendix N – Procedures for Reporting Harassment

Procedures

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

1. Students wishing to report being a victim of harassment, or knowledge of other student(s) being a victim of harassment, where such harassment was allegedly perpetrated by another student, may do so through any of the following student life staff members: Residence Director (RD), Director of Residence Life, Associate Dean for Campus Safety, Dean of Students or Vice President for Student Affairs. The report will be investigated through the appropriate channels.
2. Students wishing to report being a victim of harassment, or knowledge of other student(s) being a victim of harassment, where such harassment was allegedly perpetrated by a faculty or staff member, may do so through those listed in #1 above, or the University Human Resources office. Students reporting to those listed above should expect to receive assistance in directing the report through the proper channels.
3. Faculty or staff wishing to report being a victim of harassment, or knowledge of another faculty or staff being a victim of harassment, where such harassment was allegedly perpetrated by a student, may do so through the Dean of Students. Any formal charges would occur through the University student judicial process.
4. Faculty or staff person wishing to report being a victim of harassment, or knowledge of another faculty or staff being a victim of harassment, where such harassment was allegedly perpetrated by a faculty or staff person, is not subject to this policy or procedure outlined here, but is subject to the Human Resources policies and procedures, or procedures outlined in the Faculty Status and Welfare Manual.

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

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

Resources and Supportive Measures

It is not necessary for a formal report to be made to receive resources or supportive measures. Certain resources and supportive measures may be made by the Dean of Students, or appropriate designee, in an effort to protect the safety and/or well-being of any member(s) of the campus community. The University will maintain as confidential any resources or supportive measures provided, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the resources. These are intended to

address the immediate and ongoing effects of harassment or discrimination, or to prevent further harm to the alleged victim and to prevent further violations. Supportive measures could include, but are not limited to:

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

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

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

Orders of Protection

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

Retaliation

Retaliation is defined in the Student Code of Conduct under "violations of the Student Code of Conduct". Retaliation exists when an individual harasses, intimidates or takes other adverse action(s) against a person for making a good faith report of prohibited conduct, for intervening to attempt to prevent or stop prohibited conduct or assist someone who has been the target of prohibited conduct, for participating in good faith as a reporting party, respondent, witness or otherwise in an investigation or other process undertaken pursuant to this policy, or for supporting of someone involved in such an investigation or process. Retaliatory actions include but are not limited to threats or actual violence against a person or their property, adverse educational or employment consequences, ridicule, intimidation, bullying, or ostracism.

Sanctions

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

Appendix O– Hazing Policy

Anti-Hazing Policy Statement:

St. Bonaventure University supports the emotional, psychological, and physical health and well-being of its students. Any form of hazing is strictly prohibited and is in direct conflict with our Franciscan heritage, University Mission, which honors the dignity of all people. All students have the right to belong to groups without risk of danger or humiliation. Consent to hazing is never a defense to a violation of this policy. It is not a defense for violation of this policy that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

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

St. Bonaventure University is committed to fostering a safe and respectful campus environment. Hazing undermines student safety and violates our institutional values. In alignment with the federal **Stop Campus Hazing Act**, this policy establishes comprehensive procedures for education, prevention, reporting, and transparency regarding hazing activities.

Student Code of Conduct Definition:

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

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

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

13. assignment of illegal and unlawful activities
14. any activity that intimidates or threatens the student with ostracism that subjects the student to extreme mental stress, shame, or humiliation, or that adversely effects the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the University rather than submit to the act.

Alleged violations of this policy will result in campus judicial action and may be subject to criminal prosecution. Any retaliation against any person who reports, is a witness to, is involved with or cooperates with the adjudication of hazing is strictly prohibited and would likely result in judicial action.

A St. Bonaventure University student commits an offense if they:

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

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

How to Report an Incident of Hazing

Hazing can and should be reported by any student, faculty, staff or member of the community. If you believe that you or someone you know has been a victim of hazing, reporting options include:

- Online "Report A Crime Form": **Crime/Campus Security Authority (CSA) Report Form**
- Campus Safety & Security: 716-375-2525; Doyle Hall, first floor
- Online "Silent Witness Reporting Form": **Silent Witness Reporting Form | St. Bonaventure University**

Note on anonymity and confidentiality: While anonymous reports will be accepted and reviewed, it may be difficult to follow up on anonymous reports. Every consideration will be provided to a reporter to keep their identity confidential during an investigation, however it may become necessary at some point during the process to identify the reporter.

What Happens When a Hazing Report is Received

Upon receiving a report of hazing, the University will:

- Conduct a prompt, impartial, and thorough investigation of all reported hazing incidents through the Office of Safety and Security.
- Involve appropriate campus departments (i.e., Dean of Students, Title IX, Athletics).
- Collaborate with local law enforcement if criminal behavior is suspected.
- Respect the privacy of reporters.
- Provide written notice to the accused and reporting party, as appropriate.
- Provide support and protection to those harmed by hazing.
- Take appropriate disciplinary action in accordance with the Student Code of Conduct based on findings.

Sanctions for individuals and/or organizations found responsible may include, but not limited to:

- Educational Sanctions
- Probation, suspension, or expulsion (students)

- Loss of recognition, funding, or privileges (organizations)
- Referral for criminal prosecution (if applicable)

Reporting Protection

The University will take all appropriate measures to accommodate students reporting incidents of hazing, or are witnesses in investigations or judicial hearings, and are at risk of retaliation. Students who, in good faith, make reports and/or provide witness testimony in judicial hearings should do so without fear of retaliation or judicial action for unrelated violations of University Policy. Thus, the University reserves the right, in its sole discretion, to provide said students with immunity with regard to such violations or infractions of University policy, as it deems appropriate on a case-by-case basis.

Resources and Support

- Counseling Services: 716-375-2310, option 1or bonnieswellbeing@sbu.edu
- BetterMynd Mental Health Crisis Line: 844-287-6963
- Title IX Coordinator: 716-375-2109
- Center for Student Advocacy and Community Coordinator: 716-375-4011

Hazing Prevention Strategies and Awareness Programs

The St. Bonaventure University campus wide hazing awareness and prevention training programs include both research-informed primary prevention strategies intended to stop hazing before it occurs, which includes skill-building for bystander intervention, information about ethical leadership, and promoting strategies for building group cohesion without hazing, as well as ongoing education and social norming campaigns outlined below. These programs include the definition of hazing, how to report incidents of hazing, the process used to investigate incidents of hazing and information on applicable local, NYS State, Federal, and Tribal laws on hazing.

Vector Solutions Higher Education Hazing Prevention Programs

St. Bonaventure University utilizes Vector on-line training modules to empower students, faculty, and staff to recognize hazing, understand its dangers, and take steps to prevent it. These courses equip the campus with comprehensive research-informed hazing prevention programs.

- Students: Mandatory annual training is required for all undergraduate and ground-graduate students prior to receiving a residence hall key and/or attending class. ***Hazing Awareness and Prevention for Students*** gives students a better understanding of hazing, allowing them to identify hazing on college campuses and when it's happening and possibly prevent incidents in the future. Learning objectives include: analyze the key components in the definition of hazing; understand who is involved in hazing and why they exhibit certain behavior; spot signs and examples of hazing; and determine what you can and should do to protect yourselves and your peers from dangerous hazing behaviors.

- Division I and Club Sports Staff: ***RespectEdu for Athletics Staff*** is a required annual training module that empowers athletic/club sports staff to take a proactive approach to preventing the insidious dangers of both sexual assault and hazing.

- Any Faculty and Staff: ***Hazing Awareness and Prevention for Faculty and Staff*** is an optional training module designed to help faculty and staff understand what hazing is, explore why it occurs, and learn how to identify and address hazing incidents effectively. Preventing hazing is crucial not only for protecting individuals but also for enhancing the overall student experience. By recognizing and addressing hazing, the campus community can foster a culture of respect, inclusion, and safety, creating a healthier and more supportive environment for everyone.

"We Don't Haze" Workshops
We Don't Haze workshops are conducted throughout the academic year and are designed for all students, with an emphasis on student athletes, Resident Assistants and club/organization members. The workshop includes a 16-minute film and follow-up facilitated discussion intended to help viewers gain a better understanding of hazing, its harmful consequences, bystander intervention techniques, and how groups, teams, and organizations can build bonds and traditions without hazing.

Social Norming Campaigns
Utilizing materials from StopHazing, St. Bonaventure supports ongoing social media campaigns as part of a broader social norming strategy. Social norming campaigns are designed to correct misperceptions about the behaviors and attitudes of peers, particularly when it comes to risky or harmful actions like hazing. These campaigns use data and positive messaging to highlight the fact that the majority of students do not support or participate in hazing, thereby reinforcing healthy and inclusive community standards. Through consistent messaging, education, and outreach on platforms students frequently engage with, these initiatives aim to shift campus culture and reduce the acceptance of harmful group behaviors.

Campus Hazing Transparency Report

The Stop Campus Hazing Act requires St. Bonaventure University to release a report at least twice a year summarizing findings concerning any established or recognized student organization found to be in violation of University standards of conduct related to hazing.

The Campus Hazing Transparency Report includes each incident involving a student organization for which a finding of responsibility is issued relating to a hazing violation, including:

- The name of such student organization;
- A general description of the violation that resulted in a finding of responsibility, including:
  - whether the violation involved the abuse or illegal use of alcohol or drugs,
  - the findings of the institution, and
  - any sanctions placed on the student organization by the institution, as applicable; and
- The dates on which:
  - the incident was alleged to have occurred
  - the investigation into the incident was initiated
  - the investigation ended with a finding that a hazing violation occurred, and
  - the institution provided notice to the student organization that the incident resulted in a hazing violation.
- The Campus Hazing Transparency Report will not include personally identifiable information.

