

CAMPUS SECURITY & FIRE SAFETY REPORT

2024

A photograph of a multi-story red brick building with a classical architectural style. The building features several windows, some with arched tops, and a central statue of a figure in a niche. In the foreground, a large red sign with a black top edge is visible, displaying the university's name in white capital letters. A semi-transparent red banner is overlaid on the top left of the image.

DYOUVILLE
UNIVERSITY

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Campus Safety officers play a vital role in keeping campus safe.



1. INTRODUCTION

OUR MISSION

D'Youville is an independent institution of higher education that offers baccalaureate and graduate programs to students of all faiths, cultures and backgrounds. D'Youville honors its Catholic heritage and the spirit of Saint Marguerite d'Youville by providing academic, social, spiritual and professional development in programs that emphasize leadership and service. D'Youville teaches students to contribute to the world community by leading compassionate, productive and responsible lives.

D'YOUVILLE UNIVERSITY

D'Youville is a private university located on the vibrant west side of Buffalo, preparing students for the 21st century. Excelling at helping students reach their career goals, D'Youville instills character to become change agents, doing well for themselves and their communities by doing good.

Founded in 1908, the Grey Nuns named the university after the Patroness Saint Marguerite d'Youville to be a compassionate place of learning for those from underrepresented populations to give them a better life, a tradition that continues today. A university with a long, Catholic history, D'Youville welcomes students of every culture, background, and faith and is a place where traditions can be openly shared and respected.

Featuring an urban, growing campus community of over 3,000 students, D'Youville offers more than 50 majors in undergraduate, graduate, and doctoral studies including advanced certificates and accelerated learning programs. Featuring degrees in healthcare, business, and the liberal arts, D'Youville encourages students to balance inter-and-extracurricular activities integrating community service with coursework. D'Youville's proud graduates have the academic rigor necessary for careers that make a difference and the skills to be leaders for the world of tomorrow.

ABOUT THE ANNUAL SECURITY AND FIRE SAFETY REPORT

D'Youville University's Annual Security and Fire Safety Report (ASR) is coordinated through the Division of Student Affairs and the Dean of Students Office. A hard copy can also be found at any point in time at the Campus Safety desk, found within the D'Youville Academic Center and is open 24/7/365. A number of individuals are involved with the preparation of the report and ensuring the following:

- D'Youville remains in compliance with the Clery Act and associated state and federal regulations.
- Individuals in departments across campus work collaboratively to create, maintain, communicate and gather evidence of policies, procedures, programs and services.
- Community members are aware of their surroundings and prepared to act responsibly to keep D'Youville a safe and secure campus on which we can learn, work and play. D'Youville encourages all members of the community to read and use this ASR as a guide for safe practices both on and off campus.

The ASR is available online at:

<http://www.dyc.edu/campus-life/support-services/campus-safety/policies-report.aspx>

The ASR is distributed a number of ways:

- Email to campus community members describing the ASR's purpose, content and link above;
- Office of Admissions and Human Resources provide the link to prospective students and employees as requested.
- Physical copies are kept in University Offices including, but not limited to Admissions, Campus Safety, Student Affairs and the President.
- Physical copies available upon request.

THE JEANNE CLERY ACT OF 1990 EXPLAINED

The Clery Act is a federal statute codified at 20 U.S.C. § 1092 with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 688.46. The law was named after Jeanne Clery, a 19-year-old Lehigh University student who was raped and murdered in her dormitory in 1986—a crime that may have been prevented had the institution been proactive and transparent in alerting the community of the types, frequencies, and locations of crime on campus.

Thus, the Clery Act requires all institutions of higher education that participate in federal financial aid programs to keep and disclose information about crime on and near their respective campuses.

Compliance with the Clery Act includes publishing an Annual Security Report (ASR) that discloses crime statistics for the prior three years and distributing it to current and prospective students and employees.

The ASR requires institutions to provide the following:

1. The authority and jurisdiction of campus safety officers and local police departments and descriptions of the protocols in place for maintaining a safe and secure campus, including the upkeep of the Daily Crime Log.
2. Policy statements on safety and security measures, including protocols for issuing Timely Warnings and Emergency Notifications.
3. Policy statements explaining how Campus Security Authorities are identified and trained to take reports of criminal activity in a responsible and timely manner.
4. Descriptions of crime awareness and prevention programs; drug and alcohol abuse awareness and prevention programs; and sexual assault, dating violence, domestic violence, and stalking awareness and prevention programs.
5. Procedures for the fair and impartial investigation and prosecution of sex offenses—especially dating violence, domestic violence, sexual assault, and stalking—including a list of all possible disciplinary measures, protective measures for both Complainant and Respondent, and support resources and services for victims.
6. A Fire Safety Report containing statistics on the number, nature, locations, and times of on campus as maintained on the Fire Incident Log; fire safety systems, policies, and evacuation procedures; descriptions of fire education and prevention programs; and any improvements planned to improve fire safety in the future.

For more information about the Clery Act visit <https://clerycenter.org/>.

Campus Safety performs regular bike patrols on Campus.



2. KEEPING CAMPUS SAFE & SECURE

CAMPUS SECURITY

D'Youville maintains a safe and secure environment for all members of the campus community including students, staff, facility administration, and visitors. The Campus Safety Department operates 24 hours a day, 7 days a week, 365 days a year to always protect the campus. The professionally equipped and trained Campus Safety Officers utilize a variety of methods to keep the campus safe; specifically:

- The department actively patrols its geographical area by means of vehicle patrols, International Police Mountain Bike Association (IPMBA) certified bike patrol units, and foot patrols. The patrol units physically monitor the campus inside and out and the surrounding patrol zone area.
- Campus Safety also utilizes closed circuit video surveillance (CCTV) monitoring with cameras that are strategically placed inside and outside of campus buildings, campus operated properties, and campus parking lots.
- Mindful of keeping everyone safe, the Campus Safety Department maintains and monitors the emergency blue-light call boxes and red emergency phones located strategically across the campus.
- Making use of current technology, Campus Safety uses automation to keep all campus buildings secure by operating an electronic centralized access-control system for all swipe-controlled external and internal doors on campus.
- The Campus Safety Department issues D'Youville ID cards to all students, faculty, staff, and contractors. A visit or call to Campus Safety is now a one-stop shop for all your ID and access control needs.

The combination of highly trained personnel, innovative technology, and well-defined procedures, D'Youville's Campus Safety Department proudly protects our community. D'Youville practices the following procedures to monitor and ensure the safety and security of campus facilities:

- Campus Safety Officers and facilities' staff continuously monitor interior and exterior lighting to ensure that outages are identified and serviced in a timely manner using a work-ticket system.
- Campus Safety Officers and facilities' staff inspect and test the blue-light emergency call boxes and red emergency phones every month, reporting any non-functioning phones to the Office of Information Services for repair using a work-ticket system.
- The offices of campus safety and facilities management complete a bi-annual review of campus property, landscaping, and vegetation, which is submitted to Facilities Services with recommendations for improving safety and security.
- Following a report of any safety or security incident on campus, the Director of Campus Safety completes a review of the location of the incident and determines if any action should be taken to improve or alter the physical space to enhance safety and security.

The recommendations for action are submitted to the Associate Vice President for Operations for consideration. Incident reports are also formally published and shared with members of President's Council to keep executive leadership abreast of situations that may affect the safety and security of the D'Youville community.

GENERAL BUILDING SECURITY

D'Youville's Campus Safety Department monitors over 150 advanced digital video camera feeds that cover the entire campus. For effective communication, Campus Safety Officers are equipped state-of-the-art law enforcement caliber radios. Most of D'Youville's buildings are accessible 24-hours a day using an access controlled ID swipe-card system, although points of access may be limited to specific entryways during nonbusiness hours and holidays to increase security.

SECURITY OF THE RESIDENCE HALLS

The safety and security of our students on campus residence is of utmost importance. D'Youville's residence halls are locked and secured 24/7 and the entrances are monitored by trained staff by the division of Student Affairs. Only students with ID cards and their guests may enter the residence halls by using an access-controlled ID swipe-card system.

Marguerite Hall

Marguerite Hall primarily houses first-year students. Focusing on the first-year experience, it is twelve stories, housing 323 students, about 28 residents per floor.

Madonna Hall

Madonna Hall features double rooms housing 30 upperclassmen. Madonna Hall is the home of the Black Lives Lead scholars.

222 Apartment Complex

The 222 Apartment Complex houses primarily 180 upperclassmen students. Eligibility ranges students from sophomore year through graduate level students.

Bush Lofts

Bush Lofts is located at 44 17th Street, and is blocks from campus in Historic Allentown. It features renovated one, two and three bedroom apartments.

CAMPUS SAFETY DEPARTMENT

D'Youville's Campus Safety Department is staffed by Campus Safety Officers (CSO) who are highly trained security professionals licensed in the State of New York. D'Youville operates its Campus Safety Department as a professional hybrid model with a director who is employed by D'Youville University. Their subordinate Supervisory Staff (Cpt., Lts., Sgts.) and Officer Corps CSOs are contracted through Allied Universal Security Services (AUS), a leading provider of security and facility services in North America. Whether you simply need directions or a Safety Escort to-or-from destinations in the campus area or to report suspicious activity, criminal behavior, an unfortunate accident, or an emergency situation—Campus Safety's friendly and professional officers are either visibly on patrol or just a quick phone call away.

As an added benefit to D'Youville, many of D'Youville's CSOs are designated Auxiliary Police Officers with various Western New York Police and Sheriff's Departments. The professionalism of the D'Youville Campus Safety Department cannot be overstated as many of D'Youville's finest officers eventually go on to work for local law enforcement agencies and do very well in law enforcement careers based on the experiences and knowledge learned while serving on the D'Youville Campus Safety Department.

POWERS OF ARREST AND ENFORCEMENT

Campus Safety is tasked with enforcing D'Youville policies, as well as New York State (NYS) and local laws on campus property and within designated Clery geography. The department is a non-sworn law-enforcement security agency with limited and authorized NYS civilian arrest authority under NYS Criminal Procedure Law (CPL) sections §140.30, §140.35, §140.40, Sections §89N NYS General Business Law, and NYS CPL subdivision four of section §35.30.

JURISDICTION OF CAMPUS SAFETY

A Campus Safety officer's jurisdiction is restricted to the campus located at 320 Porter Avenue. Campus Safety also has jurisdiction at Dobson Field located at 602 4th Street, Buffalo NY 14201.

CAMPUS SAFETY DEPARTMENT TRAINING

To maintain the sharpest and most compassionate officers on staff, CSOs receive continual training on:

- Updated campus safety procedures
- Community policing
- Ongoing diversity and cultural sensitivity training provided AUS Edge Training
- Professionalism
- Customer service
- Patrol techniques
- Defensive tactics, non-lethal defense (OC Spray Certification for Supervisory Officers)
- Handcuffing certification
- Basic first aid
- Cardiopulmonary resuscitation (CPR) & automated external defibrillator (AED)
- Narcan training
- Intruder/active-shooter response protocols

Ongoing training is provided by multiple resources including NYS Division of Criminal Justice (NYDCJS) certified instructors, with invaluable networking connections provided by the Director. Instructors for training are arranged through various law enforcement agencies in the Western New York area as well as through training provided by Allied Universal. Of note, D'Youville CSOs are also provided training in Title IX of the Education Amendments Act of 1972—which prohibits any form of sex discrimination, including sexual harassment and assault—by NYS police.

DAILY CRIME LOG

Campus Safety maintains the campus' Daily Crime Log for public viewing. The crime log includes the nature, date, time, and general location of reported crimes. D'Youville does not publish the names of victims of crimes or other identifiable information regarding victims in the Daily Crime Log. If there is clear and convincing evidence that the release of such information may jeopardize an ongoing criminal investigation or the safety of individuals, cause a suspect to flee or evade detection, or result in the destruction of evidence, then such information may be withheld temporarily until the likelihood is no longer likely to occur.

A copy of the Daily Crime Log and other crime statistics may be requested from the Campus Safety Department at 716-829-7550.

COLLECTING AND REPORTING CRIME STATISTICS

To prepare for the annual disclosure of crime statistics to the D'Youville community, the Director of Campus Safety obtains information from the following sources:

1. D'Youville's Office of Campus Safety, including:
 - Reports from Campus Security Authorities having significant responsibility for student activities
 - Proxy reports submitted by persons who have confidential knowledge
2. Local law enforcement agencies, including
 - Buffalo Police
 - Erie County Sheriff
 - New York State Police

Thus, the statistics in this ASR reflect all reported incidents occurring on Clery-geography campus and non-campus properties, in campus residences, and on public property adjoining the campus for the three preceding calendar years, with terms defined by the FBI's National Incident-Based Reporting System and in accordance with guidelines from the FBI Uniform Crime Reporting Handbook or as provided, otherwise, by the Clery Act.

To access D'Youville's crime statistics on the U.S. Department of Education Web Site, visit <http://ope.ed.gov/security>. To obtain a copy of the crime statistics, contact the Director of Campus Safety at 716-829-7550.

The Associate Vice President for Operations distributes this ASR to all enrolled students and current employees, and, when requested, to any interested parties, including individuals making inquiries about admission or employment.

Additionally, the Director of Campus Safety provides, upon request, all campus crime statistics as reported to the United States Department of Education.

PERSONAL CRIME & PREVENTION TIPS

When Traveling Around Campus:

- Trust your instincts. If you feel that something may be wrong, head directly to a well-lit area, such as an emergency phone, a security station, or your student residence or employee office.
- Use the buddy system. Avoid walking or jogging alone. Travel with a friend or colleague, especially at night, and stick to well-lit areas.
- Stay on parts of the sidewalk that are farthest away from shrubs or other areas where people can hide.
- Walk at a steady pace – appear confident and purposeful.
- Make sure you have some type of deterrent device and know how to use it. Carrying a whistle, keys, pens, or other items that can be used as defensive devices in an emergency.
- Carry a cell phone and program the speed dial with emergency numbers.
- Stay alert and aware of your surroundings. Listen for footsteps and voices; the smell of cologne or cigarette smoke may indicate that someone is nearby.
- Know where the red and blue emergency phones are located; each connects directly to Campus Safety.
- Take advantage of the free and convenient 24-hour safety escort to and from any place on campus property by calling (716) 829-7550.
- Report any suspicious activity or persons to Campus Safety immediately.

Vehicle Crime Prevention Tips:

- Park in well-lit areas at night.
- Do not leave personal items in plain view inside your vehicle; lock valuables in the trunk.
- Do not leave your car keys in your vehicle.
- When you leave your vehicle, make sure that the windows are rolled up, the sun roof is closed, and the doors are locked. Turn on your vehicle's anti-theft device if it has one.
- Keep your vehicle locked when it is parked and when you drive.

Personal Crime Prevention Tips

- Do not leave personal items unattended, especially purses, wallets, money, jewelry, checkbooks, credit cards, textbooks, backpacks, laptops, phones and other electronic devices. Store such items out of sight, preferably in a locked drawer, cabinet, or closet.
- Always keep purses and backpacks with you, and always keep personal belongings in view when in class, the library, the dining hall, cafes, and other public areas on campus.
- Purchase a small safe, trunk, or filing cabinet to secure valuables.
- Engrave valuable items (such as computers, televisions, radios, speakers, answering machines, cameras, gaming systems, etc.) with an ID number and keep a list of those items on record at home or another offsite location.
- When going out, take only the items you will need. Leave extra cash, credit cards, and jewelry safely stored at home or in your residence hall or office.
- Promptly report lost or stolen D'Youville ID cards to the Campus Safety department and obtain a replacement ID card immediately.

*The Health Professions Hub,
featured here, is home to many
health and wellness services
for the Buffalo community.*



3. REPORTING CRIMINAL ACTIVITY & OTHER EMERGENCIES

D'Youville University encourages anyone who is a victim of a crime to report it accurately and promptly to the Campus Safety Office and/or the Buffalo Police Department. Additionally, if one is a witness or bystander of any incident or crime on or in proximity to campus, it is encouraged to report it promptly and accurately even if the victim is unable to make a report due to incapacitation. Keeping D'Youville safe is everyone's responsibility and requires the active cooperation and participation of the entire community.

In a life-or-death situation, call 911 immediately from a mobile or landline phone. Then, if it is safe to do so, call the Campus Safety Office at 716-829-7777 (or Ext. 7777 from any campus phone).

The accurate and prompt reporting of a crime allows the Campus Safety Office to provide timely warnings to the community. Further, incidents that fall into one or more of the required classifications of the Clery Act will be disclosed as statistics in the next ASR. An emergency is any situation that requires immediate assistance from the Campus Safety Department, the police department, the fire department, or an ambulatory center. These situations include:

- A fire, or extinguished fire
- A crime, especially if in progress
- A car crash, especially if someone is injured
- A medical emergency, especially for symptoms that require immediate medical attention.

If you are not sure whether the situation is a true emergency, officials recommend calling for assistance and letting the call-taker determine whether emergency help is necessitated. When reporting a possible emergency, you should be prepared to answer the call-taker's questions, which may include:

- The location of the emergency
- The phone number from which you made the call
- The nature of the emergency
- Details about the emergency, such as descriptions of:
 - The person(s) who may have committed a crime
 - Any fire that may be burning
 - The injuries or symptoms being experienced by a person in distress
 - The call-taker will send the right kind of help quickly.

