



2017 ANNUAL CAMPUS

Security and Fire Safety Report





DIRECTOR'S REMARKS

Dear Community Member:

I am pleased to introduce the *Annual Security and Fire Safety Report* for the 2017 calendar year for St. Bonaventure University. This report is prepared by a comprehensive team representing various campus sectors: Center for Student Wellness, Human Resources, Title IX, Office of Safety and Security, Residential Living and Conduct and the Office of the Vice President for Student Affairs. Not only does this report comply with the Jeanne Clery Disclosure of Campus Policy and Campus Crime Statistics Act, it is part of our ongoing effort to inform you of the safety programs and services available and the steps you can take to maintain your safety and the security of others.

The safety and well-being of our students, faculty, staff, and visitors are our foremost concern. The best protections against campus crime are: a strong Safety and Security presence; an aware, informed, alert campus community; and a commitment to reporting suspicious activities and using common sense when carrying out daily activities.

St. Bonaventure University works diligently to reduce risk and the potential for crime. However, despite our best efforts, crimes may occur. Safety and security is a shared responsibility, and we expect all current and prospective community members to contribute to the safety and security of our campus.

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

Best wishes,

Gary M. Segrue

Gary M. Segrue
Director of Safety and Security
St. Bonaventure University

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SECTION I

The Office of Campus Safety and Security

The Office of Safety and Security, located on the first floor of Robinson Hall, is open 24 hours a day providing around-the-clock services to the campus community. Officers are on duty 24 hours a day, seven (7) days a week, 365 days a year. The office aids in enforcement of federal, state and local statutes and St. Bonaventure University regulations.

All University security officers must meet the training requirements of the State of New York Security Guard Act. The Office of Safety and Security maintains a close working relationship with area law enforcement agencies within close proximity of St. Bonaventure University. The New York State Police, Cattaraugus County Sheriff's Department, City of Olean Police Department and the Village of Allegany Police Department may respond to emergencies on St. Bonaventure owned property. The Office of Safety and Security are involved in meetings between the leaders of these agencies, on both a formal and informal basis. These aforementioned law enforcement agencies have entered into a Memorandum of Understanding with St. Bonaventure for responding to emergencies on campus. In regard to utilizing local law enforcement to monitor criminal activity at student organization non-campus locations, St. Bonaventure does not have any officially recognized "off-campus" student organizational facilities.

All violent felony offenses reported to the University, occurring on campus or on University-owned property will be reported to the appropriate law enforcement agency for further investigation.

St. Bonaventure University, in compliance with Crime Awareness and Campus Security Act of 1990, is concerned about the safety and welfare of all campus members and guests. St. Bonaventure University has developed a series of policies and procedures that are designed to ensure that every possible precautionary measure is taken. In the interest of prevention, the Residential Living staff, a trained Safety and Security team, and the faculty, staff and students are responsible for a number of measures to ensure that they and their possessions are adequately protected. St. Bonaventure University is not liable for damages to vehicles parked on campus or for the loss of content/property from said vehicles. This policy also applies to personal belongings within all University facilities.

Reporting the Annual Disclosure of Crime Statistics

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

Campus crime, arrest and referral statistics include those reported to the Office of Campus Safety and Security, designated campus officials and local law enforcement agencies. These statistics include crimes that occur on campus, in residence halls and on the local streets surrounding the campus. Center for Student Wellness staff informs their clients of the procedures to report crime to the Office of Campus Safety and Security on a voluntary and/or confidential basis, should they feel it is in the best interest of the client.

Each year, this report will be made available to all students, faculty and staff. The report may be viewed on-line at www.sbu.edu/life-at-sbu/campus-safety. Copies of this report may also be obtained at the St. Bonaventure University Office of Campus Safety and Security, located on the first floor of Robinson Hall, or by calling at 716-375-25252. Crime statistic information may also be obtained directly from the United States Department of Education's web site at: www.ope.ed.gove/security.

Campus Security Authority

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

- A campus police or security department
- Any individual(s) who have responsibility for campus security, but do not constitute a campus police or security department
- Any individual or organization specified in an 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.

Clery Exemption for Pastoral and Professional Counselors

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

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

Specific Information about Classifying Crime Statistics

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

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

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

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

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

Crime Definitions

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

Criminal Offenses

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

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

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

- **Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.
- **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

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

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

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

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

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

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

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

The rules for counting Arson are:

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

The rules for counting Sexual Assaults are:

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

Hate Crimes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VAWA Offenses

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

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

Domestic Violence is defined as a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; 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 in which the crime of violence occurred.

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

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

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

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

The Hierarchy Rule does not apply to VAWA Offenses.

Arrests and Referrals for Disciplinary Action

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

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

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

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

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

Geography Definitions from the Clery Act

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

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

Public Property - All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. The crime

statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.

Campus Crime Statistics

| <i>Criminal Offenses</i> | | On Campus Property | On Campus Student Housing Facilities | Non-Campus Property | Public Property |
|-------------------------------------|------|--------------------|--------------------------------------|---------------------|-----------------|
| Criminal Homicide | | | | | |
| Murder & Non Negligent Manslaughter | 2015 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| Negligent Manslaughter | 2015 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| Sex Offenses | | | | | |
| Rape | 2015 | 3 | 3 | 0 | 0 |
| | 2016 | 4 | 3 | 0 | 0 |
| | 2017 | 3 | 3 | 0 | 0 |
| Fondling | 2015 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| Incest | 2015 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| Statutory Rape | 2015 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| Robbery | 2015 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| Aggravated Assault | 2015 | 2 | 1 | 0 | 0 |
| | 2016 | 0 | 0 | 1 | 0 |
| | 2017 | 1 | 1 | 0 | 0 |
| Burglary | 2015 | 14 | 6 | 0 | 0 |
| | 2016 | 12 | 9 | 0 | 0 |
| | 2017 | 8 | 4 | 0 | 0 |
| Motor Vehicle Theft | 2015 | 0 | 0 | 0 | 0 |
| | 2016 | 1 | 0 | 0 | 0 |
| | 2017 | 2 | 0 | 0 | 0 |
| Arson | 2015 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |

| Arrests and Disciplinary Referrals | | On Campus Property | On Campus Student Housing Facilities | Non-Campus Property | Public Property |
|---|------|--------------------|--------------------------------------|---------------------|-----------------|
| Arrests | | | | | |
| Weapons-carrying, possession, etc. | 2015 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| Drug Abuse Violations | 2015 | 2 | 1 | 0 | 0 |
| | 2016 | 4 | 2 | 0 | 0 |
| | 2017 | 1 | 0 | 0 | 0 |
| Liquor Law Violations | 2015 | 1 | 0 | 0 | 0 |
| | 2016 | 2 | 0 | 0 | 0 |
| | 2017 | 1 | 0 | 0 | 0 |
| Disciplinary Action | | | | | |
| Weapons-carrying, possession, etc. | 2015 | 0 | 0 | 0 | 0 |
| | 2016 | 0 | 0 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| Drug Abuse Violations | 2015 | 42 | 42 | 0 | 0 |
| | 2016 | 45 | 32 | 0 | 0 |
| | 2017 | 72 | 72 | 0 | 0 |
| Liquor Law Violations | 2015 | 271 | 271 | 0 | 0 |
| | 2016 | 164 | 162 | 11 | 0 |
| | 2017 | 192 | 191 | 0 | 0 |

| VAWA Offenses | | On Campus Property | On Campus Student Housing Facilities | Non-Campus Property | Public Property |
|----------------------|------|--------------------|--------------------------------------|---------------------|-----------------|
| Domestic Violence | 2015 | 1 | 1 | 0 | 0 |
| | 2016 | 1 | 1 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| Dating Violence | 2015 | 1 | 1 | 0 | 0 |
| | 2016 | 5 | 2 | 0 | 0 |
| | 2017 | 0 | 0 | 0 | 0 |
| | 2015 | 1 | 0 | 0 | 0 |

| | | | | | |
|----------|------|---|---|---|---|
| Stalking | 2016 | 0 | 0 | 0 | 0 |
| | 2017 | 1 | 1 | 0 | 0 |

No Hate Crimes were reported for 2015, 2016, 2017.

No unfounded crimes for 2015, 2016, 2017.

SECTION II

St. Bonaventure University Security Procedures

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

Informing the Campus Community of Criminal Activity

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

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

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

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

Crime Reporting and Response to Reports

Numerous efforts are made to advise members of the campus community on a timely basis about campus crime and crime-related problems. Dispatchers are available by contacting 716-375-2525 24 hours a day to answer your call. In response to your call, St. Bonaventure University Safety and Security will take the required action of dispatching an officer and/or the on duty residence director to assist with filing an incident report. All Safety and Security incident reports are forwarded to the Executive Director for Residential Living and Conduct for review and possible action. Campus Safety and Security officers and/or Title IX investigators will investigate a report when deemed appropriate. If assistance is required from local law enforcement agencies, the Safety and Security Department will contact the appropriate unit. If an act of sexual misconduct or gender-based violence should occur, staff on scene will offer the victim a wide variety of services. St. Bonaventure has trained staff available 24 hours a day to assist victims.

How to Report a Crime and/or Emergency On Campus

Medical Emergency - Dial 716-375-2525 or 911

Every student, faculty and staff member can report a crime by calling Safety and Security Services (716-375-2525) or by dialing 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 the Center for Student Wellness, assists Safety and Security Services in

responding to medical and other emergencies. Calling Safety and Security Services dispatches MERT until additional personnel can arrive from off-campus agencies if needed.