The first Campus Hazing Transparency Report must be released by December 23, 2025, and will include data from July 1, 2025, through its date of release. After that, the Campus Hazing Transparency Report is updated biannually (at least 2 times a year), from the date on which the report was last published and ending on the date on which such update is submitted. St. Bonaventure University will publish Campus Hazing Transparency Reports on May 1st and December 1st, each year. Campus Hazing Transparency Report will be maintained for a period of no less than five (5) calendar years from the date of publication of each update.

Other Applicable Laws

Federal Law Definition
For reporting statistics under the Jeanne Clery Campus Safety Act incidents of hazing, the Stop Campus Hazing Act establishes the following definitions:

'Hazing' means any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that—

- is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and

- causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including—

    - whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
    - causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
    - causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
    - causing, coercing, or otherwise inducing another person to perform sexual acts;
    - any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
    - any activity against another person that includes a criminal violation of local, NYS State, Tribal, or Federal law; and
    - any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law

A "student organization" is defined as an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, ministry group, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

New York Hazing Law
Penal Law § 120.16 Hazing in the first degree.
A person is guilty of hazing in the first degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct, including, but not limited to, making physical contact with or requiring physical activity of such other person, which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury. Hazing in the first degree is a class A misdemeanor.

Penal Law § 120.17 Hazing in the second degree.
A person is guilty of hazing in the second degree when, in the course of another person's initiation or affiliation with any organization, he intentionally or recklessly engages in conduct including, but not limited to, making physical contact with or requiring physical activity of such other person, which creates a substantial risk of physical injury to such other person or a third person. Hazing in the second degree is a violation.

Examples of Conditions That Create a Hazing Dynamic

1. New members often wish to be accepted, either formally or informally, into any group, and will submit to hazing in order to be included. Because of this, **consent to be hazed does not excuse hazing**. Students have died or been seriously injured as a result of participating in activities to which they have "consented." The psychological pull to be accepted is so strong that hazing victims cannot be expected to resist hazing, even if the hazing is presented as optional. That this pull can be so coercive should make this need to prohibit this conduct, to any degree, undeniably clear.
2. Any activity that places new members in a subservient position to experienced members creates an unhealthy and unsafe power dynamic in which control has been yielded to the experienced member. New members in any organization may expect to be trained, oriented, or indoctrinated, but

membership in any group that puts a new member in a lesser role, unrelated to the original conditions for membership or mission of the group, is inappropriate and unfair to the new members. Any activities of membership should be equally shared among experienced and new members.

Appendix P – Leaves of Absence

To begin the leave of absence for medical reasons process students must make their requests in writing (via email or secure message through the Medicat portal) to the Clinical Care Coordinator at or prior to the time they are requesting to take the leave. Leaves will not be granted retroactively. Medical leaves of absence will not be entertained after the official last date to withdraw from classes, as established by the University's academic calendar, with the exception of extreme emergency cases.

A leave of absence for medical reasons must be issued by the Vice President for Student Affairs, upon recommendation of the Clinical Care Coordinator in collaboration with the University medical provider and/or Counseling Center staff or other appropriate professionals. Medical leave is typically granted when a student's condition makes it necessary for the student to leave campus for an extended period of treatment. A medical leave serves a student in the following ways:

1. A student is withdrawn from classes, receives a "W" on the student transcript for those courses, and while the student does not receive academic credit for the courses, the student is not penalized for the withdrawal.
2. A student living in a University residential facility at the time a leave of absence is approved will be granted a residential living space for the following semester upon readmission, provided that on-campus living is not a recommended restriction.
3. A student living in a University residential facility at the time a leave of absence is granted must remove all personal possessions and return their room key to the Director of Housing Operations within 48 hours of the leave being issued. Any additional time must be approved by the Director of Housing Operations. Students will incur room and applicable board charges until their residential space is vacated.
4. Financial payments to the University are reimbursed on a prorated basis. To understand the financial implications of a leave of absence students are encouraged to discuss their particular situation with the Student Records and Financial Services Office at https://www.sbu.edu/affordability/student-financial-services or 716.375.2020

A student on a medical leave of absence may not return to classes, reside on campus, participate in student social life or other campus activities, or use St. Bonaventure University facilities, until the Vice President of Student Affairs has approved their return.

Students leaving the University for medical reasons will be eligible to participate in the re-enrollment process only after they have received necessary treatment, and upon recommendation of the Clinical Care Coordinator, in consultation with the University medical provider and/or Counseling Center personnel, and upon final approval of the Vice President for Student Affairs. The student may be recommended for readmission only after the University receives a completed Provider Information Form from a qualified health care professional(s) specific and relevant to initial reason for the approved leave, and the student participates in a meeting with the relevant University professionals.

Relevant University professionals may include the Clinical Care Coordinator, the Director of Housing Operations, the Director of Accessibility Services & Accommodations, and/or the student's faculty advisors. The University reserves the right to require consultations between the student and relevant professionals of the University's choice.

After the completed Provider Information Form and required student meeting is completed and assessed by the Clinical Care Coordinator, a recommendation will be made to the Vice President for Student Affairs who will make a decision regarding the student's eligibility to seek readmission. Stipulations for return to the University will be outlined at the time a request for leave is granted. Students who have withdrawn from St. Bonaventure University with good standing may be re-enrolled when formal application for re-enrollment is approved by the Records Office. If the student has been absent for more than one full semester, a processing fee may be required with the application.

Before a student is re-enrolled, the student must furnish an updated medical history record. Any student who

leaves St. Bonaventure University for medical reasons must complete the re-enrollment process by July 15 for the fall semester and by Dec. 1 for the spring semester. The re-enrollment process requires that a student complete the following steps:

1. make reapplication through the Office of the Clinical Care Coordinator;
2. submit a letter from the student to the appropriate University representative indicating why the student believes they are ready to return to the University;
3. provide documentation as required by the Clinical Care Coordinator/Vice President for Student Affairs;
4. discuss with the appropriate University representative(s) the request for re-enrollment.

If readmission is approved by the Vice President for Student Affairs, on-campus housing, when appropriate, will be assigned by the Office of Residence Life.

Appendix Q – Maintenance of Public Order and Public Demonstrations Policy

Policy Statement
St. Bonaventure University recognizes an individual's right to peacefully organize for the purpose of expressing opinions. Members of the St. Bonaventure University community are free to express opinions publicly and privately, but in an orderly and respectful manner that does not disrupt the operation of the institution.

St. Bonaventure University reserves the right to revoke the campus privilege(s) including residency in or utilization of any of its buildings, or on its grounds, or any occupant whose conduct, solely in the University's opinion, becomes injurious or potentially injurious to the academic community. St. Bonaventure University is private property, for use by students, faculty and staff. Members of the St. Bonaventure University hosting guests and/or visitors assume responsibility for the conduct of their guest(s)/visitor(s).

Scope of Policy
These rules apply to any student, faculty member, staff member, or visitor (including but not limited to, invitees and licenses) in or on property owned or rented by the University.

Prohibited Conduct
Unacceptable behavior/practices on the campus and properties of St. Bonaventure University include, but are not limited to:

- harassment in any form (including sexual harassment)
- discrimination in any form (including sex discrimination)
- violence against any community member or guest
- theft or destruction of University or personal property
- interference with academic freedom and freedom of speech
- interference with an individual's right to assemble peacefully
- unauthorized occupation of any University facility, office or building *(ie. remaining in any building or facility after it is closed without authorization or entering any private office of an administrative officer, member of the faculty or staff member without implied or explicit permission)*
- bias-related activity of any kind, including hate crimes
- lewd, indecent or obscene conduct or behavior
- obstruction of access to offices, buildings, of other University facilities (*entry or exit points*)
- interference with the freedom of movement of any member of the University community or guest, including the obstruction of free movement of vehicles and/or vehicular traffic
- any action or situation that recklessly or intentionally endangers mental or physical health, causes bodily or physical harm, or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization
- overnight demonstrations, encampments, or any fixtures to the university landscape
- unauthorized posters, fliers, banners, digital displays, chalking, other outdoor signs, or any other prohibited advertising under University policy
- any action that jeopardizes the safety of any member of the academic community, guest, or visitor

Public Demonstration Registration
St. Bonaventure University does not condone, nor does it forbid, public demonstration. Members of the University community who choose to peacefully demonstrate must register as a scheduled campus activity through the Office of University Events and be approved by the Vice President for Student Affairs, in consultation with the President's Cabinet, no less than 48 hours (two business days) prior to the event. A recognized student

organization or University faculty/staff member must sponsor any/all campus events. Said student organization or faculty/staff member assumes all responsibility for the scheduled event.

Public Demonstration Expectations
All members of the St. Bonaventure University community are expected to comply with the reasonable directives of any authorized University official (*ie. producing a University ID when asked*), including but not limited to University Safety & Security staff members. Sound-amplification equipment may not be used at any time, in any place, or in such a manner so as to disrupt the University's functions of teaching, public service or administration, or study and sleep in the residence halls, or other authorized scheduled event. Campus demonstrations are limited to the outdoors and may include members of the University community **exclusively**. Demonstrations may not be conducted within 100 yards of the University Chapel, Franciscan Friary or Center for Student Wellness.

Presence of University Personnel
Demonstration participants should expect university personnel, including Safety & Security personnel, to be present for all or part of the event. This presence ensures organizers' rights are protected and the University's regular operations and activities are not interrupted. St. Bonaventure employees present at the event in this capacity do not necessarily support or represent the content of the expression provided at the demonstration.

Conclusion of a Demonstration
At the conclusion of any demonstration, organizers are expected to make a reasonable effort to return the grounds or area to its original condition. This includes properly disposing of all trash. Any unanticipated or accidental property damage should be reported to the Office of Safety & Security immediately. Any property damage resulting from a demonstration—whether peaceful or disruptive—may lead to the assessment of fees for cleaning, repairs, or replacement of property, which may be charged to the responsible organization or individuals involved.