The Campus Safety Department and the Title IX Coordinator are available 24/7 to provide immediate response to emergencies and arrange for counseling and other support services and resources. Reports may also be made in person at Campus Safety's Dispatch Center located in the lobby of the D'Youville Academic Center (DAC) building or at any of the security stations on campus. D'Youville also has emergency two-way blue-light call boxes installed across campus. By pressing the red button on a station, users can immediately contact and communicate directly with our Dispatch Center. Victims of crimes may also file a criminal complaint with the Buffalo Police Department by phone at 716-851-4444 or in person at 695 Main Street, Buffalo, NY 14203.

Non-emergencies may be reported to the Campus Safety Department at extension 7550 from a campus phone or 716-829-7550 from an outside line.

CAMPUS SECURITY AUTHORITIES

If you do not feel comfortable contacting the Campus Safety Department or the Buffalo Police Department directly about any incident of crime, sexual misconduct, or harassment; then we encourage you to make a report to one of D'Youville's Campus Security Authorities (CSAs).

CSAs are required to forward any report of a crime to the Campus Safety Department for further investigation and inclusion in annual statistics—even if the victim of a crime elects not to make a report or is otherwise unable to make a report.

CSAs include, but are not limited to, student affairs staff, housing staff and resident advisors, faculty advisors of clubs and organizations, athletic directors and coaches, pastoral counselors when leading service trips, and other individuals with security responsibilities.

VOLUNTARY AND CONFIDENTIAL REPORTING OPTIONS

Occasionally, victims or observers of crimes may wish to report a crime without giving their names and/ or without pursuing action through the criminal justice or D'Youville's disciplinary systems. In such cases, victims are encouraged to make confidential reports.

With permission from the victim or an observer of a crime, a D'Youville Campus Safety Officer can file a report on the details of the incident without revealing the identity of the reporter through the University's official reporting system called Maxient—except in the events of a sex offense or sexual harassment, which are mandated by law to be reported to the Title IX Coordinator so that victims can be offered support services and resources. If the reporter wishes for the report to stay confidential, the reporter should say such to the Campus Safety Officer.

The purpose of a confidential report is to comply with the victim's wish to keep the matter confidential, while taking steps to ensure the future safety of others. With such information, Campus Safety can keep an accurate record of the number of incidents involving students, employees, and visitors; determine whether patterns of crime exist in regard to a particular location, method, or assailant; and alert the campus community of potential danger. Reports filed confidentially are counted and disclosed as statistics in the annual crime statistics for the institution.

As delineated in the Clery Act, pastoral and professional counselors who receive confidential reports are not required to report those crimes to Campus Safety or local law enforcement for inclusion in the annual disclosure of crime statistics or for the purpose of a timely warning. These positions are defined as follows:

- *Pastoral Counselor* – a person who is associated with a 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 responsibility includes providing mental health counseling to members of the institution's community and is functioning within the scope of their license or certification.

Pastoral counselors and professional counselors, if and when they deem it appropriate, are encouraged to inform the persons they are counseling of the procedures to report a crime to D'Youville's Campus Safety Department for inclusion in the annual disclosure of crime statistics.

MAINTAINING CONFIDENTIALITY

D'Youville's public record-keeping does not include names or any other personally identifying information of Impacted Parties or Respondents. Only the numbers of incidents are reported. Accommodations and protective measures are also protected by confidentiality whether the impacted party chooses to report to campus authorities or not. No information regarding the reason for the request of these is given to members of the D'Youville community. The Title IX Coordinator provides training for faculty and staff providing information about requests for these measures. They understand that when a reasonable request is made by the Title IX Coordinator, they are to accommodate that request.

SEX OFFENDER STATEMENT

Should a campus community member wish to be informed concerning registered sex offenders provided by New York State, information can be found by finding this link:

https://www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp

MONITORING AND RECORDING

D'Youville does not regularly record and monitor criminal activity by students at non-campus locations and does not have any off campus locations of officially recognized student organizations. D'Youville, through the Campus Safety Department, requests reports and statistics about crimes occurring in the immediate surrounding area from local law enforcement agencies, particularly the Buffalo Police Department.

On occasion, the Campus Safety Department may respond to crimes in progress at non-campus locations to assist Buffalo Police, depending on the nature of the crime and the proximity to the campus. Crime reports and statistics for these locations are maintained by the local police department and may or may not be included in this ASR depending on the type and location of crime that took place.

When a local law enforcement agency notifies the Campus Safety Department of criminal conduct by an affiliated group recognized by D'Youville, Campus Safety Officers (CSOs) may gather information and refer the incident to Student Affairs to open an investigation per D'Youville's Code of Conduct. Please contact any of the following Campus Security Authorities (CSAs) and/or local law enforcement agencies for assistance reporting a crime, accessing support services, or seeking medical treatment:

On Campus Reporting Options:

Title IX Coordinator	716-829-8337
D'Youville's Campus Safety	716-829-7550
Director of Campus Safety (direct)	716-829-7551
D'Youville Student Affairs	716-829-7812
Athletics Department	716-829-8304
Director of Talent, Culture, and Human Resources	716-829-8222

You may also contact any of D'Youville's resident advisors (RAs), academic advisors, athletics staff and coaches, or academic deans.

Off Campus Reporting Options:

Buffalo Police Department	716-851-4444
Buffalo Sex Offense Squad	716-851-4494
Erie County Sheriff/Department of Family Offenses	716-858-6102
Erie County District Attorney/Sexual Assault Bureau	716-858-2525
Erie County Medical Center (ECMC)	716-898-3000
Buffalo Crisis Services	716-834-3131
Pride Center of Western New York	716-852-7743

Confidential Resources and Support:

D'Youville Wellness Lodge	716-829-7815
Campus Ministry	campusministry@dyc.edu
Crisis Services	716-834-3131
SaintsCare	Scan the code:

For Non-Emergency Medical Treatment:

Erie County Medical Center (ECMC)	716-898-3000
Buffalo General Hospital	716-859-5600
Buffalo Crisis Services	716-834-3131
Pride Center of Western New York	716-852-7743

Emergency Response:

Buffalo Police Department	911 or 716-851-4444
Erie County Medical Center	716-898-3000

D'Youville's Campus Safety

From a campus line | Extension 7777
From an outside line | 716-829-7777

For life-threatening conditions and other emergency medical services, call 911, pick up a red (interior) or blue (exterior) emergency phone on campus, or dial 716-829-7777 (or extension 7777) to be connected directly to the Campus Safety Department.



POLICY STATEMENT ON MISSING STUDENT NOTIFICATION

The term “missing student” is defined as “any student who resides on campus and whose absence is unscheduled and has resulted in concern for his or her safety by peers and/or employees.” All official missing student reports are immediately referred to Campus Safety in collaboration with Student Affairs. All resident students are asked to register a confidential emergency contact person — who must be someone other than the students’ general emergency contact person — with the Office of Student Engagement and Residence Life. This contact would be notified in the event that a student is missing. This contact information will remain confidential and will only be accessible by authorized campus officials; the contact information may not be disclosed except to law enforcement personnel in the furtherance of a missing person investigation. If a resident student has not registered an emergency contact number, the local law enforcement authorities will serve as an emergency contact and will be notified should a missing student situation occur. If a missing resident student is less than 18 years of age, and is not officially emancipated from their parents or guardians, the parents or guardians, by law, must be contacted within 24 hours of the determination that the resident student is missing.

In the event a resident student is believed to be missing for more than 24 hours, the following procedures should be followed:

1. File a report with Campus Safety by calling Extension 7550 from an on-campus phone or 716-829- 7550 from an off-campus phone.
2. The Campus Safety Department will alert the Director of Campus Safety and the Dean of Students. Upon notification, they will begin an investigation, working with local law enforcement agencies as needed.
3. If the missing student report is suspicious in nature and involves an immediate threat or danger, or the student has been missing for 24 hours, Campus Safety will notify the Buffalo Police and other law enforcement agencies, either immediately or within 24 hours of the determination that the resident student is missing, depending on the circumstances. Campus Safety will conduct interviews with roommates, family members, and those who were last in contact with the missing individual immediately.
4. Emergency notifications to the campus community will be coordinated as necessary by the Director of Campus Safety and the Dean of Students.
5. Information will not be released to the public unless authorized by the Vice President of Student Affairs. All media requests will be directed to the Chief of Staff and Associate Vice President for Operations. Campus Safety will act as the liaison office between the university and law enforcement, writing follow- up reports as needed and keeping university officials apprised of the ongoing investigation. Reports of a missing commuter student will be referred immediately to the Buffalo Police, and Campus Safety will assist in their investigation in any way possible.



“Go Saints” is often heard on the sidelines as students cheer for one another during athletic competitions.

4. COMMUNITY COMMUNICATION IN AN EMERGENCY & EMERGENCY PREPAREDNESS PROCESSES

TIMELY WARNINGS

D'Youville issues timely warnings to alert our community of Clery crimes that occur within our Clery geography that pose a serious or ongoing threat to our campus community that are reported to a Campus Security Authority (CSA). Clery crimes and Clery geography are defined on the following pages. The decision to issue a Timely Warning is made by the Director of Campus Safety in coordination with Associate Vice President for Operations, who use D'Youville's Timely Warning Determination Form to inform decision-making. The form coincides with the Timely Warning Decision Chart. A copy of the form is saved in the Clery Campus Security Compliance Committee's Annual Security Report Folder, as well as uploaded and attached to the Campus Safety Official Incident Report.

Timely warnings are sent out through D'Youville's Emergency Notification System (ENS): Everbridge. The Everbridge system is a multi-nodal alert system that communicates with the entire campus community via text, phone call and/or email, or selected parts of the community, as necessary. Emergency Notifications can be sent by the Associate Vice President for Operations, the Dean of Students, Director of Campus Safety or the Instructional Technology & Support Manager. Timely warnings are also posted on the Campus Safety and/or Emergency Management web page by University Communications staff. The D'Youville Campus Safety Department maintains close communication with the Buffalo Police Department to aid in the notification and communication of an event or situation that may necessitate the issuing of a Timely Warning. For incidents determined not to necessitate Timely Warnings, but still of great concern to the safety and security of the campus community, a Campus Safety Security Advisory message is issued by the Director of Campus Safety.

CLERY BIASES DEFINED

Crimes motivated by bias are categorized as hate crimes. Bias is a preformed negative opinion or attitude toward a group of persons. Under the Clery Act, only the following categories are reported:

Disability - *Bias based on an individual's physical or mental impairments, whether temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness*

Ethnicity - *Bias based on an individual's heritage, language, culture, and/or ideology that stresses a common ancestry*

Gender - *Bias based on an individual's actual or perceived gender, male or female*

Gender Identity - *Bias based on an individual's actual or perceived gender identity or non-conformity to the gender-based expectations of society*

National Origin - *Bias based on an individual's actual or perceived country of birth as perceived by name, accent, or association through marriage or affiliation*

Race - *Bias based on an individual's physical characteristics, such as skin color, eyes, hair, and facial features*

Religion - *Bias based on an individual's beliefs regarding origin and purpose of the universe and the existence or nonexistence of a creator or supreme being(s)*

Sexual Orientation - *Bias based on an individual's actual or perceived physical, romantic, and/or emotional attraction to members of the same and/or opposite sex*

CLERY ACT CRIMES DEFINED

An official Timely Warning may be issued for the following Clery Act crimes:

Murder and Non-negligent manslaughter - The willful killing of one human being by another

Manslaughter by negligence - The killing of another human being through gross negligence

Rape - The penetration, no matter how slight, of the vagina or anus with any body part or object, without consent of the victim

Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim

Incest - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law

Statutory rape - 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 a person or persons by force or threat of force or violence and/or by 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, usually accompanied by the use of a weapon or means likely to produce death or great bodily harm

Motor vehicle theft - The theft or attempted theft of a motor vehicle

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

Or hate crimes motivated by bias, which include:

Larceny-theft - The unlawful taking, carrying, leading, or riding away 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 - Unlawfully placing 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, or 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

Or for the following Violence Against Women Act (VAWA) offenses:

Dating violence - Violence (or threat of) committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim

Domestic violence - 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
- 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 - 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

CLERY GEOGRAPHY DEFINED

Clery geography is defined as the geographic areas over which an institution has responsibility for disclosing crime statistics. These locations include:

On-campus property

- Buildings and properties owned or controlled by the institution and within the same reasonably contiguous geographic area (i.e., typically within one mile of campus borders) and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls
- Any building or property that is within or reasonably contiguous to the above that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes, such as food vendors and retail stores

On-campus student housing facility

- 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

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

Non campus buildings or property

- Any building or property owned or controlled by a student organization that is officially recognized by the institution
- Any building or property owned or controlled by the 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
- Off-campus trips fall within the non-campus category when one or more of the following is true:
 - It is a repeated visit to one location for overnight stay (e.g., the same hotel each year)
 - The location is a short-stay "away" trip of more than one night—and the institution has some level of control at the location (e.g., a classroom or housing space specified in a written agreement with the non-campus location) It is an institutionally owned or controlled property abroad that is frequently used by students but does not fit the definition of a separate campus

Separate campus

- If the institution has more than one campus (which D'Youville does not), each campus must comply independently with all of the Clery Act requirements. A location is a separate campus if it meets all of the following criteria:
 - The institution owns or controls the site
 - It is not reasonably geographically contiguous to the main campus
 - It has an organized program of study
 - There is at least one person on site acting in an administrative capacity

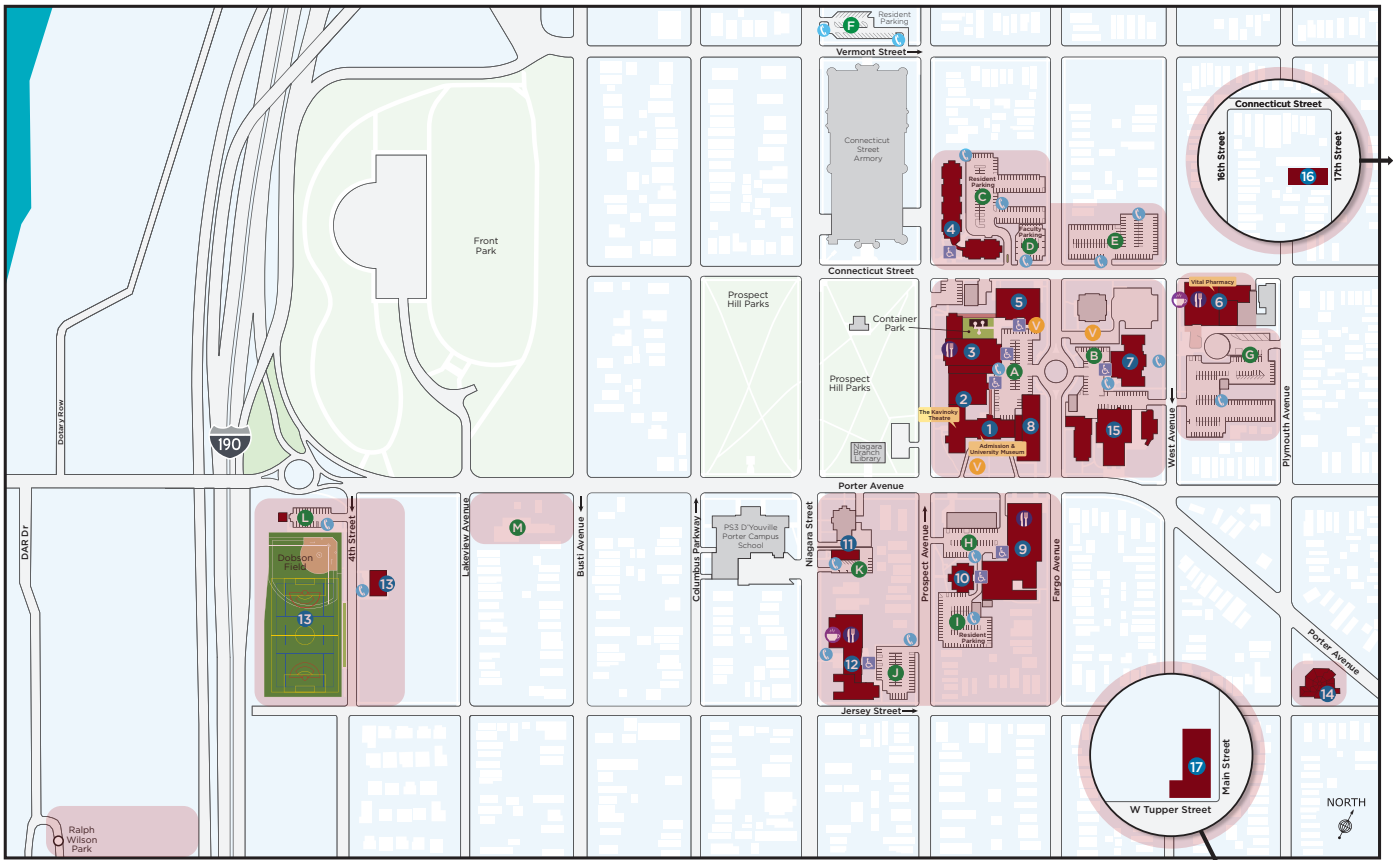
Study abroad

- Depending on the building or property, a study abroad location may be labeled separate campus (branch campus); non-campus (owned or controlled by the institution, frequently used by students, but not part of the core campus; or not reportable (not owned or controlled by the institution)

MAP OF D'YOUVILLE'S CLERY GEOGRAPHY

For the purpose of collecting statistics for submission to the Department of Education and inclusion in this annual security report, Clery geography includes buildings and property that are part of our core campus, including student housing facilities, our non-campus buildings and property, and public property within our immediately adjacent to and accessible from Campus.

