

D'YOUVILLE UNIVERSITY STUDENT HANDBOOK & CODE OF CONDUCT

D'YOUVILLE
UNIVERSITY



2024-2025

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SECTION 1: ABOUT D'YOUVILLE

We are the Saints!

Welcome! In a word, D'Youville means community – in fact, it means love! Our number one point of pride across campus is that Saints never refuse to serve. This has been our focus since we were founded back in 1908. Saints represent dignity, strength, nobility, and service – which perfectly align with the mission, history, and direction of D'Youville.

Going away to school and living in residence halls - or even commuting into a new community - can be an intimidating experience. We are a diverse people (thank goodness!), but we are also ONE D'Youville. A common identity that creates shared values and experiences is a bonding agent for students of all ages. It instills a sense of belonging; a sense of home.

Today, and forever, we are the Saints...and that means you!

D'Youville 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 St. 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.

Student Affairs Mission

The Division of Student Affairs at D'Youville is committed to engaging, supporting, and challenging every student so that they are able to fully develop into socially responsible members of a global community.

Student Government Association

The D'Youville Student Government Association strives to foster the fullest possible cooperation among the Board of Trustees, President, Administration, Faculty, Staff, and Student Body in the pursuit of excellence in an intellectual and humanistic environment while upholding the full responsibility and authority of the constitution.

D'Youville Student Handbook Preamble

D'Youville reserves the right to update or change any and all information, rules, regulations, policies, and procedures as necessary at any time without notice. This document is meant to outline an understanding between students and the University in order for the student to remain in good judicial standing and to maintain student status.

All students are required to follow reasonable requests of a University Official, whether written or verbal, and understand that failure to follow a reasonable request will result in judicial follow-up. A University Official shall include, administrators, faculty, staff, campus safety officers, graduate assistants, and paraprofessional staff members. Should a student disagree with a reasonable request, they are still required to follow the request but may contact the Vice President for Student Affairs or Dean of Students to discuss the request further.

The University fully upholds the idea of student freedom, physically and digitally, with the acceptance of full responsibility for individual action and the consequence of such action. The University cannot and will not permit destructive behavior. Therefore, the University reserves the right to intercede and require the immediate suspension or withdrawal of a student where that behavior is perceived to constitute a threat to or violate the rights of members of the community, the individual student, or the name of the institution. Disciplinary authority is vested in the Vice President for Student Affairs and their designee(s).

It should be remembered that the University has an obligation to uphold the laws of the larger community. While the activities covered by the laws of the larger community and those covered by the University may overlap, it is important to note that the community's laws and the University rules operate independently and do not substitute for each other. The University may pursue enforcement of its own rules whether or not legal proceedings are underway or in process and may use information from third-party sources, such as law enforcement agencies and the courts, to determine whether University rules have been broken.

Additionally, the University does not provide legal advice to students nor offer recommendations on legal agencies. However, the University can connect students with community partners should they wish to discuss legal options (Community Agencies students may be referred to include but are not limited to: Crisis Services of WNY and the Family Justice Center). The University may, in its discretion, invite law enforcement authorities to the campus to conduct police business and investigation anywhere on the campus.

Students agree to release the University, its agents, and employees from any and all damages, liability, claims, expenses, or loss resulting from or arising out of use of campus space, including those related to the potential exposure to contagious viruses, and to indemnify and hold harmless the University, its agents, and employees from any claims resulting from or arising out of failing to follow reasonable requests.

D'Youville Lingo

Let's start with our name – D'Youville. How do you go about saying that? If you listen closely, you'll often hear a number of different pronunciations and sometimes just silence and blank stares but the right way to say it is:

do-YOU-vill

Now that we've got that out of the way, let's take a look at some lingo you may hear mentioned around campus:

222 (said as Two Twenty-Two): The student apartment complex on Connecticut Street

Bush Lofts: Upperclassmen's home away from home! Renovated apartments for year-round living about 4 blocks from campus.

BFAC (said as B. F. A. C.): Bauer Family Academic Center

CEC (said as C. E. C.): The Cultural Enrichment Center on the 2nd Floor of KAB

Container Park: Located outside the DAC, a great space for some socialization or catching up on studies when there are no concerts!

DAC (said as D.A.C.): D'Youville Academic Center

Dobson: Our athletic field a few blocks away from the main campus

KAB (said as K. A. B.): Koessler Administration Building

Maggie: Our slightly more athletic mascot who hangs out with Saint

MGT (said as M. G. T.): Marguerite Hall

The 6th Floor: The top floor of DAC

The Beach: A student lounge and the home base of Student Experience on the second floor of KAB

The HUB: A public healthcare facility where students can learn in real time.

The Kav: The Kavinoky Theatre located in KAB

The Park: An incredible space on the second floor of KAB where you can find Saint & Maggie!

Pulse Center: The tech lounge and headquarters of IT located in BFAC

Redfest: Our annual Fall Experience featuring a concert, rides, games and food off campus!

Saint: Our big goofy mascot who spends his days around KAB

Saint Sitter: The most coveted student job on campus – stop into the Beach to learn more!

SASE (pronounced sassy): School of Arts, Sciences, and Education Building

SGA: The Student Government Association

SECTION 2: OFFICES & STUDENT SUPPORT AREAS

ACCESSIBILITY

D'Youville University is committed to providing equal access to all students, including those who qualify as persons with disabilities. The Office of Accessibility Resources (OAR) coordinates reasonable accommodations that provide equitable access for students with disabilities. The office is located on the 3rd floor of the Montante Family Library. Students in need of testing and classroom accommodations are to contact disabilityservices@dyu.edu or at (716) 829-7688, for an intake appointment. Students must provide documentation from a medical provider or previous educational institution that indicates the need for accommodations or modifications.

Examples of Qualifying Disabilities:

- Learning Disabilities
- Mental Health diagnoses
- Medical diagnoses
- Physical Disabilities
- Temporary Disabilities
 - Including injuries, concussions, and recovery after surgeries

SAINTS TESTING CENTER

The Saints Testing Center welcomes all D'Youville University students who need to take a make-up exam in the event of an excused absence. For planned absences, exams must be scheduled seven (7) days in advance of the requested exam date. For unplanned absences, exams must be scheduled three (3) days in advance of the requested exam date. Students must schedule the exam for a day and time that is approved by the professor.

Please see the Saints Testing Center webpage for more information and how to schedule. <https://www.dyu.edu/academics/academic-resources/saints-testing-center>

ATHLETICS

D'Youville University sponsors 21 sports. We are members of NCAA Division II and compete in the East Coast Conference. Our student-athletes can find their coaches throughout the first and second floor of the Saints Center. Athletic administrators live on the first floor of the Saints Center just steps away from the Saints Center Gymnasium where our club cheerleading team cheers on our basketball and volleyball programs. The recently added fitness center, located on the sixth floor of the D'Youville Academic Center (DAC) is open to any current student with a valid DYU ID. A few blocks down from campus sits Dobson Field, our home field for soccer, lacrosse, field hockey, flag football and softball. Dobson is also used for club and intramural sports! D'Youville Athletics is proud to offer NCAA Division II programs but also promote inclusive opportunity to engage in exercise, recreation, and culture in order to holistically support the D'Youville experience.

CAMPUS SAFETY

D'Youville University's Campus Safety Department is a non-sworn Public Safety department that enforces D'Youville policies as well as observes, reports and works closely with Buffalo Police on matters pertaining to New York State laws and local City of Buffalo ordinances. The Campus Safety Dispatch Center is located on the 1st floor of the D'Youville Academic Center (DAC).

Campus Safety Officers patrol the D'Youville campus and surrounding area at all hours, including inside buildings and outside patrol zones. This includes but is not limited to parking lots, and surrounding perimeter streets covered vigilantly with a marked D'Youville Public Safety vehicle unit, police mountain bike equipped Bike Patrol units, and foot patrols.

D'Youville Campus Safety offers all students, faculty, staff and visitors the ability to receive a "Safety Escort" 24 hours a day. The escort area includes the entire D'Youville campus (buildings and parking lots) as well as off-property locations in the immediate surrounding vicinity within 2 blocks. A Safety Escort can be easily requested by calling the main safety dispatch line: Call: 716-829-7550.

CULTURAL ENRICHMENT CENTER (CEC)

Your uniqueness is invaluable and something to be celebrated. The Cultural Enrichment Center is here to support those with marginalized identities and to teach those with privilege how to use that privilege to lift the voices of others. You finding a community and having a sense of belonging on campus is our top priority. If you would like to learn more about how to get involved or need a space to just chill, stop by!

IT PULSE CENTER (Information Technology Department)

In alignment with D'Youville University's mission of teaching, research, and public service, the IT Pulse Center provides computing and information resources to students, faculty, and staff. These services are designed to balance convenience, reliability, and security in support of academic excellence.

All users must adhere to the university's Acceptable Use Policy when accessing computing resources. This webpage offers additional guidance on hardware and software requirements, standard procedures, and contact information for support. Troubleshooting is available both in person and by phone during business hours. Students must ensure their devices are operational before requesting configuration support. While the IT Pulse Center does not rebuild student computers, students may drop off their devices for troubleshooting after signing a waiver—this service is provided at no cost.

Divisions of the IT Pulse Center

Located on the first floor of the Bauer Family Academic Center (BFAC), the IT Pulse Center is comprised of four key divisions:

- **Administrative Computing**

Responsible for maintaining and supporting the university's student and administrative information systems. This includes platforms such as Colleague, Self-Service, reporting tools, and custom-developed applications.

- **Network Services**

Manages the infrastructure that powers D'Youville's digital environment. This includes:

- Wired and wireless networks
- VOIP, data, and audiovisual systems
- Servers, cloud and on-premises applications
- Workstations, user accounts, email, phones, and voicemail
- Emergency response systems and data storage
- Specialized networks for pharmacy, eSports, and simulation
- The My D'Youville SharePoint site

The university prioritizes data security, with dedicated personnel overseeing the protection of all systems and information.

- **Instructional Technology & Support**

Supports classroom technology, system upgrades, and event management. This division also manages the 25Live Events System, classroom space guides, and the campus phone system.

- **Tech Lounge (Help Desk)**

A welcoming space where students, faculty, and staff can receive IT support while enjoying a complimentary cup of coffee. The Tech Lounge is staffed by knowledgeable professionals committed to resolving IT issues promptly and effectively. For those on the go, digital services and training resources are also available.

Our Commitment

The IT Pulse Center is dedicated to continuously enhancing its services to meet and exceed the expectations of the D'Youville community. We strive to deliver timely, high-quality, and professional IT support that empowers academic and operational success.

THE WELLNESS LODGE

Located in KAB 301, The Wellness Lodge offers D'Youville University students a supportive environment to explore various aspects of mental health care. Our space features mental health counselors available for in-person crisis counseling sessions and resources for additional support and referrals. For more details, please reach out to schultzp@dyc.edu.

All D'Youville students have free access to Saints Care, our telehealth platform for mental health services. You can connect with Saints Care at timelycare.com/dyouville or by downloading the TimelyCare – Higher Ed app. Saints Care provides three main services:

- **TalkNow:** 24/7, on-demand access to mental health professionals for immediate support.
- **Scheduled Counseling:** Arrange sessions with licensed counselors at your convenience.
- **Health Coaching:** Consult with a nutrition specialist to adopt healthier lifestyle habits.

The Wellness Lodge also offers a range of wellness programs, including yoga, art therapy, weekly massage therapy, mindfulness and guided meditation workshops, and other special events throughout the semesters. All student classes are free.

In addition, the Campus Cupboard, located within the Wellness Lodge Programming space, provides a 24/7 pantry stocked with food and toiletries for those in the D'Youville community who are in need. Feel free to use it when needed and donate to support your peers.

Crisis Services:

The Crisis Services Campus Advocate is available at D'Youville University, offering confidential support for survivors of sexual assault, domestic violence, or stalking. Services include case management, supportive counseling, safety planning, and assistance with reporting and Title IX processes. The Campus Advocate can also provide advocacy with law enforcement and connect survivors with additional resources. If you are experiencing a mental health emergency, please call the Crisis Services 24/7 hotline at (716) 834-3131 at anytime to speak with a crisis counselor.