There are “blue light” phones located around campus in case of emergency. Picking up the phone will immediately put you in touch with Safety and Security Services. Additionally, there are yellow emergency call boxes located at the entrance of most residence halls on campus. If you push the large red button, it will immediately put you in touch with Safety and Security Services.

Reporting a Crime in Progress/Active Threat

Dial 716-375-2525 or 911

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 either Safety and Security Services or 911 as soon as it is safe to do so. Be prepared to give the location and nature of the threat/incident, the name and/or description of all persons involved, and the person’s direction of travel and description of vehicles if applicable.

Reporting a Crime/Non-emergency

Students and employees should report criminal offenses in a timely manner to the following:

Safety and Security Services – 716-375-2525, located on the First Floor of Robinson Hall

Director of Safety and Security Services - 716-375-2526

Vice President for Student Affairs -716-375-2513

Cattaraugus County Sheriff – 716-938-9191 or 911

New York State Police – 585-268-9030

Executive Director for Residential Living/Chief Judicial Officer – 716-375-2512

Counseling Center – 716-375-2310

*Also, you may contact a Residence Director or Resident Assistant AT ANY TIME to report a crime. If you cannot locate a residence life staff member, you can call Safety and Security Services, and they will contact the Residence Director on-duty to assist you.

St. Bonaventure University Silent Witness Program

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

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

Crime/Safety Prevention

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

The crime prevention program is based upon the dual concepts of eliminating or minimizing criminal opportunities and encourages students and employees to be responsible for their own security and

security of others. The following is a listing of the crime prevention programs and projects employed by St. Bonaventure.

New Student Orientation: A crime prevention presentation, accompanied by brochures and other printed material, is made available to residence hall students on a routine basis.

Residence Hall Security: Crime prevention presentations, accompanied by brochures and other printed material, are made available to residence hall students on a routine basis.

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

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

Printed Crime Prevention Materials: Printed crime prevention brochures and posters related to motor vehicle security, bicycle security, residence hall security, health services, employee security and library security are distributed at various locations throughout campus.

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

Fire Alarm System: Security Services monitors and maintains fire alarm systems on campus.

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

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

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

Operation Identification: Operation identification, the engraving of a person's Social Security number on items of value, is strongly suggested in student residence halls.

Crime Prevention Policy: Crime prevention articles and material are routinely made available to the student newspaper and the University's radio station via the University Office of Communications.

Sexual Assault Awareness/Education and Prevention: Under the supervision of the Title IX Coordinator, sexual assault awareness, education and prevention presentations are made each year to members of the campus community.

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

Enhanced Emergency Telephone System: All on-campus telephone calls made to the Office of Safety and Security are identified and the telephone number and location of the telephone are displayed on a screen to the Office of Safety and Security dispatcher. This enhanced emergency

telephone system was installed to ensure that Safety and Security Services knows the on-campus origin of an emergency call, even if the caller is unable to communicate verbally.

Crime Prevention and Personal Safety Tips:

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

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

Access to Campus

The St. Bonaventure University campus is considered private property but is generally open to members of the public. Most academic and administrative buildings are open to the public during normal hours, and the hours may vary at different times of the year. Access to some of these buildings is controlled by electronic card access after normal business hours, and all buildings have varied levels of access. These buildings do not have SBU Safety and Security staff assigned to them, however, safety and security staff patrol them on a regular basis. Contact SBU Safety and Security at 716-375-2525 for information regarding access protocol for a specific building.

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

Maintenance and Security of Campus Facilities

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

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

- register and provide parking registration for students, faculty and staff
- assist campus motorists with minor vehicle problems
- test and maintain all fire-prevention equipment and alarms
- inspect buildings for safety compliance
- maintain a lost-and-found department

A number of well-marked exterior emergency telephones are located throughout the campus. These telephone boxes are easily identified by a blue light, which is mounted directly above the box. They can be used to report a criminal incident, fire or any other type of emergency. Additionally, emergency telephones are located at the main entrance of most residence hall facilities.

The Office of Safety and Security maintains a close working relationship with all appropriate law enforcement agencies and criminal justice systems. Regular meetings are held with those agencies, both on a formal and informal basis, and crime-related reports and statistics are routinely exchanged in accordance with accepted legal procedure and maintaining appropriate levels of confidentiality.

Criminal Activity Off Campus

The university does not own or control any off campus student organization facilities. Some students live in the neighborhoods surrounding St. Bonaventure University. Local law enforcement agencies provide information to the Office of Campus Safety and Security when a student violates existing federal, state or local laws.

Timely Warnings/Security Alerts

A Timely Warning is a notification for a Clery crime category that is considered by the institution to represent a serious or continuing threat to student and employees. **The intent of a warning regarding a criminal incident(s) is to enable people to protect themselves.** This means that a warning should be issued as soon as pertinent information is available.

The Clery Act requires colleges and universities to issue a Timely Warning Notice to notify students and employees whenever there is a threat that a serious crime is ongoing or may be repeated. This notification is required for certain specific crimes that are reported to campus security authorities or local law enforcement AND are reported or believe to have occurred on campus, on campus residence hall, non-campus building or property, or public property contiguous to campus. Notices are not limited to violent crimes or crimes against persons, and can be issued for threats to persons or to property.

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

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

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

A general Timely Warning will included:

- Type of reported crime

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

St. Bonaventure University utilizes a Timely Warning Determination Form in assessing if a warning is made or not.

Emergency Notifications

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

Emergency Notifications have a wide focus on any significant emergency or dangerous situation, which may include Clery crimes. An Emergency Notification is triggered by an event that is currently occurring on or imminently threatening campus.

An Emergency Notification is initiated for ***any significant emergency or dangerous situation involving an immediate threat to the health and safety of student or employees occurring on campus.***

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

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

Emergency Response and Procedures

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

The St. Bonaventure University Emergency Preparedness Plan is designed to provide planning and emergency response guidelines for the Emergency Management Team, Emergency Response Team and the campus community in the event that a serious threat, crisis, or emergency occurs on or near property owned or supervised by the university, or affects members of the campus community in some fashion.

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

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

1. Steam Whistle Alert
2. Cisco Phone Message Alert
3. E2 Campus Text Alert
4. Campus Notice Board E-mail Message
5. Face to Face Communications
6. Public Notification will be via our Media Relations Department

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

The University's Safety and Security Department is responsible for the safety of the campus community and security of all buildings and property belonging to the university. The Safety and Security Department will likely serve as the first contact and first responder in all campus emergency situations. The scope of the emergency preparedness plan applies to all campus faculty, staff, students, and visitors. All on campus and off campus, university owned property is covered under the emergency preparedness plan.

The Director of Safety and Security is authorized by the Vice President for Student Affairs, who is authorized by the President of the University, to oversee the emergency preparedness plan. In the event of an emergency, University authorities or their designees may serve as the Emergency Management Coordinator (EMC) in declaring the scope of the emergency and directing its response. The Vice President for Student Affairs will serve as EMC unless otherwise directed.

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

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

Declaring an Emergency/Notifications and Alerts

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

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

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

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

The Emergency Plan and notification procedures will be tested at least on an annual basis using either a full scale exercise, tabletop exercise(s), drills, or a combination of these. Scenarios will vary from year to year based on local risk analysis.

Preventing and Responding to Domestic Violence, Dating Violence, Sexual Assault, and Stalking

St. Bonaventure University Student Code of Conduct prohibits sexually violent acts, termed "Gender-Based and Sexual Misconduct" by St. Bonaventure University, which can be crimes as well. Sexual misconduct includes the defined University policies of non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, intimate partner/relationship violence, sex/gender-based stalking, and sexual harassment. While St. Bonaventure University utilizes different standards and definitions than the NYS Penal Law, sexual misconduct often overlaps with the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, and domestic violence. Victims of these behaviors are protected by federal laws, specifically Title IX, the NYS Enough Is Enough Act and the Clery Act, which mandates the contents of this report.

Law Enforcement

It is the policy of St. Bonaventure University to notify local law enforcement when allegations of criminal sexual misconduct occurs, typically without providing identifying information about the incident, unless a victim wishes that information to be shared, or an emergency requires disclosure. 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 local law enforcement, but may also respect a victim's request not to do so.

Victim Safety, Resources, and Evidence Collection

If you have experienced sexual misconduct, gender-based violence, or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence, some or all of these safety suggestions may guide you after an incident has occurred:

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, contact Campus Safety at 716-375-2525 if you are on campus or call 911 if you are off campus.
2. Consider securing immediate professional support (e.g., counseling, victim advocacy, medical services, etc.) to assist you in the crisis.
3. If you are on campus during regular business hours, you may go to the Wellness Center, which contains both Health and Counseling Services, on the first floor of Doyle Hall. Both are both confidential resources. After regular business hours, or in any situation where a victim wishes, local resources are also available and may be able to provide confidential assistance.

ST. BONAVENTURE UNIVERSITY CENTER FOR STUDENT WELLNESS

Room 127 Doyle Hall Phone: 716-375-2310

Office Hours are:

Monday, Wednesday, Friday 8 AM - 5 PM

Tuesday & Thursday 8 AM – 8 PM

(After hours a counselor can be reached through the Office of Safety and Security at 716-375-2525)

The Center for Student Wellness staff provides both confidential crisis-oriented and follow-up counseling to victims of sexual assault.