For the purposes of maintaining the Daily Crime log, Clery geography also includes areas within the patrol jurisdiction of our campus safety department.



Campus Facilities

- | | |
|--|--|
| 1 KAB - Koessler Administration Building | 9 SC - Saint Center |
| 2 BFAC - Bauer Family Academic Center | 10 MGT - Marguerite Hall |
| 3 ALT - Dr. Pauline M. Alt Building | 11 NIA - Niagara Street Complex |
| 4 APT - Student Apartment Complex | 12 SASE - School of Arts, Sciences and Education |
| 5 DAC - D'Youville Academic Center | 13 Athletic Fields and Field House |
| 6 HUB - Health Professions HUB | 14 Karpeles Hall |
| 7 LIB - Montante Family Library | 15 Holy Angels |
| 8 MAD - Madonna Hall | 16 Bush Lofts |
| | 17 Medical Corridor Connection - 712 Main Street |

- Parking Lot
- Visitor Lot
- Handicapped Entrance
- Blue Emergency Phone

For all emergencies call 829-7777.
For the main Security Desk call 829-7550.

Dining Locations

- Maggie's Café - 3
- Saint's Spot* - 12
- Kuhrt Dining Hall - 9
- Hub Café* - 6

* (serving Starbucks coffee & snacks)

D'YOUVILLE
UNIVERSITY

EMERGENCY NOTIFICATIONS

Per the Clery Act, D'Youville will issue an Emergency Notification to the university community when there is an event that is occurring or has occurred that imminently threatens the campus. An Emergency Notification will be initiated for any significant emergency or dangerous situation involving an immediate threat to the health and safety of students or employees. There are multiple ways for individuals to confirm an emergency. Patrols by Campus Safety, police and fire scanner monitoring as well as through the Emergency Line which connects to Campus Safety directly at 716-829-7777. Emergency notifications are broader in focus and deal with significant emergency or dangerous situations as opposed to Timely Warnings which are narrower in focus and are only for Clery Act crimes. The entire campus or segmented populations per Everbridge Emergency notification software may be alerted depending on the situation. An Emergency Notification will be issued immediately upon confirmation.

As described above, emergency notifications have a wide focus on any significant emergency or dangerous situation, which may also include Clery crimes as described above in D'Youville's Timely Warning Policy Statement. 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, active shooter/armed person, bomb threat, civil unrest or rioting, explosion, chemical or hazardous waste spill or other. There are multiple means in order to determine the significant emergency including 1. Visual, through regular patrols 2. Buffalo Police and fire Scanner monitoring 3. Through the Emergency Line at extension x7777. To summarize D'Youville's Emergency Notification Policy, D'Youville utilizes the following procedures to provide emergency notifications regarding events or incidents on or in the vicinity of the campus that may threaten the safety and security of the university community:

The Campus Safety Department has primary responsibility for managing the emergency notification procedure. Secondary responsibility is assigned to the Computer and Network Services Department in the Office of Information Services, which is overseen by the Chief Information Officer. Tertiary responsibility is assigned to the Chief of Staff and Associate Vice President.

All emergency notifications are sent out to the university community through the contracted Emergency Notification System: Everbridge, which is an opt-out emergency multi-nodal delivery system. The same emergency messages are posted on the university's website and social media accounts. D'Youville has the ability to notify specific segments of the university through the Everbridge (i.e. Residence Halls only, or through GPS GEO fencing whereby affected locations can be selected using an Everbridge interactive topical map for segment selection). The Director of Campus Safety and Chief of Staff and Associate Vice President for Operations will evaluate the specific emergency as quickly as possible when determining who receives the notification. The process to determine which segment(s) will be notified and receive the emergency notification will be made from multiple sources of information provided by Campus Safety Officers, EMT, local law enforcement, and any other means available to the director of campus safety and Chief of Staff.

Once the emergency has been confirmed by the Director of Campus Safety in conjunction with the Chief of Staff & Associate Vice President for Operations an Emergency Notification will be sent out immediately, as per Federal law and The Clery Act, in the interest of protecting the safety of the university community. To expedite the process, pre-written emergency-message templates have been prepared and pre-approved. Additional follow-up messages may then be prepared by the PIO, as necessary, as part of D'Youville's Emergency Management Team. These messages are also distributed through the Everbridge system.

The process for issuing an emergency message through the Everbridge Emergency Notification System will be made by the Director of Campus Safety in coordination with Chief of Staff and Associate Vice President using D'Youville's Emergency Notification Decision Chart and the Emergency Notification Decision Form. The form will be completed as soon as time allows and will be saved as part of the year's Annual Security Report folder held by the Clery Campus Safety Compliance Committee as well as uploaded and attached to the Campus Safety Official Incident Report for the event.

The Computer and Network Services Department in the Office of Information Services is responsible for sending out an email reminder within the first five days of each semester to all current faculty, staff, and students explaining the Everbridge Emergency Notification System and the process for registering to receive notifications.

The Associate Vice President of Operations is ultimately responsible for communicating the location and contents of the university's Emergency Action Plan (EAP) to all faculty, staff, and students and for tasking the university's Fire Marshall to conduct at least one drill annually that tests the Everbridge system along with a simulated emergency drill that is outlined in the EAP, as required by The Clery Act.

Updates may be sent out by the President, Associate Vice President for Operations, Director of Campus Safety or the Dean of Students; however, the initial Emergency Notification message will be immediate. All emergency notifications will be initiated without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. will be immediate and the responsible of the Associate Vice President for Operations and Chief of Staff.

In the event that an Emergency Notification is initiated, D'Youville will notify the local community in the following ways:

1. "DYCSAFE" keyword opt-in, community- outreach SMS notification.
2. Website and social media accounts will be updated.
3. The Chief Mission officer will communicate with a pre-determined list of community news organizations who will then release that information via their media outlets.

EMERGENCY DRILLS AND TESTING

Each year D'Youville Campus Safety and Facilities conduct 3 Fire Drills in each of the academic areas and 4 within each of the residence halls including Marguerite Hall, 222 Apartment Complex and Madonna Hall. Facilities publicizes the test, description and keeps it on file for the Fire Marshall's annual review.

EVACUATION PROCEDURES

All campus personnel are expected to familiarize themselves with their own specific work locations and, working with the Director of Campus Safety and the Campus Safety Department, become comfortable with their own site-specific evacuation and emergency response needs. The Campus Safety Department performs multiple trainings throughout the year related to response actions for the general campus population as well as specifically to resident assistants and students located in both residential facilities.

LOCATIONS OF EMERGENCY PHONES

Should you find yourself in an emergency situation, immediately call for help by dialing:

- 911 for emergency services
- Extension 7777 from any on campus phone, or 716-829-7777 from your cell phone

Red Emergency Phones are located in the following buildings:

Bauer Family Academic Center (BFAC)

- Lobby

D'Youville Academic Center (DAC)

- Front 7 Rear Stairwells on floors lower level, 1, 2, 3, 4, 5 and 6

D'Youville Saints Center (SC)

- Lower level by the fitness center
- First-Floor Lobby
- Front and rear stairwells on floors 2, 3, 4, 5 and 6

Dr. Charles and Mary Schweitzer Bauer School of Arts, Science & Education Building (SASE)

- All stairwells

Blue Emergency phones are located in the following buildings:

- A Lot
- B Lot
- C Lot
- D Lot
- E Lot
- F Lot
- G Lot
- H Lot
- I Lot
- J Lot
- Athletic Field House
- Niagara Street Complex

SECURITY AWARENESS PROGRAMS

D'Youville's Campus Safety Department offers comprehensive and ongoing security awareness programs to the campus community:

Active Shooter Introduction (Run, Hide, Fight) for Students

Topics covered:	Active shooter awareness and types of responses
Target audience:	Students enrolled in various academic programs and/or in leadership
Positions Facilitated by:	Director of Campus Safety
Time:	45 minutes
Frequency:	2-3 times per year
Intended outcomes:	Participants will be able to explain what to do in an active-shooter situation and prepared to act responsibly in an active-shooter situation
Form of delivery:	In-person
Methods of instruction:	Lecture; video; simulation
Assessment:	Verbal feedback; observations of performance in simulation

Active Shooter Introduction (Run, Hide, Fight) for Employees

Topics covered:	Active shooter awareness and types of responses
Target audience:	Newly hired employees; faculty and administrative staff
Facilitated by:	Director of Campus Safety
Time:	1 hour
Frequency:	8-10 times per year
Intended outcomes:	Participants will be able to explain what to do in an active-shooter situation and prepared to act responsibly in an active-shooter situation
Form of delivery:	In-person
Methods of instruction:	Lecture; video; simulation
Assessment:	Verbal feedback; observations of performance in simulation

Active Shooter Preparedness Training and Tabletop Exercises Seminar

Topics covered:	Active shooter preparedness and types of responses
Target audience:	Students, faculty, and administrative staff
Facilitated by:	Retired Chief of Canisius College Public Safety; Adjunct Professor for Central Police Services; Director of Campus Safety
Time:	2 hours
Frequency:	4-6 times per year
Intended outcomes:	Participants will be able to explain what to do in an active-shooter situation and prepared to act responsibly in an active-shooter situation
Form of delivery:	In-person
Methods of instruction:	Lecture; video; tabletop discussion; simulation
Assessment:	Verbal feedback; observations of performance in simulation

Anti-Theft Bicycle Registration

Topics covered:	Bicycle safety and anti-theft measures; Bicycle registration process; Campus Safety Department's services
Target audience:	Members of the D'Youville community and surrounding neighborhood
Facilitated by:	Campus Safety Officers; Bike Patrol Officer certified by the International Police, Mountain Bike Association
Time:	Day long event
Frequency:	2 times per year, in fall and spring semesters
Intended outcomes:	Participants will be able to register their bikes
Form of delivery:	In-person at advertised outdoor locations
Methods of instruction:	Discussions; registration assistance
Assessment:	Successful registration of participants' bicycles

Crime Prevention Tips and Security Messages

Topics covered:	Crime awareness and prevention; situational awareness; weather preparedness; safety tips for various settings (offices, residences, vehicles, campus thoroughfares; etc.)
Target audience:	Students, faculty, and administrative staff
Facilitated by:	Campus Safety
Time:	N/A
Frequency:	At least 3 times a year; as necessitated
Intended outcomes:	Participants will be aware of crimes on campus; Participants will know tips for maintaining personal and communal safety and security
Form of delivery:	Email notifications
Methods of instruction:	N/A
Assessment:	N/A

New Hire Orientations: What you need to know about campus security

Topics covered:	Campus Safety Department's services; Crime prevention and security awareness tips; Reporting procedures; Active shooter training
Target audience:	Newly hired employees; faculty and administrative staff
Facilitated by:	Campus Safety
Time:	1 hour
Frequency:	8-10 times per year
Intended outcomes:	Participants will be able to explain the functions and services provided by the Campus Safety Department; Participants will be better prepared to maintain a safe and secure campus; Participants will know how to report suspicious behavior and criminal activity
Form of delivery:	In-person
Methods of instruction:	Discussions; registration assistance
Assessment:	Successful registration of participants' bicycles

D'Youville Academic Center



*Campus Safety is located in the
D'Youville Academic Center.*

5. RULES OF CONDUCT & DISCIPLINE FOR ALCOHOL AND DRUGS

The following Rules of Conduct constitute conditions of enrollment with the university for the 2023-2024 academic year. All community members agree to abide by the following rules, and any violations of these rules will be dealt with by whatever disciplinary measures the university deems appropriate:

The Drug-Free Schools and Communities Act Amendments of 1989, enacted by the federal government, requires Universities to adopt and implement a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.

D'Youville University is committed to providing all students, faculty, administrators, and staff with a safe environment in which to study and work. Part of this commitment is that the College will be free from the presence and adverse effects of illegal drugs and unauthorized use of alcohol. This policy was developed to accomplish this objective and to comply with the College's legal obligation. The Higher Education Amendment of the Drug-Free Schools and Communities Act of 1989 requires that all institutions of higher education prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. Similarly, the Drug-Free Workplace Act of 1988 requires federal contractors and recipients of federal grants to maintain a drug-free environment. The above laws require that D'Youville College adopt and implement certain mandatory rules of conduct, and strictly enforce these rules by disciplinary measures. Each student, faculty, administrator, and staff member is personally responsible to ensure their compliance with all rules, procedures and other requirements that are mandated by the College. If any student, faculty, administrator, or staff member has a problem with drug or alcohol dependency which could lead to a violation of the Rules of Conduct and result in disciplinary action, he or she must do what is necessary to see that a violation does not occur.

If professional treatment or other outside assistance is needed to help resolve the dependency problem, it is the responsibility of the student, faculty, administrator, or staff member to obtain such assistance and work toward a successful resolution of the problem. The Counseling Center is available to provide information and confidential, professional referrals to students who conscientiously request such assistance. The Employee Assistance Program is available to members of the faculty, administration, and staff who require assistance. Inquiries will be kept confidential.

Any student, or recovering student, who would like to discuss an alcohol or drug related problem may contact Student Affairs for support and guidance. Referrals to outside agencies for professional treatment or outside assistance in coping with a dependency problem are available upon request.

Any University approved and sponsored event that offers a bar which the D'Youville community can access must:

1. Follow all federal, state, and local law;
2. Obtain a New York State Liquor Authority permit that can be arranged through the University dining provider with 30 days advanced notice;

3. Require either cash payment of fair market price or higher or University provided voucher for each drink ordered by a student;
4. Cannot offer students an “open bar”, that is unlimited free alcoholic beverages;
5. Must ensure equal access to non-alcoholic beverages and foods of substance for all attendees;
6. Cannot showcase or advertise alcohol as the main focus of the event;
7. Must provide a trained bartender through University dining services or University official who will understand all regulations, manage liability, handle all age proofing, monitor student consumption with the full authority and discretion to refuse service at any point, and will notify Campus Safety in the case of an emergency or challenging situation;
8. Cannot offer alcohol as a prize or use alcohol in a game or contest;
9. Cannot permit alcohol products other than those approved and provided by the University or official designee. Any student group or organization who wish to offer alcohol at an event must receive University approval and sponsorship through appropriate forms and with cooperation of the Office of Student Engagement & Housing.

The sale, purchase, possession, transportation, storage, and consumption of alcoholic beverages on D’Youville property and at off-campus University sponsored functions is permitted only in accordance with New York State law.

1. Pursuant to New York State law, open containers are illegal. Alcoholic beverages MUST be in a closed and concealed container and alcoholic beverage containers MUST be concealed when transported on campus grounds and in residence. There will be no open containers of alcohol or drinking of alcoholic beverages permitted in public or common areas (lounges, library spaces, outdoors, hallways, etc.) unless sponsored or approved by the University;
2. In accordance with New York State law, it is a violation for anyone under 21 years of age to purchase, possess, or consume alcohol. This includes, but is not limited to, any public or private function sponsored by the University;
3. Nobody visibly intoxicated will be permitted service to alcohol;
4. Public intoxication, no matter the age, is prohibited;
5. Disorderly Conduct resulting from the use of alcohol is unacceptable and will be considered a serious and additional violation of the University policy;
6. Items, such as funnels, kegs and other bulk containers such as mini kegs or similar items that encourage less than responsible approach to alcohol use will be confiscated regardless the age of the owner;
7. Students may be held responsible for any activities taking place reasonably within their person;
8. It is a violation for anyone 21 years of age or older to provide alcohol to anyone under 21 years of age;
9. Marguerite Hall is considered to be a “dry residence hall” meaning no alcohol is permitted regardless of student age;
10. Alcohol is only permitted within common areas in 222 if all residents residing in the apartment are 21 years of age or older.
 - a. If not all residents of the apartment are of age, then alcohol is only permitted within the rooms of residents who are 21 years of age or older;

- b. Each resident 21 years of age or older is permitted to have no more than 18 cans/bottles of beer/malt beverages, OR 3 liters of wine, OR 1 liter of hard liquor at any given point;
11. It is a violation to be in a residential room where underage students are present and alcohol is being consumed;
 - a. It is a violation to consume alcohol in a common area if not all residents present are at least 21 years of age 12. D’Youville students are fully responsible for their guests’ actions on campus;
12. Drinking games in any form are not permitted on campus;
13. Empty alcohol containers will be considered evidence of consumption;
14. Parents/Guardians will be notified, of any student under the age of 21 years old, of any alcohol policy violations; regardless of the sanction. These policies are not exclusive. The University will enforce any other commonsense rule or practice consistent with the health & wellbeing of the community. This policy is in furtherance of the University policy to provide a campus and workplace free of illicit drugs and unauthorized alcohol. It is also designed to comply with applicable laws.