Off-Campus Demonstrations
St. Bonaventure University neither permits, nor forbids, off-campus demonstrations by members of the University community. Students as participants in local community affairs, as residents of, or visitors to, Allegany, N.Y., Olean, N.Y., or other municipalities, colleges or universities, are expected to abide by local, state and federal laws and ordinances. The University will act in situations wherein a specific act off campus endangers the welfare of the University and/or wherein members of the University community are harmed as a result of student conduct off campus.

Sanctions
Any individual who is found to have violated these rules may be subject to immediate ejection from University property. In addition, any member of the St. Bonaventure community who is found to have violated these rules may be subject to suspension, expulsion, or other such appropriate disciplinary action. Any organization which is found to have authorized any violations of these rules may be subject to the rescission of the organization's permission to operate on the St. Bonaventure campus or any university property. These penalties are in addition to any criminal or civil penalty pursuant to any penal or other law to which the violator or organization may be subject.

Appendix R - Parental Notification Policy

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

Appendix S - Residence Hall and Food Service Agreement 2025-2026

Terms and Conditions (*Dates are subject to change based on extenuating circumstances)*

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

1. **Period of Agreement**
   This agreement is for the full academic year from Monday, September 1, 2025 until Thursday, May 7, 2026 and cannot be terminated or cancelled except under conditions outlined below. If entered into after the beginning of the fall 2025 term, this agreement applies only to the balance of the 2025-2026 academic year. The Agreement commences when a student takes occupancy of a room.

2. **Cancellation of Agreement by Applicant**
   - **a.** All freshmen, sophomores, and juniors are required to live on campus through the end of their junior year as outlined in the On-Campus Housing Residency Policy and Requirements. Exemptions to this policy can only be granted by the Director of Residence Life or their designee. If a student changes class status to senior during the time of the agreement, the agreement remains in effect until the completion of the 2025-2026 academic year.
   - **b.** A student requesting and receiving approval to break this agreement prior to the opening of residence halls for the fall semester, or within the first two weeks of class, does so under penalty of a $200 cancellation fee, in addition to whatever pro-rata costs have accumulated for the first two weeks of class if the student did not request to cancel the agreement prior to the date of opening of residence halls or the date of the student moving in, whichever comes first.
     A student requesting and receiving approval to break this agreement after the end of the second week of class of a semester does so under penalty of the cost of the room for the entirety of that semester, in addition to the $200 cancellation fee. In order to request to cancel this agreement, a student must submit a written request to the Director for Residence Life or their designee for approval. Once approved, a date and time for move out will be determined between the student and the Director. Should the requesting student fall under the designation of the On-Campus Housing Residency Policy, they will **not** be given permission to break the agreement.
   - **c.** If a student meets the exemption qualifications and enters into a housing agreement, the housing agreement remains in effect until the completion of the 2025-2026 academic year.

3. **Termination by the University**
   - **a.** The following shall constitute grounds for the termination of this agreement at the discretion of the University, represented by the Director of Residence Life or their designee:
     - **i.** Default in payment due under the agreement.
     - **ii.** Student withdrawal or transfer from the University
     - iii. Student academic dismissal from the University
     - **iv.** Student studying away/abroad through the University program
     - **v.** Violation of the Student Code of Conduct
     - **vi.** Other conduct on the part of the student determined to require removal of the student from the residence hall for their own best interest, or the best interest of other students.
   - **b.** If at any time during the period of the agreement the University terminates the agreement for cause, the student will be liable for all sums accruing to the University under the terms of the agreement

prior to termination.

4. **Matriculation Status Requirement**
   - **a.** Only student with full-time, matriculating status at the beginning of each semester are permitted to live in on-campus residence halls. Full-time undergraduate students are defined as taking 12 or more credit hours per semester. Full-time graduate students are defined as taking 6 or more credit hours per semester. Should a student fall below full-time status during the semester, the student should contact the Director of Residence Life or their designee to see if they will be permitted to live in the residence halls, permitting the student is still attending classes and is in good social standing with the University.
   - **b.** Should a student fail to register for courses for the spring semester by the time they complete their last final examination of the fall semester, the student will be required to remove their belongings from their residence hall room prior to their departure for the semester break. Requests to reserve the space will not be granted.

5. **General Obligation Deposit (new students only)**
   The general obligation deposit of $100 is part of the enrollment confirmation deposit and is made by the student at the time of admission to St. Bonaventure University. It remains on deposit as long as the student is enrolled and is applicable to any room damages or other indebtedness to the University. The general obligation deposit is forfeited by failure to provide notice of withdrawal from St. Bonaventure University by June 1, 2025.

6. **Room Reservation Deposit**
   Residents are required to pay a housing deposit in order to be assigned (first years) or participate in room selection (returning students). Current housing deposit cost is listed on University's Tuition and Fees webpage.

7. **Room Assignment**
   - **a.** Room assignments are made without regard to race, color, or creed.
   - **b.** Every consideration will be given to housing assignment requests, but the University cannot commit to honoring every request. Failure to honor an assignment request will not void this agreement.
   - **c.** The University reserves the right to change room or hall assignments, to assign roommates, or to consolidate vacancies, for any reason at any time, including any vacancies in apartments. In the event one occupant moves out of a room, the student(s) who remain will be granted a short period of time to find another person to fill the space, or agree to accept an assigned roommate, or to move to another room upon request. If the student is unwilling to consolidate or is hostile to/refuses to accept a new roommate, the student may be required to buy out the room at a premium rate. The University is not responsible for moving personal belongings of students who are moving, even if the move is at the request of the University.
   - **d.** Student-initiated room changes will only be permitted during the period established by the Director for Residence Life. The first two weeks of each semester, room changes will not be granted unless necessitated by unforeseen, severe circumstances. Students should initiate room change requests with the Residence Director for their building.
   - **e.** Any unauthorized room changes will be handled judicially, and students may be required to move back to their originally assigned space.
   - **f.** The University does not offer family housing and will not accommodate dependents, spouses, or any other person than the student signing the agreement.
   - **g.** Room agreement is for assigned bed space and, if applicable, usage of common space in apartments.

8. **Occupancy of the Halls**
   New students participating in Welcome Days are permitted to move in according to the start date of the

Welcome Days program. All returning students may move in on or after the date and time of the official opening of the residence halls as published on the official University calendar. For the fall 2025 semester, move in will take place for returning students Saturday, August 30, 2025. Students will be sent individual instructions regarding their move in time. For the spring 2026 semester, opening of the halls for returning students is Sunday, January 18, 2026. Move in dates for the fall 2025 and spring 2026 semesters are subject to change with limited notice. Early arrivals will not be permitted unless the student is sponsored by a campus office.

Rooms must be vacated at the close of the period of agreement

a. Non-graduating students must vacate rooms no later than 10am, Thursday, May 14, 2026.
b. Graduating students must vacate rooms no later than 5:00 pm on Commencement Day, Sunday, May 17, 2026.
c. A student who withdraws from the University, or has this agreement is terminated by the University, must vacate their room no later than twenty-four (24) hours after withdrawal or termination.
d. If a student fails to vacate their room by the specified date and time, the University shall have the right to immediately re-enter and re-possess the room assigned to the student and remove all of the student's remaining personal belongings from the room to be kept in storage for 30 days, if the personal belongings are not picked up within the 30 day time period, the University will dispose of the same without any liability therefor.

9. Vacation Housing

Rooms may not be occupied when the halls are closed for winter break and the spring midterm break.. Exceptions will only be made for international students, students sponsored by a University office or department, or other students with extenuating circumstances deemed appropriate by the Director of Residence Life, or their designee. Students must request permission to stay through the Office of Residence Life no later than 10 business days prior to the start of the particular break. The University reserves the right to consolidate students approved to stay into one location in order to achieve greater safety, staffing efficiency, and, if possible, provide student access to a cooking facility. Access to dining or cooking facility is not guaranteed. The location will be determined by the Director of Residence Life, or their designee. Approved students will be assigned vacation housing by the Office of Residence Life. The following are dates the University is closed for vacation. During Winter and Spring midterm break, residence halls are closed and students are not permitted to remain on campus without special permission. During Fall, Thanksgiving, and Easter breaks, although the halls remain open, services are limited.

- Fall Break: Residence halls remain open during Fall Break, October 13 and 14, 2025.
- Thanksgiving Break: Residence halls remain open during Thanksgiving Break, November 26, 27, and 28, 2025. There are no dining services Thanksgiving Day.
- Winter Break: Halls are closed between Saturday, December 20, 2025 at 10 am until Sunday, January 18, 2026. Students must leave within 24 hours of their last final exam. Dining services resume at lunch on Sunday, January 18, 2026.
- Spring Midterm Break: Halls are closed between Saturday, February 28, 2026 at 10am until Sunday, March 8, 2026. Dining services resume at dinner Sunday, March 8, 2026.
- Easter Break: Residence halls remain open during Easter Break, April 2 to 6, 2026. There are no dining services Easter day, April 5, 2026.

10. Check In/Check Out

a. **Check In**: Each resident assumes responsibility for the condition of their assigned room. The University provides each resident student with a room condition report via the housing portal for

this purpose. This room condition report is to be completed and reviewed by the student within 48 hours of moving in to assess the present condition of the room and to ensure proper damage billing when the student moves out.

b. **Check Out**: When the student moves out of the room for any reason at any time, the student must comply with check out procedures. A key envelope will be provided by Residence Life at advertised locations. The student must put their name on the envelope and place the room/building and any other issued keys into the key envelope and return to the specified collection points. Every student has the right to have a professional staff member do an initial evaluation of the room in their presence for a preliminary damage assessment and must make arrangements with the Residence Director in advance of the student's departure. Final damage assessments can only be completed when the room/apartment/townhouse is fully vacated by all occupants.

11. Keys

When checking into the residence hall, room keys will be issued by the Residence Life staff. When the student moves out of a room to leave campus, all keys must be returned to the residence life staff, as outlined above in 10b. If a student fails to return all assigned keys prior to leaving the campus, they must pay the lock change fee.

If a student moves to a new room, the student has 2 business days to return the original room key or the student will pay a lock change fee of $100.