CATTARAUGUS COMMUNITY ACTION/VICTIMS' SERVICES DIVISION

24-hour HOTLINE: 1-888-945-3970

4. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important in the case of rape or sexual assault. Physical evidence should also be collected through a medical examination. Olean General Hospital has a Sexual Assault Forensic Examiner program, designed specifically to conduct physical examinations after an incident of sexual violence, and evidence is collected during this examination. Having this examination does not commit a person to pursuing legal charges against an individual. However, failure to have an accurate examination to collect physical evidence in a timely manner may negatively affect a person's ability to pursue legal charges in the future. Victim Advocates from Cattaraugus County Community Action Victim Services will explain options for victims to be reimbursed for medical examinations.
5. Even after the immediate crisis has passed, consider seeking support from the University's Health and Wellness Center, or from Victim's Services of Cattaraugus County Community Action.
6. Contact the Title IX Coordinator or Executive Director for Residential Living and Conduct, if you need assistance with University-related concerns, such as no-contact orders or other protective measures. The Executive Director will also assist in any needed advocacy for students who wish to obtain protective or restraining orders from local authorities. St. Bonaventure University is able to offer reasonable academic supports, changes to living arrangements, transportation resources or modifications, escorts, no contact orders, counseling services access, and other supports and resources as needed by a victim. St. Bonaventure University is able to offer information about legal assistance, visa/immigration assistance, and student financial aid considerations for victims.

Confidentiality and Reporting of Offenses Under the St. Bonaventure University Gender-Based Discrimination and Sexual Misconduct Policy

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 on-campus.

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

Other employees at the University are non-confidential resources and are required to share your report with the Title IX Coordinator so that the University may take steps to offer support services and prevent the recurrence of gender-based discrimination or sexual misconduct. If you are unsure of an individual’s reporting obligations, please ask before disclosing information you wish to remain confidential. This policy is intended to make individuals aware of the various reporting and confidential disclosure options available so that individuals can make informed choices about where to turn should they become the victim of gender-based discrimination or sexual misconduct.

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.

Confidential Assistance

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with counselors or health care providers in the Center for Student Wellness, clergy within the University acting in their role as clergy (friars or sisters), and/or off-campus resources such as Victim’s Services or Olean General Hospital. All of these resources will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. Confidential resources that are University employees will submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient or parishioner.

Quick Reference Contact Information:

- University Center for Student Wellness: 127 Doyle Hall (first floor right side entrance) – 716-375-2310
- Olean General Hospital Sexual Assault Forensic Examiner (SAFE) Unit: Report to the OGH Emergency Room – 716-372-0614
- Cattaraugus County Community Action - Victim Services: Toll Free Crisis Hotline – 1-888-945-3970

Non-Confidential Resources

All University employees other than confidential resources have a duty to share reports of gender-based discrimination or sexual misconduct with the Title IX Coordinator or a Deputy Coordinator so that the University may take steps to offer support services and prevent the recurrence of any misconduct. 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 or a Deputy 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 of pattern, predation, physical threat, weapons, and/or violence, the University will likely be unable to honor a request for confidentiality. If the University determines that it must proceed with an investigation, the reporting party can choose whether or not he/she is going to be part of it. The burden of investigation, disciplinary charges, and consequences is not on the reporting party, but instead rests with the University. In cases where the reporting party requests confidentiality, and the circumstances

allow the University to honor that request, the University will offer interim supports and remedies to the reporting party and the community, but will not otherwise pursue formal action.

Ongoing Initiatives to Address Sexual Assault and Misconduct Training and Prevention Programming

In an effort to reduce the risk of gender-based discrimination and sexual misconduct occurring among its students, St. Bonaventure University utilizes a range of campaigns, strategies and initiatives to provide awareness, educational, risk reduction and prevention programming.

It is the policy of the St. Bonaventure University to offer programming to prevent domestic violence, relationship/intimate partner violence, sexual assault (including stranger and known offender assaults) and stalking each year. Educational programs are offered to raise awareness for all incoming students and employees, and are often conducted during new student and new employee orientation and throughout an incoming student's first semester. These programs and others offered throughout the year include strong messages regarding not just awareness, but also primary prevention (including normative messaging, environmental management and bystander intervention), and discuss institutional policies on gender-based discrimination and sexual misconduct as well as the New York State definitions of domestic violence, dating violence, sexual assault, stalking and consent in reference to sexual activity. Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies and/or creating distractions.

Programs also offer information on risk reduction that strives to empower victims, how to recognize warning signals and how to avoid potential attacks, and do so without victim-blaming approaches. Throughout the year, ongoing awareness and prevention campaigns are directed to students and employees, including faculty, often taking the form of campaigns, guest speakers, events, and programs sponsored by student clubs and organizations such as Bona's for Equality (the University women's issues student organization). In addition, the University requires all first year students to complete MyStudentBody, an online alcohol education program with a sexual assault educational component.

Defining Acts Involved with Sex Offenses

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

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

Rape in the third degree: A person is guilty of rape in the third degree when (1) he or she engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) Being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or (3) engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

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

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

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

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

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

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

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

Sexual abuse in the third degree: A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that (a) such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and (b) such other person was more than 14 years old and (3) the defendant was less than five years older than such other person.

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

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

Aggravated sexual abuse in the fourth degree: (1) A person is guilty of aggravated sexual abuse in the fourth degree when (a) inserts a foreign object in the vagina, urethra, penis or rectum or anus of another person and the other person is incapable of consent by reason of some factor other than being

less than 17 years old; or (b) he or she inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than 17 years old. (2) Conduct performed for a valid medical purpose does not violate the provisions of this section.

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

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

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

Facilitating a sex offense with a controlled substance: A person is guilty of facilitating a sex offense with a controlled substance when he or she: (1) knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and (2) commits or attempts to commit such conduct constituting a felony defined in this article.

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

Course of sexual conduct against a child in the first degree: A person is guilty of course of sexual conduct against a child in the first degree when, (1) over a period of time not less than three months in duration: (a) he or she engages in two or more acts of sexual conduct, which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than eleven years old; or (b) he or she, being eighteen years old or more, engages in two or more acts of sexual conduct, which include at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than thirteen years old. (2) A person may

not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section.

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

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

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

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

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

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

Dating Violence: means "violence committed by a person:

- who is or has been in a social relationship of romantic or intimate nature with the victim; and
- where the existence of such relationship shall be determined based on a consideration of the following factors:

- o the length of the relationship;
- o the type of relationship; and
- o the frequency of interaction between the persons involved in the relationship."

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

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

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

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

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

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

Stalking in the third degree: A person is guilty of stalking in the third degree when he or she: (1) Commits the crime of stalking in the fourth degree against three or more persons, in three or more separate transactions, for which the actor has not been previously convicted; or (2) Commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime, as defined in subdivision five of section 120.40 of this article, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) With intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or (4) Commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

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

Stalking in the first degree: A person is guilty of stalking in the first degree when he or she commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she: (1) intentionally or recklessly causes physical injury to the victim of such crime; or (2)

commits a class A misdemeanor defined in article one hundred thirty of the NYS Penal Law (NYSPL), or a class E felony defined in section 130.25, 130.40 or 130.85 of the NYSPL, or a class D felony defined in section 130.30 or 130.45 of the NYSPL.

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

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

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

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

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

Sex Offender Registry Information

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

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

SECTION III

ALCOHOL POLICY

Summary of New York State Laws Pertaining To Alcohol:

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

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

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

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

University Alcohol Policy

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

Possession of Alcoholic Beverages – Alcoholic beverages and beverage containers (glass or can, empty, full or partially full) are prohibited in residence hall rooms where any or all occupants of the room are under 21 years of age. When alcoholic beverages are permitted, the limit is not to exceed more than one case of beer, one liter of liquor or one gallon of wine. Persons under 21 years of age are not permitted to be in the presence of alcoholic beverages, or beverage containers.

Consumption of Alcoholic Beverages – Consumption of alcoholic beverages is strictly prohibited if a student is under the age of 21. Persons 21 years of age or older who choose to consume alcohol may do so only in the presence of other persons 21 years of age or older, and must

remain in control of their behavior. They will be responsible for their actions and must respect the rights of others.

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

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

Hosting a Party in a Residence Facility – a room party is defined as: Six (6) or more people in a single room where alcohol is present; ten (10) or more people in a room larger than a single (including apartments) where alcohol is present.

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

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

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

Possession of a Keg/Beer Ball – Kegs and beer balls are not permitted in any residence hall facility, with the exception of apartments as listed below.

Presence at a Room Party – attendance at a party as defined under Hosting a Party.

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

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

Other: The University also prohibits:

- Any form of false identification
- Overt intoxication on campus
- Operation of a motor vehicle on campus while under the influence of alcohol or a controlled substance

Typical Sanctions for Violation of University Alcohol Policies

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

1st Violation:

- Written Warning and,
- Educational program evaluating behaviors relating to alcohol (i.e. MyStudentBody)

2nd Violation:

- \$100 fine or comparable community service, and
- Parental Notification, and
- 100 points added to room selection lottery number, and
- Educational program evaluating behaviors relating to alcohol (i.e. MyStudentBody) and meeting with counselor from the Center for Student Wellness

3rd Violation:

- \$200 fine or comparable community service, and
- Parental Notification, and
- 200 points added to room selection lottery number, and
- Educational program evaluating behaviors relating to alcohol (i.e. MyStudentBody), and meeting with counselor from the Center for Student Wellness
- Participation in a University sponsored activity or reflection paper, and
- Residence Hall Probation and/or restriction from Apartment Selection or other aspects of the room selection process

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

St. Bonaventure University Program to Prevent Alcohol and Drug Abuse

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

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

The law further requires that the University conduct a biennial review of its program to (a) determine its effectiveness and implement changes as they are needed; and (b) ensure that the sanctions developed are consistently enforced.