DRUGS

The illegal possession and/or use of barbiturates, amphetamines, hallucinogenic compounds, narcotics, and other controlled substances violates state and federal law. Cannabis and other cannabis products (edibles, concentrates, oils, etc.) have been legalized for personal use in NYS. Prescription medication, including medical marijuana must be labeled as such with the person from whom it was prescribed and must be used by that person and that person only.

PHYSICAL EFFECTS OF ALCOHOL AND DRUGS

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

ASSISTANCE TO STUDENTS

Any student, or recovering student, who would like to discuss an alcohol or drug related problem may contact the Wellness Lodge at 716.829.7815. Your discussion will be kept confidential. Referrals to outside agencies for professional treatment or outside assistance in coping with a dependency problem are available upon request.

POLICY REGARDING ALCOHOL AT CAMPUS EVENTS

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

1. Any approved events, on- or off-campus, involving the sale/use of alcoholic beverages must be registered with the university events staff. The approved event must implement measures to ensure that alcoholic beverages are not accessible to:
 - a. Those under 21.
 - b. Individuals who appear intoxicated.
 - c. Persons exhibiting inappropriate behavior.
 - d. Individuals outside the approved drinking area.

2. Non-alcoholic beverages, food and snack items of substance shall be readily available in sufficient quantities.
3. Alcoholic beverages may not be used in any contests or games.
4. Individuals may not “bring your own” alcohol to any on or off-campus event.
5. Promotion and advertisement of any event must include the availability of alcohol-free beverages on an equal and comparable basis as the alcoholic beverages. Alcohol may not be used as the inducement for participation, or as the main focus of the event.
6. Promotion of any event that is sponsored by or primarily targeting students and includes alcohol must indicate “cash bar only.”
7. Individuals sponsoring the event are responsible for:
 - a. Knowing the liability of hosting events with alcohol.
 - b. Knowing university policies and familiarity with federal and state laws relating to the purchasing and/or serving of alcohol and for implementing the steps necessary to insure compliance with these regulations.
 - c. Notifying Campus Safety and appropriate university officials of problems that arise.
 - d. Designating at least one person who will oversee the entire duration of the event while abstaining from alcohol.
8. Student group/club sponsored events must adhere to the following additional university regulations:

ADJUCATION

The following outlines the process for adjudication of potential policy violations outside of Title IX for students. Once an incident report is submitted through the University’s official reporting software, Maxient, it is routed to the Director for Housing & Student Conduct. The incumbent will then do the following:

1. Review the submitted incident report and assign potential charges (if applicable);
2. Assign the case to the appropriate hearing officer, depending on the severity of the potential charges; (hearing officers can range from the Residence Directors, Director of Housing & Student Conduct to the Dean of Students);
3. Once the case is assigned through Maxient; a “Notice to Appear” letter is generated and sent for a hearing date and time at least 48 hours from the sending date;
4. The hearing officer will meet with all parties listed on the incident report as well as any additional students in order to arrive at a preponderance of evidence or “more likely than not” responsibility level.
5. If a level of responsibility is found, the student has 3 calendar days to appeal the hearing officer’s decision. The appeal officer is considered the next level after the hearing officer. Appeals will only be considered should they outline proof of one of at least one of the following standards:
 - A procedural error or omission occurred that significantly impacted the outcome of the process or the sanction imposed;
 - New evidence, unknown or not reasonably available during the process, that could substantially impact the original finding;
 - Review of whether bias or a conflict of interest was involved in the process such that it affected the outcome of the case and resulting sanctions.

Appellate decisions are final and not appealable and will be rendered after receiving the appeal. Any student who fails to attend their conduct meeting will be sanctioned without their input and forfeits the ability to appeal their sanction.

STUDENT RIGHTS

D'Youville seeks to provide an atmosphere that supports growth and learning and considers all spaces on campus to have the opportunity to serve as an integral part of the academic program of the University. Our campus is where intellectual stimulation continues and where students, either alone or in groups, study. All campus buildings are accessible to all students, and the patterns and programs of Student Affairs are administered so as to enhance student ties beyond the classroom; assure the individual rights, well-being, and dignity of others; promote understanding and respect among all people; and foster the opportunity to make lasting friendships. Our campus is a community where students take responsibility for their environment. The University respects the right of privacy and is committed to protecting that right. However, University officials have the right to enter any space, including residence hall rooms, at any time when deemed necessary for health and safety reasons or with the presumption of a policy violation.

Members of the D'Youville community are committed to an atmosphere that supports personal growth and learning, where all students have the following rights:

- To have free access to locations on campus to work and study;
- To exercise free speech—which does not include the right to harass, injure or silence others;
- To have adequate security for one's person and possessions;
- To have a system of grievance;
- To have access to all University support systems and services;
- To be protected under FERPA;
- To receive consideration without discrimination because of race, creed, color, gender, age, national origin, sexual orientation, gender identity or expression, disability, or status.

Each student is free to exercise their rights as an individual and responsibilities as a citizen. The University also has certain rights; and therefore, may take appropriate action if the student's behavior or any group of students' behavior adversely affects the good name of the University or represents a threat to any individual, group or the order of the community. If such action is necessary, due process shall be afforded to all parties.

STUDENT RESPONSIBILITIES

To assure these rights, all students have the following responsibilities:

- To treat all members of the community with dignity and respect;
- To resolve differences with others in a controlled, civil manner and in a timely fashion;
- To conduct oneself in such a manner that does not violate the rights of others;
- To adhere to University regulations and to honor the legitimate requests of the University and its appointed agents;
- To take all reasonable means to protect from theft or damage, personal property and the property of others, including that of the University;
- To be accountable in social situations, including choices with respect to behavior, whether sexual or otherwise;
- To be respectful and aware of University policy and New York State Law with regard to alcohol, drugs, and sexual violence;
- To avoid substance abuse and refuse to tolerate substance abuse in others;

- To create a non-coercive social environment;
- To take initiative for executing and participating in activities that are not substance centered;
- To understand that abuse of substances will not be considered an excuse for irresponsible behavior;
- To protect and promote the health and safety of others, as well as one's self, and to aid others in need of help.

DISCIPLINARY SANCTIONS AND LEGAL PENALTIES FOR ALCOHOL AND DRUG VIOLATIONS

D'Youville will impose disciplinary sanctions on students for violations of the Rules of Conduct established by this program. The university, in its sole discretion, will determine whether a violation has occurred and what the appropriate disciplinary measure will be. Disciplinary sanctions must list exact sanctions, including the following:

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

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

D'YOUVILLE UNIVERSITY DRUG & ALCOHOL ABUSE AND PREVENTION

The Drug-Free Schools and Communities Act Amendments of 1989, enacted by the federal government, requires Universities to adopt and implement a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. The primary goal of the following policy is to promote an environment in which the misuse of alcohol is not tolerated. This goal can be achieved by community-wide involvement in comprehensive and ongoing alcohol education and awareness programs.

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

Any student, or recovering student, who would like to discuss an alcohol or drug related problem may contact Student Affairs for support and guidance. Referrals to outside agencies for professional treatment or outside assistance in coping with a dependency problem are available upon request.

LEGAL SANCTIONS PERTAINING TO NEW YORK STATE LAW, IT IS ILLEGAL:

Legal Sanctions Regarding Alcohol: Under New York State law it is illegal:

- To provide alcohol to persons under the age of 21 or to persons who are visibly intoxicated. Providing alcohol to persons under the age of 21 is a Class A misdemeanor which is punishable by imprisonment for up to one year, a fine of not more than \$1,000 and/or 3 years probation;
- To misrepresent the age of a person under the age of 21 for the purpose of inducing a sale of alcohol. Those found guilty of violating this law shall be punished by a fine of not more than \$200, or by imprisonment for not more than five days, or by both fine and imprisonment;
- For a person under the age of 21 to possess alcohol with the intent to consume it. Those found guilty of violating this law shall be punished by a fine of not more than \$50 and or required to complete an alcohol awareness program and/or required to provide up to 30 hours of community service;
- For any person under the age of 21 to present or offer any written evidence of age which is false, fraudulent or not actually his own, for the purpose of purchasing or attempting to purchase alcohol. Those found guilty of violating this law shall be punished by a fine of not more than \$100, and/or required to complete an alcohol awareness program and or required to provide up to 30 hours of community service. Additionally, if it is found that a New York State driver's license was the written evidence of age used for the purpose of the purchase or attempted purchase, the person's license to drive a motor vehicle may be suspended for 90 days. Lastly, alteration of the required forms of identification (driver's license, passport, or armed forces ID card) may constitute "possession of a forged instrument... with intent to defraud," which is a Class D felony under New York State penal law.

LEGAL CONSEQUENCES OF OPERATING A VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

- Operating a Motor Vehicle after Consuming Alcohol While Under Age 21. Any person under age 21 who operates a motor vehicle after having consumed alcohol, as determined by a blood-alcohol content of at least .02%, may be referred to the Department of Motor Vehicles for license suspension or revocation, and a \$125 charge. V and T Law § 1192-a.
- Driving While Ability Impaired (DWAI) (more than .05% but less than .08% Blood Alcohol Content (B.A.C.) First violation (Traffic Infraction): Mandatory \$300-\$500 fine; and/or imprisonment up to 15 days; mandatory 90 day license revocation. Subsequent violations increase the fine, possible imprisonment and length of revocation.
- Driving While Intoxicated (DWI) (.08% B.A.C. or higher or while impaired by the use of a drug) 1st Violation (Misdemeanor): Mandatory \$500-\$1,000 fine and/or 1 year imprisonment; Mandatory 6-month minimum license revocation. Two violations within 10 years can result in jail for up to 4 years and a 1-year revocation of your license to drive. If there is personal injury, a possible lifetime revocation can result.
- If you are under the age of 21 and charged with DWAI, or DWI, and you are convicted of such charges, your license will be revoked for a minimum of one year. If you drive while your license is suspended or revoked, or if you refuse a chemical test, you face a mandatory jail term of 7-180 days and a mandatory fine of \$500-\$1,000.

ANY UNIVERSITY APPROVED AND SPONSORED EVENT THAT OFFERS A BAR WHICH STUDENTS CAN ACCESS MUST:

- Follow all federal, state, and local law;
- Obtain a New York State Liquor Authority permit that can be arranged through the University dining provider with 30 days advanced notice;
- Require either cash payment of fair market price or higher or University provided voucher for each drink ordered by a student;
- Cannot offer students an “open bar”, that is unlimited free alcoholic beverages;
- Must ensure equal access to non-alcoholic beverages and foods of substance for all attendees;
- Cannot showcase or advertise alcohol as the main focus of the event;
- Must provide a trained bartender through University dining services or University official who will understand all regulations, manage liability, handle all age proofing, monitor student consumption with the full authority and discretion to refuse service at any point, and will notify Campus Safety in the case of an emergency or challenging situation;
- Cannot offer alcohol as a prize or use alcohol in a game or contest;
- Cannot permit alcohol products other than those approved and provided by the University or official designee.

HEALTH RISKS

Abusing alcohol or using illicit drugs can have serious and wide-ranging health consequences. Key risks associated with these behaviors:

ALCOHOL ABUSE:

Liver Damage: Chronic alcohol abuse can lead to liver conditions such as fatty liver, alcoholic hepatitis, and cirrhosis.

Cardiovascular Issues: It can increase the risk of high blood pressure, heart disease, and stroke.

Mental Health Disorders: Alcohol abuse is linked to mental health issues such as depression, anxiety, and increased risk of suicide.

Digestive Problems: It can cause gastrointestinal issues like ulcers, gastritis, and pancreatitis.

Cancer: Increased risk of cancers, particularly those of the mouth, throat, esophagus, liver, colon, and breast.

Neurological Damage: Long-term use can impair cognitive function and lead to conditions like Wernicke-Korsakoff syndrome.

Dependency and Withdrawal: Chronic use can lead to alcohol dependence and withdrawal symptoms that can be severe and potentially life-threatening.

Illicit Drug Use

Cardiovascular Problems: Many drugs, including stimulants like cocaine and methamphetamine, can lead to heart attacks, strokes, and arrhythmias.

Respiratory Issues: Drugs like heroin and cocaine can cause respiratory problems, including lung damage and chronic bronchitis.

Neurological Effects: Use of drugs such as ecstasy, LSD, or hallucinogens can lead to lasting changes in brain function, including memory loss, cognitive impairment, and mental health disorders.

Addiction and Dependency: Many illicit drugs have a high potential for addiction, which can have severe physical, psychological, and social consequences.

Infections: Sharing needles or using contaminated paraphernalia can increase the risk of infectious diseases like HIV, hepatitis B, and hepatitis C.

Overdose: Overdose risk is a significant concern with many drugs, particularly opioids and stimulants, and can be fatal.

Behavioral Risks: Drug use can impair judgment and lead to risky behaviors, including unsafe sex, driving under the influence, and violent behavior.

GENERAL RISKS:

Impaired Judgment: Both alcohol and illicit drugs can impair judgment and coordination, leading to accidents and risky behaviors.

Social and Legal Consequences: Substance abuse can result in legal issues, relationship problems, and difficulties in employment and social interactions. Addressing these issues often requires a combination of medical intervention, counseling, and support from family and community.

EMPLOYEE ALCOHOL & DRUG POLICIES

New York state law prohibits smoking in the buildings and on the grounds of all schools, colleges and universities. Use, distribution, or sale of tobacco, including any smoking device, or carrying of any lighted smoking instrument, in college buildings or on college premises without exception, at events on college premises, or in college-owned or leased vehicles, is prohibited.

No tobacco-related advertising or sponsorship shall be permitted on D'Youville property, at university-sponsored events, or in publications produced by the university, with the

exception of advertising in a newspaper or magazine that is not produced by the university, and which is lawfully sold, bought or distributed on campus property. D'Youville shall neither solicit nor accept any grant, gift, or anything else of value from a manufacturer, distributor, or retailer whose principal business is tobacco products.

DEFINITIONS

E-cigarette: any electronic oral device, such as one composed of a heating element, battery or other electronic circuit, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking.

Smoking: the inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, including a hookah pipe, or any other lighted or heated tobacco or plant product, including marijuana, intended for inhalation.

Tobacco Product: any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, blunts, clove cigarettes, or any other preparation of tobacco, not including any cessation product specifically approved by the U. S. Food and Drug Administration for use in treating nicotine or tobacco dependence.

D'Youville University has the right to impose disciplinary sanctions on students and employees for violations of the standards of conduct as outlined with the Student Handbook:

Warning: A notice in writing to the student that the student is violating or has violated institutional regulations.

Letter of Apology: A written letter apologizing for action or violation.

Community Service: Providing a service back to the University or the local community to restore and caused harm culminating in a reflection statement.

Educational Experiences: Can include but is not limited to; programming, bulletin boards, newsletters, or a specific experience to help a student learn about or from the policy violated. This will be assigned by the Student Conduct Administrator with strict instructions and/or oversight provided.

Reflection Paper: A written educational assignment with the topic and guidelines established by the Student Conduct Administrator.

Referral: Required meeting(s) with specific individual(s).

Behavioral Contract: Development with the Student Conduct Administrator outlining specific expectations for future conduct. Violation of this contract may result in additional sanctions.

Probation: A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of disciplinary sanctions if the student is found to be violating any institutional regulation(s) during the probationary period.

Fines: Compensation for loss, damage, or injury are used as a punitive fee.

Removal from Activity or Leadership Position - Dependent on the policy, the Student Conduct Administrator can notify the appropriate club advisor, supervisor, or coach of the policy violated which could result in removal from that leadership role. This includes suspension from an athletic team, club, or activity.

No Contact Order: This is an order of protection issued by the Vice President for Student Affairs or their designee to eliminate all contact with another member of the University community.

Persona Non-Grata: Prohibition from a specific area or all campus property and/or activities. Violation of a persona non-grata sanction may subject the violator to arrest for trespass.

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

Change of Residence: Required change of room, floor, or building.

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

Residence Hall Expulsion: Permanent separation of the student from the residence halls.

Deferred Suspension: A period of review during which the student must demonstrate an ability to comply with University rules, regulations, and all other stipulated requirements. If, during the period of the deferred suspension, the student is again found responsible for violating any University rule or regulation or an order from a University Official, the student will be immediately suspended from the University.

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

Expulsion: Permanent separation of the student from D'Youville.

Revocation of Admission and/or Degree: Admission to or a degree awarded from D'Youville may be revoked for fraud, misrepresentation, or other violation of D'Youville standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

Withholding Degree: D'Youville may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code, including the completion of all sanctions imposed, if any.

D'Youville hosts a number of campus activities including Battle of the Floors, held on Dobson Field.