If a student loses their key, they must report this loss immediately to the Residence Life Office and the student must pay a $100 lock change fee. This fee is billed to the student's account. Students are not permitted to duplicate or copy keys or give their keys to another individual.

Costs for apartment keys (Gardens and Townhouses) will reflect 2 lock core changes (front door and bedroom door) and keys required for occupants of apartment.

Student keys are used to enter assigned residential facilities/rooms. Students are not permitted to give their residence facility/room key to another individual for access facilities or rooms.

12. Student Identification Cards

Student ID cards are used to enter residential facilities. Students are not permitted to give their ID card to another individual for access to facilities, for meals, or for identification purposes. .

13. Fire/Theft/Damage

The University is not liable for a student's property, which may be lost, stolen or damaged in any way, wherever or whenever this may occur on the premises, including storage facilities. Students are responsible for obtaining renters insurance or equivalent insurance coverage. The student agrees to pay for damages, lost property, or necessary services caused by the student to University property because of their negligence or intent. The student will share the total cost of group damages to the student's floor, wing, building, and/or apartment/townhouse, which cannot be ascribed to any individual. Where two or more students occupy the same room, and responsibility for damage or loss cannot be ascertained by the Residence Life team, the cost of the damage or loss will be divided and assessed equally between or among the residents of the room. Damages to University facilities, furnishings or equipment that cannot be assigned to an individual student may be assigned to all the residents of the floor or building if the Residence Director determines there is a community responsibility for the damage or loss.

14. Room Care

The student is responsible for cleaning their own room, removing waste materials regularly, and maintaining

sanitary and safe conditions acceptable to the University. University facilities, including all residential facilities, may not be physically altered in any way. University furnishings may not be removed from student rooms or common areas for which that furniture was allocated. The stacking, dismantling, or altering of University furnishings and equipment is strictly prohibited. University furnishings are to be used in a manner consistent with the intended use of the item. Dartboards, nails, hooks, anchors, or any device that may damage University structures, equipment, facilities, or furnishings are not permitted. Residents may not install cables, wires, ropes, or other devices between corridors or between rooms. Additional furniture, major appliances, and fixtures are strictly prohibited in residence hall rooms. Students are also expected to abide by all policies and procedures outlined in the Student Code of Conduct.

Apartment residents are responsible for regular cleaning of bathrooms, kitchens, living room, and all bedrooms. Bathrooms and kitchens are expected to be maintained in a sanitary condition. Apartment residents are expected to provide their own cleaning supplies, sanitary tissue, and other items needed to maintain a clean environment.

15. Room Entry

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

16. Pets

Pets are not permitted in any University facility. The presence and use of service animals and emotional support animals is allowed in accordance with Section 504 of the Rehabilitation Act of 1973, the 1990 Americans with Disabilities Act, and the Fair Housing Act. Note: The presence of emotional support animals in University facilities is restricted to the student's residence and grounds.

Students requiring a service or emotional support animal must contact Accessibility Services & Accommodations and abide by the policies and procedures required for approval.

17. Fire Safety

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

18. Policies and Procedures

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

19. Inability to Provide Accommodations

In the event the University is unable to provide accommodations described herein because of strikes, walkouts, or other circumstances beyond the control of the University, the University will determine refunds of room and board on a pro-rata basis. In no event will the liability of the University exceed the pro-rata portion of the room and board charges actually paid by the student.

20. Meal Plans

a. **Residential Meal Plan Requirements**

A student living in a residence hall must purchase one of the following meal plans: Bona Platinum, Bona Gold, Bona Silver. The only exceptions are students living in the apartments. If a student's room assignment changes from an apartment to a traditional residence hall, the student will be required to take a full meal plan (Bona Platinum, Bona Gold, or Bona Silver), regardless of whether the change is student initiated or mandated by the University. The change will take effect the day the room switch is finalized and the student will automatically be assigned the Bona Silver meal

plan if they do not indicate otherwise.

b. **Unused Flex Dollars and Block Plan Transfer**
Unused flex dollars and student block plan meals will transfer from the fall to spring semester. At the end of the spring semester, unused Flex Dollars and student block plan meals are non-refundable and cannot be transferred to the summer or the new academic year. Absolutely no reimbursements will be given for unused meal plans or Flex Dollars.

c. Meal Plan Changes
Within the above-mentioned guidelines, students may change their meal plan during the first ten (10) business days of each semester only. This policy is strictly enforced. Students can add Flex dollars at any time during either semester.
Meal plan changes and Flex dollar additions can be completed online through the students housing portal.

d. **Meal Plans and Dining Availability During Break Periods**
Meal plans are not in effect and cannot be used when the campus and/or residence halls are closed during Winter Break and spring semester Midterm Break. Residence halls remain open for Easter Break and Thanksgiving Break with limited dining services options. There will be no dining services available on Thanksgiving Day (Thursday, November 27, 2025) and Easter Sunday (Sunday, April 5, 2026).

Appendix T – On-CampusResidency Requirement

All St. Bonaventure University students (including transfer students) are required to live on campus throughout their first, second and third years except as noted below.

The residence hall and food service terms and conditions are binding for both fall and spring semesters of that academic year.

Therefore, a student's residency requirement for the entire academic year is determined by that student's status at the beginning of that academic year. As part of the residence hall and food service terms and conditions, undergraduate students living in Doyle, Devereux, Robinson, Falconio, Shay, Loughlen or Francis halls are required to have either a silver, gold or platinum meal plan.

Only students with full-time, matriculating status at the beginning of each semester are permitted to live in on-campus residence halls. Full-time students are defined as:

- **Undergraduate:** Requires enrollment in 12 or more credit hours per semester.
- **Graduate:** Requires enrollment in 6 or more credit hours per semester.

Should a student fall below full-time status during the semester, he or she will not be required to move out provided they are still enrolled in and attending courses.

Exceptions to this housing residency requirement include:

1. Students commuting from home, when home address is within 30 miles of St. Bonaventure University. Home is defined as a students' family/guardian permanent home address. Student must be living in that location with parents or guardians.
2. Married students or students with dependent children.
3. Students age 23 years or older at the start of the academic year.
4. Students whose Residence Hall and Food Service agreement is terminated by the University (see "Termination by the University" in most current Residence Hall and Food Service Terms and Conditions).
5. Students who are restricted from living on campus as a result of a judicial hearing sanction.
6. Transfers entering their fourth year of college.

Students wishing to request an exception to this policy for extenuating reasons not covered above must complete the **Residency Requirement Waiver** and submit it to the director of Housing Operations for consideration.

Students to whom the above exceptions do not apply, or who do not receive permission from the director of Residence Life, and do not participate in the room selection process, will be assigned a room after room selection, and billed for room and meal plan.

Appendix U– Service Animal and Emotional Support Animal Policy and Procedures

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

DEFINITIONS

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

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

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

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

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

Disability Housing Accommodation Committee- Committee that meets to determine housing accommodations. Membership includes: the Director of ASA, the Director of Residence Life, the Associate Dean for Student and Community Wellbeing, and the Director of Health Services/Medical Provider (as needed) or their designees.

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

SERVICE ANIMALS

Students intending to bring a service animal to campus and/or to live with a student in a residence hall are requested to inform the Office of Accessibility Services and Accommodations (ASA) 100D Plassmann Hall. Students are encouraged to make this notification by **July 1 for fall term, November 1 for spring term, and March 1 for summer term to allow adequate time to make arrangements**. Notification to ASA of the need for a service animal will assist the University in making any necessary preparations, as well as ensuring that appropriate University employees are made aware that the animal is a service animal authorized to be on campus. If it is readily apparent that the individual has a disability and that the animal is a service animal, no further information will be requested. If it is not readily apparent that the animal is a service animal, the individual may be asked 1.) if the animal is a service animal required because of a disability and 2.) to explain the work or task that the animal has been trained to perform. The animal will not be required to demonstrate this task and no documentation of training will be required. If the service animal is a miniature horse, additional consideration will occur, including but not limited to whether the animal is controllable by the owner and will not present a safety risk.

EMOTIONAL SUPPORT ANIMALS

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

- To begin the process, students must complete the Emotional Support Animal Request Packet, available at the ASA office in Plassmann Hall; 716-375-2065 or through MySBU.
- Before a request for a support animal is reviewed, the student must submit sufficiently specific documentation, completed by a treating physician or qualified non-University health provider, which permits the Disability Housing Accommodation Committee (DHAC) to determine that (1) the individual has a disability (2) the animal is necessary for the individual to have an equal opportunity to use and enjoy their residence, and that (3) there is an identifiable relationship between the disability and the assistance that the animal provides.
- Once the request and supporting documentation is submitted, in writing, to the ASA Director, the Disability Housing Accommodation Committee meets to determine if the student has presented sufficient documentation of the need for an ESA, and, if so, how the student's need for an ESA will be accommodated in University housing.

In making decisions about reasonable accommodation of an ESA, the DHAC may consider the following factors, among others in determining whether the request for a particular animal will be approved and/or in making decisions about where the student with the ESA will be housed.

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

Students are encouraged to place their request for use of an assistance animal in University residence halls by **July 1 for fall term, November 1 for spring term, and March 1 for summer term** to allow adequate time to make arrangements. While requests submitted after these dates will be accepted and considered, St. Bonaventure University cannot guarantee that it will be able to meet late applicants' needs in time for the beginning of the semester. The Disability Housing Accommodation Committee meets as needed to determine on a case by case basis and in accordance with applicable laws and regulations whether the animal is a reasonable and appropriate accommodation for the student making the request. If the request is submitted by the deadlines listed above, the student will be notified in advance of moving into a residence hall room regarding the status of the application.
Emotional Support Animal's paperwork requirements: Before an emotional support animal is permitted on campus as an accommodation, its paperwork must be on file with ASA.