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 the Student Code of Conduct.

DRUG POLICY

Drug-Free Workplace and Campus Community Policy

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

Policies Regarding Possession, Use, and Distribution of Controlled Substances

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

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

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

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

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

Typical Sanctions for Violation of University Drug Policy

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

1st Violation:

- \$200 fine
- Parental Notification
- 200pts added to room selection lottery number

- Residence Hall Probation and/or restrictions for room selection
- Educational program evaluating behaviors relating to drugs

2nd + Violation: These situations are very rare, and are handled more on a situation to situation basis. They typically result in restriction from living on campus, significant fines (minimum \$400), other attendant restrictions, and/or suspension or expulsion from the University for Repetitive Violations

On-Campus Substance Abuse Prevention Programming and Counseling Service

MyStudentBody: MyStudentBody.com is an online education program that is produced by Hazelden-Betty Ford Foundation, which is the premier addiction treatment and education company in the United States. First year students are required to complete the “Essentials” course prior to arrival on campus. This course includes three components: Alcohol Education, Drug Use Education, and Prevention of Sexual Violence. After 60 days of being on campus, students will be required to do a follow up to this initial education in order to look for patterns and track changes in student perception in these areas. The program allows reports to be generated for tracking and program development purposes. There are sanction education modules for students who violate the campus drug and alcohol policy as well as Title IX incidents. MyStudentBody has a substantial library of resources for students as well.

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

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

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

FIREARMS, DANGEROUS WEAPONS, DANGEROUS CHEMICALS AND FIREWORKS

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

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

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

GENDER-BASED DISCRIMINATION AND SEXUAL MISCONDUCT

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 violence, 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 responding party 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 has been 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.

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 Policy

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 and/or gender identity of the persons involved in the acts.

This policy prohibits the following forms of misconduct:

Gender-Based Discrimination – Gender-Based Discrimination includes discrimination on the basis of gender, sexual orientation, gender identity 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 Adriane Spencer, aspencer@sbu.edu, 716-375-2065 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.

Sexual Harassment – Sexual harassment is unwelcome, gender-based, sexual orientation-based or gender identity-based verbal or physical conduct 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 is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

It constitutes sexual harassment when:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education opportunities or activities,
- b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions or educational opportunities or activities affecting such individual, or
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working or learning environment.

For example, sexual harassment would include the following kinds of behavior, or other kinds of behavior with a similar harassing effect:

- a) Abusing an employee or student through insulting, degrading, or oppressive sexual remarks, jokes, innuendoes, or other sexually oriented conduct (including, among other things, graphic or descriptive comments relating to an individual's body or physical appearance, sexually oriented teasing or pranks, improper suggestions, objects or pictures, unwanted physical contact);
- b) Threats, demands, or suggestions that an employee's working conditions or a student's grade depends in any way upon tolerating or accepting or refusing sexual advances or sexually oriented conduct
- c) attempts to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; gender-based bullying.

Sexual Assault – Sexual Assault includes Non-Consensual Sexual Contact and Non-Consensual Sexual Intercourse, as defined below.

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, or touching another with any of these body parts, or making another touch oneself or themselves with or on any of these body parts.

Non-Consensual Sexual Intercourse – any penetration, however slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without affirmative consent. This type of sexual assault also includes non-forcible sexual intercourse with a person who is under the statutory age of consent. In New York, the statutory age of consent is 17 years old.

Sexual Exploitation – occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation may include but are not limited to: any audio and/or visual recording of a consensual sexual act or private activity (such as undressing or showering) without the person’s consent; distributing, without the prior consent of the victim of exploitation or beyond parameters of consent given by the victim, an audio and/or visual recording of a consensual sexual act; or private activity otherwise going beyond the boundaries of consent (such as allowing people to hide in the closet to view consensual sexual contact/intercourse); voyeurism; engaging in sexual activity with another while knowingly infected with a sexually transmitted disease; attempting to incapacitate someone for the purposes of committing sexual assault; exposing one’s genitals in non-consensual circumstances; or sex or gender-based bullying.

Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety, the safety of others, or suffer substantial emotional distress. Examples of stalking behavior include but are not limited to: repeated attempts at communication (phoning, texting, email, social messaging); making direct or indirect threats to harm an individual or the individual’s relatives, friends or pets; physical and/or verbal confrontations; entering one’s residence hall room/apartment or vehicle without permission; following, observing or lying in wait for another; vandalizing or threatening to vandalize the property of another; gaining access to personal online accounts or information; etc.

Domestic Violence – Any violent behavior committed by a current or former spouse of a victim, by a person with whom a victim shares a child, by a person with whom the victim currently cohabitates or previously cohabitated as a romantic or intimate partner, by an individual who is or was similarly situated to a spouse of the victim, and/or by a person against a victim who is protected from the other person’s acts under the domestic or family violence laws of the jurisdiction in which the act of violence occurs.

Relationship/Intimate Partner Violence (Dating Violence) – Any violent behavior committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship may be determined based on consideration of the length of the

relationship, the type of relationship, and/or the frequency of interaction between the persons involved in the relationship.

Other Misconduct Offenses (will be addressed under this policy when based on gender, gender identity, 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

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.

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.

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

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.

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.

Confidentiality and Reporting of Offenses Under This Policy

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 on-campus.

Certain University employees are considered "confidential" resources because they are not required by law to report known incidents of sexual assault or other crimes to University officials, including the Title IX Coordinator. Confidential resources generally will not share information about an individual without the individual's express written permission.

Other employees at the University are non-confidential resources and are required to share your report with the Title IX Coordinator so that the University may take steps to offer support services and prevent the recurrence of gender-based discrimination or sexual misconduct. If you are unsure of an individual's reporting obligations, please ask before disclosing information you wish to remain confidential. This policy is intended to make individuals aware of the various reporting and confidential disclosure options available so that individuals can make informed choices about where to turn should they become the victim of gender-based discrimination or sexual misconduct.

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.

Confidential Assistance

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with counselors or health care providers in the Center for Student Wellness, clergy within the University acting in their role as clergy (friars or sisters), and/or off-campus resources such as Victim's Services or Olean General Hospital. All of these resources will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. Confidential resources that are University employees will submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient or parishioner.

Quick Reference Contact Information:

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

Non-Confidential Resources

All University employees other than confidential resources have a duty to share reports of gender-based discrimination or sexual misconduct with the Title IX Coordinator or a Deputy Coordinator so that the University may take steps to offer support services and prevent the recurrence of any misconduct. 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 or a Deputy 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 of pattern, predation, physical threat, weapons, and/or violence, the University will likely be unable to honor a request for confidentiality. If the University determines that it must proceed with an investigation, the reporting party can choose whether or not he/she is going to be part of it. The burden of investigation, disciplinary charges, and consequences is not on the reporting party, but instead rests with the University. In cases where the reporting party requests confidentiality, and the circumstances allow the University to honor that request, the University will offer interim supports and remedies to the reporting party and the community, but will not otherwise pursue formal action.

Rights of Parties During Investigation, Sanctioning and Appeal

A Student's Bill of Rights, a Faculty and Staff Bill of Rights and an additional statement of Rights in Cases Involving Sexual Assault, Domestic Violence, Dating Violence or Stalking are attached to this Policy as Appendix A.

Rights of the Reporting Person.

The reporting person under this Policy has:

1. the right to provide a personal statement before any sanction is imposed;
2. the right to make his/her statement without directly confronting the respondent;
3. the right to be notified in advance in writing (including electronically) of any meeting they are required or eligible to attend and the purpose of that meeting;

4. the right not to have his or her past sexual history with the other party considered, unless determined to be directly relevant to the matter at hand, and the right to not have their prior sexual history with other persons considered as part of a responsibility determination;
5. the right to ask that witnesses relevant to the case be interviewed as part of the investigation and to submit other evidence for consideration; however, the investigator(s) may establish a reasonable limit on the number of witnesses and also place reasonable restrictions on the consideration of any proffered information;
6. the right to appeal a decision to the extent provided for in this Policy;
7. the right to raise any issues of conflict of interest related to individuals serving in official roles under this Policy;
8. the right to decline to answer a question during the investigatory and/or review process. However, the investigation and review proceeds based on the information provided;
9. the right to have their own mental health diagnoses and/or treatment excluded during any responsibility determination.

Rights of the Respondent.

The respondent under these procedures has:

1. the right to be informed of the factual allegations concerning any alleged violation, the date, time and place of the alleged violation; a reference to the Policy provisions violated and possible sanctions;
2. in the course of the investigatory and adjudicatory process, the right to be presumed not responsible for a violation unless and until a finding of responsibility has been made;
3. the right to provide a personal statement before any sanction is imposed;
4. the right to make his/her statement without directly confronting the complaining party
5. the right to be notified in advance in writing (including electronically) of any meeting they are required or eligible to attend and the purpose of the meeting;
6. the right not to have his or her past sexual history with the other party considered, unless determined to be directly relevant to the matter at hand, and the right to not have their prior sexual history with other persons considered as part of a responsibility determination (prior findings and sexual assault, domestic violence, dating violence and stalking may be considered in determining a sanction, as may other aspects of the respondent's overall record);
7. the right to ask that witnesses relevant to the case be interviewed as part of the investigation and to submit other evidence for consideration. However, the investigator(s) may establish a reasonable limit on the number of witnesses and also place reasonable restrictions on the consideration of any proffered information;
8. the right to appeal a decision to the extent provided for in this Policy;
9. the right to raise any issues of conflict of interest related to individuals serving in official roles under this Policy;
10. the right to decline to answer a question during the investigatory and/or review process. However, the investigation and review proceeds based on the information provided;
11. the right to have their own mental health diagnoses and/or treatment excluded during any responsibility determination.