SUCCESS CENTER

The Student Success Center includes the offices of **Academic Advisement and Planning, Career and Professional Engagement, Campus Employment, Registrar, Student Financial Services, and International Student Services.** Here you will find a collaborative team who can answer questions regarding topics such as planning for your new career and ensuring your roadmap to academic success is on track; to inquiries about scholarships, your billing account, or looking to order a transcript. Our student success team is dedicated to ensuring you get quick answers to your questions.

The Student Success Center is located on the 1st floor of the Bauer Family Academic Center (BFAC).

Academic Advisement and Planning

Professional academic advisement is provided to each enrolled undergraduate student at D'Youville. Every student is assigned a personalized Student Success Team consisting of a primary academic advisor, faculty mentor within their program, career coach, and financial aid counselor. This team is always ready to answer questions, meet with students, and provide advice. Students can find the names of their team on the Self-Service menu under *Plan and Schedule* or by logging into Navigate Student.

Students can schedule appointments with their primary academic advisor by:

- Downloading the Navigate Student App
- Logging onto the desk top site at: <https://dyc.guide.eab.com/app/#!/authentication/remote/>

Visit your academic advisor to:

- Get assistance with identifying and clarifying your academic direction and educational goals
- Develop meaningful and compatible educational plans and success strategies
- Get advice on studying, time management, and selecting courses
- Find answers about program requirements and how to get involved beyond the classroom
- Learn more about the tools and skills development that D'Youville provides to ensure you are fully prepared for your career when you graduate

Career and Professional Engagement

CPE provides career services to all current students and alumni including:

- Major-specific resume and cover letter reviews
- LinkedIn profile maximization
- Interviewing skills / practice
- Job fairs / employers on campus
- Internship coordination (specific, limited majors)
- Career coaching / decision-making
- Graduate school essay development

Campus Employment

CE coordinates all student employment on campus including:

- Federal Work Study (federally funded program)
- Student Employment Program (institutional program)
- Graduate Assistantships
- Teaching Assistantships
- Issue Paychecks

International Student Services

International Student Services will:

- assist you in obtaining your I-20, allowing you to study at D'Youville University
- counsel you on immigration matters to help you maintain your F-1 student status
- guide you through the cultural adjustment process
- connect you to the many programs and services on campus and in the community
- invite you to participate in international student programs on campus

Student Financial Services

The Student Financial Services Office is available to help students to understand their financial aid package and understand their options to finance their education at D'Youville. General policies and application procedures are as follows:

- Financial aid is awarded on a first-come, first-serve basis to those who qualify. FAFSA filing (typically) begins December of each academic year. Early filers will be given priority for any applicable campus-based federal aid and institutional funds.
- Please check your DYU email for any notification of necessary next steps or additional requirements to receive your financial aid. Please complete these requirements in a timely manner to ensure timely payment of aid.
- Changes to your personal situation or finances can affect your financial aid eligibility from year to year. If your information has changed since you submitted your FAFSA, please sign up for an appointment with a financial aid counselor to discuss through your self-service via Navigate.
- Students who receive financial aid from any off-campus source must report it immediately to the financial aid office.
- Financial aid programs and requirements are subject to change. Please keep abreast of messages and changes via your D'Youville email account, StudentForms account (dyc.studentforms.com) and in the My D'Youville portal (FA Self-Service), as they may affect your aid package
- Student Bills can be found via Self-Service.
- Tuition and fees, Payment plans/instructions, Due Dates and Withdrawal/liability refund policies can be found on the DYU website.
- Questions can be emailed to studentfinancialservices@dyu.edu

Registrar

The Registrar's office is available Monday – Friday 8:00AM-5:00PM and is responsible for the safekeeping of records for every student.

The Registrar's office can assist with:

- Enrollment Verifications
- Transcripts
- Class Schedules
- Transfer Credit Evaluations
- Registration Assistance
- Verification of Final Grades
- Completion and Conferral of Degree
- Diploma Issuance
- Student [Forms](#)
- Overall Student Data

STUDENT AFFAIRS

Student Affairs oversees a number of support areas on campus. Reach out if you need anything at all from this student supporting group or visit with Saint or Maggie!

STUDENT ENGAGEMENT & HOUSING

You can find the amazing staff of Student Engagement & Housing on the second floor of KAB along with the Veterans Center, the Beach, and the Park. Working very closely with the SGA, the department fosters a blended campus culture and focuses on all students no matter their academic level, class standing, or housing status.

STUDENT EXPERIENCE

Your time at D'Youville begins as soon as you take a campus tour lead by a University Ambassador! Welcome to DYU! The Office of the Student Experience focuses on every moment you have on campus to ensure amazing memories are made – from new student orientation, student appreciation, celebration week, commencement and more! The Office of the Student Experience is located on the 2nd floor of KAB at the end of the hallway. If you're interested in becoming a University Ambassador, Orientation Leader or just want to know more about DYU, stop by to learn more.

VETERANS CENTER

Located on the second floor of KAB the Student Veterans Center is meant to provide a seamless transition for our nation's veterans from military life, through their education experience and into a meaningful career by providing high quality services and opportunities for academic success, personal and spiritual growth, and professional development.

TUTORING SERVICES

D'Youville provides students with tutoring services free of charge.

When should you sign up for tutoring?

- If you are earning C's and you want to earn B's and A's
- If you find that your coursework is difficult to comprehend
- If you are failing tests and quizzes and are
- Feeling overwhelmed with the amount of work that you are required to complete
- If you receive an EAB Navigate Alert from your professor to seek tutoring

TutorMe Writing Assistance & Course Content Tutoring- Available on Canvas

- Personalized learning support
- Meet with a live tutor 24 hours a day, 7 days a week
- Available to meet using video, audio-only, or chat-only
- Found a tutor that you like? Favorite them to meet with them again!
- Upload assignments or other files to share with a tutor
- Use the Whiteboard workspace
- Submit papers or essays to the TutorMe Writing Lab for review
- Papers and essays will be returned within 12 hours with suggestions from a Writing tutor

Peer Tutors

Peer tutors are current students who have successfully completed courses in math, science, nursing, and many other disciplines. Services are by appointment only. Requests for appointments can be made using the [EAB Navigate App](#).

If a course does not show as an option under Peer Tutoring in EAB Navigate, that means we currently DO NOT have a peer tutor for this course.

[Click here for instructions on how to schedule peer tutoring](#)

SECTION 3: CODE OF CONDUCT JURISDICTION, STUDENT RIGHTS & RESPONSIBILITIES AND ACCOUNTABILITY

Jurisdiction

This Code of Conduct shall apply to every D'Youville student, whether matriculated or not, whether taking courses on-campus or off. In an effort to provide a safe and secure environment and to protect the public order, the University believes it must hold the members of its community accountable for their behavior at all times, on and off campus.

Jurisdiction and discipline are not limited to behavior which occurs on University premises. Conduct which adversely affects the University community or all those communities with which students interact in carrying out educational or professional activities, including but not limited to students pursuing field experiences and other course assignments, internships, clinical rotations, observation hours, volunteer work, mission trips, research, and students attending professional conferences, shall fall under the jurisdiction of this code.

As a reminder, The University fully upholds the idea of student freedom, physically and digitally, with the acceptance of full responsibility for individual action and the consequence of such action. The University cannot and will not permit destructive or antisocial behavior. Therefore, the University reserves the right to intercede and require the immediate suspension or withdrawal of a student where that behavior is perceived to constitute a threat to or violate the rights of members of the community, the individual student, or the name of the institution. Disciplinary authority is vested in the Vice President for Student Affairs and their designee(s).

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.

Accountability

The University reserves the right to dismiss any student or reassign or remove from housing (without refund) whose behavior is believed to be detrimental to the general welfare of the community. Matters of misconduct are handled by the Division of Student Affairs under the guidance of the Vice President for Student Affairs and managed by the offices of the Dean of Students, Student Engagement & Housing, Student Development & Advocacy.

With regard to disciplinary matters, the University treats all students as adults who are responsible for their own actions. In serious matters, students are always strongly encouraged to consult with their parents or guardians in advance of disciplinary hearings. Typically, parents and guardians of students are not notified of judicial proceedings. A list of minimum sanctions appears in the sanctions section of this handbook. Should deferred suspension, suspension or expulsion be levied as a sanction, the Vice President for Student Affairs will contact a student's parents or guardian to notify them of the decision.

Suspensions and expulsions are reserved for serious offenses. There will be no refund of room, board, or tuition for students who are suspended, expelled or who withdraw from the University pending or as a result of disciplinary action (This supersedes the University policy on refunds). Violations concerning harassment and sexual misconduct are discussed in the Non-Discrimination and Harassment Policy and the Sexual Misconduct Policy sections.

Schools and/or departments within the University may offer additional policies and regulations to align with their professional standards. It is expected that students within these schools and/or departments will abide by these additional policies, regulations and rules as set forth in their school/departamental handbook.

Listed below are some of the basic rules governing a person's behavior on campus, non-campus property used by the University, and at functions sponsored by the University or any group affiliated with the University. Violation(s) or attempted violation(s) of the following rules, or other conduct which reflects unfavorably on the student or the University is subject to judicial action.

- Acts of dishonesty;
- Disruption or obstruction of University operations;
- Violation of federal, state, or local law from the moment of University application through the moment of degree conferral;
- Violation of any University policy as published in this handbook or dictated by University official;
- Reckless endangerment through negligent or deliberate actions;
- Lewd or indecent behavior described as participation in any activity which violates normal standards of decency
- Unauthorized access to University property, equipment, or physical and digital space;
- Physical and mental abuse or any behavior that threatens the health and safety of any person including but not limited to assault, threats, harassment, coercion, bullying, and cyber-bullying;
- Attempted or actual theft, vandalism, or damage of property;
- Stalking, either physical or digital, as defined by the repeated contact of an individual when the contacting party knows or should know that the contact is unwanted or when the contact causes the

other person reasonable apprehension of imminent physical harm or hinders the other person's ability to perform the activities of daily life;

- Failure to comply with a reasonable request of a University official;
- Insubordination toward a University official including hostility toward a directive;
- Participation in a demonstration, riot, or activity, either physical or digital, which infringes on the rights of others, disrupts the daily operations of the University, disrupts the freedom of movement, or interferes with normal student studies and work;
- Extortion or blackmail described as making threats to do something, or disclose something, that will cause harm to the victim of the threat; this threat of potential harm is done with the intent to obtain something of value.
- Use of another person's identification, either physical or digital;
- Use of University resources to send, store, or receive obscene or abusive messages or materials;
- Intentional abuse of the student conduct system;
- Violation of any other University acknowledged policy or procedure.

Grievance Procedures

D'Youville and its staff strive to improve student services and welcome input regarding our policies and procedures. All student concerns or complaints should be written and directed to the appropriate departmental or division office. If said response does not adequately address a student's concerns, the complainant is encouraged to contact the Office of the Vice President for Academic Affairs for academic concerns or the Vice President for Student Affairs for all other areas.

All written concerns may be submitted through Maxient, the official University reporting software, located within SharePoint. Complaints should be accompanied by relevant documentation.

Appropriate University leadership will review the documents and the circumstances with the appropriate area and will either respond personally to the complaint or direct the appropriate member of the University to do so. Please note: Due to federal regulations (FERPA), the University generally only corresponds with students, not parents or guardians.

Behavior

The University takes the position that each student is fully responsible for their own behavior and will not accept the responsibility for the actions of any individual student or group of students. The Vice President for Student Affairs or designee may take appropriate disciplinary action if a student's or group's behavior, on or off campus, physically or digitally, adversely affects the good name of the University or represents a threat to any individual, group or the order of the community. This includes, but is not limited to, psychological or physical abuse as well as offensive or obscene behavior intended to injure or insult any person. The Vice President for Student Affairs or designee will act to protect the due process of all involved students while working within the University's disciplinary guidelines.

Students who are involved in violent, slanderous, or otherwise damaging behavior may be subject to immediate interim suspension. The final University judicial decision will determine if this suspension is to be permanent. If a student is suspended from the residence halls, the University will not assume any responsibility for locating or financing alternate housing for the affected student(s). Violent action against any University employee or student also carries with it the immediate possibility of arrest by the local authorities and possible criminal charges.