6. SEXUAL MISCONDUCT

Overview

D'Youville prohibits its employees and students (both in person and online) from engaging in any form of sex discrimination, which includes sexual harassment, sexual assault, dating violence, domestic violence, and stalking. This policy provides information regarding the Institution's prevention and education efforts related to sexual harassment and sexual assault/ violence (collectively referred to in this policy as "sexual misconduct"). This statement is included in all informational materials such as the Bill of Rights and the annual instructional video emailed out to Faculty, Staff and Students.

Should the Institution become aware of sexual misconduct impacting its employees or students, the Institution is committed to promptly and effectively addressing the situation. In furtherance of that commitment, this policy explains how the Institution will proceed once it is made aware of possible sexual misconduct in keeping with our institutional values and to meet our legal obligations under Title IX, the Clery Act, the Violence Against Women Reauthorization Act of 2013, and other applicable law. In all instances in which sexual misconduct is found to have occurred, the Institution will ensure a prompt, fair and impartial process from the initial investigation through to the final result.

Purpose/Scope

This policy applies to reports that an employee of D'Youville or student ("Impacted Party") is alleged to have been subjected to sexual misconduct by another employee of D'Youville, a third party (such as a contracted service provider or vendor), or another student ("Respondent") whenever the alleged sexual misconduct occurs:

1. On campus, which includes the Main Campus, Dobson field, ECMC Chiropractic Clinic, and any other areas owned or leased by D'Youville; or
2. Off campus, if:
 - In connection with an Institution or Institution recognized program or activity; or
 - In a manner that may pose an obvious and serious threat of harm to, or that may have the effect of creating a hostile educational or work environment for, any member(s) of the Institution community.

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

Applicability

Administration, Faculty, Staff, and Students.

DEFINITIONS

Title IX

Title IX of the Education Amendments of 1972 (Title IX) (20 U.S.C. § 1681 et seq.; 34 C.F.R. Part 106) (as amended) is a federal law that prohibits sex-based discrimination, including sexual harassment and sexual assault, in education programs that receive federal financial assistance.

Domestic Violence

Violence committed (a) by a current or former spouse or intimate partner of the victim; (b) by a person with whom the victim shares a child in common; (c) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (d) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the institution is located; or (e) 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.

Sexual Assault

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving affirmative consent.

Sexual assault consists of the following specific acts:

1. 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.
2. The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her/their youth or because of his/her/their temporary or permanent mental or physical incapacity.
3. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. Statutory Rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in New York is 17.

Sexual Harassment

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal/nonverbal or physical conduct of a sexual nature such as sexual assault or acts of sexual violence. Sexual harassment is also a form of sex discrimination, which is illegal, under the New York State Human Rights Law, as well as under Title VII of the Civil Rights Act of 1964, as it relates to employees and under Title IX of the Education Amendments of 1972, as it relates to students.

Sexual harassment may be described as unwelcome sexual advances, requests for sexual favors, or other physical or expressible behavior of a sexual nature where:

1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or education.
2. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting an individual; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance, or creates an intimidating hostile or offensive work or academic environment even if the person engaging in the conduct does not intend to interfere, intimidate or be hostile or offensive.

This includes, but is not limited to, sexual joking or innuendo, the use of sexually-explicit language or the display of sexually-oriented jokes, posters or other material on bulletin boards, in offices, carrels and work areas.

Examples of sexual harassment may include, but are not limited to, the following: unwanted sexual statements (including sexual joking or innuendo or sexually-explicit language); the display of sexually-oriented jokes, posters or other material on bulletin boards, in offices, carrels and work areas; unwanted personal attention (including stalking and cyber-stalking); unwanted physical or sexual advances that would constitute sexual assault, as defined in this policy; electronically recording, photographing, or transmitting intimate or sexual utterances, sounds, or images without the knowledge and consent of all parties involved; touching oneself sexually for others to view; and voyeurism (spying on others who are in intimate or sexual situations).

Conduct reported as sexual harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Although repeated incidents generally create a stronger claim of sexual harassment, a serious incident, even if isolated, can be sufficient. For example, a single instance of sexual assault can constitute sexual harassment.

Dating Violence

Violence committed by a person: (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) The length of the relationship. (2) The type of relationship. (3) The frequency of interaction between the persons involved in the relationship.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress.

Reporting Sexual Misconduct

The Institution strongly encourages the prompt reporting of sexual misconduct. The report may be made by:

1. A person covered by this policy who believes they experienced sexual misconduct; or
2. A person who has information that sexual misconduct may have been committed by a person covered by this policy.

Reports should be made to the Title IX Coordinator in writing via their Institution email or by mail, verbally in person or over the phone, or digitally through the official Institution reporting system, Maxient, located on the main Institution website and within SharePoint under HELP!

Any member of the D'Youville community who believes that they have been subjected to sexual misconduct is encouraged to report it and may request that an investigation be conducted. Unless an office has been designated as a confidential resource, as described below, it should be assumed that any other Institution office, official or employee (including Resident Advisors) to which a report is made will share that report with the Title IX Coordinator for review and handling in accordance with this policy. In fact, certain Institution employees are required by law to do so.

The following Institution employees with knowledge of unreported sexual misconduct (or what could potentially be deemed sexual misconduct) are considered "responsible employees" who are required to report such alleged sexual misconduct to the Title IX Coordinator:

1. Faculty advisors, which includes academic advisors and those that advise clubs and organizations;
2. Deans of schools and department chairs;
3. Athletic department staff and team coaches;
4. All institution housing staff,
5. The President and President's Council; and
6. All administrators and support staff.

If an Impacted Party discloses an incident to an Institution employee who is responsible for responding to or reporting sexual misconduct but wishes to maintain confidentiality or does not consent to the Institution's request to initiate an investigation, the Title IX Coordinator must weigh the request against the Institution obligation to provide a safe, nondiscriminatory environment for all members of our community. In general, the Institution will seek consent from the Impacted Party prior to investigating, and the Impacted Party may decline to consent to an investigation. That decision will be honored unless failure to act does not adequately mitigate the risk of harm to the Impacted Party or other members of the Institution community. Honoring the request may limit the Institution's ability to meaningfully investigate and pursue conduct action against a Respondent. If the Institution determines that an investigation is required, the Impacted Party will be notified and receive immediate action as necessary for protection and assistance.

The Institution will determine whether to proceed with an investigation based on a review of the following factors:

1. The seriousness of the alleged sexual misconduct;
2. Whether the alleged sexual misconduct represents escalation in unlawful conduct on behalf of the Respondent from previously noted behavior;
3. The increased risk that the Respondent will commit additional acts of violence;
4. Whether the Respondent is alleged to have used a weapon or force;
5. The Impacted Party's age (and whether the Impacted Party is a minor);
6. Whether the Respondent has a history of violent behavior or is a repeat offender;
7. Whether there have been other sexual misconduct complaints about the same individual;
8. Whether the Institution possesses other means to obtain evidence such as security footage, and whether available information reveals a pattern of perpetration at a given location or by a particular group; and
9. The Respondent's rights to receive information about the allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99.

Upon receiving a report of alleged sexual misconduct, the Title IX Coordinator will provide the Impacted Party with information regarding the importance of preserving evidence and, where applicable, the importance of obtaining a sexual assault forensic examination as soon as possible by giving the Impacted Party the Saint Support Sheet and the Victims Bills of Rights.

The Title IX Coordinator will assist an Impacted Party with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of reporting choices. In order to contact the Title IX Coordinator, email Danielle Nesselbush (nesselbd@dyu.edu) or call at 716.829.8337. The Institution also may take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that does not identify the Impacted Party or the disclosed situation.

Maintaining Confidentiality

D'Youville's public record-keeping does not include names or any other personally identifying information of Impacted Parties or Respondents. Only the numbers of incidents are reported. Accommodations and protective measures are also protected by confidentiality whether the impacted party chooses to report to campus authorities or not. No information regarding the reason for the request of these is given to members of the D'Youville community. The Title IX Coordinator provides training for faculty and staff providing information about requests for these measures. They understand that when a reasonable request is made by the Title IX Coordinator, they are to accommodate that request.

Reports to Police/Criminal Investigation

In addition to seeking remedy through the Institution, the Impacted Party is also encouraged to report criminal concerns to the local law enforcement within the jurisdiction where the incident took place. Local law enforcement agencies do not necessarily notify the Institution when a crime has occurred in their jurisdiction, so the Institution will not have notice of an incident unless a report is also made. A criminal investigation is separate from an Institution process and will not be coordinated through the Institution.

Retaliation Prohibited

Retaliation in connection with any reports of possible sexual misconduct, whether against those who submit a report or otherwise participate in the investigative or disciplinary process (e.g. as a witness) is prohibited. Any retaliatory conduct should be immediately reported to the Title IX Coordinator or designee. Should the Institution become aware of retaliation of any sort, immediate responsive action will be taken up to and including suspension, expulsion, or termination from employment.

Obligation to Report Crime and Disciplinary Statistics

A federal law called the Clery Act requires the Institution to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute sexual misconduct under this Policy.

As described above, many Institution employees who receive reports of sexual misconduct are required to make a report to the Title IX Coordinator. In many cases, a notification must then be made about such incidents for statistical reporting purposes. These notifications may include the classification and location of the reported crime but do not identify the students involved. The Clery Act also requires the Institution to issue a “timely warning” when it receives a report of certain crimes that pose a serious or continuing threat to the D’Youville community. Additionally, as a matter of policy, the Institution will annually release aggregate information concerning reported incidents of sexual misconduct and any resulting sanctions. Such reports do not contain information identifying individual students.

Further, the Family Educational Rights and Privacy Act (FERPA) allows Institution’s and universities to share information with a student’s parents under certain circumstances, including when (a) there is a health or safety emergency, or (b) when the student is a dependent on either parent’s prior year federal income tax return.

However, in general, the Institution will not share information about a report of domestic violence, dating violence, stalking, or sexual assault with parents without the permission of the Impacted Party.

Amnesty for Alcohol and/or Drug Use Violations

The health and safety of every student at the Institution is of utmost importance. The Institution recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence (including but not limited to domestic violence, dating violence, stalking, or sexual assault) occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The Institution strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to Institution officials. A student who is 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 the Institution’s officials or law enforcement will not be subject to disciplinary action by the Institution 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.

Confidentiality & Confidential Resources

The Institution will make reasonable and appropriate efforts to preserve an Impacted Party’s and Respondent’s privacy and to protect the confidentiality of information. Should an Impacted Party request confidentiality, the Title IX Coordinator will inform the Impacted Party that the ability to respond to the alleged sexual misconduct may be limited but that, where feasible, the Institution will take reasonable steps to prevent sexual misconduct and limit its effects. The Title IX Coordinator will further inform the Impacted Party that it is not possible to provide confidentiality in all cases and that the Institution’s decision to share information with others is subject to the balancing test described below. In summary, although the Institution’s goal is to limit the number of individuals who may learn about an allegation of sexual misconduct or an investigation, the Institution cannot guarantee confidentiality in all matters.

Even Institution offices and employees who cannot guarantee confidentiality will maintain the Impacted Party’s and Respondent’s privacy to the greatest extent possible. The information provided to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

Confidential Resources

There are Confidential Resources at D'Youville. Discussing allegations of sexual misconduct with a Confidential Resource will not result in a report to the Title IX Coordinator.

Confidential Resources are located in:

1. The Wellness Lodge
2. Crisis Services
3. Campus Ministry

Interim Accommodation and Safety Measures

When the Institution has notice of an allegation of sexual misconduct, a qualified Institution staff member (such as a Vice President of the institution or the Title IX Coordinator) may impose interim accommodations or safety measures, which will generally remain in effect throughout the duration of the investigation, any appeal process, and beyond should it be deemed necessary. When a qualified Institution staff member imposes interim measures, a report of the actions taken should be made to the Title IX Coordinator as soon as possible. Any accommodations or safety measures provided to the Impacted Party will be confidential to the extent possible that maintaining confidentiality would not impair the ability of the institution to provide accommodations or supportive measures.

Interim Measures may include:

1. Housing reassignments;
2. Course reassignments;
3. Alterations to Institution employment arrangements and/or changing work schedules;
4. Alterations of course schedules, assignments or tests;
5. No contact directives (such a directive serves as a notice to both parties that they must not have verbal, electronic, written, or third party communication with one another);
6. Providing an escort for a party to ensure they can move safely on campus and/or between Institution programs and activities;
7. Limitation on extracurricular or athletic activities;
8. Emergency removal or administrative leave from Institution community;
9. Temporary suspension or revision of Institution policies or practices;
10. Training; and/or
11. Other appropriate actions as necessary to stop the sexual misconduct, prevent its recurrence, remedy its impact or improve Institution policies or practices.

Any time that the Institution has notice of an allegation of sexual misconduct and the Impacted Party or Respondent is a student, a no contact directive will be issued. As part of the no contact directive, the Institution may establish an appropriate schedule for each party to access Institution buildings and property at times when such buildings and property are not being accessed by the other party.

Written Notification

The institution will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to victims, both within the institution and in the community.

Emergency Campus Removal of a Respondent

In some cases, the Institution may undertake an emergency removal of a Respondent in order to protect the safety of Institution community, which may include contacting local law enforcement to address imminent safety concerns. Emergency removal is not a substitute for reaching a determination as to a Respondent's responsibility for the sexual misconduct allegations; rather, emergency removal is for the purpose of addressing imminent threats posed to any person's physical health or safety, which may arise out of the sexual misconduct allegations.

Prior to removing a student Respondent through the emergency removal process, the Institution will undertake an individualized safety and risk analysis. If the individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student, including the student Respondent, or other individual justifies removal, then a student Respondent will be removed. This is the case regardless of the severity of the allegations and regardless of whether a formal complaint was filed.

After determining a student Respondent is an immediate threat to the physical health or safety of an individual, the Title IX Coordinator will provide written notice of the emergency removal to both the Impacted Party and Respondent. This notice will contain: (1) the date the removal is set to begin, (2) the reason for the emergency removal, (3) the consequences of non-compliance, and (4) how to appeal the decision.

If a student Respondent disagrees with the decision to be removed from campus, the Respondent may appeal the decision. The Respondent must provide written notice of the intent to appeal, which shall include the substance of the appeal, to the Title IX Appellate Officer who is the Vice President for Student Affairs, within 10 days of receiving the notice of removal. The burden of proof is on the student Respondent to show that the removal decision was incorrect. This section applies only to student Respondents.

Employee Respondents are not subject to this section and may be placed on administrative leave pursuant to the Institution's policies and/ or collective bargaining agreement during the pendency of a Title IX grievance process.

Review of Interim Accommodations and Safety Measures

Both the Respondent and the Impacted Party may request prompt review, reasonable under the circumstances, of the need for and terms of any interim accommodation or safety measure, including potential modification, and shall be allowed to submit evidence in support of their request to the Title IX Coordinator.

Potential Accommodations in the Event of No Investigation

Even if the Institution decides not to confront the Respondent because of the Impacted Party's request for confidentiality, the Institution may pursue other reasonable steps to limit the effects of the alleged sexual misconduct and prevent its recurrence as reasonable in light of the Impacted Party's request for confidentiality.

Further, if an Impacted Party decides not to report an allegation of sexual misconduct to the Institution but, instead, only discloses such allegation to a Confidential Resource, the informed Confidential Resource may request that interim accommodations or safety measures be imposed without disclosing any details to the Institution that the Impacted Party wishes to keep confidential. The extent to which the Institution is able to impose interim accommodations or safety measures may be limited by the amount and content of the information disclosed by the Confidential Resource to the Institution..

Assistance in Obtaining an Order of Protection

All individuals have the right to seek an Order of Protection from local law enforcement. Upon request, D'Youville Campus Safety will aid in obtaining an Order of Protection from local law enforcement. If the Institution receives an Order of Protection or its equivalent that concerns the Impacted Party and/ or Respondent, then a copy will be provided to the Impacted Party and/or Respondent. The Impacted Party and/ or Respondent may then meet or speak with the Director of Campus Safety who can explain the order and answer questions about it, including information from the order about a party's responsibility to stay away from the other party (or other protected person), and explain the consequences for violating the order, including but not limited to arrest, additional conduct charges, and interim suspension. The protected individual may seek the assistance of Campus Safety in effecting an arrest when there is a violation of an Order of Protection through local police agencies.

Informal Resolution

Members of the D'Youville community have an option to resolve concerns of sexual misconduct informally, without a live hearing or formal investigation, with the assistance of a trained facilitator. The Title IX Coordinator will offer the informal resolution process to the parties only after a formal complaint is filed by a complainant.

The primary objective of informal resolution is to permit the parties to resolve the dispute on their own, quickly, and confidentially. Both the Impacted Party and the Respondent must agree to informal resolution. At any stage during or upon the conclusion of the informal resolution process, either party may decide to proceed by formal process. A written notice "Form 2" will be given to both parties before entering an informal resolution process, and both parties must consent to the process in writing. No party should feel intimidated, coerced or threatened to participate in an Informal Resolution Process, or to withdraw from an Informal Resolution Process.