University's Procedures for Investigation of Gender-Based Discrimination and Sexual Misconduct

St. Bonaventure University strongly encourages any individual who has been subjected to gender-based discrimination or sexual misconduct to report the misconduct to University officials and/or law enforcement. A reporting party has the right and can expect to have reports taken seriously by the University when formally reported, and to have those incidents investigated and properly resolved through these procedures. The University's main concern is that reporting parties receive the help and guidance essential for beginning the process of healing, while also giving consideration to the welfare of the campus community.

Anyone wishing to report incidents of gender-based discrimination or sexual misconduct should do so through Safety and Security Services, Residential Staff (RAs or RDs), the reporting party's supervisor, a CODAH Advocacy Officer, or directly with the Title IX Coordinator (Director of Human Resources) or Deputy Coordinators. Investigations (including Judicial Sanctioning Board proceedings, if applicable) will ordinarily take no longer than 60 days. However, the nature of a complaint and/or extenuating circumstances (such as the time of the academic year, the timing of University break periods, the effect of concurrent criminal proceedings, etc.) may require an extension of that timeframe.

Complaints will be considered according to the following procedure:

1. Once a report is received, information is shared with the Title IX Coordinator and/or a Deputy Coordinator.
2. Preliminary information gathering will occur to determine whether or not a formal investigation is appropriate.
3. Some complaints may be resolved through conflict resolution in lieu of a formal investigation. Conflict resolution may be used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the formal process to resolve conflicts. The Title IX Coordinator and Deputy Coordinator will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to conflict resolution. In a conflict resolution meeting, the Title IX Coordinator and/or Deputy Coordinator will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies, in which case the complaint is resolved. The Title IX Coordinator will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions. Conflict resolution will not be used to address complaints of sexual assault or violent behavior of any kind, or in other cases of serious violations of policy. It is not necessary to pursue conflict resolution first in order to make a formal complaint, and anyone participating in conflict resolution can stop that process at any time and request a formal process.
4. If a formal investigation is deemed appropriate, the Title IX Coordinator will appoint investigators to the case. If it is determined a formal investigation is not appropriate, the University will offer the reporting party and/or alleged victim accommodations, which may include "No Contact" orders if requested.
5. The University may, but shall not be obligated to, delay the institution of its processes when criminal charges on the basis of the same behaviors that invoke this process are being investigated. Such delays will not last more than ten calendar days except when law enforcement authorities specifically request and justify a longer delay. University action will not be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.
6. In each case, a responding party is entitled to a presumption that he or she is "not responsible" until a finding of responsibility is made pursuant to the provisions of this policy. The responding party will receive written notice, prior to any interview or meeting he or she is required or entitled to attend, referencing the specific policy provisions alleged to have been violated and the specific possible sanctions. This notice will also include the date, time, location and factual allegations concerning the alleged violation(s) to the extent known.

7. Investigators will seek to conduct interviews with any individuals who may be able to provide information pertaining to the potential violation, or other potential violations that may become apparent through the course of the investigation. They will also gather, examine and assess relevance of evidence, or other resources, brought forward throughout the course of the investigation. The investigators have the authority to investigate all allegations of collateral misconduct, meaning that they may consider allegations of gender-based discrimination or sexual misconduct, but also may hear any allegations of additional conduct or policy violations that are alleged to have occurred as part of the same set of circumstances as the alleged gender-based discrimination or sexual misconduct, even though those collateral allegations may not otherwise fall within this policy. Accordingly, investigations should be conducted with as wide a scope as necessary. Final determination of whether the investigation will deal with collateral misconduct will be made by the Title IX Coordinator.
8. Prior to the investigators completing their final report and making a determination of responsibility, the investigators will notify the Title IX Coordinator, and the Title IX Coordinator will notify the parties, that the report is substantially complete. The parties may then submit a written request to the Title IX Coordinator, to be received within 48 hours of that notice, to review the investigators' report and relevant information in the case file. A requesting party shall be given a 7 calendar-day period during which access to this material will be made reasonably available for a scheduled review. Access is limited to the requesting party and their advisor, who may not make photocopies or take photographs of the materials. Each party may also submit during this same 7-day period a final statement for consideration by the investigators prior to determination. (The University reserves the right to redact material from the file as permitted and/or required by law.) Any written statement provided by a party may be reviewed by the other party, who will have 24 hours to submit a written response to the Title IX Coordinator. After this period, the investigation will be considered complete unless, in exceptional circumstances, the investigators conclude that it is necessary to reopen the investigation based on the statement(s) and/or response(s) provided by one or both parties.
9. After the investigation is complete, and based on the ***preponderance of the evidence standard*** ("more likely than not"), investigators will determine whether it is "more likely than not" the responding party(s) violated one or more policies and prepare the final report. Investigators will provide the final report to the Title IX Coordinator. **This is the finding in the case.** Final reports will include documented summary of interviews, evidence, credibility assessments, any other factual support for the investigators' findings and any timely received statements and responses submitted by the parties as described in paragraph 8 above.
10. The Title IX Coordinator and/or Deputy Coordinator will inform the reporting party and responding party in writing of the outcome of the investigation, including the relevant findings of fact and the rationale for the determination. If the determination is that the responding party is responsible for one or more violations, the Title IX Coordinator and/or Deputy Coordinator will determine the appropriate sanctioning body dependent on whether the responding party is a faculty/staff member, or student.
11. Should a student be accused of a violation of the Gender-Based Discrimination or Sexual Misconduct Policy, they are NOT subject to the same process and procedure outlined in the

Code of Conduct under the “Judicial Process”, and the processes and procedures in this policy will be followed instead. There is no hearing to determine responsibility, as that is the purpose of the investigation process. If there is a determination by the Title IX Coordinator and/or Deputy that the case should move forward for sanctioning, a Judicial Sanctioning Board will be called to determine sanctions.

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

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

After this history has been taken into consideration, the Title IX Coordinator and Chair of CODAH will make their final recommendation for corrective action to the appropriate executive officer for implementation, if appropriate. Copies of the final recommendation will be sent to the reporting party, responding party, Chair of the CODAH and an appropriate executive officer for both the reporting party and responding party, and retained in the Director of Human Resources office. This process will be done within 60 days of the registration of the complaint in writing unless there are extenuating circumstances.

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

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

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

13. Each party shall have the right to exclude from consideration, for purposes of determining responsibility, the party’s sexual history with persons other than the other party, their mental health diagnosis, or mental health treatment. Prior disciplinary violations may be considered for purposes of assessing sanctions.

Judicial Sanctioning Board for Gender-based discrimination and sexual misconduct (for students only)

The Judicial Sanctioning board will be called to determine sanctions in cases where a student is found responsible for violation of the Gender-Based Discrimination and Sexual Misconduct Policy through an investigation. The board composition shall be:

- The Chief Judicial Officer, or appropriate designee of the Vice President for Student Affairs, and

- one faculty member, and
- one staff person.

No member of this Board shall have been a party to the case, a witness to the case, worked as an investigator on the case, the current faculty advisor to any party in the case, a current instructor to or supervisor of any party in the case, or have any familial relation, professional relationship or close friendship to any party or witness to the case, or otherwise have any actual or perceived conflict of interest that may give the perception of a lack of ability to fairly determine any sanctions. Any potential conflict of interest shall be disclosed prior to the Board convening and if there is a conflict of interest, the conflicted person shall recuse him or herself and a non- conflicted replacement shall be named prior to the Board convening. 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.

The Board will allow the reporting party and responding party to present or submit impact statements. The Board may call upon the investigators to answer questions the Board may have regarding the final report. Both reporting and responding parties have the right to be present for any testimony before the Board, excluding impact statements, if any. The Board will convene privately to review the case file, impact statements, and prior violations of the responding party. Based on all information available, and guidelines outlined in this policy, the board will determine the sanctions, and inform both the reporting party and responding party in writing of the sanctions and the rationale for the sanctions.

Sanctioning for Gender-Based Discrimination and Sexual Misconduct

Both the reporting party and the responding party shall be notified in writing of the outcome of any investigation, hearing or administrative action and any sanctions and changes to the forgoing.

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

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

- Written Warning
- Disciplinary Fines
- Community Service
- Attendant Restrictions
- Participation in Educational Activities Addressing the Nature of the Violation
- Disciplinary Probation
- Loss of Campus Residency
- Organizational Sanctions
- Suspension
- Expulsion
- Withholding of Diploma and/or Degree Conferral
- Revocation of Degree

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.

Transcript Notation

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

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

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 responding party, 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 responding party, 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.

Guidelines for Sanctioning

- Any person found responsible for Non-Consensual Sexual Contact (where no intercourse has occurred) or Stalking will likely receive a sanction ranging from probation to expulsion/termination, depending on the severity of the incident, and taking into account any previous disciplinary violations/issues.
- Any person found responsible for Non-Consensual Sexual Intercourse, Domestic Violence or Dating Violence will likely receive a sanction of suspension or expulsion (student) or suspension or termination (employee).
- Any person found responsible for Sexual Exploitation or Sexual Harassment will likely receive a sanction ranging from warning to expulsion/termination, depending on the severity of the incident, and taking into account any previous violations/issues.
- Any person found responsible for Gender-Based Discrimination will likely receive a sanction ranging from warning to expulsion/termination, depending on the severity of the incident, and taking into account any previous violations/issues.