A disruptive student is a student who engages in behavior which interferes with the normal operation of the University as determined by the University.

Such behaviors may entail, but are not limited to, belligerence, inappropriate comments or actions, repeated talking, sleeping/snoring, unauthorized cell phone use, erratic behavior, actions prompting community response, or any other behavior that interferes with normal operations. Should disruptive behavior occur the following general procedure should occur:

1. Any student whose classroom behavior is judged by the instructor to be disruptive shall be informed by the instructor that his/her actions are disruptive. (Specific expectations of classroom behavior(s) may be noted in the syllabus of faculty.) This explanation and request may take place in the classroom at the

time of the behavior or at another time and place deemed appropriate by the instructor (e.g. during office hours).

- a. A student may be dismissed by the instructor from any class period in which disruptive behavior persists following the instructor's request that it cease. The instructor shall then explain how the behavior disrupts the teaching/ learning process, inform the student that if the behavior continues it will be reported in writing to the Vice President for Student Affairs and request that the student cease the behavior. Attendance at subsequent class periods is allowed unless the disruptive behavior continues. If the student refuses a request by the instructor to leave the classroom following persistent disruptive behavior, Campus Safety should be called.
 - b. If a student's disruptive behavior continues following the request that it cease, the instructor shall refer the case to the Vice President for Student Affairs who will assign the case to a Student Conduct Administrator. The Student Conduct Administrator will deal with the case according to established student discipline procedures and sanctions. Disenrollment from the class is a discipline sanction that may be used, as determined by the Vice President for Student Affairs.
2. Any student whose behavior outside the classroom is found disruptive will be referred to the Vice President for Student Affairs who will determine if immediate response of the University is required and/or assign the case to a Student Conduct Administrator. The Student Conduct Administrator will attempt to remediate the situation with the student in question and, if necessary or appropriate, other involved parties in line with the Code of Conduct.
3. If at any time it is believed that the student poses a physical threat to themselves or others, Campus Safety should be called immediately at 716- 829-7777.

It is the responsibility of the student to adhere to any rule or regulation as well as report any violation that may presumably be known. Failure to abide by this rationale does not show an example of being an upstanding citizen and will be addressed by the University.

Students who have knowledge that another individual has committed one of the following acts are required to report the violation within 24 hours through the official University reporting system, Maxient, located on the main University website and within SharePoint under HELP!: false fire alarm; bomb threat; misuse of fire extinguisher; damage to fire exit sign, fire door or exit door; physical abuse; arson; sexual assault or harassment; use or possession of a weapon or explosives; use of controlled substance or illegal drugs or other endangering conduct; bias related behavior.

SECTION 4: ANTI-BIAS POLICY

Anti-Bias Policy

D'Youville is committed to providing an environment where every person is treated with dignity and respect. We believe that every student, administrator, staff and faculty member, and visitor has the right to be in a safe and secure environment where education and growth can flourish.

We strive to make sure that the educational experience for all our students promotes an atmosphere that is free from behaviors or negative actions (either intentional or unintentional) based on the following:

Age, Gender, Gender Expression, Gender Identity, Religion, Race, Ethnic or National Origin, Sexual Orientation, Sexual Expression, Disability, Socio-Economic Status, Citizenship Status, Other targeted aspects of one's identity.

A bias-related incident is a verbal, written, or physical act of intolerance or prejudice that does not involve a criminal act or violence and lacks a reasonable relationship to an educational, political, and/or artistic end. Examples of bias incidents include but are not limited to hate speech, microaggressions, stereotyping, homophobic or sexist jokes, racist epithets, religious slurs, demeaning remarks on social media, or discrimination.

Bias-related incidents may or may not be intended to cause harm.

University Response

Responses to bias-related incidents may include educational opportunities for the individuals and groups involved, as well as for members of the campus community as a whole when reporting patterns suggest broader issues that move beyond the immediate incident. This policy therefore seeks to enhance understanding, provide a forum for expression of multiple viewpoints, mediate conflict, and pursue restoration. If you observe or are confronted with what you feel might be a "bias-related incident," you are encouraged to file a report through the official University reporting system, Maxient, located on the main University website and within SharePoint under HELP!

The opportunities for intellectual, social, cultural, and spiritual growth encourage all members of the D'Youville community to develop a respectful attitude toward learning, a reverence toward persons and things, and a desire to fashion their lives and their communities for the better. Toward this end, discussions, courses, workshops, and programs throughout the academic year address the topic of multiculturalism. Through these events and presentations, the University works to eliminate bias-related incidents; however, should an incident occur, assistance and cooperation of witnesses is needed to ensure proper action is taken.

The campus community is advised and updated on safety and security through the publication of the Annual Campus Safety and Fire Safety Report, which focuses on providing essential information regarding the University's safety services, programs and policies as well as occurrences of crime on and around our campus. The report is available on the University website and is also available in hardcopy at the main Campus Safety desk. Notification is also made to the campus community, as appropriate, on specific threats to campus safety.

through the University's emergency notification system, campus media, publications, posters, and other methods.

Definitions

Microaggression is a term used for brief and commonplace daily verbal, behavioral, or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative racial slights and insults toward any marginalized group.

Prejudice is a preconceived notion, i.e., a pre-judgment about someone that is often drawn from insufficient knowledge.

Stereotype is the systematic classification of a person based upon preconceived notions that are often drawn from insufficient knowledge.

Discrimination is a negative action aimed at a person or group of people based upon prejudice.

Bias is a prejudice in favor of or against one thing, person, or group compared to another, considered to be unfair.

Hate Crime is a criminal offense motivated by the alleged perpetrator's bias against a person's race, ethnicity/national origin, gender, gender identity, sexual orientation, disability status, religion, or non-religion. Hate crimes can include threats, attempted or actual crimes, and may include assault and battery, vandalism, or other destruction of property or verbal threats of physical harm. Harassment can also be a hate crime if it is used to deprive someone of their civil rights.

Hate Speech is graffiti, images, jokes, written or verbal comments, including social media posts which threaten, intimidate, or marginalize individuals or groups because of their actual or perceived race, color, religion, sexual orientation, ability status, ethnicity/national origin, physical characteristics, sex, gender, gender identity, gender expression, and/or any other legally protected classification.

Targeted Group/Student is a targeted group or student who believes or perceives that they have been the victim of a bias incident and/or hate crime based on their race, color, national origin, religion, sex, age, disability, sexual orientation, gender identity, gender expression, genetic information, or veteran status.

Bias Related Crimes and Incidents

Prepared in compliance with the New York State Education Law (Section 6436). The information in this report is available to all incoming and current students, as well as employees. It is made available to prospective students and employees upon request.

Bias Related Crimes:

A hate crime, also known as a bias-related crime, is a criminal offense committed against a person, property, or society which is motivated, in whole or part, by the offender's bias against a race, religion, ethnicity, disability, sexual orientation, gender, gender identity, gender expression or national origin.

According to New York State Penal Law (article 485), a person commits a hate crime when he or she commits a specified offense and either:

1. intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity, gender expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
2. intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, gender identity, gender expression, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct. Proof of race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the defendant, the victim or of both the defendant and the victim does not, by itself, constitute legally sufficient evidence.

Reporting a Bias Related Crime:

Students are encouraged to immediately report all types of bias-related incidents precipitated by intolerant behaviors. In the case of physical confrontation, assault, threat, or injury, resulting from a bias-related crime, contact Campus Safety immediately. For all other bias-related incidents, students are encouraged to report using the official University reporting system, Maxient, located on the main University website and within SharePoint under HELP!

Victims of a Bias Related Crime

Counseling is available to student victims of bias-related crimes and incidents through The Wellness Lodge. This service is confidential and free of charge. Referral services are also available.

Victims of bias-related crimes have the right and the opportunity to bring charges under the Student Code of Conduct by contacting the Vice President for Student Affairs and/or the Dean of Students by using the official University reporting system, Maxient, located on the main University website and within SharePoint under HELP!

D'Youville will make every reasonable attempt to help any student who is a victim of an alleged bias-related crime change their academic or housing situations, if so requested. The targeted group or student can bring a complaint either through the University judicial system, in criminal courts, or in both.

Students are encouraged to speak with the Vice President for Student Affairs, Dean of Students or Chair of the Bias Review Board, to discuss various legal courses open to them.

Witnessing a Bias Related Crime

Should a student witness a bias-related incident, they may provide a valuable resource to the University in reconstructing the incident so that an appropriate response can be made. Their willingness to step forward and

assist can be invaluable. Witness should record their observations of what occurred and what precipitated the incident and attempt to identify as many participants in the incident as possible.

Adjudication Process

Once a report is filed, the report including the described perceived bias is reviewed by the Chair of the Bias Review Board. Both the reporting party and the respondent are entitled to have an advisor present during bias review proceedings in accordance with the Student Code of Conduct.

Where there is probable cause to believe that anti-bias behavior has occurred, the Chair of the Bias Review Board will form a three-person board comprised of trained faculty and staff who will determine the presence of “bias” or “no bias”. The board will interview participants identified within the complaint in order to review facts and determine if bias has occurred. If there is no evidence of bias the case will be considered closed. If there is evidence of bias found, bias will be acknowledged, and the complaint will be sanctioned appropriately. The Bias Review Board may include referral to the University conduct process or contacting law enforcement, in accordance with all federal, state and local laws and University policies.

Potential Sanctions

The action of the Bias Review Board is centered around education but does include the possibility of suspension or expulsion from the University. The Bias Review Board and/or a student conduct administrator has the right to impose any and all sanctions outlined in the Code of Conduct. Sanctions may also include an inclusivity program as an explicit condition of remaining enrolled at the University, that the defendant successfully undertake educational classes or community service directly related to the community harmed by the respondent’s offense. Sanctioning is at the discretion of the University.

SECTION 5: STUDENT CODE OF CONDUCT

Alcohol

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.

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.

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 and only as outlined in the following sections:

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 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;
13. Drinking games in any form are not permitted on campus;
14. Empty alcohol containers will be considered evidence of consumption;
15. 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.

Amnesty Policy

The Amnesty protocol applies to straightforward cases of alcohol or other drug-related emergencies or sexual misconduct. The Amnesty protocol does not excuse co-occurring Student Code of Conduct infractions or other incidents related or unrelated to the medical emergency.

The health and safety of every student is of utmost importance. The University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to medical emergencies, 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 University strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to University authorities. 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 D'Youville or law enforcement will not be subject to Code of Conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Nothing in this section shall be construed to limit the University's ability to provide amnesty in additional circumstances.

An individual who calls for emergency assistance on behalf of a person experiencing sexual violence or any alcohol or other drug-related emergency will not face formal disciplinary action by the University for the possession or use of alcohol or other drugs if they agree to participate in, and complete, the recommended educational expectations outlined by the University. The recipient of medical attention will also avoid formal disciplinary action by the University for the possession or use of alcohol or other drugs if they agree to participate in, and complete, the recommended educational expectations outlined by the University. If an individual is documented or receives emergency medical assistance on more than one occasion due to excessive use of alcohol or other drugs, the situation will be evaluated so as to provide the student with additional resources and/or sanctions as needed or appropriate.

The University recognizes that in an alcohol or other drug-related emergency, the potential for disciplinary action by the University may act as a barrier to students seeking medical assistance for themselves, other students or guests; therefore, the University has this policy as part of our comprehensive approach to reducing the harmful consequences caused by the consumption of alcohol or other drugs.

The main concern of the University is the well-being, health, and safety of its students. Medical Amnesty represents the commitment to increasing the likelihood that community members will call for medical assistance when faced with an alcohol or other drug-related emergency. Medical Amnesty also promotes education for individuals who receive emergency medical attention related to their own use of alcohol or other drugs in order to reduce the likelihood of future occurrences.

Controlled Substances

D'Youville is deeply concerned about controlled substance use by all students in our community. The University regards controlled substance use as a problem that has the potential to affect the entire community. Possession, use, distribution, manufacture or sale of illegally controlled substances, or use of legally controlled substances without explicit and current prescription from a medical provider is prohibited.