If both parties consent to participate in the Informal Resolution process, the Institution will assign a facilitator who will act in an independent, impartial manner to facilitate a resolution between the parties. The facilitator will be trained on how to perform the role. The facilitator will also be screened to ensure that such person is free from conflicts of interest and bias. Please note that, in cases involving allegations of Sexual Violence, informal resolution is not appropriate, even on a voluntary basis, and will not be used to resolve complaints. Further, informal resolution is not available if the Respondent in a sexual misconduct complaint is a faculty or staff member of the Institution and the complainant is a student.

Time Frame of Investigation, Hearing, and Sanctions

An investigation conducted pursuant to this policy, the investigator's preparation of their initial report, presentation to the Title IX Coordinator, completion of a Live Hearing, and the imposition of sanctions should normally be completed within 60 calendar days after the Institution has notice of an allegation of sexual misconduct. The Title IX Coordinator may extend this time frame for good cause, including Institution breaks. If the time frame is extended, notice of the extension and the reasons for such extension will be provided to the Impacted Party and Respondent.

Impact of Criminal Investigation

Where the Impacted Party has also reported the sexual misconduct to local law enforcement, resulting in the commencement of a criminal investigation, the Institution will not wait for the conclusion of a criminal investigation or criminal proceeding to begin its own investigation. While the Institution may need to delay temporarily the fact-finding portion of its investigation under this policy while law enforcement is gathering evidence, the Institution will still take any necessary interim accommodation and safety measures, as described above. The Institution will promptly resume and complete its investigation once it learns that the local law enforcement has completed its evidence gathering stage of the criminal investigation. During any delay in the Institution's investigation process caused by a criminal investigation, the Institution will update the parties on the status of its investigation and inform the parties when the Institution resumes its investigation pursuant to this policy.

D'Youville's Title IX Process: From Report through Investigation, Hearing, and Appeal

When the Institution receives notice of a sexual misconduct incident, the Title IX Coordinator ensures that the Impacted Party is given the Saint Support Sheet and the Victim's Bill of Rights which outlines the Title IX Process and offers assistance in notifying local law enforcement, D'Youville's Crisis Services Advocate and/or the local hospital should the impacted party wish to notify support services. The impacted party has the right to be assisted in notifying law enforcement. The Title IX Coordinator holds an initial meeting with the Impacted Party and gathers basic details regarding the incident while completing "Form 1". Additionally, the Title IX Coordinator will request to meet with the student named as the complainant in order to provide the complainant with the Saint Support Sheet, complete "Form 1" and answer any questions they may have surrounding next steps. Based on the initial report and meeting with the Impacted Party, the Title IX Coordinator will decide on any applicable interim measures, as described above. After discussion with, and input from the Impacted Party, these measures will be put into place by the Title IX Coordinator via email to both the Impacted Party and the Respondent.

A formal complaint is filed by either the Impacted Party or the Title IX Coordinator, which begins the Title IX process and transitions the Impacted Party to a Complainant. In order to qualify as a formal complaint, the document must contain the Complainant's physical or electronic signature, or otherwise indicate that the Complainant is the person filing the formal complaint. The formal complaint may be submitted to the Title IX Coordinator in person, by mail, or by e-mail.

The Title IX Coordinator will review the formal complaint filed by a Complainant to determine whether the alleged conduct:

- Would not constitute sexual harassment as defined in Section 106.30 of the U.S. Department of Education's Title IX regulations, even if proved,
- Did not occur in the Institution's education program or activity (as defined in federal regulations), or,
- Did not occur against a person in the United States.

In order to comply with Title IX regulations, the Title IX Coordinator must dismiss and discontinue the processing of any allegations that meet the above criteria for purposes of Title IX and related federal regulations. However, even if certain allegations are subject to dismissal for purposes of Title IX, the Institution may continue to process the allegations as potential violations of this policy, assuming that the allegations, if true, would constitute prohibited sexual misconduct. Notice of any dismissal under this section will be in writing and issued to both the Complainant and Respondent, with information concerning the parties' rights to appeal.

Following the filing of a formal complaint, written notice will be provided to all known parties of the allegations in the complaint and directing them to the official sexual misconduct policy. The notice will also contain:

- The identities of the involved parties;
- The date, time, location and factual allegations concerning the alleged violation;
- The right to an advisor of their choice, who may be, but is not required to be, an attorney;
- Their right to inspect and review evidence in accordance with this policy;
- Notice that knowingly making false statements or knowingly submitting false information is prohibited under Institution policy; and
- That the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process

Investigation

The Title IX Coordinator will assign a Deputy Title IX Coordinator and a trained investigators to the complaint. This assignment will be determined by the case type and/or the schedule rotation of investigators. Once assigned, the Deputy Title IX Coordinator will schedule an initial meeting with the Complainant and the Respondent.

In scheduling these meetings, the Deputy Title IX Coordinator will provide each party with written notice of the date, time, location, participants, and purpose of the meeting with no less than 48 hours advance notice in order to provide the party time to prepare and participate. In these separate meetings, the Deputy Title IX Coordinator and investigator will:

1. Meet with the Complainant to confirm their receipt of the Saint Support Sheet and Victim's Bill of Rights and direct them to the official misconduct policy;
2. Meet with the Respondent to offer the Saint Support Sheet and direct them to the official misconduct policy;
3. Assign/remind all parties of any interim measures (i.e.: no contact order, altering housing/academics/ campus work, counseling, etc.);
4. Provide advance notice for all upcoming meetings with the parties; and
5. Ask relevant questions surrounding the complaint.

During the investigation process the Complainant and the Respondent will be given an equal opportunity to present information. This includes the opportunity to present fact or expert witnesses and other evidence that the party believes tends to prove or disprove the allegations. However, at all times, the burden of gathering evidence remains on the Institution. The investigators may decline to interview any witness or to gather information the investigator finds to be not relevant or otherwise excludable (e.g., sexual history of the complainant with a person other than the respondent, materials subject to a recognized privilege, medical records in the absence of a release by the subject of the records, etc.).

The investigators will determine the order and method of investigation. 48 hours advance notice will be given for all investigatory meetings, and such notice will include the date, time, location, participants, and purpose of the meeting. No unauthorized audio or video recording of any kind is permitted during investigation meetings or interviews. If the investigators elect to audio and/or video record interviews, all involved parties involved in the meeting or interview will be made aware that audio and/or video recording is occurring. The Complainant and Respondent have a right to be accompanied by an Advisor of their choice during the investigation, who may be an attorney. During the investigational meeting, the advisor cannot answer questions for the complainant. A student who does not identify an Advisor on their own will be provided an advisor by the Institution.

The assigned investigators will compile a formal Investigation Report which will include the following information:

1. An executive summary;
2. Names, Times, Locations of each interview;
3. Relevant facts which each interviewee shared;
4. Supporting evidence;
5. Recommendation for either an informal or formal resolution to the complaint

The investigators need not include information in the investigative report that the investigator determines not relevant or otherwise excludable. The Title IX Coordinator will either approve or amend the recommendation based on the review and will notify the parties of the recommendation.

Informal Resolution

If informal resolution is recommended, the Complainant and Respondent will both receive written notice and must provide written consent for the informal resolution. Should consent be given by all parties, the informal resolution process will proceed as described above. At any stage during or upon the conclusion of the informal resolution process, either party may decide to proceed by formal process.

Formal Resolution

If formal resolution is recommended, both parties will receive an equal opportunity to review the completed Investigation Report. The Complainant and Respondent, will be provided a copy (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform) of the evidence, subject to redaction permitted and/ or required by law.

The parties will be given at least 5 business days to submit a written response, which will be reviewed and considered by the investigators prior to completion of their investigative report. Once the investigators have finalized their report inclusive of the additions from the complainant and the respondent, both parties will digitally sign-off on the investigation report signaling they have reviewed it.

The investigators will submit the investigative report to the Title IX Coordinator. The final investigative report will then be provided to both the Complainant and Respondent, at least 10 days prior to the hearing held to determine whether there is responsibility for the allegations in the complaint. The report may be sent in hard copy or electronic format or made available through an electronic file sharing platform, and it is subject to redaction permitted and/or required by law.

Live Hearing

Following completion of the investigation and investigative report, the Title IX Coordinator will schedule a live hearing.

The Title IX Coordinator will issue both the Complainant and Respondent three forms before the hearing:

1. Form 3: Notice of Live Hearing, which will include the date, time, and location of the hearing, the names of the Hearing Panel members, and how to challenge participation by any Hearing Panel member for bias or conflict of interest. Bias or conflict of interest will be judged by an objective standard (whether a reasonable person would conclude the decision maker is biased).
2. Form 4: Title IX Hearing Format Request.
3. Form 5A/5B: Notice of Student (5A)/ Employee, Trustee, and Third Party Rights (5B) before a Title IX Hearing Panel.

When the Hearing Format Request and the Notice of Rights forms are signed and returned, both the Complainant and Respondent will receive copies of the signed forms with a list of witnesses and advisors who will participate in the hearing.

The Title IX Coordinator will form a Hearing Panel comprised of three members who are drawn from a pool of trained hearing officers. These hearing officers have at minimum, completed the SUNY Conduct Institute Title IX Training (or the equivalent of, through an alternative training platform). The assigned Chair of the Hearing Panel will be a Deputy Title IX Coordinator and will administer all outreach for the Hearing and will oversee the process during the Hearing.

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

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

Advisors

The Complainant and the Respondent may each have present with them during the hearing an Advisor of their choice (at the party's expense, if the Advisor is a paid Advisor). If a party does not have an Advisor present at the hearing, the Institution will provide an Advisor of its choice for the limited purpose of conducting questioning on behalf of that party as provided below. Except with respect to questioning as described below, the Advisor's role during the hearing is limited to consulting with their advisee, and the Advisor may not present evidence, address the Hearing Panel during the hearing, object to any aspect of the proceeding, or disrupt the hearing in any way, and any consultation with the advisee while the hearing is in progress must be done in writing. The Advisor may consult with the advisee verbally outside the hearing during breaks, when such breaks are granted by the Chair of the Hearing Panel. An Advisor's questioning of the other party and any witnesses must be conducted in a respectful, non-intimidating and non-abusive manner. Failure of the Advisor to act in such a manner will result in the advisor being removed from the hearing; and the hearing will stop and be rescheduled for a date in the future with a different advisor.

Questioning

During the hearing, the Hearing Panel members will ask questions of the witnesses, and each party's Advisor will be permitted to ask questions during cross-examination of the other party and any witnesses. However, only relevant questions may be asked of a party or witness. Before a party or witness answers a question during cross examination or otherwise, the Chair of the Hearing Panel must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, other than questions and evidence about the Complainant's prior sexual behavior that (a) are offered to prove that someone other than the Respondent committed the alleged misconduct, or (b) concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

All questions which will be asked by advisors must be submitted to the Title IX Coordinator who will share them with the Hearing Panel Chair for review of relevance at least 5 days before the hearing. The Title IX Coordinator will then share with each party questions which have been determined 'not relevant' by the Hearing Panel Chair. It is up to the Hearing Panel Chair if additional questions not on the approved question list can and will be asked during the live hearing. The Complainant and Respondent can expect questions to be returned to them no later than 24 hours ahead of the hearing.

Upon completion of the Hearing, the Hearing Panel will deliberate and reach a determination as to whether the Respondent is responsible or not responsible for the alleged violation(s). The Hearing Panel will use "preponderance of the evidence" as the standard of proof to determine whether each alleged violation of the Policy occurred. "Preponderance of the evidence" means that the Hearing Panel must determine whether, based on the evidence presented, it is more likely than not that the Respondent engaged in the conduct charged.

Each party may submit a written personal impact statement to the Title IX Coordinator for consideration by the Hearing Panel in determining an appropriate sanction if there is a finding of responsibility on one or more of the charges. This impact statement must be submitted to the Title IX Coordinator 5 days in advance of the Hearing Date. The Title IX Coordinator will provide each of the parties an opportunity to review any statement submitted by the other party.

In determining the appropriate sanctions, the Hearing Panel consults considers factors that may include:

1. The nature and severity of, and circumstances surrounding, the violation(s);
2. The Respondent's state of mind at the time of the violation(s) (intentional, knowing, bias motivated, reckless, negligent, etc.);
3. The Respondent's previous disciplinary history;
4. The need for sanctions to bring an end to the conduct; and/or to prevent the future recurrence of similar conduct;
5. The need to remedy the effects of the conduct on the Complainant and/or the community;
6. The impact of potential sanctions on the Respondent;
7. Sanctions imposed by the Institution in other matters involving comparable conduct; and
8. Any other lawful factors deemed relevant by the Hearing Panel. Further, at this stage of the proceedings, the Hearing Panel may consider past findings of domestic violence, dating violence, stalking or sexual assault concerning the Respondent.

Sanctioning (this is outlined within form 7A)

Possible sanctions include:

- Termination from Institution employment
 - In the event the Respondent is a tenured faculty member, and the Hearing Panel determines that termination from employment is the appropriate sanction, a recommendation shall be made to D'Youville administration which may, in turn, commence dismissal proceedings in accordance with the applicable collective bargaining agreement
- Expulsion
- Ban from Institution premises and/ or events
- Suspension
- Reprimand/warning
- Mandatory leave of absence
- Probation
- Community service
- Housing reassignment
- Removal from student housing or otherwise restricting access to Institution facilities or activities
- Transcript notation

Written Outcome

The Hearing Panel will issue a written determination including the following information through Form 8:

- A description of the complaint allegations that were adjudicated;
- A description of the procedural steps taken from the submission of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the Institution's educational programs or activities will be provided to the Complainant; and
- The procedures and permissible bases for the Complainant and Respondent to appeal.

The Chair of the Hearing Panel will share the written determination with the Title IX Coordinator who will transmit, by Institution email simultaneously, the decision to both the Complainant and the Respondent. This decision letter will outline the full appeal process. Both the Complainant and the Respondent have the right to appeal a Hearing Panel decision.

Appeals

Should an appeal be filed, notice of this appeal will be shared with the nonappealing party by the Title IX Coordinator. Both parties will be given an opportunity to submit a written statement in support of, or challenging, the outcome of the hearing.

An appeal may be made only on justifiable grounds including:

1. A procedural error or omission occurred that significantly impacted the outcome of the Hearing or the sanction imposed;
2. New evidence, unknown or not reasonably available during the investigation or Hearing, that could substantially impact the original finding;
3. Review of whether bias or a conflict of interest was involved in the investigation and/or hearing such that it affected the outcome of the case and resulting sanctions.

The following outlines the appeal process for cases involving a Student-Respondent:

Appeal Due:

In writing, within 5 business days of the delivery of the written findings of the Title IX Hearing Panel. The appeal must be submitted to the Title IX Coordinator or designee.

Appeal Process:

- The Title IX Appeal Panel will review the appeal and determine if one of the three ground(s) for appeal have been met.
- The Title IX Appeal Panel will review the appeal and any response received from the nonappealing party based only upon the grounds identified and, if sufficient grounds for appeal exist, appropriate remedial action will be taken.
- If no ground for appeal exists, the appeal will be denied. The decision of the Title IX Appeal Panel shall be final and not appealable.

Principles governing appeals:

1. Appeals are confined to a review of the written record on appeal, limited to evidence presented at the Hearing, and documentation pertinent to the grounds for appeal. The Title IX Appeal Panel shall not consider matters outside of the Hearing record in making a determination of an appeal.
2. Appeals granted based on new evidence will be remanded to the original Hearing Panel, who will then review the factual findings to determine if the new information changes the factual finding. If the Hearing Panel determines that the factual finding has changed, the new factual finding and sanctions will be returned to the Title IX Coordinator for delivery.
3. Sanctions imposed as a result of the Hearing are normally implemented immediately and remain in place throughout the appeal process. All parties will be informed, at the same time, of the final decision of the Title IX Appeal Panel, and rationale for the result, via email and by letter within five business days of receipt of the appeal from the Title IX Coordinator. The decision of the Title IX Appeal Panel is final and may not be appealed.
4. If there is a formal meeting with the Title IX Appeal panel, as with the hearing, individuals are permitted to be accompanied by the previously approved advisor of their choice.
5. Simultaneous notifications to both the impacted party and respondent will be sent informing both parties of the appeal information for an institutional proceeding; any change to the outcome of the result and when the results of the case become final.

In cases where the Respondent is an Institution employee or third party, if the Impacted Party is dissatisfied with final determinations made under this policy, whether it is the results of the hearing or the sanction determination, then the Impacted Party may file an appeal with the President of the Institution within 5 business days of the delivery of the written decision regarding responsibility and/or sanctions. The appeal must be in writing and submitted through official Institution email. The grounds, appeal process, and general principles described above will be followed with respect to appeals to the President. The President's written decision regarding an appeal by the Impacted Party or non-union Employee- Respondent will be provided to the parties within 20 calendar days following the submission of the written appeal statement. The President's decision is final.

If the Respondent is a non-union Institution employee and is dissatisfied with final determinations made under this policy, whether it is the results of the hearing or the sanction determination, then the Respondent may file an appeal with the President of the Institution within 5 business days of the delivery of the written findings of the Title IX Hearing Panel. The appeal must be in writing and submitted through official Institution email. The grounds, appeal process, and general principles described above will be followed with respect to appeals to the President. The President's written decision regarding an appeal by the Impacted Party or non-union Employee Respondent will be provided to the parties within 20 calendar days following the submission of the written appeal statement. The President's decision is final.