The decision-making body reserves the right to broaden or lessen any range of recommended sanctions in the case of significant mitigating or aggravating circumstances.

Amnesty

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

Appeals (for students only)

An Appeals Board shall be convened when either the reporting party or the responding party choose to appeal the finding of the investigating officers and/or the sanction imposed by the Judicial Sanctioning Board. Additionally, the Appeals Board 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. No member of the Judicial Sanctioning Board who determined the sanctions in the case shall be part of the Appeals Board. The same rules that apply in selecting members of the Judicial Sanctioning Board (including rules with respect to conflicts of interest) shall apply to the Appeals Board. The Appeals Board composition shall be:

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

Appeal of Investigative 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 investigation that is likely to have impacted the outcome, 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 that, if known, would be likely to have impacted the outcome, and/or
- Substantial disregard for factual evidence that is likely to have impacted the outcome.

Appeal for Review of Sanction

The Appeals Board will hear appeals of sanctions in cases involving a finding of responsibility for Sexual Assault, Domestic Violence, Dating Violence or Stalking, and in other cases where the sanction is expulsion, suspension loss of good disciplinary standing, or loss of campus residency, if either party contends that the sanction is disproportionate to the nature of the severity of the violation. Other sanctions are not subject to review.

Appeal Procedure (Students Only)

The appealing party must file the appeal electronically as a Word Document attachment via University email to the VPSA within five class days of the letter of notification of (a) the outcome of the investigation or (b) if applicable, the outcome of the Judicial Sanctioning Board 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 states a proper basis for appeal. If the VPSA determines the appeal states the proper basis, the Appeals Board will convene. Sanctions imposed are implemented immediately unless the VPSA stays their implementation pending the outcome of the appeal.

1. The Appeals Board 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 board that the original investigation and sanctions are sound, and the burden is on the appealing party to prove otherwise.
3. The Board shall 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 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 (if applicable) the sanction. This decision is final, and the case is closed.
 - b. **Appeal Granted:** If upon review of relevant information the Board finds that the appellant has met the burden of establishing that one or more grounds for appeal have merit, the Board 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 investigators or new investigators or, in the case of disproportionality of a sanction, modifying that sanction as appropriate.
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 Board on remand.

Accommodations and Interim Measures

Certain accommodations and interim measures may be made by the Title IX Coordinator and/or Deputy Coordinators, or appropriate designee, in an effort to protect the safety and/or well-being of any member(s) of the campus community. Initial or interim remedies are intended to address the immediate and ongoing effects of harassment, discrimination, sexual assault, sexual exploitation, domestic violence, dating violence, stalking or retaliation, or to prevent further harm to the alleged victim and to prevent further violations. These accommodations could include, but are not limited to: (a) changes in academic, living, transportation, and working situations if those changes are requested by the alleged victim and reasonably available; (b) "No Contact" Orders, Summary Suspension, or Access Restrictions as provided in the Code of Conduct under "Interim Sanctions"; or (c) any other interim restriction or sanction deemed appropriate by the Title IX Coordinator or Deputy Coordinators, or appropriate designee. A written summary of rights, options, supports, and procedures, is provided to all reporting and responding parties, whether they are students, employees, guests, or visitors.

When as a result of a Sexual Misconduct report a no contact order is issued against an individual and that individual and the person protected by the no contact order observe each other in a public place, unless otherwise provided in the no contact order it is the responsibility of the respondent to leave the area immediately and without directly contacting the person protected. This restriction requires removal to the extent necessary to prevent interaction of the sort prohibited by the no contact order. 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.

When interim measures or accommodations are issued, affected students have the right to submit evidence and request review of them by an appropriate University Official, appointed by the Title IX Coordinator or Deputy Coordinators, or appropriate designee, to reconsider the need for and/or terms of the interim measures and/or accommodations.

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.

Title IX Investigators, Judicial Sanctioning Board Officers and Appeals Board Officers, etc.

All Title IX officials (investigators, Judicial Sanctioning Board officers, Appeals Board Officers, Title IX Coordinator and Deputy Coordinators) will be individuals who receive annual Title IX training and participate in ongoing development on issues related to gender based discrimination, sexual harassment, domestic violence, dating violence, sexual assault and stalking. They will also receive training on how to sanction appropriately while protecting reporting party safety and promoting accountability.

Advisor of Choice

The reporting party and the responding party have the right to an advisor of their choice present with them through any interviews throughout the investigation, any proceedings resulting from Title IX investigations and any related meetings. The role of the advisor is to be of support to the parties. Advisors are not permitted to represent the parties. Thus, advisors are not permitted to ask or answer questions, nor are they to interfere in the process for any reason at any time. If an advisor does not adhere to these or other applicable ground rules, the advisor will be dismissed from the applicable

interview, proceeding, or meeting, which will continue without opportunity for the advisee to secure a new advisor. Additionally, the University will determine its own schedule, and it is incumbent upon the reporting party and responding party to ensure their advisors are available. The schedule for interviews, hearings, appeals, or any meeting necessary will not be driven by advisor availability. Except in cases involving allegations of Domestic Violence, Dating Violence, Stalking or Sexual Assault, the advisor of choice for an employee of the University must be another employee of the University.

Retaliation

Reporting parties have the right to continue their employment or educational endeavors free from retaliation or further harassment as a result of filing a report or participating in a judicial process. Retaliation exists when an individual harasses, intimidates or takes other adverse action(s) against a person because of the person's participation in an investigation or other process undertaken pursuant to this policy, or their support 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. An allegation that retaliation has occurred in violation of this policy will be investigated and adjudicated in accordance with the procedures set forth in this policy. Without limiting the preceding sentence, any evidence of such behavior from a responding party throughout the course of an investigation, or on behalf of the responding party, could warrant immediate summary suspension from the University pending the completion of the investigation and subsequent judicial process.

Distribution of Policies and Procedures

The University Policy and Procedures for Gender-Based Discrimination and Sexual Misconduct as they relate to SBU students can be found in the Student Code of Conduct, Appendix S. The Code of Conduct is located online at www.sbu.edu/codeofconduct, or by going to the Student Affairs webpage at www.sbu.edu. Students, faculty and staff can also locate the Code of Conduct and the Gender-Based Discrimination and Sexual Misconduct policy and procedures on MySBU under general links. Hard copies of the Code of Conduct can be obtained by contacting the Student Affairs Division, 716-375-2512, or by going to the Student Affairs Office, Reilly Center 201. Additionally, the Gender-Based Discrimination and Sexual Misconduct policy and procedures are available in the annual crime report, published on the Student Affairs page of the University website, and hard copies are available in both the Safety and Security Office on the first floor of Robinson Hall, and in the Student Affairs Office. ***St. Bonaventure University's Guide to Understanding Sexual Misconduct*** is a comprehensive booklet dedicated to the understanding of issues related to Gender-Based Discrimination and Sexual Misconduct, and includes extensive information about policies, procedures, local resources, bystander intervention, the importance of timely evidence collection, myths and facts, etc. This is distributed to each first year student as they attend an educational program focused on sexual violence during Welcome Days and is available in print upon request, and online as outlined above.

Training and Prevention Programming

In an effort to reduce the risk of gender-based discrimination and sexual misconduct occurring among its students, St. Bonaventure University utilizes a range of campaigns, strategies and initiatives to provide awareness, educational, risk reduction and prevention programming.

It is the policy of the St. Bonaventure University to offer programming to prevent domestic violence, relationship/intimate partner violence, sexual assault (including stranger and known offender assaults) and stalking each year. Educational programs are offered to raise awareness for all incoming students and employees, and are often conducted during new student and new employee orientation and throughout an incoming student's first semester. These programs and others offered throughout the

year include strong messages regarding not just awareness, but also primary prevention (including normative messaging, environmental management and bystander intervention), and discuss institutional policies on gender-based discrimination and sexual misconduct as well as the New York State definitions of domestic violence, dating violence, sexual assault, stalking and consent in reference to sexual activity. Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies and/or creating distractions.

Programs also offer information on risk reduction that strives to empower victims, how to recognize warning signals and how to avoid potential attacks, and do so without victim-blaming approaches. Throughout the year, ongoing awareness and prevention campaigns are directed to students and employees, including faculty, often taking the form of campaigns, guest speakers, events, and programs sponsored by student clubs and organizations such as Bona's for Equality (the University women's issues student organization). In addition, the University requires all first year students to complete MyStudentBody, an online educational platform offered by Hazelden Publishing. Students are required to complete Essentials courses in Alcohol, Drugs and Sexual Misconduct.

Title IX Coordinator

In accordance with Office of Civil Rights legislation pertaining to Title IX of the Education Amendments of 1972, the University is required to appoint and maintain a coordinator for Title IX Compliance on campus. St. Bonaventure University's Title IX Coordinator is Erik Seastedt, the Director for Human Resources, 716-375- 2102, or eseastedt@sbu.edu. Documentation of investigations, findings, and Judicial Sanctioning Board Hearing outcomes regarding alleged gender-based discrimination and sexual misconduct will be kept on record with the Title IX Coordinator in accordance with University policies regarding records management.

Designation of Authority and University Counsel

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 Deputy Title IX Coordinator or other appropriate official.

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.

Interpretation/Other Issues

Final interpretation of this policy is vested in the Title IX Coordinator, who will have discretion to construe any uncertain or disputed provisions. Issues that are not specifically addressed in this policy may be resolved by the Title IX Coordinator in his/her discretion.

Coordination with Other Policies

A particular situation may potentially invoke one or more University policies or processes. The University reserves the right to determine the most applicable policy or process and to utilize that policy or process.