The possession of drug paraphernalia is prohibited. Such items may include: rolling papers, scales, grinders, bongs, vaping devices, and any item used in conjunction with an illegal substance. Any student found selling,

admitting to selling currently or in the past, or distributing any form of illegal drugs, controlled substances, or drug paraphernalia, on or off campus, may be expelled and may also face criminal liability. Distribution also includes the sharing in any way of legally controlled substances.

The University stands firm against the use of controlled substance and does not provide students with a haven from the law. Anyone found using or possessing a controlled substance is subject to disciplinary action up to and including suspension or expulsion. Law enforcement personnel may be involved at the invitation of the University. Room and locker searches may be conducted by the University with the approval of the Vice President for Student Affairs or designee.

Students who are identified as having an alcohol and/or a drug problem may be required to resolve their problems with a professional counselor on or off campus. The Division of Student Affairs may notify the parents or guardian of an undergraduate student's alcohol and/or drug problem.

All drugs, whether illegal or prescribed, alter the chemical balance of the body. The misuse of drugs may lead to addiction and even death. Drug addiction and abuse can cause serious damage to the brain, stomach, lungs, liver, kidneys, heart, and the immune and reproductive systems.

Courtesy and Quiet Hours

To facilitate the positive atmosphere in the residence halls, Courtesy and Quiet Hours have been established and will be shared in building meetings and throughout the buildings. Residents are expected to demonstrate courtesy and respect for others at all times. Courtesy hours are always in effect and are designated to enhance the study and community atmosphere of the residence halls.

During quiet hours it is requested that residents:

- Keep room/apartment doors shut.
- Keep the volume low on stereos, radios, TVs, video games, etc.
- Limit noise in hallways and lounges.
- Be considerate of the sleeping and study habits of other residents.

Quiet Hours are extended to "24-hour Quiet Hours" during finals week each semester as well as during the weekend leading up to final exams.

Destruction and Theft

Any destruction, theft, attempted theft or impairment of personal or University property, including both intentional and negligent acts, is subject to disciplinary action and financial restitution. This includes, but is not limited to defacing structures, bulletin boards, equipment, and facilities; tampering with or damaging electronic equipment; parking/driving on grass and sidewalks; littering; and removing window screens. All groups who use University facilities must report damage immediately. Individuals or groups sharing a facility are held equally responsible for property damage and assessed financial restitution.

Dishonesty

Disciplinary action may be taken against any student who falsifies or modifies any official record. This includes, but is not limited to, identification cards, absence excuses, parking tags, transcripts, examinations, grade reports, applications, etc. Knowingly giving false information to a University official shall also be subject to disciplinary action. Students who violate accepted academic procedures through plagiarism or cheating will be processed through the Academic Integrity Policy. Other academic irregularities may be referred to the appropriate academic officer or designee.

Disorderly Conduct

Disorderly conduct is any behavior which interferes with the normal operation of the University as determined by the University. This includes, but is not limited to, behavior which endangers the health and safety of others, breaches the peace and/or violates the rights of others. Additionally, discriminatory, lewd, obscene or indecent behavior is prohibited.

Failure to Comply

Failure to comply with the directions of University officials including, but not limited to, Administration, Faculty, Staff, Campus Safety, Graduate Assistants, and Paraprofessionals, or those appointed or elected to act on behalf of the University who are acting under provisions of the Code of Conduct or in the performance of their duties, is prohibited.

This shall include, but is not limited to, failing to produce identification to University officials when directed, failing to respond to personal directives, failing to evacuate a building during an emergency alarm, hiding or fleeing from a University official, and failing to comply with a disciplinary sanction.

Any incident in which the Code of Conduct has been violated and which also accompanies an individual's failure to comply will automatically be elevated to the next higher level of severity.

If you are ever instructed by a University official to do something you feel is inappropriate or if you feel as though you have been dealt with in an inappropriate manner, you should advise the person's supervisor of your specific concerns or contact the Vice President for Student Affairs. Just because you dislike the approach a University official uses in handling a situation, it does not justify any rule violations on your part. Unless your immediate health and safety is at risk, you should cooperate with the instructions given by the University official and report your concerns later.

Fire Regulations

All persons must evacuate the building when the fire alarm sounds. Faculty in classrooms and administrators in other buildings are requested to enforce the following safety regulations when the fire alarm sounds:

- All areas are to be evacuated;
- All doors and windows that can be safely closed must be closed in a timely fashion;
- Identify any people with disabilities who need assistance and arrange for necessary aid in evacuation;
- Follow directional signs to fire exits and use stairs - not elevators;
- Move away from the building, across the street, down the sidewalk or toward designated safety area.

Fire drills are mandatory each semester. Students in housing will receive additional guidelines in their first floor/building/staff meetings and notices of the semester.

Fire Safety Equipment

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 imposed fees of \$2,000.00 and/or educational sanctions and/or suspension and/or court action.

Persons who knowingly or negligently cause or attempt to cause a false alarm by the setting off of the fire alarm system or give any other common or recognized alarms of fire or bomb threat are guilty of endangering the lives of other people and may cause damage to the persons and/or equipment responding to such false alarms.

Gambling is not permitted on campus unless authorized at University sanctioned events. The University defines gambling as any “wagering of money or something of material value on an event with an uncertain outcome with the primary intent of winning additional money and/or material goods”.

Guests

Access to University owned or controlled property shall primarily be limited to students, employees and their visitors or guests for the purposes of study, work, teaching and conducting or attending other official business or activities. D’Youville is a private institution and, as such, reserves the right to lawfully restrict or prohibit access to University owned or controlled property and to prohibit certain individuals from being present on University owned or controlled property at any time at its discretion.

All individuals – visitors and others – present on University owned or controlled property shall conduct themselves in accordance with the law, University policies, as well as in a manner that maintains a safe environment. Conduct including, but not limited to, intentional or negligent disruption of the operations of the University, excess noise, threats, harassment, hate speech, physical abuse, intimidation, endangerment to the health or safety of any person or property, or unauthorized entry into, obstruction of, or occupation of any University owned or controlled property is prohibited and shall be deemed a violation of this policy.

If an individual engages in behavior or conduct that is inconsistent with this policy or any other University policy or that is otherwise inconsistent with the best interests of the University, the individual will be asked to refrain from such conduct and may be asked to vacate University owned or controlled property at once. Failure to adhere to this request may result in law enforcement being summoned to take appropriate action, including possible removal for trespassing.

Any D’Youville community member who brings guests to the campus is responsible for making University regulations known to the guests and is held responsible for their conduct. Persons on campus who are not students or employees of the University are required to adhere to the Code of Conduct when on the campus or grounds of the University or participating in University-sponsored activities. All persons on University property are required, for reasonable causes, to identify themselves upon the request of a University official. The

University reserves the right to exclude those persons deemed detrimental to its well-being or incompatible with its functions as an educational institution.

Violations of University policies by non- students may bring about sanctions, including but not limited to:

- Persona non grata status: An order by the University, either permanent or of specified duration, to not enter the grounds or buildings of the campus;
- Restitution for any damages to the property of the University, student, faculty or staff;
- Civil action;
- Referral of charges to local law enforcement.

Harassment

D'Youville is committed to providing an environment for work and study free from harassment. Accordingly, harassment of administrators, faculty, staff, or students of the University, or retaliation against individuals who exercise their rights under this policy, will not be tolerated. The University recognizes and responds to its obligation to educate its administrators, faculty, staff, and students with regard to respect for the rights of individuals. The University neither condones nor tolerates any verbal or physical conduct which would constitute harassment of any member of the University community including guests or other third parties.

Harassment is conduct which makes fun of, belittles or shows hostility or dislike to an individual and which:

- Has the purpose or effect of creating an intimidating, hostile or offensive work or academic environment;
- Has the purpose or effect of unreasonably interfering with another individual's work or academic performance;
- Otherwise adversely affects an individual's employment opportunities or academic achievement.

Harassing conduct includes, but is not limited to:

- Epithets;
- Slurs;
- Negative stereotyping;
- Degrading comments;
- Threatening, intimidating or hostile acts (even if claimed to be "jokes" or "pranks");
- Written or graphic material (including, but not limited to computer images and social media posts) which makes fun of, belittles or shows hostility or dislike toward an individual or group;

The term "cyber-bullying" shall mean any harassment, intimidation or bullying, as defined above, when such is accomplished utilizing electronic communication media. Such media includes, but shall not be limited to:

- Email;
- Text Messages;
- Social Media Messaging;
- Tweets, Statuses, and Tik Toks;
- Digital Videos;
- Blogs.

Any harassment of administrators, faculty, staff or students is a violation of this policy and is prohibited, and will be subject to discipline. Students wishing to report being a victim of harassment, or knowledge of another student(s) being a victim of harassment are encouraged to report using the official University reporting system, Maxient, located on the main University website and within SharePoint under HELP!

Certain accommodations may be made by the division of Student Affairs in an effort to mitigate any situations where further threat and/or harassment could occur as a result of a person filing a report or bringing forward allegations. These accommodations, should they be considered reasonable, include, but are not limited to:

- Changes to academic schedules;
- Changes to housing assignments;
- Changes to campus work assignments;
- No Contact Order;
- Activity Restrictions;
- Interim Suspension.

If an outside agency or court of law has put in place an order of protection, the University will assist in upholding the order. If the University receives a report of an official order of protection being violated, the University will aid in contacting the appropriate law enforcement agency.

Reporting parties have the right to continue their educational endeavors free from retaliation or further harassment as a result of filing a report or participating in a judicial process. Retaliation exists when an individual harasses, intimidates or takes other adverse action(s) against a person because of the person's participation in an investigation of harassment, or their support of someone involved in such an investigation. Retaliatory actions include, but are not limited to:

- Threats of Violence against a person or property;
- Actual violence against a person or property;
- Adverse Educational or Employment Consequences;
- Ridicule;
- Intimidation;
- Bullying;
- Ostracism.

Sanctions will be imposed on any student found engaging in retaliation. Any evidence of such behavior from a responding party throughout the course of an investigation, or on behalf of the responding party, could warrant immediate suspension from the University pending the completion of the investigation and subsequent judicial process.

Hazing

D'Youville recognizes that membership in campus organizations or on athletic teams can be meaningful experiences in conjunction with other aspects of the education process. Unfortunately, membership or prospective membership in an organization or on a team is sometimes accompanied by a wrongful activity known as "hazing." As required by the Stop Campus Hazing Act (SCHA), 2024 D'Youville has adopted following definition of hazing:

Any intentional, knowing or reckless act, regardless of the victim's willingness, that is connected to an initiation, affiliation, or membership in a student organization and causes or creates a risk of physical or psychological injury beyond what's expected in normal participation.

Key elements of the definition of hazing under the SCHA:

- The action must be done deliberately or with disregard for the potential harm
- The act must be directed towards a student, regardless of their consent to participate
- The act must be connected to an organization: Must be part of an initiation, affiliation or member in a student organization.

Additionally, D'Youville expand the definition of Hazing to include: any other act or series of acts which cause or is likely to cause bodily or physical harm or danger. This includes:

- Mistreatment by playing stunts or practicing abusive, humiliating or ridiculing tricks that subject an individual to personal indignity, humiliation or ridicule.
- Harassment by exacting unnecessary, disagreeable or difficult work or harassment by banter, ridicule or criticism. Some examples of such prohibited activities are as follows:
 - abnormal or unusual dress, grooming, or haircuts
 - performing unusual or abnormal acts
 - excessive or unusual physical exercise
 - oral harassment or abuse

Hazing is both a violation of the Penal Law and the other laws of the State of New York as well as the general regulations of the University. Accordingly, the University will not condone hazing of any kind. To this end, any student, faculty member, staff member, visitor, guest, licensee or invitee who engages in hazing, and violates these prohibitions shall be requested to cease and desist from such prohibited conduct and failure to do so will necessitate action to eject the individual(s) from University property and where appropriate, shall be subject to suspension, expulsion or other disciplinary action. Similarly, the University will rescind permission to operate on University property and shall prohibit the use of the University's name to any organization whose members (whether individually or in concert) engage in hazing.