- Health and vaccination records: the animal must have an annual exam from a licensed veterinarian. The student must submit the completed Veterinarian Verification Form to attest to the health of the animal. The animal must also have updated vaccinations, including but not limited to, the general maintenance vaccine series and any vaccinations deemed necessary by a licensed veterinarian. The animal must also wear a rabies vaccination tag.
- Licensing: Owner must follow all local licensing laws and tag laws.

OWNER'S RESPONSIBILITIES REGARDING USE OF A SERVICE OR EMOTIONAL SUPPORT ANIMAL

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

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

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

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

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

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

- Always carry equipment sufficient to clean up the animal's waste and immediately remove and dispose of the waste. Members of the University community who are not physically able to pick up and dispose of animal waste are responsible for making all necessary arrangements for assistance. St. Bonaventure University is not responsible for this task.
- Keep the animal clean, well groomed, and free of pests. If University facilities are used to bathe the animal, the owner will clean the area when done. Members of the University community who are not physically able to bathe the animal or clean University facilities when done are responsible for making all necessary arrangements for assistance. St. Bonaventure University is not responsible for this task.

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

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

Members of the St. Bonaventure University community with an Emotional Support Animal in University housing: The care of the animal is solely the responsibility of its owner. The owner agrees to all of the requirements outlined above, in addition to the requirements outlined below. The owner agrees to continue to abide by all other University policies. Reasonable accommodation which may constitute an exception to a policy that otherwise would prohibit having an animal does not constitute an exception to any other policy. The Office of

Residence Life has the ability to relocate owner and approved animal as necessary according to the Housing contract. University personnel may intervene if the animal is found unattended, is in need of care, or is causing a disturbance.

- The owner is responsible for ensuring the assistance animal is contained, as appropriate, when the owner is not present during the day while attending classes or other activities.
- The owner must submit annual proof of immunizations as required to the Director of ASA.

LACK OF CLEANLINESS AND DAMAGES CAUSED BY THE SERVICE OR EMOTIONAL SUPPORT ANIMAL

All members of the University community are responsible for any extra cleaning required or damage to University property which is caused by them. The owner shall also be responsible for any extra cleaning required or damage to University property which is caused by the service or emotional support animal.

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

MANAGING DISABLING CONDITIONS AND CONCERNS OF ALL MEMBERS OF THE ST. BONAVENTURE UNIVERSITY COMMUNITY

Within University residences, the health and well-being of all roommates, suitemates, apartment mates, and building occupants will be considered.

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

REMOVAL OF A SERVICE OR ASSISTANCE ANIMAL

St. Bonaventure University may pursue the process for determining if an approved animal should be removed from campus housing for the following reasons:

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

Process for removal of a service or assistance animal:

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

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

Appendix V – Smoke Free Policy

In compliance with New York State law, and consistent with 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**: 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 property.

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

3. **Posting of Signs**: "Smoke-Free" signs will be prominently displayed on campus. Additionally, copies of this policy will be posted on the University's intranet and will be 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.

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

Appendix W – Social, Recreational and/or Educational Activity Policies

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

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

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

3. The organization sponsoring a special event, activity or program is responsible for any and all damages caused by those attending and the organization must pay the cost of repairing any damages and/or replacement costs. If the organization contests payment, the matter will be brought to the Vice President for Student Affairs.

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

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

6. The organization sponsoring a special event, activity, or program is responsible for the maintenance of good order and proper behavior and must abide by the rules and regulations as outlined by the Dean of Students, and under the provisions outlined by St. Bonaventure University and Student Code of Conduct (*specifically Appendix Q, Maintenance of Public Order and Public Demonstrations*).

ID/GUESTS: Campus Rathskeller

2. All SBU persons attending over- and under-age events with alcohol being served must have a St. Bonaventure University identification card to gain admittance to the event.

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

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

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

GENERAL REQUIREMENTS:

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

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

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

Appendix X – Student Clubs and Organizations Policies and Procedures

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

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

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

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

4. Advisers to Student Organizations
   a. Every student organization must have an adviser. The advisers for the University's organizations are subject to final appointment, on an annual basis, by the Dean of Students, after consultation with the appropriate organization. The adviser must be a member of the administrative staff or faculty. The adviser's responsibilities and the organization's responsibilities to the advisers will be distributed to each at the beginning of the year.

b. Use of the University's name – Events or activities sponsored by student organizations must not be advertised or promoted in such a way as to suggest that they are functions sponsored by the University.

Appendix Y – Student Complaint Policy and Procedures

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

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

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

1. Student concerns about a course, a faculty member, or issue directly related to instruction should be initially raised with the faculty member or with the faculty member's department chair or the chair of the department where the issue originates. Should the concern fail to be addressed at that level, the issue should then be raised to the dean of the school from which the issue originates.
2. Student concerns with a staff member or a non-academic policy or procedure should be initially raised directly with that staff member or a staff member in the area in which there is a policy or procedure complaint. If the complaint cannot be resolved at this level, then the issues should be raised with the staff member's direct supervisor. Should the concern fail to be addressed at that level, the issue should then be raised to the director of the area.
3. Student concerns about other issues related to student life may be raised through Student Government Association. Students may contact SGA to determine who their representative is, or may seek assistance through the SGA executives.
4. Students having concerns or grievances about another student should consult policies and procedures outlined in the Student Code of Conduct.

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

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

Appendix Z – Students with Disabilities Policy

St. Bonaventure University is committed to providing otherwise qualified students with disabilities equal access to and participation in academic areas and other programs sponsored by the University in accordance with the Americans with Disabilities Act (ADA 1990 as amended in 2008) and Section 504 of the Rehabilitation Act of 1973. The ADA defines a person with a disability as one who has a physical or mental impairment that substantially limits one or more major life activities, who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. Students must self-identify and provide documentation of a disability to Accessibility Services and Accommodations; a representative of that office will engage in an interactive process with each student to review requests and make appropriate accommodations on a case by case basis.

Appendix AA – Surveillance

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

Safety and Security officers patrol the campus regularly. In addition, the campus is monitored by a closed-circuit television/camera system. Cameras are located outside and inside many campus buildings, including residence halls and academic buildings. Surveillance devices provided by students are prohibited.

Appendix AB – Technology Policy

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

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

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

SBU Accounts
Your SBU network account is used to log into all of the web services available at St. Bonaventure such as your email account, My SBU, Moodle and more. Your username & password is the key that provides access to your personal information. Do not share your password with anyone including your roommate, boyfriend, girlfriend or even family members.
SBU employees will never ask you for your password in any manner; email, etc.. Remember: someone with your password can change your courses, access your financial records, employment information and more.

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

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

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

Appendix AC –Immunization and Vaccination Policy

The Center for Student Wellbeing is committed to taking steps to protect the physical, mental and emotional health of our entire campus community. One element of that commitment is ensuring compliance with New York Public Health Law requiring student proof of immunizations.

New York State Public Health Requirements

Measles, Mumps and Rubella (MMR)

New York Public Health Law (PHL) Section 2165 requires students attending post-secondary institutions who were born on or after January 1, 1957 and registered for 6 or more credit hours to demonstrate proof of immunity against measles, mumps, and rubella. Those born before 1957 do not need to submit proof of immunization.

A certificate of immunization (required to provide proof of immunity) includes documents such as a certificate from a health care provider, immunization registry record, cumulative health record from a previous school, migrant health record, immunization transfer record, military immunization record, immunization portion of a passport or an immunization record card signed by a health care provider. An immunization record may also show health care provider diagnosis of disease or laboratory evidence of immunity. Immunization records must be signed or stamped by a health care provider.

MEASLES (Proof of immunity for measles must be demonstrated by meeting **one** of the following three requirements.)

(a) Two doses of live measles vaccine. The first dose must have been received no more than 4 days prior to the first birthday and the second dose received at least 28 days after the first dose, OR
(b) Physician diagnosis of disease, OR
(c) Serologic evidence of immunity.

MUMPS (Proof of immunity for mumps must be demonstrated by meeting one of the following three requirements.)

(a) One dose of live mumps vaccine received no more than 4 days prior to the first birthday, OR
(b) Physician diagnosis of disease, OR
(c) Serologic evidence of immunity.

RUBELLA (Proof of immunity for rubella must be demonstrated by meeting one of the following two requirements.)

(a) One dose of live rubella vaccine received no more than 4 days prior to the first birthday, OR
(b) Serologic evidence of immunity,
(c) Please note: Clinical diagnosis of rubella disease is **not** acceptable as proof of immunity.

Meningococcal Disease

New York State Public Health Law (PHL) Section 2167 requires post-secondary institutions to distribute information about meningococcal disease and immunization to the students, or parents or guardians of students under the age of 18, accompanied by a response form. St. Bonaventure University is required to maintain appropriate documentation for each student. Acceptable documentation includes any of the following:

- A vaccine record indicating at least 1 dose of meningococcal ACWY vaccine within the last 5 years or a complete 2- or 3-dose series of MenB without a response form; or
- A signed response form indicating that the student will obtain meningococcal vaccine within 30 days; or
- A signed response form indicating that the student will not obtain immunization against meningococcal disease.

NOTE: If the student has not received the meningococcal vaccine within the past 5 years, then they must submit the signed response form. Students who met the requirements for PHL 2167 in a semester/trimester prior to Fall 2018 do not need to resubmit their vaccine record or a response form.

Eligible Exemptions

Students may request an accommodation exempting them from some or all immunization/vaccination requirements under this policy by submitting a Religious or Medical Exemption Request for Immunization/Vaccination Requirement Form. Religious or Medical Exemption Requests must be submitted by July 15 for the fall semester and by December 1 for the spring semester. The University will evaluate requests in accordance with guidance from public health authorities, University policy and applicable law.

Medical exemptions require a statement from a qualified health care practitioner (licensed physician or nurse practitioner, or licensed midwife caring for a pregnant student) stating that the student has a health condition which is a valid contraindication to receiving a specific vaccine and must specify those immunizations which may be detrimental and the length of time they may be detrimental.