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

Policy Compliance

Any person with a concern about the University's handling of a particular matter should contact the Title IX Coordinator, Erik Seastedt at eseastedt@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.

Clery Act Compliance

The College 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.

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 responding party 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.

Faculty and Staff Bill of Rights

All St. Bonaventure employees have the right to:

1. Make a report to local law enforcement and/or State Police;
2. Have disclosures of sex discrimination, sexual harassment, 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. *This applies only if the employee is the person the crime is against;*
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, courtesy, fairness and respect;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or that the reporting individual 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 responding party and/or their friends, family, and acquaintances within the jurisdiction of the University; and
9. Be accompanied by an advisor of choice who is an employee of the University (CODAH Advocacy Officers may be called upon) who may assist and advise a reporting individual, accused, or respondent throughout the investigatory process including all meetings and hearings related to such process.

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

Anyone reporting an incident of sexual assault, domestic or dating violence or stalking has the right to:

1. 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 the St. Bonaventure University Gender-Based Discrimination and Sexual Misconduct Policy, which can be found at www.sbu.edu/life-at-sbu/conduct-at-sbu/gender-based-sexual-misconduct.
 - 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.
2. If they are a student, to contact the University Center for Student Wellness (716-375-2310) where they may be offered confidential resources pursuant to applicable laws/policies and can be assisted in obtaining services for reporting individuals; if they are not a student but are otherwise a member of the University community, or if they are a student but prefer to seek off-campus assistance, to contact non-University confidential resources, including:
 - a) Olean General Hospital Sexual Assault Forensic Examiner (SAFE) Unit (716-372-0614)
 - b) Cattaraugus County Community Action –Victim Services (1-888-945-3970)
 - c) New York State Domestic and Sexual Violence Hotline – 1-800-942-6906
3. Disclose confidentially the incident and obtain services from the state or local government;
4. 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 St. Bonaventure University Gender-Based Discrimination and Sexual Misconduct Policy, which can be found at www.sbu.edu/life-at-sbu/conduct-at-sbu/gender-based-sexual-misconduct and can assist in obtaining resources for reporting individuals;
5. 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;
6. 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;
7. Receive reasonable assistance from appropriate University representatives if interested in initiating legal proceedings in family court or civil court; and
8. 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 go to www.sbu.edu/life-at-sbu/conduct-at-sbu/gender-based-sexual-misconduct or contact the Title IX Coordinator (Erik Seastedt, Director of Human Resources) at 716-375-2102. 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.

HARRASSMENT (DISCRIMINATION)

Any behavior directed toward another person as a result of an individual's perceived race, disability, religion, nation of origin, age, or marital status, 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: 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. 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 that policy.

Procedures for Reporting Harassment (Discrimination)

Procedures: All reports of harassment (discrimination,) must be investigated by the University. Anyone wishing to report harassment may do so in the following ways:

1. Students wishing to report being a victim of harassment, or knowledge of another student(s) being a victim of harassment, where such harassment was allegedly perpetrated by another student, may do so through any of the following student life staff members: residential education staff (Resident Assistant (RA), Residence Director (RD), Executive Director of Residential Living and Conduct), or Safety and Security Services. The report will be investigated through the appropriate channels.
2. Students wishing to report being a victim of harassment, or knowledge of another student(s) being a victim of harassment, where such harassment was allegedly perpetrated by a faculty or staff member, may do so through any of the University's Advocacy Officers as outlined in the procedures set forth by the Council on Discrimination and Harassment (CODAH), or the University Ombuds officer. However, such a report could also be made to a member of the residential education staff (RA, RD, Executive Director of Residential Living and Conduct), or Safety and Security Services. Upon receiving the report, the abovementioned would turn the report over to the Director of the CODAH for investigation. Said report would be handled through the University's CODAH procedures, and not through the student judicial process.
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 either through the CODAH procedures, or through the Executive Director of Residential Living and Conduct. 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 CODAH policies and procedures.

Students, faculty and/or staff will have the following procedural options if filing a report through Judicial Affairs (distinct from the CODAH procedures).

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

Accommodations

Certain accommodations may be made by the VPSA, in an effort to mitigate any situations where further threat and/or harassment could occur as a result of a person filing a report or bringing forward allegations. These accommodations could include, but are not limited to: changes in academic, living, transportation, and working situations if those changes are requested by the victim and reasonably

available; “No Contact” orders; Summary Suspension; attendant restrictions; all other restrictions outlined in the Code of Conduct under “Interim Sanctions”; any other interim restriction or sanction deemed appropriate by the VPSA, or appropriate designee. When no-contact orders are issued, students have the right to review the order with an appropriate University Official to discuss the need for and terms of the order, other interim measures and/or accommodations.

If an outside agency or court of law has put in place an order of protection, the 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

Reporting parties have the right to continue their educational endeavors free from retaliation or further harassment as a result of filing a report or participating in a judicial process. Retaliation exists when an individual harasses, intimidates or takes other adverse action(s) against a person because of the person’s participation in an investigation of discrimination, or their support of someone involved in such an investigation. Retaliatory actions include but are not limited to threats or actual violence against a person or their property, adverse educational or employment consequences, ridicule, intimidation, bullying, or ostracism. Sanctions will be imposed on any student found engaging in retaliation. Any evidence of such behavior from a responding party throughout the course of an investigation, or on behalf of the responding party, could warrant immediate summary suspension from the University pending the completion of the investigation and subsequent judicial process.

Sanctions

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

HATE CRIMES

Hate crime, also known as bias crime, is criminal activity motivated, in whole or in part, by the perpetrator’s bias against another individual or group based on a belief or perception, regardless if that belief or perception is correct, based on another’s race, gender, religion, national origin, sexual orientation, gender identity, ethnicity or disability.

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

Examples of hate crimes include murder, manslaughter, forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, simple assault, larceny, intimidation, and destruction/vandalism of property in which the victim or victims were intentionally selected because of an actual or perceived category outlined above.

Not only are hate crimes a violation of St. Bonaventure University community standards, but they are also prohibited under the New York State Penal Law, Article 485. Penalties for a person convicted of a hate crime are serious and range from fines to lengthy prison sentences.

Applicable laws, ordinances and regulations on bias related crime; New York State Penal Law, Article 485 HATE CRIMES; 485.00 Legislative findings.

“The legislature finds and determines as follows: criminal acts involving violence, intimidation and destruction of property based upon bias and prejudice have become more prevalent in New York State in recent years. The intolerable truth is that in these crimes, commonly and justly referred to as “hate crimes”, victims are intentionally selected, in whole or in part, because of their race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation... our laws must be strengthened to provide clear recognition of the gravity of hate crimes and the compelling importance of preventing their recurrence.”¹

New York State Penal Law; 485.05 Hate Crimes.

A person commits a hate crime when he or she commits a specified offense and either:
Intentionally selects the person against whom the offense is committed or intended to be committed, or intentionally commits the act or acts constituting the offense in whole, or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

MISSING PERSONS CONTACT AND NOTIFICATION

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

- The Director of Safety and Security at 71-375-2526
- The Executive Director of Residential Living and Conduct at 716-375-2512
- The Vice President for Student Affairs at 716-375-2513

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

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

MISSING PERSON POLICY

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”. A student who wishes to identify a confidential contact can do so through the SBU Residential Living Department. This information can be edited or changed at any time by the student by contacting a residence life staff member. If a student does not register this information, the University will notify the student’s parent or legal guardian, and/or latest emergency contact information on file. All emergency contact information and missing persons contact information is collected and stored on a database accessible only by appropriate staff.

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

UNIVERSITY SPONSORED STUDENT TRAVEL POLICY

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (*Clery Act*) is a federal law requiring colleges and universities participating in federal financial aid programs to maintain and disclose campus crime statistics and security information that occur within the University’s Clery reportable geography. Included is the requirement to disclose, on an annual basis, crime statistics that occur during University sponsored/arranged domestic and international student trips. St. Bonaventure University personnel who are administratively responsible for domestic and international student trips are expected to report student trip information for compliance regardless if any Clery Act reportable crimes occurred.

Information on Clery Act qualifying student trips is needed by Safety and Security for follow-up with the local law enforcement agency associated with the trip location. Safety and Security will send a request to the local law enforcement agency with jurisdiction over the trip location to determine if any Clery Act qualifying crimes (occurring during the trip time frame and at the University arranged accommodation and/or related academic space) were reported directly to the local law enforcement and thus may not be known to University personnel.

Reportable Trips

For trips to be reportable, St. Bonaventure University must have control over the trip or program accommodation and any related academic space used in conjunction with the trip. Control, as defined by the Clery Act, means that the College directly or indirectly rents, leases or has some other type of **written** agreement (including an informal one, such as a letter or an e-mail) for use of a building or property, or a portion of a building or property. Even if there is no payment involved in the transaction, for Clery Act purposes, a written agreement for the use of space gives the University control of that space for the time period specified in the agreement. Some examples of a written agreement include renting hotel rooms, leasing apartments, leasing space in a student housing facility or academic space on another campus and even an e-mail agreement for use of space free of charge. The controlled space must be used in direct support of, or in relation to, the institution’s educational purposes and frequently used by students. St. Bonaventure University defines "frequently used by students" as meeting at least one of the following two criteria:

- More than one night
- Repeated use of the same location

Note: *Day trips and student organized or private trips are not reportable.*

Study Abroad Taught and Housed by a Third Party or Local Institution

If the University sends students to study abroad at a location or facility that the University does not own or control, the University does not have to include statistics for crimes that occur in those facilities. If

the University rents or leases space for students in a hotel or student housing facility, the University is in control of that space for the time period covered by the agreement. For example, if there is an agreement with another institution to allow St. Bonaventure University students to enroll, but not to provide specific rooms, etc., the University does not have Clery reporting requirements.