In the case of a student, faculty member, staff member or a University organization, disciplinary proceedings shall be commenced according to established policies. In addition to any University disciplinary proceedings, the violator or organization may be subject to any applicable provisions of the Penal Law.

Mascot Treatment

The official mascots of D'Youville are Maggie & Saint, two St. Bernard dogs who call the campus their home and regularly attend University events. Both Maggie & Saint are considered University staff and are fully protected against mistreatment. Students found intentionally causing harm or creating an environment which may cause harm to Maggie and/or Saint will be subject to disciplinary proceedings.

Students are not permitted to feed or administer anything to Maggie & Saint unless authorized by their University handler.

It is strictly prohibited for any student to remove or lure Maggie and/or Saint from their location on campus without approval from their University handler.

Off-Campus Activities and Behavior

All off-campus activities sponsored by student groups must be registered with and approved by the Dean of Students prior to activity.

The University reserves the right to take impose judicial action if a student's off-campus behavior adversely affects the good name of D'Youville or represents a threat to any individual, group or the order of the community. The University considers online activities to be "off-campus".

Physical Assault

The University will not tolerate any actions that include but are not limited to: Inflicting bodily harm upon any person (student or non-student); Taking any action for the purpose of inflicting harm upon any person; Threatening use of force upon any person; Subjecting another person to unwanted physical contact.

Prohibited Areas

For safety reasons, students may not access the following areas: roofs, balconies, fire-escape outside of fire or true emergency. Students are not permitted to access designated construction zones.

Reckless Endangerment

The University will not tolerate any action that creates a substantial risk such that bodily harm could result to any person. These actions include but are not limited to: objects or people on window ledges, use of weapons of any kind for any purpose, throwing objects (i.e. snowballs), use of fireworks, and/or jeopardizing the physical or emotional safety of oneself or another.

Retaliation

Any threatening or harassing behavior directed against another individual or entity who has, in good-faith, reported a potential violation of University policy or the law; or against an individual or entity involved in the student conduct or legal process (witnesses, student conduct advisors, etc.) will be subject to additional sanctions through judicial procedures.

Smoking and Vaping

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, tobacco-free, and vape-free campus. In creating a healthy environment for all members of our community, smoking, vaping and tobacco use is prohibited at all times on campus, which includes inside all buildings, outside all buildings, and grounds. This includes the use of any type of lighted pipe, cigar, cigarette, juul, vape pen, or any other smoking or vaping equipment, whether filled with tobacco or any other type of material. University officials will enforce the state laws and fines will be enacted for violators and judicial action will be taken including fines.

Sportsmanship

D'Youville has high expectations of both our student athletes and our fans. In the spirit of good sportsmanship and so that all may equally enjoy our athletic contests, D'Youville abides by the following rules:

- Cheer for your team, not against the visitors;
- Do not become personal in your comments about players, coaches, or officials;
- No profanity, vulgarity, racist, sexist, or discriminatory comments shall be tolerated;
- Give players, coaches, and officials their space by keeping away from the playing area and team bench areas;
- A no tolerance policy for alcohol use is in effect at all contests;

Failure to abide by these policies may result in your removal from the venue as well as judicial sanctions.

Unauthorized Entry

The unauthorized entry, use, or occupation of University facilities, both physical and digital, as well as the unauthorized possession, use or duplication of keys, access cards, log-in information, and/or passwords to University facilities is prohibited.

Weapons and Explosives

The possession of weapons, ammunition, firearms, fireworks, explosives, open flame devices or combustible material on University property and at University sponsored events is strictly prohibited and enforceable through immediate removal from the University. This policy applies to employees, students and individuals visiting or conducting business on University property, both owned and leased.

Weapon is defined as:

1. Any device that shoots a bullet, pellet, flare or any other projectile, whether loaded or unloaded, including those powered by CO2. This includes but is not limited to rifles, shotguns, handguns or other firearm, BB/pellet gun, flare gun, stun gun, air soft gun, dart gun, bow and arrow, paintball gun and any ammunition for any such device. Any replica of the aforementioned is also prohibited;
2. Any explosive device including fireworks, firecrackers and black powder;
3. Any device that is designed or traditionally used to inflict harm including but not limited to nun chucks, any knife with a blade longer than three inches, hunting knife, fixed blade knife, throwing knives, throwing stars, dagger, or other cutting instrument the blade of which is exposed;
4. Any object used by an individual to inflict harm;
5. Any object deemed a weapon by a University official.

Weapons are not permitted to be stored on campus or in vehicles on campus. Any weapon on campus in violation of this policy will be confiscated. Violation of this policy by students will be adjudicated in accordance with the Student Code of Conduct. Depending on the circumstances violation of this policy may subject the offender to discipline up to and including dismissal from the University. Violation of this policy by individuals visiting or conducting business on University property may result in the individual receiving a written directive to remain off University property. The University may refer any violation of this policy to appropriate law enforcement authorities.

Exceptions to this policy include:

- Any federal, state, or local law enforcement officer in the performance of their official duties;
- A weapon, real or replica, used in connection with drill, public ceremony or a theatrical performance. Prior written approval must be obtained from the Director of Campus Safety;
- Prior written approval from the Director of Campus Safety must be obtained when the weapon will be used in a University sanctioned academic course or activity

SECTION 6: CAMPUS HOUSING SPECIFIC INFORMATION

Availability

The Coordinator for Housing is typically in their office within their Office in Marguerite Hall and are available to assist residents during regular University business hours. Individual hall offices are located on the first floor of their respective buildings and staff will have office hours posted on the office doors.

After 4:30pm on weekdays, as well as anytime during weekends and on holidays in which the residence halls are open, there is a Resident Advisor (RA) on duty in each building to assist residents with their needs. Staff on-call contact information can be located in each building lobby near the front desk.

Bicycles

Bicycles may be brought to campus. They must be stored at the bicycle rack of each residence hall. Bicycles should be securely locked to the racks. They are not to be brought inside the buildings, stored in rooms/apartments, floor lounges, or hallways.

Break Housing

Students living in Marguerite Hall, 222 Connecticut Street and Madonna Hall can stay in their residence hall room when the University is not officially in session as long as students have received advance approval from the Housing Office.

Cleaning

The University provides cleaning service to all public and semi-public areas of the residence halls. Each resident is responsible for the housekeeping of their room/apartment, including kitchens and bathrooms within the apartments/rooms.

At the end of a resident's term of occupancy, the room is to be returned to its original set up, and cleaned to the expectations provided.

Community Engagement

Each Resident Advisor (RA) is responsible for facilitating an array of activities and community engagement initiatives for their floor. These efforts help staff interact and get to know students better while also providing growth and development that is key to their educational journey.

If there is a specific activity that you are interested in, please talk with your RA about making it an upcoming program for your floor. Of course, residents are welcome and encouraged to join in the activities held on other floors besides their own.

Computer Labs

Each residence hall has a computer lab. Both labs are equipped with PCs and/or Macintosh computers only. Printing is available as well by using your ID card and printing money allotment for the semester. Both are available 24 hours a day for resident use only. Students must use headphones if they wish to use the speakers

on the computers. It should be noted that other computer labs on campus are also open during most of the hours of a day, including a 24-hour lab in the DAC.

Consolidation & Room Assignment Changes

The University reserves the right to change room assignments, to relocate individuals, or groups of individuals to eliminate a disruptive environment or to consolidate vacancies. When a vacancy occurs, the University reserves the right to show the room and assign a new occupant.

Confiscation

The Housing Office has the right to remove any item from a residence hall room or apartment which violates University policy or may jeopardize the safety or wellbeing of the community. Residents of the specific room or apartment will be held accountable through the conduct process and the confiscated may not be returned to the student. Examples of such items include candles and incense.

Damage to Rooms/Common Spaces

In the event that the Student fails to return the room or apartment and adjacent facilities (i.e. conjoining or connected bathrooms) in the condition provided, then the Student shall owe the University the cost for repairing such damages, which will be assessed to the Student bill. Assigned areas in Units include the specific bedroom and all shared space. Residents are also subject to common area damage billing (hallways, laundry rooms, restrooms, stairwells, etc.) as assessed by the Housing Team. Lack of cleanliness and/or excessive damage is grounds for administrative removal from residence or reassignment to a different residence.

Door Propping

Propped doors pose a serious risk to the campus community for personal and fire safety reasons and, as a result, are generally prohibited unless authorized by a University official.

Dining Services

Marguerite and Madonna residents are automatically enrolled in a meal plan as part of their housing contract. Residents of those two spaces are required to carry the 225 meal plan and will receive the corresponding D'Youville Dollars. Apartment residents are automatically allotted \$225 in D'Youville Dollars each semester to be used in campus dining facilities. All meals are held in the Kuhrt Dining Hall in the University Center unless otherwise posted. Apartment residents are not enrolled in the meal plan but may request and purchase a plan directly through the erezlife housing portal.

- D'Youville Dollars roll over between semester; but not between years.
- Additional D'Youville Dollars may be purchased in any amount at any time by going online to the Dining on Campus page.

Fire Safety

All D'Youville campus buildings are equipped with automatic fire detection and alarm systems that are constantly monitored by staff. 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 (BFD).

Fire drills are held regularly and an annual inspection/review of all rooms on campus, including residence halls, is performed by a New York State Fire Inspector.

According to New York State Law, the residence halls must have at least two fire drills per year. These will not be announced, and students must evacuate the building when the alarm is sounded. Elevators may not be used to exit the building.

Any time an alarm is activated, students are required to follow the designated evacuation policy and comply with requests of University staff, security, fire, and or police personnel.

When the fire alarm sounds students are requested to:

- Dress appropriately to comfortably exist in the current outdoor conditions.
- Close their windows
- Turn their room lights on.
- Take their keys, money, wallets, and purses.
- Shut and Lock their door when they leave.
- Leave the building via the stairwell closest to their room.

Please be aware that Resident Advisors may not be in their rooms when an alarm sounds. It is each resident's responsibility to evacuate the building as quickly as possible. Never assume that an alarm is a drill.

The students' safety and security within this community depends on everyone. The policies listed here are intended to ensure that all students will be as safe as possible while in residence.

Buildings are equipped with a variety of features that are designed to detect, stop and/or suppress the spread of a fire. Obstructing sprinkler heads, disabling or covering smoke/heat/carbon monoxide detectors, dispensing of fire extinguishers or propping fire doors impedes the ability of equipment to detect, stop or suppress fire and is a direct violation of the Student Code of Conduct.

The University reserves the right to refuse or limit the use of, type, and number of electrical appliances which may be plugged into residence hall circuits. All electrical devices must be plugged directly into a wall socket or a Power strip. The use of extension cords and socket splitters in residence hall rooms is prohibited by New York State fire code.

The University prohibits the use of other electrical appliances in students' rooms/ bedrooms, in particular, cooking appliances such as a toaster, toaster oven, grill, electrical coil, hot plate, hot pot, and any other electrical appliance used to prepare food. These items may be used in designated areas only.

Because of the danger of causing fire, candles and incense are not permitted in the residence halls. Electrical decorations are not to be hung in windows or anywhere else. These stipulations apply to lounge windows as well. A fine may be levied for such offenses.

Obstructions such as bicycles and ironing boards are not permitted in hallways as they present a fire hazard.

Furniture (University provided)

All of the furniture provided in a residential room or apartment is the property of the University. The resident(s) may not remove any University owned furniture from their residential living space. Additionally, residents are not permitted to build their own lofts or put furniture into an unsafe position.

Gender Inclusive Housing

D'Youville allows students outside of their first-year to live with students of any gender. The University will not assign a student of a different gender to an open room or apartment space than the current occupants. If there is a mix of genders within a room or apartment; there must be an addendum to the already signed Housing Agreement kept on file with the Housing Office.

Guests

Access to University owned or controlled property shall primarily be limited to students, employees and their visitors or guests for the purposes of study, work, teaching and conducting or attending other official business or activities. D'Youville is a private institution and, as such, reserves the right to lawfully restrict or prohibit access to University owned or controlled property and to prohibit certain individuals from being present on University owned or controlled property at any time at its discretion.