Religious exemptions require proof that the student holds genuine and sincere religious beliefs which are contrary to the practice of immunization. General philosophical, moral, political, scientific, or sociological objections to immunizations or vaccinations will not justify an exemption from a requirement.

If an exemption is granted, it may include lawful limitations or conditions on the exempted individual's participation in particular activities or programs on campus in circumstances where the failure to be immunized/vaccinated would reasonably be expected to (a) prevent the individual from fulfilling the essential functions and/or curricular requirements of his/her/their academic program, (b) cause the University undue hardship, (c) protect the individual from exposure or (d) pose a threat to the health and safety of others.

Medical and Religious Exemptions are valid for one year and must be submitted annually for review in advance of the upcoming academic year. Students requesting an exemption will be notified in writing of the outcome of their request within 10 business days of the University receiving a completed request form. At any time, the University reserves the right to require further documentation.

Documentation of Requirements

Students must submit all required immunization records and health forms to the St. Bonaventure University Center for Student Wellbeing. Lack of any required document(s) will result in a hold placed on a student's account.

If NYS mandated immunization records or St. Bonaventure University mandated health forms and requirements are not received within 30 days after the start of classes, non-compliant students will be removed from class and residential facilities.

Process for Following up on Students in Process

- Student vaccine records are reviewed in the electronic health record (EHR) system. If compliance is determined, then the record is marked verified by a Health Services staff member.
- Students deemed non-compliant or "in process" of being immunized will be sent a secure message to their patient portal with instructions to follow up with health services, and their record will indicate non-compliant and unverified in the EHR.
- Health services will run a report in the EHR to determine non-compliant students and follow up with the student by secure message or phone.
- Follow up will occur until 30 days post student's first day of attending class on campus. At which point, students who are not in compliance will be sent a final notice by the Center's administrator. The final notice will inform the student that they are prohibited from attending classes in person and residing on campus.

For the purpose of this policy, non-compliance is defined as the following:

- student has not submitted an immunization record verified by health services staff, or
- other acceptable proof of immunity (diagnosis of disease or serological evidence of immunity to the diseases specified in the NYCRR 66-22) verified by health services staff, or
- received a religious or medical exemption approved by the university

St. Bonaventure University reserves the right to change the vaccination policy at any time in accordance with guidance or recommendation from the federal, state, or local Department of Health.

Appendix AD –Transcript Notation Policy

The following standards for institutional transcript notation apply to any student accused of a violation of any St. Bonaventure University policy, including but not limited to a violation 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."
- Students whose degree is withheld pending adjudication of a conduct matter will have the following noted on the transcript: "Conferral of degree has been withheld pending resolution of a disciplinary proceeding regarding an alleged violation of University policy. The degree will be awarded upon satisfactory completion or resolution in accordance with University policy." This notation is not a disciplinary sanction, but is intended to facilitate an equitable resolution of the process.

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 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.

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.

Transcript Notation Appeals

A student may request to have a suspension transcript notation removed by submitting a request in writing to the St. Bonaventure University Provost/Vice President for Academic Affairs and the Vice President for Student Affairs, who shall serve has the Appeals Panel in transcript notation appeals. They will make all decisions about notation removal.

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 (*i.e. 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 may request additional information from the student. Decisions regarding the removal

of transcript notations are within the discretion of the Vice Presidents and not subject to further appeal or review under any other University process.

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 and considered with the same process as the first request (subject to any subsequent changes in University policy) and include updated information about the student's experience since the earlier request(s).

Appendix AE - St. Bonaventure University Gender-Based Discrimination and Sexual Misconduct Policy and Procedures

Updated June 2025

General Rules of Application

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

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

Jurisdiction and Non-Discrimination in Application
This policy applies to all students, faculty, and staff of St. Bonaventure University. This policy also applies to conduct by third parties that include visiting speakers, contracted professionals, guests of enrolled students, visiting athletic teams, conference attendees, etc.

Any member of the St. Bonaventure University community found in violation of these policies may be subject to disciplinary action. This policy also applies regardless of the Complainant's or Respondent's race, creed, color, gender, gender identity, gender expression, ethnicity, national origin, religion, marital status, familial status, pregnancy, age, sexual orientation, veteran status, disability, genetic predisposition status, domestic violence victim status, criminal conviction or any other protected characteristic under applicable local, state or federal law. All requirements and protections are equitably provided to individuals regardless of such status or status as Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the institution's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at https://ocrcas.ed.gov/contact-ocr .

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

One or more of the University's personnel policies or faculty and staff handbook policies may overlap with this policy in a particular situation. The processes described in this policy apply to any situation where a student is the Complainant or Respondent (as defined below). In all other situations, the University reserves the right to apply this process or another applicable University policy or process. The University will apply this process to any situation where the University determines that Title IX requires the application of this process.

Disability Accommodations
This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the processes described below that do not fundamentally alter the applicable process (es). The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the parties, even where the parties may be receiving accommodations in other institutional programs and activities.

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

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

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

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

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

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

Title IX Category Violations
Title IX of the Education Amendments of 1972 (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 a student’s gender expression and/or gender identity, including discrimination based on a student’s transgender status.

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

1. Sexual Harassment (as defined by Title IX).
    a. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
    b. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution’s education program or activity;
2. Sexual assault (as defined in the Clery Act). “Sexual assault” includes any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is

incapable of giving affirmative consent. Sexual assault consists of the following specific acts:

a. Rape. The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
b. Fondling. The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
c. Incest. Non-forcible sexual intercourse between persons who are related to each other with in the degrees wherein marriage is prohibited by law.
d. Statutory Rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent.

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

4. Domestic violence (as defined in the VAWA amendments to the Clery Act),
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.

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

a. "Course of conduct" means two or more acts, including but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property.
b. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
c. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the person against whom the stalking was committed.

University Standards Violations

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

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

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

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

(a) Rape. The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the victim.
(b) Non-Consensual Sexual Contact. Any intentional touching, however slight, for purposes of sexual gratification or with sexual intent, directly or with any object that is without affirmative consent. Acts of non-consensual sexual contact may include but are not limited to intentional contact (directly or over clothing) with another person's breasts, buttocks, groin, genitals, or inner thigh, mouth, or touching another with any of these body parts, or making another touch oneself or themselves with or on any of these body parts, or any other intentional sexual touching with any object by a person upon another person, without consent.
(c) Incest. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
(d) Statutory Rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent.

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

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

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

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

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

a. "Course of conduct" means two or more acts, including but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors,

observes, surveils, threatens or communicates to or about a person, or interferes with a person's property.

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

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

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

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

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

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

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

- hiring and firing;
- compensation, assignment, or classification of employees;
- transfer, promotion, layoff, or recall;
- job advertisements;
- recruitment;
- testing or grading;
- use of University facilities;

- training and apprenticeship programs;
- fringe benefits;
- pay, retirement plans, and disability leave;
- admissions and recruiting standards and practices;
- financial aid and scholarship awarding policies and practices;
- eligibility for academic programs;
- use of student housing;
- participation in extracurricular student activities; and
- other terms and conditions of employment or the student experience.

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

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

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

Additional Applicable Definitions

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

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

The following conditions apply to the term "consent" according to the University:

1. Silence, lack of physical resistance, and/or the absence of a verbal "no", are not forms of consent.
2. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. In other words, it is not an excuse that the person initiating the act was intoxicated or incapacitated due to alcohol or other drugs.
3. Consent can be initially given but withdrawn at any time.
4. When consent is withdrawn or can no longer be given, sexual activity must stop. Once a person says "no," it is established that he or she is not giving consent to a sexual act. However, the absence of a verbal "no" does not constitute consent. Any activity or further encouragement beyond that point could be construed as force, coercion or intimidation.
5. A current or previous dating relationship is not sufficient to constitute consent. Further, past consent to engage in sexual activity with any person cannot be presumed to be consent to sexual activity in the future with the same or a different person. A sexual act must be mutually agreed upon each time it occurs.
6. Consent to one sexual act does not indicate consent to other sexual acts.
7. Consent cannot be given if a person is incapacitated (see definition of "incapacitation"). Sexual activity with

someone whom one should know to be – or based on the circumstances should reasonably have known to be – incapacitated (for example, by disability, sleep, involuntary restraint, or the taking of drugs or alcohol, unconsciousness or blackout) constitutes a violation of this policy.
8 . Consent cannot be given under coercion, force, or threat of physical harm or injury.
9. Consent cannot be given if someone is under the legal age of consent. In New York State, a minor (meaning a person under the age of 17 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 17 years old is a crime as well as a violation of this policy, even if the minor wanted to engage in the act.

Coercion
Coercion is the use of pressure to compel someone to initiate or continue sexual activity against their will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they deprive another individual of the ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to "out" someone based on sexual orientation, gender identity or gender expression, and threatening to harm oneself if the other party does not engage in the sexual activity. Coercing an individual into engaging in sexual activity violates this Policy in the same way as physically forcing someone into engaging in sexual activity.

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

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

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

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

Formal Complaint
A Formal Complaint is a document – including an electronic submission - filed by a Complainant with a signature or other indication that the Complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging a Title IX Category Violation or University Standards Violation, as defined in this policy, against a Respondent and requesting initiation of the procedures consistent with this policy to investigate the alleged violation(s). A Formal Complaint may be filed with Title IX Coordinator in person, by mail, or by electronic mail by using the contact information provided in this policy. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or a party during a grievance process, and must comply with requirements for Title IX personnel to be free from conflict of interest and bias.

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

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

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

Non-Community Member
A non-community member is any person who is not enrolled 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.

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" evidence and questions refer to any questions and evidence that tends to make an allegation more or less likely to be true.

"Relevant" evidence and questions do not include the following types of evidence and questions, which are deemed "irrelevant" at all stages of the Grievance Process:

- Evidence and questions about the Complainant's sexual predisposition or prior sexual behavior unless:
    - They are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
    - They concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

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

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

Sexual Misconduct
Sexual misconduct is an umbrella term used in this policy to more conveniently refer to any form of conduct prohibited by this policy.