SECTION IV

Annual Fire Safety Report: 2017, 2016, 2015

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

Fire Safety Definitions

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

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

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

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

Fire-related injury is any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term "person" may include students, employees, visitors, firefighters, or any other individuals.

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

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

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

2017 Actual Resident Hall Fire Statistics

| Building | # of Fires | Causes | #of Injuries | # of Deaths | Damage |
|---------------|------------|----------------|--------------|-------------|--------|
| Devereux Hall | 0 | 0 | 0 | 0 | 0 |
| Doyle | 0 | 0 | 0 | 0 | 0 |
| Francis | 0 | 0 | 0 | 0 | 0 |
| Gardens East | 0 | 0 | 0 | 0 | 0 |
| Gardens West | 0 | 0 | 0 | 0 | 0 |
| Rob/Fal | 0 | 0 | 0 | 0 | 0 |
| Shay/Loughlen | 0 | 0 | 0 | 0 | 0 |
| Townhouse 11 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 12 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 13 | 1 | Cooking/Oven | 0 | 0 | None |
| Townhouse 21 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 22 | 1 | Cooking/Grease | 0 | 0 | None |
| Townhouse 23 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 24 | 1 | Cooking/Oil | 0 | 0 | None |
| Townhouse 25 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 26 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 31 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 32 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 33 | 0 | 0 | 0 | 0 | 0 |

2016 Actual Resident Hall Fire Statistics

| Building | # Of Fires | Cause | #Of Injuries | # Of Deaths | Damage |
|-------------------|------------|---------|--------------|-------------|--------|
| Devereux Hall | 0 | 0 | 0 | 0 | 0 |
| Doyle Hall | 0 | 0 | 0 | 0 | 0 |
| Francis Hall | 0 | 0 | 0 | 0 | 0 |
| Gardens East | 1 | Cooking | 0 | 0 | 0 |
| Gardens West | 0 | 0 | 0 | 0 | 0 |
| Robinson/Falconio | 0 | 0 | 0 | 0 | 0 |
| Shay/Loughlen | 0 | 0 | 0 | 0 | 0 |
| Townhouse 11 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 12 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 13 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 21 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 22 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 23 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 24 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 25 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 26 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 31 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 32 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 33 | 1 | Cooking | 0 | 0 | 0 |

2015 Actual Resident Hall Fire Statistics

| Building | # Of Fires | Cause | # Of Injuries | # Of Deaths | Damage |
|-------------------|------------|---------|---------------|-------------|--------|
| Devereux Hall | 0 | 0 | 0 | 0 | 0 |
| Doyle Hall | 0 | 0 | 0 | 0 | 0 |
| Francis Hall | 1 | Cooking | 0 | 0 | \$300 |
| Gardens East | 0 | 0 | 0 | 0 | 0 |
| Gardens West | 0 | 0 | 0 | 0 | 0 |
| Robinson/Falconio | 0 | 0 | 0 | 0 | 0 |
| Shay/Loughlen | 1 | Cooking | 0 | 0 | \$100 |
| Townhouse 11 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 12 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 13 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 21 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 22 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 23 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 24 | 1 | Cooking | 0 | 0 | 0 |
| Townhouse 25 | 1 | Cooking | 0 | 0 | 0 |
| Townhouse 26 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 31 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 32 | 0 | 0 | 0 | 0 | 0 |
| Townhouse 33 | 0 | 0 | 0 | 0 | 0 |

General Statement of St. Bonaventure-Owned Student Housing

College-owned housing at St. Bonaventure University consists of dormitories and apartments.

Dormitories

- Devereux Hall
- Doyle Hall
- Francis Hall
- Robinson/Falconio Hall
- Shay/Loughlen Hall

These halls all have smoke detection and fire alarm systems that are monitored 24 hours a day, seven days a week by the Safety and Security department. Each bedroom has smoke detection and each hallway has fire extinguishers. In addition, Shay/Loughlen Hall is covered by an automatic sprinkler system. These halls are steam-heated and also have required carbon monoxide detectors.

Apartment buildings

Gardens East

Gardens West

Townhouse A

Townhouse B

Townhouse C

Townhouses 21 thru 26

Townhouse 31 thru 33

Each of the 14 apartment buildings is protected by a fire alarm system. The fire alarm systems are also monitored 24 hours a day, seven days a week by the Safety and Security department. Each bedroom has smoke detection. Each apartment and each common area has fire extinguishers. All apartments and areas, where required, have carbon monoxide detection. There are a total of 98 carbon monoxide detectors in the apartment buildings.

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

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

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

Specific Fire-Prevention-Related Policies in Residence Halls

Fire Safety Policies and Procedures

St. Bonaventure University adheres to all standards set forth by the New York State Department of Fire Safety and requires that all students living in Bonaventure-owned student housing abide by the standards set forth below.

Fire Safety Policies

Appliances: The uncontrolled use of appliances can cause the overloading of circuits and result in fires. Students are permitted to bring approved appliances provided they are in good working order. The following are approved appliances: televisions, irons and refrigerators (not to exceed 4.5 cubic feet). Large appliances, such as refrigerators, must be plugged directly into a wall outlet. Students are encouraged to unplug appliances when not in use and all items must be unplugged from outlets during breaks when the University closes Bonaventure-owned student housing (please reference the Academic Calendar for dates). Many appliances are not permitted in Bonaventure-owned student housing. These appliances include, but are not limited to: microwaves, all sandwich and indoor grills, toaster ovens, toasters, waffle irons, hot plates, deep fryers, space heaters, propane tanks, electric frying pans or skillets, halogen lamps, etc.

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

Candles and Other Sources of Ignition: All candles, regardless of whether or not they are for decorative purposes, are strictly prohibited in all Bonaventure-owned student housing. Additional sources of ignition that are prohibited include, but are not limited to, the following: incense, lanterns, charcoal and lighter fluid of all kinds. Smoking is strictly prohibited within all Bonaventure-owned student housing and within 30 feet of the entrance/exit of all facilities.

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 and 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 Bonaventure-owned student housing. Surge protected power strips are permitted, but only power strips of the polarized or ground type, equipped with over-current protection. Power strips must be plugged directly into a permanent wall outlet. The daisy chaining of power strips (plugging one power strip into another) is strictly prohibited.

Holiday Lights, Christmas Trees, Cable Cords, and Electrical Wires etc.: Holiday lights are only permitted to be hung for thirty (30) days. Real Christmas trees are prohibited in all Bonaventure-owned student housing. Electrical and cable cords must not be stapled or nailed to a wall or floor. Tape may be used, if necessary. 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. All hallways, stairwells, building entrances and exits, are to be kept clear of debris, furniture, etc.

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

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

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

Fire Safety Procedures

St. Bonaventure will consistently abide by and enforce all fire safety policies. Students living in Bonaventure-owned student housing 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 fifty (50) feet away from the building until appropriate Residence Life or Safety and Security personnel announce that students are permitted to re-enter. Students failing to exit the residence hall during the sounding of an alarm or re-entering the residence hall before being 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.

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

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

Education and Training Programs

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

To Report a Fire

If a fire is discovered all campus community members are to call 911 or 716-375-2525 to report a fire.

Smoking Policy

The New York State Legislature has determined that there is a significant body of scientific literature showing that breathing second-hand smoke is a health hazard for nonsmokers. To protect nonsmokers from involuntary exposure to secondhand tobacco smoke in indoor areas, and to preserve the health, comfort and environment of the people of New York, the Legislature has enacted a law regulating smoking in certain public areas, including private educational institutions. St. Bonaventure University, as an educational community and consistent with the Franciscan values recognizing the sanctity of human life, complies with this New York state mandated health policy.

In compliance with state law, and faithful to the core values of St. Bonaventure University, the following smoking regulations have been adopted, and apply to all legal smokable products, including but not limited to cigarettes, e-cigarettes, and "vaping":

1. **Smoke-free Workplace:** St. Bonaventure University guarantees its employees and students a smoke-free workplace.
 - a) Smoking is prohibited in **ALL** indoor areas of the University, including University vehicles.
 - b) Smoking is not permitted in any residence facility, at any time.
 - c) Smoking is prohibited within 30 feet or less distance from all entrances/exits to all University buildings.

2. **Tobacco Products:** Sale of tobacco products is restricted on campus.
3. **Posting of Signs:** “No Smoking” signs will be prominently displayed. Additionally, copies of this policy will be posted on the University Web site, employee handbooks and available to all employees and prospective employees upon request.
4. **Enforcement:** Complaints may be directed to the director of Safety and Security, the University’s agent responsible for enforcing this policy, and/or the residence life staff for violations occurring in the residence halls. Failure to comply with this policy places both the smoker and the University at risk of substantial civil penalty.
 - a) **Sanctions:** Sanctions will be imposed as a result of a University judicial hearing.
 - b) **Flagrant repeated violations** of this policy may be cause for severe disciplinary action up to and including dismissal (for employees) or expulsion (for students). These sanctions will be assessed through already existing University procedures.

Plans for Fire Safety Improvements

St. Bonaventure University plans include continual educational and technological advancements to improve life safety for the community. Recent proposals are in place to advance significantly electronic reporting of exact alarm locations directly to Safety and Security. This will reduce response/corrective action time down and improve overall safety.