All individuals – visitors and others – present on University owned or controlled property shall conduct themselves in accordance with the law, University policies, as well as in a manner that maintains a safe environment. Conduct including, but not limited to, intentional or negligent disruption of the operations of the University, excess noise, threats, harassment, hate speech, physical abuse, intimidation, endangerment to the health or safety of any person or property, or unauthorized entry into, obstruction of, or occupation of any University owned or controlled property is prohibited and shall be deemed a violation of this policy.

If an individual engages in behavior or conduct that is inconsistent with this policy or any other University policy or that is otherwise inconsistent with the best interests of the University, the individual will be asked to refrain from such conduct and may be asked to vacate University owned or controlled property at once. Failure to adhere to this request may result in law enforcement being summoned to take appropriate action, including possible removal for trespassing.

Any D'Youville community member who brings guests to the campus is responsible for making University regulations known to the guests and is held responsible for their conduct. Persons on campus who are not students or employees of the University are required to adhere to the Code of Conduct when on the campus or grounds of the University or participating in University-sponsored activities. All persons on University property are required, for reasonable causes, to identify themselves upon the request of a University official. The University reserves the right to exclude those persons deemed detrimental to its well-being or incompatible with its functions as an educational institution.

Violations of University policies by non- students may bring about sanctions, including but not limited to:

- Persona non grata status: An order by the University, either permanent or of specified duration, to not enter the grounds or buildings of the campus;
- Restitution for any damages to the property of the University, student, faculty or staff;
- Civil action;
- Referral of charges to local law enforcement.

Guests in the Residence Halls

Residents are permitted to have overnight guests who are not allowed to stay more than 3 nights during the course of any 7-day period. Each guest is required to have photo identification on them at all times. It is the responsibility of the host to inform the guest of the photo ID requirement.

Residents that have overnight guests are required to have the guest sign-in with the HIR at the front desk in each residence hall each evening by 8 p.m. If a student is not signed in after 8 p.m. it is at the discretion of the building staff if the guest is permitted to stay overnight.

A resident may not pressure a roommate to tolerate the presence of a guest. All guests to a room are subject to the agreement of all room residents. The presence of guests must not restrict free access for assigned students to common spaces.

Health & Safety Inspections

Visual Health & Safety Inspections are conducted in each the Fall and Spring semesters by the Resident Advisors and Resident Directors. Upon a 'fail', residents will have 24 hours to correct the outlined issue before being documented and adjudicated through the conduct process.

Housing Agreement

When students commit to housing through eRezLife, they receive a copy of the Housing Agreement for the following academic year. Students are expected to abide by all policies and procedures set forth within that document. The housing agreement is binding for the entire academic year. Students have the ability to withdraw from housing for the following academic year after the annual housing process up until May 1, or the first business day after that date without penalty. After that date, students must appeal to the Housing Office in order to be released from their agreement for a fine.

Housing Assignments

Returning residents express a preference for a particular room/apartment and room/apartment mate(s) when they go through the housing selection process held each spring. Assignment of incoming freshmen and transfer students takes place over the summer or during the end of the fall semester for those entering in the spring semester.

Only students enrolled full-time at D'Youville may occupy residence hall space. The Coordinator for Housing may assign other occupants to any vacancies that may exist after all student requests have been satisfied.

Housing spaces are assigned with the understanding that they will be occupied for the entire academic year, per contract/lease agreements. The Coordinator for Housing must authorize any changes in room assignments.

The University reserves the right to assign residents to room vacancies created during the academic year. If a resident withdraws, the remaining resident(s) may request to transfer to another room/apartment or accept a new room/apartment mate. Students cannot refuse a roommate should a space be vacant as they do not own the space.

The University has the right to assign an additional student to a room/apartment at any time and to relocate students if the particular circumstances require it.

Identification Cards

An identification card is issued to each student. This is a permanent ID card. The cards are nontransferable. An ID card is required to access all campus buildings and certain campus rooms, for printing access, to access meal plans, and for admittance to some campus events. An ID card must be presented at any point upon request of a University official and should not be given or loaned out for any reason.

Students needing to replace a lost or damaged ID card may do so through the department of Campus Safety.

Keys

Marguerite residents are issued a combined room/mailbox key when they check in. A lost key will result in a \$200.00 charge to change the door and mailbox locks and issue new keys. Apartment residents are issued a main apartment door key and a room apartment door key. A lost key will result in a \$200.00 charge for one of those keys lost or \$400 if both keys are lost. Apartment residents are also issued a mailbox key. A lost mailbox key will result in a \$25.00 charge. These lock changes must be made to ensure the security of the residents and of their personal property.

Students who do not return their room/mailbox key at the time of their check out will be billed the same as if the key was lost. Returning a key at a later time will not result in a reversal of this charge. Duplication of University keys by unauthorized personnel is not permitted.

Laundry

Each residence hall has a laundry area consisting of washers and dryers that are free to operate. These machines are only for use by residents of the respective building to do their own laundry. Doing a guest's laundry is prohibited, as is a guest doing their laundry. Students are responsible for supplying detergent, fabric softener, dryer sheets, etc. If a machine does not work properly, students should place an "out of order" sign on the machine and report the problem to their building Residence Director.

Students taking Gross Anatomy required to wash their own Scrubs. As a result, the following policy has been established to ensure that scrubs are being washed safely and appropriately in the residential washers:

- Scrubs are to be separated and washed separately from other items;
- A Hot or Warm Water Cycle is to be used;
- A color-safe bleach or anti-bacterial detergent must be used.

Lock-Outs

If a student is locked out of their room/apartment during University business hours, they should alert the housing staff to be let in. If it is outside of those times, they may gain entry by contacting the after-hours staff member on duty directly by calling the number listed in the lobby at the security desk. An excessive number of lockouts (defined as more than 3 over the course of a school semester) will result minimally in a fine of \$10 per lockout.

Mail

Packages are delivered to the central campus mailroom on the lower level of the D'Youville Academic Center (DAC). The Central mailroom is open Monday – Friday from 9am – 5pm. The mailroom is not open on nights or weekends so please plan accordingly for package pick-up. Paper envelopes/mail will be dispersed and delivered to each Residence Hall daily to the direct student's Room.

All Letters and parcels for a resident should be addressed as follows:

(Full Name)
(Residence Hall Room #)
320 Porter Avenue
Buffalo, NY 14201

In accordance with federal law, mail cannot be delivered to students without their correct full name appearing on it. Students may only use the central mailroom address as a mailing address.

Residents should insist that any money sent or received through mail be in the form of money orders or checks. The University cannot be responsible for claims regarding lost or stolen mail. Claims will be handled at the Buffalo Post Office.

During university breaks, resident mail is held at the University. Once a student no longer has a housing assignment or graduates from the University, they must complete a mail forwarding address on their own so that mail is forwarded appropriately at the Buffalo Post Office.

Students may send outgoing letters by placing envelopes with postage in USPS Mailboxes that are located outside of KAB (on Porter Avenue) or the Buffalo Armory (on Connecticut Street).

Students are prohibited from using their DYU mailing address for any business or for-profit ventures. Students are also prohibited from receiving packages here for individuals other than themselves.

Maintenance Requests

Students should report any damage or requests for maintenance (light bulbs, etc.) to their Resident Advisor or Resident Director via email. In the event of a facilities emergency (loss of electricity, heat, or water, a flood or a stuck elevator – for example), students should immediately notify Campus Safety who will contact the appropriate resources to remedy the issue. Students are not permitted to make repairs themselves, nor contract out for any repair work.

The Office of Student Engagement & Housing will inspect all rooms at the end of each academic year or when a student moves out, in addition to mid-semester Health and Safety inspections, and students will be assessed for any room/apartment damage that is caused by the occupant over that period

Prohibited Items

- Air conditioning not installed by the University
- Alcohol/Drug Paraphernalia
- Lit candles
- Cinder blocks/bricks
- Coffee Makers without an on/off switch
- Curtains that are not flame retardant
- Dart Boards and/or Darts
- Drones
- Extension Cords
- Fireworks
- Flammable decorations
- Grills
- Halogen lamps
- Hookahs
- Hoverboards
- Incense
- Live Christmas Trees
- Octopus Plugs
- Paintball guns
- Pets (other than fish in a 5 gallon tank & approved service animals)
- Power tools
- String Lights
- Space Heaters
- Tapestry that covers more than 50% of the walls
- Tattoo equipment
- Waterbeds
- Weapons/Ammunition (as defined within this Handbook)
- Weight equipment
- Wifi enhancement devices

Student Posting Policy

All community members are strongly encouraged to utilize digital advertising tools such as the announcements email system, social media platforms, and the digital bulletin board system on campus. In addition to avoiding untidiness on campus and potential damage to surfaces, this helps to promote sustainability.

Students, Organizations, and Community Guests who wish to produce physical advertisements may work with the Office of Student Engagement & Housing to approve and distribute these postings to physical bulletin boards across the campus. It is recommended that advertising not be submitted and distributed more than two weeks prior to the event being advertised. Unauthorized advertising attached to walls, windows, glass, interior or exterior doors, light fixtures, trees, shrubs, trash receptacles, or utility poles is not only prohibited but are subject to removal.

Additionally, the Student, Organization or Community Guest will be subject to conduct review through the appropriate authority.

Resident Advisors are permitted to remove postings which do not align with the above criteria.

Outside vendors must have prior approval from the Dean of Students to hang postings within facilities.

Prohibited Areas

For safety reasons, students may not access the following areas: roofs, balconies, fire-escape outside of fire or true emergency. Students are not permitted to access designated construction zones.

Refund and Withdrawal Policies

Housing refunds will be computed based on the date a student removes his/her belongings from the assigned room and turns in the room key(s), which is the same as the University's tuition refund schedule. To be entitled to this refund, a student must be approved out of their housing agreement or they must fully withdraw from the University. Since the housing fee incorporates the meal plan, all meal rights terminate when a student leaves residence. The refunds will be made as follows during a semester:

Within 1st or 2nd Week	100%
Within 3rd Week	80%
Within 4th Week	60%
Within 5th Week	40%
Within 6th Week	20%
After 6th Week	0%

The University Withdrawal Refund Information can be found [here](#). Check-in constitutes the beginning of the first week. If or when a student withdraws from the University, they must be out of the assigned room within 48 hours.

Right of Entry

University Officials may enter any space at any time for the repair and maintenance of the space or the

inspection thereof pursuant to University rules and regulations. The University further reserves the right to inspect a room at any time and its contents for violations of University or housing regulations.

Room Furnishings

D'Youville provides furnishing for all rooms and apartments. Furnishings in rooms/apartments are not to be exchanged for those in lounges and vice-versa. A fee will be assessed for any furniture that is removed from student rooms/apartments. At checkout, furniture should be placed back in the order it was at check-in. Beds are to stay on their frames and should not be placed on top of other furnishings. Violations of this policy could result in a fine or disciplinary action.

Storage

Personal belongings may be left in students' rooms/apartments during shorter academic breaks that happen during each semester such as fall, thanksgiving, spring, and winter breaks.

Students may not leave items in their space during summer breaks or after graduation. Students living on campus during the summer will need to move their belongings to their summer room assignment.

There is no student storage option on campus.

Services for Students with Disabilities

D'Youville provides housing accommodations in accordance with the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1978, and the Fair Housing Act to ensure equal access to programs, activities, and facilities.

If a student would like to have their diagnostician complete the application, they can reach out to Housing@dyc.edu to request the packet.

Temperature

Rooms are equipped with both heat and air conditioning. Residents may regulate the thermostats to suit their particular preference. The University requests that you abide in our efforts to conserve energy by turning the heat or A/C down or off when you will not be in your room.

To-Go Dining

If any resident at either building becomes sick and is confined to their room, the dining hall staff will provide to-go meals with appropriate authorization forms that can be provided by request form the Office of Student Engagement & Housing by emailing housing@dyc.edu. Housing will submit this form to Chartwell's, our dining vendor, on the student's behalf and arrange delivery.