Non-Investigatory Measures Available Under the Policy

Supportive Measures

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

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

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

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

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

No Contact Orders

A no contact order defines specific restrictions on contact between the parties. A no contact order can forbid both direct and indirect contact between the involved parties. Indirect contact includes electronic communication and messages sent via other people. It does not require a party to refrain from attending an event (such as an athletic contest, a campus speaker presentation, etc.) in circumstances where simultaneous attendance can occur without prohibited interaction, for example because the parties are not in close proximity to one another.

Orders of Protection

The Associate Dean for Campus Safety or designee will, upon request, provide reasonable assistance to any member of the campus community in obtaining an order of protection or, if outside of New York State, an equivalent protective or restraining order. The Associate Dean or designee will, additionally:

- provide a copy of an order of protection or equivalent to affected parties when received by the University and provide an opportunity to meet or speak with a University representative, or other appropriate individual, who

can explain the order and answer questions about it, including information from the order about the other person's responsibility to stay away from the protected person or persons;
- provide an explanation of the potential consequences for violating these orders, including but not limited to arrest, additional conduct charges, and emergency removal; and
- provide assistance in contacting local law enforcement to effect an arrest for violating such an order.

Emergency Removal
St. Bonaventure University retains the authority to remove a student Respondent from its program or activity on an emergency basis, where the university (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of violations under this policy justifies a removal. Emergency removal determinations are not based on the severity of the allegations or whether a formal complaint was filed.

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.

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

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

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

Even University offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution, or for the Associate Dean for Campus Safety to report statistical information about Clery reportable crimes.

Confidential Assistance and Resources
Confidential disclosure is defined as seeking resources and/or assistance without personally identifiable information about the disclosure being shared with anyone else. If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with counselors or health care providers in the Center for Student Wellness, clergy within the University acting in their role as clergy (friars or sisters), and/or off- campus resources such as 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 Confidential Resources:
- **New York State Domestic and Sexual Violence Hotline**-1-800-942-6906
- **University Center for Student Wellness**: 122 Doyle Hall (first floor right side entrance)- 716-375-2310
- **Olean General Hospital Sexual Assault Forensic Examiner (SAFE) Unit**: Report to the OGH Emergency Room- 716-372-0614
- **Connecting Communities in Action**- Victim Services: Toll Free Crisis Hotline- 1-888-945-3970

- **New York State Police 24 Hour Hotline**- 1-844-845-7269 (for reporting to law enforcement, know that your report may not be confidential, but law enforcement is not obligated to share any information with the University)

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

Making a Report to the University (Title IX Coordinator)
Any person may report sex discrimination or sexual misconduct (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual misconduct), in person, by mail, by telephone, or electronically via email using the contact information listed for the Title IX Coordinator or the on-line repot form at Title IX | St. Bonaventure University (sbu.edu), 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: Katie O'Brien
Title: Interim Title IX Coordinator/Vice President for Student Affairs
Office Address: Reilly Center, Room 204
Email Address: kobrien@sbu.edu
Telephone Number: 716-375-2011

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

Responsible Administrators
Should a person want to report an incident of gender-based discrimination or sexual misconduct, they may also report to one of the "Responsible Administrators" listed below. Responsible Administrators have authority to take corrective action on behalf of the University, and will ensure the reporting party has all of their resources and reporting options. Responsible Administrators are required to share all information, including personally identifiable information, with the Title IX Coordinator. Responsible Administrators will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy. ***A reporting party who wants to ensure that information is brought to the attention of the proper University officials and that they receive information about available resources and reporting options is strongly encouraged to contact the Title IX Coordinator or another Responsible Administrator listed below.***

Responsible Administrators:

- Interim Title IX Coordinator/Vice President for Student Affairs
  - Kathryn O'Brien-Phone:716.375.2011 or Email: kobrien@sbu.edu
- Associate Dean for Campus Safety
  - Gary Segrue-Phone: 716.375.2526 or Email: gsegrue@sbu.edu
- Dean of Students
  - Rob DeFazio-Phone: 716.375.2190 or Email: RDEFAZIO@sbu.edu
- Executive Director, Student Success Center
  - Adriane Spencer-Phone: 716.375.2065 or Email: aspencer@sbu.edu
- Senior Executive Deputy Director of Athletics
  - Ryan Clingan-Phone: 716.375.2249 or Email: rclingan@sbu.edu
- Associate Athletics Director for Compliance
  - Sarah Wolcott-Phone: 716.375.2288 or Email: swolcott@sbu.edu
- Director of Talent Acquisition, HRIS & Employee Services
  - Kyle Leslie-Phone: 716.375.2074 or Email: kleslie@sbu.edu

Other Mandatory Reporters
The following University employees do not have independent authority to implement corrective measures on behalf of

the University; however, they are required by University policy to share with the Title IX Coordinator all information, including personally identifiable information, provided to them regarding potential violations of this policy.

- Dean of the School of Arts & Sciences
- Dean of the School of Education
- Dean of the School of Business
- Dean of the Jandoli School of Communication
- Dean of the School of Health Professions
- Dean of the School of Graduate Studies
- Employees of the Department of Athletics
- Officially Appointed Faculty or Staff Advisors of Recognized Clubs or Other Student Organizations
- Directors and Officially Appointed Faculty or Staff of St. Bonaventure University Study Abroad Programs
- Resident Directors
- Resident Advisors

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 Campus Safety Act (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 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. If the University determines that it must proceed with an investigation, the reporting party can choose whether they are going to be part of it. The burden of investigation,

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

Medical Attention and the Importance of Preserving Evidence

For your safety and well-being, immediate medical attention is encouraged. The preservation of evidence relating to sexual violence (including sexual assault) is essential for both law enforcement investigations and campus investigations. All involved parties are encouraged to preserve all evidence relating to the incident. In most cases, DNA evidence needs to be collected within 72 hours in order to be analyzed by a crime lab—but a sexual assault forensic exam can reveal other forms of evidence beyond this time frame that can be useful if you decide to report. Place your belongings, including the clothes you were wearing, in a **paper bag** to safely preserve evidence. Physical evidence should also be collected through a medical examination. Olean General Hospital has a Sexual Assault Forensic Examiner program, designed specifically to conduct physical examinations after an incident of sexual violence, and evidence is collected during this examination. Having this examination does not commit a person to pursuing legal charges against an individual. However, failure to have an accurate examination to collect physical evidence in a timely manner may negatively affect a person's ability to pursue legal charges in the future. Victim Advocates from 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. Notification to the appropriate law enforcement agency will be made as soon as practicable but in no case more than twenty-four hours after a report. 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 policy and are involved in investigating and adjudicating alleged violations under this policy. Discrimination and Misconduct Officials, and the Title IX Coordinator, will be individuals who receive annual training and participate in ongoing development on issues related to gender-based discrimination, sexual harassment, domestic violence, dating violence, sexual assault, stalking and other forms of sexual misconduct. They will also receive training on the definition of sexual harassment, scope of the university's education program or activity, how to conduct an investigation and grievance process, how to serve impartially, including avoiding pre-judgement of the facts at issue, conflicts of interest, and bias, the effects of trauma, and the rights of the Respondent,

including the right to a presumption that the Respondent is "not responsible" until a finding of responsibility is made pursuant to this policy. Decision-makers must also receive training on any technology to be used at live hearings. Panel members and investigators must also receive training on issues of relevance, including how to apply the rape shield protection provided for Complainants. All materials used to train Discrimination and Misconduct Officials for these purposes will be posted on the university website.

Any Discrimination and Misconduct Official assigned to a case shall not have been a party to the case, nor a witness to the case, nor the current faculty advisor to any party in the case, nor a current instructor to or supervisor of any party in the case, nor have any familial relation, professional relationship or close friendship to any party or witness to the case, nor otherwise have any actual or perceived conflict of interest or bias that may give the perception of a lack of ability to fairly perform their role under this policy in connection with the case. If assigned as a Hearing Panel member or Appeals Panel member, they shall not have been an investigator on the case. Any potential conflict of interest or bias shall be disclosed 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 or her own discretion may delegate that administrator's or official's authority to act to another appropriate person. Delegation of authority may be necessary to avoid conflicts of interest or where time constraints or other obligations prevent a University official named in this Policy from fulfilling his/her designated role.

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

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

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

The Grievance Process

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

Filing a Formal Complaint

The timeframe for the grievance process under this policy begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, typically no longer than one hundred and twenty (120) business days after the filing of the Formal Compliant, provided that the process may be extended with notification to the parties for good reason, including but not limited to the absence of party, a party's advisor, or a witness; concurrent law enforcement activity; breaks in the academic schedule; or the extensions described below. Both parties will be notified simultaneously if the University determines the Grievance Process cannot be concluded within one hundred and twenty (120) business days. The notification will outline the reasons for extension.

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

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

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

Voluntary Informal Resolution Process
A complainant who files a Formal Complaint may request, at any time, to address the matter through the 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 Formal Complaint. 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 to undertake 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.

Informal resolution can never be used to resolve allegations that an employee sexually harassed a student. The Informal Resolution Process is also not available in a complaint 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 both parties in the same manner as they would be if the Formal 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 after a Formal Complaint is filed by a complainant. The Title IX Coordinator, or designee, and both 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 Formal 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 compliant will return to the formal grievance and hearing process.

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

If both parties consent to participate in the Informal Resolution process, the University will assign a facilitator who will act in an independent, impartial manner to facilitate a resolution between the parties. The facilitator will be trained on how to perform the role. All facilitators must have training in the definition of sexual harassment, the scope of the University's education program or activity, how to conduct informal resolutions processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue. 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 the two parties and is not listening or taking notes for any purpose other than assisting the parties. Should the Formal Complaint be returned to the formal grievance and hearing process of this policy, the parties may not disclose information shared by the other party during the process in the 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 there is no agreement on a resolution, the complaint is returned to the formal grievance and hearing process outlined in this policy. A party may terminate the informal process at any time before the final written resolution is signed.