If the Respondent is an Institution employee represented by a union and is dissatisfied with a determination made under this policy, then the Respondent may challenge such determination pursuant to the procedures set forth in the applicable collective bargaining agreement, subject to any and all terms, conditions, limitations, and restrictions provided in, and applicable to, those procedures.

In cases where the Respondent is an Institution employee who holds a position at the level of Vice President or higher, then the appropriate process for appeals will be determined by the President and/ or the Chair of the Board of Trustees.

A third party-Respondent has no right to appeal under this policy.

Resources

Whether or not an Impacted Party chooses to make an official report of Prohibited Conduct, they are urged to seek appropriate help. There are numerous resources for those impacted by sexual misconduct. Specific resources, either on or off campus, for safety and law enforcement, medical treatment, legal evidence collection, and obtaining information, support and counseling are listed below. Each resource can assist a person to access the full range of services available.

1. D'Youville Campus Safety and Law Enforcement

- For emergency security and police services, call 911 or seek a Red (interior) or Blue (exterior) Emergency Phone on campus.
- Buffalo Police Department 716-851-4444
- Buffalo Police Sex Offense Squad 716-851-4494
- D'Youville Campus Safety 716-829-7551
- Erie County Sheriff Department of Family Offenses 716-858-6102
- Erie County District Attorney/CARR Unit 716-858-2525

2. Medical Treatment

- For life-threatening conditions and other emergency medical services, call 911 or seek a Red (interior) or Blue (exterior) Emergency Phone on campus. Individuals may also go to the nearest hospital emergency department.
- Erie County Medical Center 716-898-3000
- Buffalo General Hospital 716-859-5600
- Crisis Services 716-834-3131

3. On-Campus Resources

- Dean of Students & Title IX Coordinator 716-829-8337
- D'Youville Student Counseling Center/The Wellness Lodge 716-829-7819
- Crisis Services 716-536-4147
- Campus Ministry 716-829-7672

An individual who has been sexually assaulted is encouraged to request collection of medical and legal evidence. Prompt collection of physical evidence is essential should a person later decide to pursue criminal prosecution and/or a civil action. Federal law provides free medical and legal exams to victims of sexual assault. For assistance in seeking such an exam, contact: Crisis Services at 716-834-3131.

Whether one chooses to make an official report, an individual who has suffered an act of sexual misconduct or sexual assault is encouraged to obtain information, support and counseling. Counselors at a variety of agencies, both on and off campus, can help that person decide what steps to take, such as seeking medical attention, preserving evidence, obtaining counseling or reporting to authorities.

Information, support and advice are available for anyone in the D'Youville community who wishes to discuss issues related to sexual misconduct or sexual assault, whether sexual misconduct or sexual assault has occurred and whether the person seeking information has been assaulted, has been accused of sexual misconduct or sexual assault, or is a third party.

The degree to which confidentiality can be protected depends upon the professional role of the person being consulted and should be addressed with that person before specific facts are disclosed, if possible (as described earlier in the section titled Confidentiality & Confidential Resources).

CAMPUS SEXUAL ASSAULT Victims' Bill of Rights

At D'Youville, the safety of our community members is our priority.

In accordance with the New York State "Enough is Enough" legislation, D'Youville has implemented the following Bill of Rights. Each of the 11 rights below shall be afforded to all victims of reported campus-related sexual assaults. We are here to listen, believe, be patient and support you.

D'YOUVILLE GUARANTEES ALL SURVIVORS:

- 1** The right to make a report to campus safety, local law enforcement and/or state police.
- 2** The right to have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously.
- 3** The right to decide about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution.
- 4** The right to participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard.
- 5** The right to be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available.
- 6** The right to be free from any suggestion that the reporting individual is at fault when those crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations.
- 7** The right to describe the incident to as few institution representatives as possible and and not be required to unnecessarily repeat a description of the incident.

8 The right to be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution.

9 The right to access to at least one level of appeal of a determination.

10 The right to be accompanied by an advisor of choice who may assist and advise throughout the judicial or conduct process including during all meetings and hearing related to such process.

11 The right to exercise civil rights and practice religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.



If you have witnessed or been the victim of sexual assault or misconduct on campus or in association with the institution, please call **(716) 829-8337** immediately to report, or scan the QR code to the left.

NYS Education Law 129-B

Reporting individuals are reminded that you have the right to make a report to campus security, local law enforcement, and/or state police or choose not to report the incident to institution, to be presented by the institution from retaliation or reporting an incident and to receive assistance and resources from the institution.

Title IX Coordinator:

Danielle Nesselbush
nesselbd@dyc.edu
(716) 829-8337

Download the Reach Out app for more resources:



DOWNLOAD FREE
USING YOUR FAVORITE APP STORE

For more information on D'Youville's sexual assault policies, scan the QR code here:



SAINT SUPPORT SHEET

Sexual Misconduct

What You Need to Know: Obtaining Information, Support and Assistance, and Filing a Complaint

Upon receipt of notice of any allegation of sexual misconduct, the institution will advise complainants of their right to notify law enforcement; right to decline to do so; or be assisted in notifying law enforcement.

EMERGENCY RESPONSE

Buffalo Police Department | 911 & (716) 851-4444

D'Youville Campus Safety | (716) 829-7777

Erie County Medical Center | (716) 898-3000

CONFIDENTIAL RESOURCES & SUPPORT

D'Youville Wellness Lodge | (716) 829-7815

Buffalo Crisis Services | (716) 834-3131

Campus Ministry | (716) 829-8106

SaintsCare:



Reach Out App:



REPORTING OPTIONS | ON CAMPUS

Title IX Coordinator | (716) 829-8337

D'Youville Campus Safety | (716) 829-7777

D'Youville Human Resources | (716) 829-8222

REPORTING OPTIONS | OFF CAMPUS

Buffalo Police Department | (716) 851-4444

Erie County Medical Center | (716) 898-3000

Buffalo Crisis Services | (716) 834-3131

Pride Center of Western New York | (716) 829-7550

Monday - Friday, 9:00 a.m. - 5:00 p.m.

INTERIM MEASURES

Interim measures put in place by the University and do not signify any determination of level of responsibility. Examples of interim measures include:

1. Housing reassignments;
2. Course reassignments;
3. Alterations to Institution employment arrangements and/or changing work schedules;
4. Alterations of course schedules, assignments or tests;
5. No contact directives (such a directive serves as a notice to both parties that they must not have verbal, electronic, written, or third-party communication with one another);
6. Providing an escort for a party to ensure they can move safely on campus and/or between Institution programs and activities;
7. Limitation on extracurricular or athletic activities;
8. Emergency removal or administrative leave from Institution;
9. Temporary suspension or revision of Institution policies or practices;
10. Training; and/or
11. Other appropriate actions as necessary to stop the sexual misconduct, prevent its recurrence, remedy its impact or improve Institution policies or practices.

PROCESS

D'Youville will support complainants and respondents in navigating the complaint resolution procedures. There are several options available to resolve a report of prohibited conduct. These options include both informal and formal processes and will vary slightly based upon whether the respondent is a student or an employee. Upon receipt of a report, the institution will conduct an initial Title IX assessment and, if a formal complaint is filed by the complainant or Title IX Coordinator, commence an investigation. The institution may pursue informal conflict resolution, with the parties' consent, or proceed with formal resolution. The formal resolution process will include a live Title IX Hearing.

TIME FRAME OF INVESTIGATION

An investigation conducted pursuant to this policy, the investigator's preparation of their initial report, presentation to the Title IX Coordinator, completion of a Live Hearing, and the imposition of sanctions should normally be completed within 60 calendar days after the Institution has notice of an allegation of sexual misconduct. The Title IX Coordinator may extend this time frame for good cause, including Institution breaks. If the time frame is extended, notice of the extension and the reasons for such extension will be provided to the Impacted Party and Respondent.

AMNESTY

The health and safety of every student at the Institution is of utmost importance. The Institution recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence (including but not limited to domestic violence, dating violence, stalking, or sexual assault) occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The Institution strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to Institution officials. A student who is 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 the Institution's officials or law enforcement will not be subject to disciplinary action by the Institution 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.

RETALIATION PROHIBITED

Retaliation in connection with any reports of possible sexual misconduct, whether against those who submit a report or otherwise participate in the investigative or disciplinary process (e.g. as a witness) is prohibited. Any retaliatory conduct should be immediately reported to the Title IX Coordinator or designee. Should the Institution become aware of retaliation of any sort, immediate responsive action will be taken up to and including suspension, expulsion, or termination from Institution employment.

TITLE IX HEARING

The Title IX Coordinator or designee will select three members from a pool of trained hearing officers for a hearing panel. At least 10 days prior to the hearing, the parties will receive a copy of the investigative report for their review and written response. At least one week prior to the hearing, the parties will receive a description of the alleged violations and applicable procedures. The panel will deliberate in closed session to determine under a preponderance of the evidence standard whether the respondent is responsible or not responsible for the violations in question. The written decision of the hearing panel will be communicated to both parties via email and letter concurrently within 5 business days after the hearing has concluded.

INFORMAL RESOLUTION

Members of the D'Youville community have an option to resolve concerns of sexual misconduct informally, without a live hearing or formal investigation, with the assistance of a trained facilitator. The Title IX Coordinator will offer the informal resolution process to the parties only after a formal complaint is filed by a complainant. The primary objective of informal resolution is to permit the parties to resolve the dispute on their own, quickly and confidentially. Both the Impacted Party and the Respondent must agree to informal resolution. At any stage during or upon the conclusion of the informal resolution process, either party may decide to proceed by formal process.

APPEAL PROCESS FOR STUDENT-RESPONDENTS

All requests for a final appeal must be submitted in writing to the Title IX Coordinator or designee within 5 business days of the delivery of the written finding of the hearing panel. Dissatisfaction with the hearing panel's decision is not grounds for appeal. All sanctions imposed by the hearing panel will be in effect during the appeal. The Title IX Appeal Panel will issue a written decision via email and letter to all parties within 5 business days of receipt of the appeal from the Title IX Coordinator. The decision of the Title IX Appeal Panel is final and may not be appealed.

RESOURCES

Campus Sexual Assault Victim's Bill of Rights:



Sexual Misconduct & Harassment Information (Title IX)



Title IX Coordinator:

Danielle Nesselbush
nesselbd@dyc.edu
(716) 829-8337

STEPS TO TAKE IF YOU HAVE BEEN THE SURVIVOR OF SEXUAL MISCONDUCT

1. Get to a safe and secure place.
2. Report the crime to D'Youville's Campus Safety at 716-829-7777 and/or the Buffalo Police at 911. Do not be reluctant or embarrassed to call the police — you have been a victim of a crime, and there are people who care and are trained to help you.
3. Go to the nearest emergency room (ER) for immediate medical attention, an examination, and the collection of physical evidence. Do not shower, comb hair, or change clothes before going to the hospital, as doing so may destroy critical evidence that law enforcement needs should you and/or they decide to pursue an investigation. If able, take a change of clothes with you or have a trusted confidant bring them to you.
4. Call a friend, family member, or one of the following campus resources:

CAMPUS RESOURCES

SaintsCare

SaintsCare is a 24/7, no-cost telehealth service for students to address common mental health conditions and symptoms. Scan the QR code to connect to SaintsCare from your mobile device:

Counseling Center at the Wellness Lodge on the 3rd floor of KAB

The Counseling Center provides in-person confidential counseling services. Call 716-829-7815 or email wellnesslodge@dyc.edu to contact one of D'Youville's licensed professional counselors.

Campus Advocate

Campus advocates are confidential resources through Crisis Services who specializes in domestic violence and sexual assault case management. They can help assist with the process of reporting incidents as well as connecting to various resources to support your needs and recovery. Please call 716-536-4147.

Erie County Crisis Services

Crisis services is a 24-hour hotline with counselors standing ready to listen and support you through times of strife. Please call 716.834.3131.

AFFIRMATIVE CONSENT

D'Youville maintains full compliance with New York State Law article 129-B.

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 word 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.

Principles of Consent:

- Consent to any sexual act or prior consensual sexual activity between or with any other party does not necessary constitute consent or any other sexual act.
- Consent is required, regardless of whether the person initiating the act is under the influence of alcohol and/or drugs.
- Consent may be initially given but withdrawn at any time.
- 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 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, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

D'Youville is located in Buffalo, NY, which was a viewing location for the 2024 solar eclipse.



7. TITLE IX AWARENESS PROGRAMS FOR THE D'YOUVILLE COMMUNITY

In keeping with the spirit of the Clery Act, D'Youville provides comprehensive training to specific audiences across our campus community so that everyone is aware of and can recognize sexual assault and harassment when they see or experience it, feels confident to intervene to protect themselves and others safely and effectively, and knows how to file a report and connect with the support services that are available to them. Our goal, first and foremost, is to foster a community free of violence, or the threat thereof, so that our community can thrive and prosper.

PROGRAMS FOR EVERYONE

D'Youville Saint Support Sheet and Sexual Misconduct Video

Topics covered:	Sexual harassment and misconduct: How to obtain information, find support, and file a complaint
Target audience:	All members of the D'Youville community with a dyc.edu email address
Facilitated by:	Dean of Students/Title IX Coordinator
Time:	5 minutes
Frequency:	At the start of every Fall semester and Spring semester
Intended outcomes:	Participants will have handy resources for understanding the Title IX reporting process and contacting support
Form of delivery:	Video distributed via email
Methods of instruction:	N/A
Assessment:	N/A

PROGRAMS FOR ALL EMPLOYEES

Preventing Harassment and Discrimination: Title IX Module

Topics covered:	Building positive workplaces; Recognizing and avoiding discrimination, harassment, and retaliation; Building supportive communities
Target audience:	All employees
Facilitated by:	EverFi digital learning platform
Time:	1 hour
Frequency:	Every Fall semester for current employees; assigned to new employees during on-boarding
Intended outcomes:	Participants will be able to recognize discrimination and harassment in the workplace; Participants will develop strategies for interceding and reporting discrimination and harassment in the workplace; Participants will develop practices that promote inclusion, respect for diversity, and strengthen communities in the workplace
Form of delivery:	Online
Methods of instruction:	Interactive activities; videos; case studies
Assessment:	Reflections; pre- and post-course surveys; earned certificate

PROGRAMS FOR STUDENTS

Sexual Assault Prevention for University Students

Topics covered:	Title IX and Clery Act training; fostering healthy relationships; preparing to recognize and respond to sexual misconduct and harassment.
Target audience:	All newly enrolled first- and second-year students; graduate students
Facilitated by:	Everfi digital learning platform
Time:	2-3 hours
Frequency:	Fall and spring semesters
Intended outcomes:	Participants will be able to define, recognize, intercede, and report on discrimination and harassment; Participants will develop practices that promote inclusion, respect diversity, and strengthen communities
Form of delivery:	Online
Methods of instruction:	Interactive activities; videos; case studies
Assessment:	Pre- and post-course survey; earned certificate

PROGRAMS FOR STUDENT-ATHLETES

Bystander Intervention Training

Topics covered:	Definition of Title IX, reporting structure, confidential resources, mandated reporting, 60-day Title IX process, consent
Target audience:	Student-athletes, student leaders
Facilitated by:	Crisis Services
Time:	50 minutes
Frequency:	Fall semester
Intended outcomes:	Participants will be aware of D'Youville's stance on Title IX, the definition of consent, resources, the reporting process, and the 60-day Title IX investigation process
Form of delivery:	Online
Methods of instruction:	Video; Q&A
Assessment:	Q&A following viewing or video

D'Youville Saint Support Sheet Overview

Topics covered:	Sexual harassment and misconduct: Obtaining information, finding support, and filing complaints
Target audience:	Student-athletes
Facilitated by:	Associate Athletic Director for Internal Affairs/Senior Woman Administrator/Title IX Deputy Coordinator
Time:	1 hour
Frequency:	Once before the start of every Fall semester
Intended outcomes:	Participants will know how to refer to a handy resource for understanding the Title IX reporting process and contacting support
Form of delivery:	Handouts
Methods of instruction:	Read aloud; discussion; Q&A
Assessment:	Real-time Q&A

DYU give-aways are always loved by our students.