Weapons and Explosives

The possession of weapons, ammunition, firearms, fireworks, explosives, open flame devices or combustible material on University property and at University sponsored events is strictly prohibited and enforceable through immediate removal from the University. This policy applies to employees, students and individuals visiting or conducting business on University property, both owned and leased.

Weapon is defined as:

- Any device that shoots a bullet, pellet, flare or any other projectile, whether loaded or unloaded, including those powered by CO2. This includes but is not limited to rifles, shotguns, handguns or other firearm, BB/pellet gun, flare gun, stun gun, air soft gun, dart gun, bow and arrow, paintball gun and any ammunition for any such device. Any replica of the aforementioned is also prohibited;
- Any explosive device including fireworks, firecrackers and black powder;
- Any device that is designed or traditionally used to inflict harm including but not limited to nunchucks, any knife with a blade longer than three inches, hunting knife, fixed blade knife, throwing knives, throwing stars, dagger, or other cutting instrument the blade of which is exposed;
- Any object used by an individual to inflict harm;
- Any object deemed a weapon by a University official.

Weapons are not permitted to be stored on campus or in vehicles on campus. Any weapon on campus in violation of this policy will be confiscated. Violation of this policy by students will be adjudicated in accordance with the Student Code of Conduct. Depending on the circumstances violation of this policy may subject the offender to discipline up to and including dismissal from the University. Violation of this policy by individuals visiting or conducting business on University property may result in the individual receiving a written directive to remain off University property. The University may refer any violation of this policy to appropriate law enforcement authorities.

Exceptions to this policy include:

- Any federal, state, or local law enforcement officer in the performance of their official duties;
- A weapon, real or replica, used in connection with drill, public ceremony or a theatrical performance. Prior written approval must be obtained from the Director of Campus Safety;
- Prior written approval from the Director of Campus Safety must be obtained when the weapon will be used in a University sanctioned academic course or activity.

WiFi

D'Youville offers on campus high speed Internet access, as well as wireless network access in most locations on campus, including within the residence halls. Personal hubs, routers, and wireless access points are not allowed in the residence halls as their use can disrupt network connectivity for others. Open computer labs are available in the lower level of the Montante Family Library and in the DAC for PC and MAC users, however, it is highly recommended that students bring their own workstation or laptop for convenience during busy hours or for use after the labs close.

From your list of WiFi options, please select the SSID (network) that best fits your purpose (see below.)

1. **"DYouville."** Secure Network, requires login with dyc.edu username and password.
2. **"DYCguest."** Open Network, requires temp access code to be granted from captive portal page. Note: Connections are help for 24 hours. Users will need to request a new temporary access code after the initial 24 hours.

Residence Halls

The D'Youville College student dorms and apartments offer Wi-Fi connection capability. The secure Wi-Fi service offered is called ResNet. Use these step-by-step instructions to gain access to the "ResNet" network (provided by our partner Boldyn).

NOTE: Residents are allowed up to 10 devices on the ResNet linked to their D'Youville SSO (single sign on) account. Premium features (higher speeds and more devices) are individually available for an additional cost.

How to Connect

To get online with your laptop, phone, or tablet:

1. From your available networks, connect to SSIDs **"MyResNet-5G"** or **"MyResNet-2G"**
2. Enter the default wireless password/key: **internet**
3. Sign up for a new account using your school credentials (name, building, create a new personal wireless password/key, security question)
4. Forget the **"MyResNet-5G"** or **"MyResNet-2G"** network on your device
5. Reconnect to **"MyResNet-5G"** or **"MyResNet-2G"** using your new personal wireless password/key

To add your gaming console and all other devices:

1. From your available networks, connect to **"MyResNet-5G"** or **"MyResNet-2G"** on your laptop, phone, or tablet
2. Once connected, open a web browser, and go to myresnet.com
3. Log in to your account and select "Devices" at the top of the home page
4. Enter the MAC address or Wi-Fi address of the device and select **"Add"**
5. Connect your device to **"MyResNet-5G"** or **"MyResNet-2G"** with your password

Support within the Residence Halls

- Call **MyResNet** support at **855-813-7006**
- Chat live at www.MyResNet.com
- Text **ResNet** to **84700**

Windows and Screens

Screens must be kept in all windows and closed at all times. Screens on the 1st floor at the 222 apartments should always stay connected to the security alarm system for safety. Fines will be assessed to the individual or floor that is found with missing, open, and/or damaged screens. Students are responsible for any noise or objects coming out of windows. Removing/Opening screens, yelling, playing music loudly, or dropping/throwing things out of windows is prohibited.

SECTION 7: INSTITUTION POLICIES

Bereavement Policy

Students who experience the death of a loved one must contact their academic advisor directly or can email the Student Success Center at studentsuccess@dyc.edu, if they wish to implement either the Standard Bereavement Procedure or the Leave of Absence Bereavement Procedure. Academic Advising has the right to request a document that verifies the death (e.g., a funeral program or death notice).

Typically, this death involves that of a family member. However, it is up to the discretion of Academic Advising and/or the Division of Student Affairs to determine if a death outside of the immediate family warrants implementation of the student bereavement policy.

Immediate family shall be defined as spouse; natural, foster, or stepparent; a grandchild; mother-in-law; father-in-law; natural, foster, or stepbrother; natural, foster, or stepsister, natural, foster, or stepchild or any relative residing in the same household, the domestic partner of the student and a child or parent of the domestic partner or any other relative of the domestic partner living in the same household.

Bereavement Procedure: Standard

Upon approval from Academic Advising, the student is allowed up to take seven calendar days of excused absence for bereavement purposes, commencing from the day of the death of the loved one.

The academic advisor will contact the student's faculty and academic staff of the student's courses. Faculty and academic staff will be advised that extensions must be granted to the student for the period of seven calendar days of excused absence.

Should the student feel that they need additional days immediately following the initial 7-day period, the additional period should be decided, upon the student's request, by the Division of Student Affairs after discussion with individual course instructors and the academic advisor. Further extensions may be negotiated with the student when they return to campus.

Bereavement Procedure: Leave of Absence

Students may be allowed to withdraw, without any academic consequences, from the semester in which the death occurs. Students who have opted to take the Bereavement Leave of Absence and have already attended classes for the semester of the leave will be allowed to re-enter the following semester without having to reapply to the University.

The Bereavement Leave of Absence is for one semester only and cannot be extended to the following semester.

Given that there might be a potentially significant impact on financial aid, students receiving financial aid will meet with a financial aid adviser prior to taking a Bereavement Semester option.

Students will consult with Academic Advising, on a case-by-case basis, as to whether they should withdraw from their courses during this leave of absence or request incomplete grades from the faculty member.

All information and documentation provided in support of these procedures must be accurate and authentic. Submitting falsified records or documents and/or forging signatures will subject you to disciplinary action by the Division of Student Affairs.

Effective Date: February 1, 2022 - cannot be retroactively applied.

Campus Sex Crimes Prevention Act

Individuals may search a registry of sex offenders living near or working on campus through the New York State Sex Offender Registry database at: [http:// www.criminaljustice.ny.gov/nsor/](http://www.criminaljustice.ny.gov/nsor/) or the Crime Victims Center at: [https://www. parentsformeganslaw.org/](https://www.parentsformeganslaw.org/)

Child Care

Although the University does not offer on-campus childcare facilities, the Childcare Coalition Resource Network, 716.877.6666, is an information and referral service on childcare services, preschool, day care, before and after school extended programs, family day care providers, nursery schools and information on quality and regulations. There is no fee to use this referral service. For their own safety, children under the age of 17 cannot be left unattended on campus.

Climbing on Structures

Climbing, rappelling, entering or exiting a building through a non-designated opening, or related activities on campus buildings or structures is prohibited.

Contracts

All contracts made by student organizations must be co-signed by the student and the advisor and/or the Dean of Students. Contracts not co-signed by the appropriate official become the legal and fiscal responsibility of the student/group.

Credit Card Marketing

The advertising, marketing or merchandising of credit cards to students on the D'Youville campus is strictly prohibited. This includes the posting of flyers, posters or other forms of information on any University property or within the D'Youville computer network, for the purpose of advertising, marketing or the merchandising of credit cards. This policy also pertains to any contracted services that the University may hold with any companies or vendors.

Crime Statistics

The campus community is advised and updated on safety and security through the publication of the Annual Campus Safety and Fire Safety Report, which focuses on providing essential information regarding the University's safety services, programs and policies as well as occurrences of crime on and around our campus. The report is available on the University website and is also available in hardcopy at the main Campus Safety desk.

Dissent

D'Youville University is a community built on the exchanged ideas and opinions of its members. Each member of the University has a right to freely express their positions and to work for their acceptance whether they assent to or dissent from existing situations in the University or society.

To ensure a free and fair space for all members, personal expressions cannot be permitted to infringe on the rights of other members of the University or the University itself including other's freedom to express positions and freedom to engage in legitimate activities. Actual or threatened coercion or violence are abhorrent in a university because they can destroy those rights and freedoms which are necessary for the existence of the University.

Peaceful demonstrations such as picketing are sanctioned forms of freedom of speech for individual and groups of students that do not hold official status with the University unless the demonstration physically hinders entrances to, exits from, or passageways within any University building or other structure, or hinder the normal flow of pedestrian or vehicular traffic on or to the campus. Additionally, demonstrations cannot create a volume of noise that prevents members of the University from carrying on their normal activities or employ force or violence, or constitute an immediate threat of force or violence, against persons or property.

No demonstrations will be admitted into a private office unless invited and then cannot be in excess of the number of occupants designated by the space capacity or by the occupant. Passage through entrance, reception, and/or lobby areas to a private office must not be obstructed.

Clear passageways to hallways, stairwells, and doorways must exist at all times with any obstructions being considered a violation of fire safety regulation.

Internal spaces may only be occupied when officially assigned through University procedures and spaces must be cleared at the end of the approved occupancy assignment or at normal closing time for the building unless extenuating arrangements are made in advance.

All demonstrations must be approved by and scheduled at least seven (7) days in advance with the Dean of Students Office. To be considered for approval students should schedule a meeting to discuss the demonstration and provide the details and goals of the demonstration, a proposed time and place for the demonstration, and the anticipated attendance of the event. Approval of the demonstration is contingent upon this information and at the discretion of the University. Unapproved demonstrations are a violation of this policy.

All guidelines, policies, and procedures outlined in this handbook must be observed at all times in the planning and conduct of any demonstration. The organizer of the demonstration is responsible to communicate the parameters of the event to all participants prior to the demonstration and to take reasonable measures to ensure the safety of all participants. The organizer will also serve as the primary liaison to the University for the demonstration.

If a request to conduct a demonstration is not approved by the Dean of Students' Office, the organizer of the demonstration may request a meeting with the Vice President for Student Affairs to request reconsideration.

If the opinion of the University is that an approved demonstration is disruptive or obstructive, a University designee will inform the demonstrators that their actions are disrupting the normal process of operations for the University and will request the group cease their activities. The demonstrators will also be informed on how they may successfully continue their demonstration.

If the demonstrators fail to respond to the request to cease their activities or if they fail to modify them in such a manner as to permit the undisturbed operation of the area in question the warning will be repeated and clearly stated as a final warning.

Should the final warning be ignored by the group, the University will request assistance by Campus Safety to clear the area and may request assistance through the City of Buffalo Police Department.

Should physical violence, unauthorized entry, and/or destruction of property occur at any point during a demonstration, the University will immediately request the assistance of the City of Buffalo Police Department to clear the area and apprehend those responsible for the violations.

The University reserves the right to act immediately without following the steps outlined in this policy when the health and safety of individuals is in jeopardy or when a demonstration was not officially approved by the University.

Dress

In accordance with generally accepted health and safety regulations, proper attire, including footwear, should be worn at all times in classroom settings, the library, and in any eating area. Out of respect for the mixed community found on a University campus, students are also asked to refrain from showcasing any clothing with derogatory, offensive, or lewd messages either in words or images.

D'Youville Name, Brand, and Image

The University and its members have a responsibility to ensure that the activities with which it is associated maintain standards consistent with its educational purposes and brand. Any student or group of students desiring to use the name, logo, seal, or other likeness or representation of the University must accept full consequence of this use and will remove all use at the request of the Vice President for Student Affairs. Use of the D'Youville name, brand, and image in situations having a potential to diminish or damage the reputation of the University will not be tolerated.