The facilitator will draft a document reflecting the agreement between the parties that becomes final once it is signed by both parties. This written and signed resolution indicates that the complaint has been resolved under this policy without the need for further investigation or to pursue the formal grievance and hearing process.

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 grievance and hearing process will commence or resume.

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

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

The Title IX Coordinator also may (but is not necessarily required to) dismiss a Formal Complaint brought under this policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- The Respondent is no longer enrolled or employed by St. Bonaventure University; or,
- Specific circumstances prevent the university from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Notice of dismissal will be in writing and issued to both the Complainant and Respondent. Any party may appeal a dismissal determination using the process set forth in "Appeals," below.

Notice of Allegations and Investigation

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

Contents of Notice

The Notice of Allegations and Investigation will include the following:

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

Ongoing Notice

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

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

Advisor of Choice and Participation of Advisor of Choice

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

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

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

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

provided by the university.

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

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

Investigation

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

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

The University's investigation may be temporarily delayed where there is a concurrent law enforcement investigation if necessary to avoid interference with the law enforcement investigation; such a delay will not exceed ten (10) days unless a longer 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 away from St. Bonaventure University and does not, in and of itself, indicate whether there is responsibility.

St. Bonaventure University cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include medical information. St. Bonaventure University will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove or disprove the allegations) as described below. The 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 evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

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

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

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

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

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

Investigative Report

The investigator(s) will create an Investigative Report that fairly summarizes relevant evidence, and will provide that Report to the Title IX Coordinator. At least ten (10) 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.

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

Hearing

General

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

The Title IX Coordinator will notify the parties in writing of the date, time, and location of the hearing, the names of the Hearing Panel members, and how to challenge participation by any Hearing Panel member for bias or conflict of interest. Hearings are private, and the only individuals permitted to participate in the hearing are indicated below. Observers or additional support personnel, other than the parties' advisors, are not allowed unless deemed necessary by the Title IX Coordinator for purposes such as accommodation of a disability. Cell phones and recording devices may not be used by the parties or their advisors in the hearing room(s).

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

All proceedings will be recorded through audio 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 Hearing Panel will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for Complainants, and any technology to be used at the hearing. The parties will have an opportunity to raise any objections regarding a decision-maker's actual or perceived conflicts of interest or bias at the commencement of the live hearing. The Hearing Panel members may be members of the campus community or may be external to the University, as determined by the Title IX Coordinator.

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

Complainant and Respondent (the Parties)
The parties cannot waive the right to a live hearing. The university may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a "statement" by that party. The university will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party's participation. If a party does not submit to questioning by a party's advisor at the hearing, 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 cross examination (for example, the Hearing Panel may determine whether the statements are sufficiently reliable in the absence of cross examination). 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 their choice (at the party's expense, if the advisor is a paid advisor). The parties are not permitted to conduct cross- examination; it must be conducted by the advisor. If a party does not have an advisor present at the hearing, the University will provide, without fee or charge to that party, an advisor of the University's choice for the limited purpose of conducting questioning on behalf of that party as provided in this Policy.

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

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

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

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

Witnesses
Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation. If a witness does not submit to 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 cross examination (for example, the Hearing Panel may determine whether the statements are sufficiently reliable in the absence of cross examination). 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 may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decision-makers.
4. While an advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum.
5. The advisor may not yell, scream, badger, or physically ''lean in'' to a party or witness's personal space. Advisors may not approach the other party or witnesses without obtaining permission from the Hearing Panel Chair.
6. The advisor may not use profanity or make irrelevant ad hominem attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
7. The advisor may not ask repetitive questions. This includes questions that have already been asked by the Hearing Panel or the advisor in cross-examination. When the Hearing Panel Chair determines a question has been "asked and answered" or is otherwise not relevant, the advisor must move on.
8. Parties and advisors may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

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

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

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

Hearing Procedures

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

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

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

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

Questioning Procedures

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

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

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

If a party or witness does not submit to questioning by a party's advisor at the hearing, the Hearing Panel may nevertheless rely on statements of that party or 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 cross-examination (for example, the Hearing Panel may determine whether the statements are sufficiently reliable in the absence of cross-examination). The Hearing Panel will not, however, draw an inference as to responsibility based solely on a party's or witness's absence from the hearing or refusal to answer questions posed by the other party's advisor.

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

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

Sanctioning 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 Gender-Based Discrimination and Sexual Misconduct 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 but not limited to the following:

- Mandated counseling so the Respondent has the opportunity to gain more insight into his/her/their behavior.
- A “no contact" directive (including but not limited to continuation of a no contact directive imposed as a supportive measure) prohibiting contact with one or more identified persons, in person or through telephonic, electronic, written or other means. A no contact directive may include additional restrictions and terms.
- Requiring the Respondent to write a letter of apology.
- Requiring unpaid service to the campus or local community stated in terms of type and hours of service.
- Restitution for damage to or misappropriation of property, or for personal injury, and other related costs.
- Loss, revocation or restriction of housing privileges (e.g., exclusion from specified locations or alteration of status in the housing lottery or other selection system).
- Monetary fines.

Employee Sanctions:

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

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

Notice of Outcome

The Hearing Panel will issue a written determination regarding responsibility to the Title IX Coordinator including the following information:

- A description of the charges that were adjudicated;
- A description of the procedural steps taken from the submission of the Formal Complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University’s educational programs or activities will be provided to the Complainant; and
- The procedures and permissible bases for the Complainant and Respondent to appeal (described below in “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, including but not limited to a violation 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."
- Students whose degree is withheld pending adjudication of a conduct matter will have the following noted on the transcript: "Conferral of degree has been withheld pending resolution of a disciplinary proceeding regarding an alleged violation of University policy. The degree will be awarded upon satisfactory completion or resolution in accordance with University policy." This notation is not a disciplinary sanction, but is intended to facilitate an equitable resolution of the process.

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 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 Formal Complaint or any included allegations and/or (2) a determination regarding responsibility. An Appeals Panel shall be convened when either the Complainant or the Respondent choose to

file an appeal. The Appeals Panel composition under this Policy shall be three (3) Discrimination and Misconduct Officials. Appeals Panel members will be free of conflict of interest and bias, and may not have served as investigator, Title IX Coordinator, or Hearing Panel member in the same matter. To appeal, a party must submit their written appeal to the Title IX Coordinator within five (5) business days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

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

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

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

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

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

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

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

Transcript Notation

A student may request to have a suspension transcript notation removed by submitting a request in writing to the St. Bonaventure University Provost/Vice President for Academic Affairs and the Vice President for Student Affairs, who shall serve has the Appeals Panel in transcript notation appeals. They will make all decisions about notation removal.

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 (*i.e. 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 may request additional information from the student. Decisions regarding the removal of transcript notations are within the discretion of the Vice Presidents and not subject to further appeal or review under any other University process.

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 and considered with the same process as the first request (subject to any subsequent changes in University policy) 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 Gender-Based Discrimination and Sexual Misconduct Policy;
7. Disclose, if the Respondent is a University employee, the incident to Human Resources or to request that a private employee assist in reporting to Human Resources;
8. Receive reasonable assistance from appropriate University representatives if interested in initiating legal proceedings in family court or civil court; and
9. Withdraw a complaint or involvement from the University processes at any time, with the understanding that in appropriate cases, the University may nonetheless be required to proceed even if the reporting individual does not wish to do so.

For information on filing a report or seeking resources, including intervention, mental health counseling, and medical services go to Title IX (sbu.edu) or contact the Title IX Coordinator (Katir O'Brien, Interim) at 716-375-2011. In addition, information on sexually transmitted infections and sexual assault forensic examinations can be obtained from University Center of Student Wellness, if a student, or from the hospital listed above, if an employee or student. Certain resources are also available to victims of crimes through the New York State Office of Victim Services, www.ovs.ny.gov.

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

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

Additional Information

Distribution of Policies and Procedures

The St. Bonaventure University Gender-Based Discrimination and Sexual Misconduct Policy and Procedures as they relate to SBU students can be found in the Student Code of Conduct. The Student Code of Conduct is located online at www.sbu.edu/codeofconduct, or by going to the Student Affairs webpage at www.sbu.edu.

Students, faculty and staff can also locate the Student Code of Conduct and the Gender-Based Discrimination and

Sexual Misconduct 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 Gender-Based Discrimination and Sexual Misconduct Policy and Procedures are available in the University's Clery Act Annual Security Report, published on the Student Affairs page of the University website, and hard copies are available in both the Safety and Security Office on the first floor of 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 discretion.

Coordination with Other Policies
A particular situation may potentially invoke one or more University policies or processes. The University reserves the right to determine the most applicable policy or process and to utilize that policy or process.

This Policy does not apply to decisions relating to requests for reasonable accommodation due to a disability. Academic disability accommodations are handled by the Office of 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.

Policy Compliance
Any person with a concern about the University's handling of a particular matter should contact the Title IX Coordinator, Katir O'Brien, Interim @ kobrien@sbu.edu.

The U.S. Department of Education, Office for Civil Rights is a federal agency responsible for ensuring compliance with Title IX. OCR may be contacted at:

400 Maryland Avenue, SW
Washington, DC 20202-1100
(800) 421-3481
Facsimile: 202-453-6012
TDD#: 877-521-2172
E-mail: OCR@ed.gov
Web: http://www.ed.gov/ocr

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 of sexual misconduct should also be aware that the University must issue timely warnings for reported incidents that represent a serious or continuing threat to members of the campus community. In such circumstances, the name of the alleged perpetrator may be disclosed to the community, but the name of the alleged victim/Complainant will not be disclosed.

Disclosure of Results of Disciplinary Proceedings to Next of Kin
Upon request, St. Bonaventure University will disclose the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of any crime of violence or non-forcible sex offense (incest or statutory rape) to the alleged victim's next of kin if the victim is deceased as a result of the offense.