8. D'YOUVILLE UNIVERSITY'S CRIME STATISTICS

CRIME CLASSIFICATIONS		ON-CAMPUS		NON-CAMPUS	PUBLIC PROPERTY	TOTAL
		On-Campus Student Housing	On-Campus Total			
CLERY CRIMES						
Murder/Non-Negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Sex Offenses-Rape	2023	1	0	1	1	2
	2022	0	0	0	0	0
	2021	0	0	0	1	1
Sex Offenses-Fondling	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	2	4	0	0	4
Sex Offenses-Incest	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Sex Offenses-Statutory Rape	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Robbery	2023	0	0	1	1	1
	2022	0	0	0	4	4
	2021	0	0	0	3	3
Aggravated Assault	2023	0	0	3	3	3
	2022	0	0	0	0	0
	2021	0	0	0	1	1
Burglary	2023	0	2	0	1	3
	2022	0	5	0	0	5
	2021	0	4	0	0	4
Motor Vehicle Theft	2023	3	4	11	15	19
	2022	0	1	0	2	3
	2021	0	1	0	2	3
Arson	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
ALCOHOL, DRUGS, WEAPONS ARREST						
Liquor Law Violation Arrest	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Drug Law Violation Arrest	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Weapons Law Violation Arrest	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
ALCOHOL, DRUGS, WEAPONS REFERRAL						
Liquor Law Violation- Referred for Disciplinary Action	2023	11	0	0	0	11
	2022	12	12	0	0	12
	2021	18	18	0	0	18
Drug Law Violation- Referred for Disciplinary Action	2023	1	0	0	0	1
	2022	1	1	0	0	1
	2021	2	3	0	0	3
Weapons Law Violation- Referred for Disciplinary Action	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

RELATIONSHIP VIOLENCE						
Dating Violence	2023	0	0	0	0	0
	2022	2	2	0	0	2
	2021	2	2	0	0	2
Domestic Violence	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

CRIME CLASSIFICATIONS	ON-CAMPUS		NON-CAMPUS	PUBLIC PROPERTY	TOTAL
	On-Campus Student Housing	On-Campus Total			

CLERY CRIMES						
Stalking	2023	0	0	0	0	0
	2022	0	0	0	1	1
	2021	0	0	0	0	0

HATE CRIMES/CLERY ACT CRIMES: Murder/Non-Negligent Manslaughter, Rape, Fondling, Incest, Statutory Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson
ADDITIONAL HATE CRIMES: Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property
HATE CRIME BIAS CATEGORIES: Race, Gender, Gender Identity, Religion, Sexual Orientation, Ethnicity, National Origin, Disability

* Starting in 2018 per US Dept. of Education/Jeanne Clery Act, the reporting of Clery Hate Crime & Hate Crime Bias Categories can be reported in Narrative form. See below entries:

2023	None reported for this year.
2022	None reported for this year.
2021	None reported for this year.

UNFOUNDED CRIMES						
	2023	n/a	n/a	n/a	n/a	0
	2022	n/a	n/a	n/a	n/a	0
	2021	n/a	n/a	n/a	n/a	0

CRIME CLASSIFICATIONS	ON-CAMPUS		NON-CAMPUS	PUBLIC PROPERTY	TOTAL	EXHIBIT#	Location	Geography
	On-Campus Student Housing	On-Campus Total						
CLERY CRIMES								
Robbery	2023	0	0	1	1	1	467-667 Prospect	Public Property/Adjacent
Burglary	2023	0	0	0	0	2		
Motor Vehicle Theft	2023	3	4	11	15	3	C-LOT 222-332 Connecticut Street C-1 LOT 168-330 Fargo Ave C-1 LOT 271-373 Porter Ave E LOT 467-667 Prospect Ave	On-Campus On-Campus Off-Campus On-Campus
ALCOHOL, DRUGS, WEAPONS REFERRAL								
Liquor Law Violation- Referred for Disciplinary Action	2023	11	11	0	0	11	"222" & MGT Combined	On-campus student housing
Drug Law Violation- Referred for Disciplinary Action	2023	1	1	0	0	11	"222" & MGT Combined	On-campus student housing
RELATIONSHIP VIOLENCE								
Dating Violence	2023	0	0	0	0	0	5	
Stalking	2023	0	0	0	0	0	6	
HATE CRIMES/CLERY ACT CRIMES: Murder/Non-Negligent Manslaughter, Rape, Fondling, Incest, Statutory Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson ADDITIONAL HATE CRIMES: Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property HATE CRIME BIAS CATEGORIES: Race, Gender, Gender Identity, Religion, Sexual Orientation, Ethnicity, National Origin, Disability								
* Starting in 2018 per US Dept. of Education/Jeanne Clery Act, the reporting of Clery Hate Crime & Hate Crime Bias Categories can be reported in Narrative form. See below entries:	2023	none				n/a		
UNFOUNDED CRIMES								
	2023	n/a	n/a	n/a	n/a	0		
	2022	n/a	n/a	n/a	n/a	0		
	2021	n/a	n/a	n/a	n/a	0		

Police Agency	Incident Report(s) #	Date(s)	Misc Comments
Buffalo Police	Buffalo Police Statistics	1) 1/1/23-12/31/23	
1) Campus Safety & Buffalo Police 2) Campus Safety & Buffalo Police 3) Campus Safety & Buffalo Police 4) Campus Safety & Buffalo Police 5) Campus Safety & Buffalo Police	1) Incident Report # 2620048 2) Incident Report # 2620040 3) Incident Report # 2620042 4) Incident Report # 2823009 5) Incident Report # 2505388	1) 1/1/23-12/31/23	Auto Theft in C-Lot, Recovered Auto Theft in C-1 Lot, Recovered Auto Theft in C-1 Lot, Recovered Auto Theft on Porter Ave, Recovered Auto Theft in E Lot, Recovered
Stats provided by Student Affairs	Student Affairs Housing Stats	1/1/23-12/31/2023	Copy of stats provided by SA need to be kept for 7 years as required
Stats provided by Student Affairs	Student Affairs Housing Stats	1/1/23-12/31/2023	Copy of stats provided by SA need to be kept for 7 years as required



Students enjoying one of the Welcome Back Weeks Programs.

9. ANNUAL FIRE SAFETY REPORT

The Higher Education Opportunity Act requires all institutions of higher education that provide residential student housing to record and track all reports of fire, accidental and arson, in residence halls each year. D’Youville’s Annual Fire Safety Report summarizes the university’s fire-prevention policies and procedures and emergency evacuation and communication procedures. To obtain a printed copy of D’Youville’s Annual Fire Safety Report, please contact Campus Safety at (716) 829-7550. Campus Safety Officers are on duty around the clock to respond to any emergency, including fires.

FIRE INSPECTIONS

Fire drills are held twice a semester in residence halls and once a semester in all other campus buildings. A New York State Fire Inspector performs an annual inspection of all rooms on campus, including the residence halls, and gives a report on any fire code deficiencies to the University’s Fire Marshall. Once abated, the University receives a Certificate of Inspection which is kept on file in the Facilities Office.

FIRE PROTECTION EQUIPMENT AND SYSTEMS

All D’Youville campus buildings are equipped with automatic fire detection and alarm systems that are constantly monitored by staff at the main Campus Safety desk in the D’Youville Academic Center on Fargo Avenue. Sprinkler systems are also located in all main campus buildings. The alarm system in each building is comprehensive with immediate notification to Campus Safety and the Buffalo Fire Department.

Davis- Ulmer Fire Protection inspects fire extinguishers annually, and provides the following services:

Tampering with, or purposely impeding or covering fire alarms and fire prevention, fire detection, and firefighting equipment is a violation of both the New York State Fire and Penal Code and is considered a conduct violation.

Fire alarms and firefighting equipment including (but not limited to) fire extinguishers, fire doors, heat and smoke detectors are for the protection of the community. Any tampering with or misuse of fire equipment is punishable by University and/or court action. Residents and/or their guests who tamper with or misuse firefighting or fire detection equipment in the residence halls will face disciplinary action.

INSPECTION FREQUENCY REFERENCE CHART		
Fire Protection System	Frequency	Code Ref.
Fire Alarm System	Semi-Annual	NFPA 72
Detector Sensitivity	Call for Details	NFPA 72
CO2 System	Semi-Annual	NFPA 12
Halon System	Semi-Annual	NFPA 12A
Clean Agent Systems	Semi-Annual	NFPA 2001
Room Integrity Test	As Recommended	NFPA 2001
Water-Based - excerpts NFPA		
	Frequency	
Waterflow Alarm Device	Quarterly	
Valve Supervision	Semi-Annual	
Anit-Freeze Solution	Annual	
Hydrants - Flow	Annual	
Fire Pump Performance Test	Annual	
Dry/Deluge Preaction Trip	Annual	
Obstruction Investigation	5 Years	
Sprinklers - Dry Pendant	Every 10 years	
Sprinklers - Fast Response	20 yrs then every 10 yrs	
Sprinklers - Standard Response	50 yrs then every 10 yrs	

REPORTING

If a D'Youville community member notices an active fire, or a fire that has been extinguished, once a safe space has been established; it is important to notify Campus Safety at (716) 829-7550 and 911. A formal Incident Report should be submitted using the University's official reporting software, Maxient so that the report can be counted for the purpose of this Fire Report.

PROCEDURES FOR STUDENTS AND EMPLOYEES IN THE EVENT OF A FIRE

In the event of a fire on a university campus, employees and students should follow these general procedures to ensure their safety:

1. Activate the Fire Alarm

Employees and Students: Immediately activate the nearest fire alarm pull station. If you are in a classroom or meeting, notify everyone to leave the building.

2. Evacuate the Building

Employees and Students: Exit the building quickly and calmly. Use the nearest exit, not the elevators. Follow established evacuation routes and avoid using stairs if they are filled with smoke.

3. Assist Others

Employees: Help students, visitors, and colleagues who may need assistance, including those with disabilities.

Students: Check if anyone needs help, especially if you know of any disabilities or mobility issues among your peers.

4. Close Doors

Everyone: Close doors behind you as you leave to help contain the fire and smoke, but do not lock them.

5. Move to a Designated Assembly Area

Employees and Students: Proceed to the designated assembly area or a safe distance away from the building. Do not re-enter the building until it has been declared safe by emergency personnel.

6. Report to a Supervisor or Faculty Member

Employees: Check in with your supervisor or designated safety personnel.

Students: Report to your professor or another designated person to account for your presence and confirm that you are safe.

7. Follow Instructions

Everyone: Listen for and follow any instructions given by emergency personnel or university authorities.

8. Do Not Use Phones or Computers

Everyone: Avoid using phones or computers to prevent clogging communication lines that are critical for emergency responses.

9. If Trapped

Everyone: If you cannot exit the building, find a safe room, seal the door with cloth to prevent smoke from entering, and signal for help by using a phone to call emergency services or by waving a cloth from a window.

10. Stay Informed

Everyone: Keep informed about emergency procedures and evacuation plans through regular drills and university communications.

RESIDENCE HALLS

Each D'Youville building has a prescribed evacuation plan with designated assembly points. For the residential facilities, the assembly areas for evacuation are as follows:

Marguerite Hall

Indoor: Saints Center Gymnasium
Outdoor: KAB Front Lawn

222 Student Apartment Complex

Indoor: Saints Center Gymnasium
Outdoor: Parking Lot C

Madonna Hall

Indoor: Saints Center Gymnasium
Outdoor: KAB Front Lawn

D'Youville takes precautions to protect the health and safety of its student residents. D'Youville's student housing consists of three housing options: Marguerite Hall, the 222 Student Apartments Complex and Madonna Hall.

Each room and apartment are fire resistant and equipped with an automatic door closer. Each building is equipped with the following fire safety precautions:

Residential Facility	Fire Alarm Monitoring by Campus Safety	Full Sprinkler System	Smoke, Heat, & Carbon Monoxide Detection	Fire Extinguishers	Fire Drills Per Calendar Year
Marguerite Hall	Yes	Yes	Yes	Yes	4
222 Apartment Complex	Yes	Yes	Yes	Yes	4
Madonna Hall	Yes	No	Yes	Yes	4

2022 Academic Year Fire Drills	2023 Academic Year Fire Drills
2/9/2022	10/4/2023
5/5/2022	10/5/2023
9/7/2022	1/4/2024
12/1/2022	1/13/2024
	1/15/2024
	3/15/2024

For everyone’s safety, tampering with or covering fire-detection equipment is strictly prohibited. Residence halls’ rooms are inspected for health and safety each semester. In order to maintain a safe environment for all of our campus residents, the following items are not permitted in the residence halls:

- Candles, incense, and fragrance burners
- Non-surge protected extension cords
- Outlet splitters and outlet adaptors (such as an octo-head)
- Halogen lamps
- Lanterns, oil lamps, and flammable liquids
- Space heaters
- Live holiday decorations (trees, garlands, wreaths) and string lights
- Any cooking item with an exposed heating coil (toasters, toaster ovens, hot plates, etc.)
- Any electrical item that is not UL-rated

Fire safety policies and procedures are published in the D’Youville Student Code of Conduct at <http://www.dyc.edu/campus-life/support-services/student-handbook-code-conduct.aspx>, and resident advisors review those policies with the students living on the floor to which they are assigned.

POLICY STATEMENT ON SMOKING

In accordance with New York State’s Smoke-Free Workplace law and recommendations from the federal level, D’Youville is committed to having a smoke-free and tobacco free

campus. In creating a healthy environment for all members of our community, smoking and tobacco use is always prohibited on campus, which includes inside all buildings, outside all buildings, residence halls, and grounds. This includes the use of any type of light- ed pipe, cigar, cigarette (including electronic cigarettes), or any other smoking or vaping equipment, whether filled with tobacco or any other type of material.

Safety personnel and other university employees will enforce the state laws and fines will be enacted for violators. Fines will be \$50 for the first offense. Additional violations will be subject to disciplinary action and/or additional fines.

PLANS FOR FUTURE IMPROVEMENTS IN FIRE SAFETY

D'Youville assesses and implements upgrades to fire safety equipment as an ongoing evaluation process. Improvements will be made as needed in accordance with National Fire Safety standards. There are no improvements in fire safety required at this time.

Fire Safety Tips:

In The Event of a Fire or Fire Alarm:

- Do not panic.
- Do not assume an alarm is false, or only a drill.
- Shut all doors and windows in the vicinity of the fire.
- If you encounter smoke, stay low to the floor or ground, and if possible, cover your face with a wet cloth.
- When exiting a room or entering a stairwell, first feel the door and door handle. If they are hot, do not open the door.
- If forced to stay in a room, seal up any cracks around the door, call 911 or Campus Safety at extension x777 (716-829-7777) and let them know of your location. Hang a sheet, towel, or article of clothing from a window to announce you are in the room.
- If you can exit a room, leave the building by the nearest safe stairwell. Do not use the elevators.
- Move away from the building to a safe area to allow for Fire and Rescue personnel to do their job.
- If you are unable to exit the building, go to the nearest exit stairwell or safe area and call 911 and Campus Safety (716-829-7777) to report your location.
- Always know two or more ways out of your residence hall, classroom, or office building.

Ways to help prevent fires:

- Cook with care. Never leave cooking unattended.
- Use caution with electricity. Never overload outlets with too many electronic devices. Use surge protectors for your electronic devices. Never wrap or bundle power cords together; doing so prevents the heat from dissipating.
- If using a space heater, plug it directly into an outlet; never use an extension cord or power strip.
- Do not sleep with devices that are charging, such as phones or tablets, under your pillow.
- Never use open flames such as matches or candles in the residence halls.
- Never allow anyone to smoke in the residence halls.

FIRE STATISTICS 2021-2023

2023 FIRE REPORTING STATISTICS								
RESIDENCE/ HOUSING FACILITY	RESIDENCE ADDRESS	TOTAL FIRES	FIRE NUMBER	DATE/TIME	CAUSE OF FIRE	NUMBER OF INJURIES	NUMBER OF DEATHS	VALUE PROPERTY DAMAGE
Marguerite Hall	505 Prospect Ave. Buffalo, NY 14201	0	0	n/a	n/a	0	0	\$0.00
Student Apartment Complex	222 Connecticut St. Buffalo, NY 14201	0	0	n/a	n/a	0	0	\$0.00
Madonna Hall 4th Floor Residence	334 Porter Avenue Buffalo, NY 14201	0	0	n/a	n/a	0	0	\$0.00
2022 FIRE REPORTING STATISTICS								
RESIDENCE/ HOUSING FACILITY	RESIDENCE ADDRESS	TOTAL FIRES	FIRE NUMBER	DATE/TIME	CAUSE OF FIRE	NUMBER OF INJURIES	NUMBER OF DEATHS	VALUE PROPERTY DAMAGE
Marguerite Hall	505 Prospect Ave. Buffalo, NY 14201	0	0	n/a	n/a	0	0	\$0.00
Student Apartment Complex	222 Connecticut St. Buffalo, NY 14201	0	0	n/a	n/a	0	0	\$0.00
Madonna Hall 4th Floor Residence	334 Porter Avenue Buffalo, NY 14201	0	0	n/a	n/a	0	0	\$0.00
2021 FIRE REPORTING STATISTICS								
RESIDENCE/ HOUSING FACILITY	RESIDENCE ADDRESS	TOTAL FIRES	FIRE NUMBER	DATE/TIME	CAUSE OF FIRE	NUMBER OF INJURIES	NUMBER OF DEATHS	VALUE PROPERTY DAMAGE
Marguerite Hall	505 Prospect Ave. Buffalo, NY 14201	0	0	n/a	n/a	0	0	\$0.00
Student Apartment Complex	222 Connecticut St. Buffalo, NY 14201	0	0	n/a	n/a	0	0	\$0.00



D'Youville is known for our health professions programs, one of them being Physical Therapy.

DYOUVILLE
UNIVERSITY

320 Porter Avenue
Buffalo, New York 14201
716-829-8000 | 800-777-3921
www.dyu.edu