Electronic Use

In support of the D'Youville mission of teaching, research and public service, the University's computing and information resources are made available to the University community of students, faculty, administrators, and staff. These resources are provided to the greatest extent possible, by striking a balance between the needs for convenience, reliability and security in support of academic excellence.

D'Youville offers high speed Internet access as well as wireless network access in most locations on campus, including all residence hall and apartment floors. Open computer labs are also available in the lower level of the Montante Family Library and in the DAC for PC and MAC users.

Hardware and software support is available at <http://www.dyc.edu/helpdesk>

Troubleshooting assistance is provided both over the phone and in person during business hours. Students are required to ensure that their workstation is in working order prior to receiving configuration assistance. These resources are provided to the greatest extent possible, by striking a balance between the needs for convenience, reliability, and security in support of academic excellence. This assistance comes free of charge for students.

The official means of communicating with students is through D'Youville e-mail. Students are provided a University e-mail address, user ID and password when they register, and they are responsible for reading their D'Youville e-mail on a regular basis to stay informed. The University is not responsible for lost, dropped or refused e-mail to and from other online e-mail providers such as Gmail or Yahoo.

All eligible individuals who wish to use the University's computing resources are required to abide by the policies of acceptable use, as outlined on the official University website, and must remember the following information:

- Never give out your login credentials to others or in response to e-mail requesting that information.
- Change your password frequently noting that password length and complexity will improve the security of your account and data.
- Use your D'Youville account for academic purposes, because it will minimize e-mail problems when sending homework to faculty. Help Desk staff do not have the power to troubleshoot e-mail processing on non-D'Youville providers such as Gmail or Yahoo.
- Check your e-mail daily and read the e-mail alerts sent by the CNS staff as they will provide network updates and security alerts critical to D'Youville computing services. Administrative offices such as Student Affairs, Solutions, and Success will exclusively use your University e-mail address to communicate with you.
- Follow the D'Youville guidelines for computing and hardware compatibility, keeping your workstations up-to-date with system patches and running up to date virus definition sets.
- Never download illegal or copyrighted material such as movies or music without legal authorization. Infringements will be dealt with in accordance with University policy, as well as federal and state laws.
- Minimize your exposure to viruses by using antivirus to scan USB thumb drives and workstations frequently. Refrain from allowing others to plug their thumb drives and other USB devices into your personal workstation until they are scanned with antivirus.
- Backup your personal data frequently and on different media to prevent data loss. Students are responsible for backing up their own data.
- Do not plug network devices other than a workstation to your residence hall data drop. Doing so may result in the drop becoming disabled.
- Smartphones are supported for Microsoft Exchange protocol e-mail access. For assistance connecting your device please contact the Helpdesk.

Emergency Evacuation Assistance Policy

Request for Self-Reporting

- Starting 14 days prior to the start of each new semester, the Office of Accessibility Resources will distribute a notice to all students via email, requesting to self-identify if they will require assistance during emergencies and evacuations. Self-identification is voluntary. The purpose of the request is to gather information to assist in alerting, evacuating, and sheltering students in the case of an emergency.
- An Emergency Evacuation Assistance Self-Identification Questionnaire will be available to all students by communication through email as well as on SharePoint. The completed online questionnaire will be automatically forwarded to the Office of Accessibility Resources.
- Students who self-identify that they may need assistance during an emergency shall complete the online confidential Emergency Evacuation Assistance Self-Identification Questionnaire.

Students who require assistance shall update their self-identification information:

- Annually, no later than January 31st for the Spring Semester, and no later than September 15th of each calendar year; or
- Whenever circumstances warrant an update (e.g., changes in conditions that require changes in assistance).

In addition to submitting an online Emergency Evacuation Assistance Self-Identification Questionnaire, students may also voluntarily provide information to anyone within the university community about their need for assistance during an emergency, including self-identifying during the student's intake appointment with the Office of Accessibility Resources. However, such notification is not intended to be a substitute as completion of the Emergency Evacuation Assistance Self-Identification Questionnaire is mandatory for students who will need emergency evacuation assistance.

Student Emergency Evacuation Assistance

Once the Office of Accessibility Resources receives information about a student in need of evacuation assistance, it will determine if the student is living on-campus or off-campus.

The Office of Accessibility Resources will facilitate a meeting to develop an Individual Emergency Evacuation Plan (IEEP) with the appropriate individuals. At a minimum the following shall be in attendance:

- The student needing evacuation assistance
- A representative from the Office of Accessibility Resources
- Campus Safety
- Housing Director (if applicable)

Each student who identifies as needing evacuation assistance must personally complete an Individual Emergency Evacuation Plan (IEEP) specifically tailored to meet their particular needs and they will be informed of what procedures are in place for their evacuation once the Plan is complete.

Evacuation Plan (IEEP) includes:

- The Individual Emergency Specific vulnerabilities of the student for whom the plan is completed
- Locations within the buildings where the student will normally attend class, work, and/or live (campus housing)
- Identify the safest area located on each floor within the building(s) to which the student can be moved or directed to await assistance from emergency response personnel.
- Actions to be taken by the student, and all others with roles in support of the student, in the event of a building emergency.
- Contact information for the student to communicate with Campus Security and emergency personnel.
- Resources available to the individual during broadcast of an alarm and actual evacuation.
- Any special requirements with regard to evacuation assembly and reoccupation of the building after resolution of the emergency.
- A description of resources allocated and physical adaptations made to the environment, which have been deemed necessary by the IEEP.
- Information on the safety features of the building the student will be occupying
- An agreed upon review date and frequency of reviews
- Signature of all parties

The Office of Accessibility Resources will obtain a copy of the student's university schedule each semester and notify each faculty member of the need for evacuation assistance and their responsibilities. Affected faculty members will be trained by the Office of Accessibility Resources or Campus Safety. Each semester the Office of Accessibility Resources will develop an Evacuation Assistance List (EAL) of all students who have self-identified as needing assistance. The list will be a shared document with permissions shared with Campus Safety, the Dean of Students, the Director of Housing (as needed), the Buffalo Fire Department, and any other departments or individuals deemed appropriate. The EAL will be organized by building name and contain the student's name, scheduled location and time in the building, and contact information of self-identified students needing evacuation assistance. When an evacuation is required in a campus housing building, on-duty Resident Advisors will immediately attempt to contact all individuals in need of assistance listed as residing in the affected building regardless of the time or individual's schedule. On-duty Resident Advisors will attempt to make physical contact with an individual in need of assistance if and only if the individual's room is located within the RA's evacuation route. On-duty Resident Advisors will communicate with Campus Safety as to the location of the student in need of evacuation assistance. Campus Safety will maintain a description of each of the buildings on campus that includes the safety features of the building and the appropriate evacuation areas for students in need of evacuation assistance. In the event of an alarm, Campus Safety will immediately review the shared Evacuation Assistance List and identify if a student needing assistance may be in the affected building. If it is determined that a student is scheduled to be in the building, Campus Safety dispatch will determine the scheduled location of the student, make the proper notifications to responding emergency personnel, and notify the student of the emergency or scheduled evacuation drill as soon as possible. Individual Emergency Evacuation Plans will be practiced during regular fire drills.

At least once per semester, the D'Youville University Fire Marshall along with Campus Safety will conduct a regular fire drill and evaluate the effectiveness of each evacuation plan.

Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level, regardless of age. Students have the right to inspect and review their education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for students to review the records. Schools may charge a fee for copies.

Students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the student has the right to place a statement with the record setting forth their view about the contested information.

Generally, schools must have written permission from the student in order to release any information from a student's education record, even to parents of students. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR§ 99.31):

1. School officials with legitimate educational interest;
2. Other schools to which a student is transferring;
3. Specified officials for audit or evaluation purposes;
4. Appropriate parties in connection with financial aid to a student;
5. Organizations conducting certain studies for or on behalf of the school;
6. Accrediting organizations;
7. To comply with a judicial order or lawfully issued subpoena;
8. Appropriate officials in cases of health and safety emergencies; and
9. State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell students about directory information and allow them a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify students annually of their rights under FERPA. The actual means of notification (special letter, student handbook, or website) is left to the discretion of each school.

For additional information, you may call 1-800-USA-LEARN (1-800-872-5327) (voice). Individuals who use TDD may use the Federal Relay Service.

Or you may contact the following address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue
Washington, D.C. 20202-8520

Freedom of Expression

The right of free expression, which does not include a right to harass, intimidate, injure, degrade, discriminate against, or silence others, is essential in an academic community. D'Youville promotes civil discourse through respectful debate and inquiry. Infringing upon the expression of views, either by interfering with a speaker, or by defacing or removing properly posted or distributed notices or materials, will not be tolerated. Because unattributed (anonymous) postings preclude dialogue on content, materials such as posters, banners and advertisements should include the identity of the sponsors.

Identification Cards

An identification card is issued to each student. This is a permanent ID card. The cards are nontransferable. An ID card is required to access all campus buildings and certain campus rooms, for printing access, to access meal plans, and for admittance to some campus events. An ID card must be presented at any point upon request of a University official and should not be given or loaned out for any reason.

Students needing to replace a lost or damaged ID card may do so through the department of Campus Safety.

Late Withdrawal Policy

D'Youville requires students to withdraw from any course(s) by the university's official withdrawal deadline, which for full semester courses is before the end of the tenth week of the semester. Half semester and summer courses have adjusted deadlines. Students should consult the school's [academic calendar](#) or their primary academic advisor for more information on the withdrawal deadline each semester.

If students face extenuating medical or personal conditions which negatively impact their ability to be academically successful and wish to withdraw from their course(s) after the university's official deadline, they may petition for a late withdrawal for the semester. If you wish to withdraw from only one course for mental or physical health reasons, you should explain why this situation affects only that one course and submit official documentation of the circumstances. *Please note, it is uncommon for a late withdrawal from only one course for medical or personal reasons.* If the student plans to return following semester, approved late withdrawals will be recorded as leave of absence for the term.

A student who stops attending classes at any time during the semester without following the proper withdrawal/leave of absence procedures will receive a failing grade of FX for those courses.

Petitions may be made for:

- A late withdrawal or leave of absence from the university
- A late withdrawal from a course
 - Please note students cannot petition for a late withdrawal from a course if they sit for the final exam or have taken the final mode of assessment for the course. Only in extenuating circumstances (an event which may have happened the day of or 1-3 days before the exam) will the late withdrawal be considered.
- A student is not eligible to request more than a total of two late withdrawals

Students applying for petitions should submit the [late withdrawal form](#).

The student's advisor can provide assistance to students to complete the form when requesting a petition. The petition must include:

- Late Withdrawal Form
- Letter of explanation/request from the student
- Required supporting documentation, such as a note from licensed medical/mental health professional justifying evidence (and/or severity) of a medical condition.

Please note that grade and program appeals are not considered for late withdrawal but are handled in accordance with the student's [School's Academic Appeals Procedures](#)

Late Withdrawal Approval Procedure

The student should contact their primary academic advisor as soon as possible after the circumstance has occurred. Once it is determined by the primary academic advisor that the student may meet the requirements for a petition for late withdrawal request, the approval process is as follows:

1. Student should complete and submit the late withdrawal form. In addition, the student should begin to prepare all supporting documentation they would like to be considered in the decision as evidence.
 - If the circumstance prevents the student from completing the written petition, the student or designee should notify their primary academic advisor of the situation as soon as possible. The advisor can then note the student's record, and the student can file the late withdrawal form as soon as they are able.
2. Once a full packet is completed, it is given to Care Team for consideration. Once all medical/personal documentation is verified, a decision will be made within 14 calendar days. Student will be notified if any additional information is requested.
3. Student will be notified with a decision via email to their D'Youville email account.
 - If the petition is approved, the information will be provided to the Registrar, Student Accounts, Student's advisor, Dean of Students, and Financial Aid Office for processing. Students should follow up with Student Accounts and Financial Aid Office as to how the approved petition may impact their financial aid or charges for the semester.
 - If the petition is denied, the student is encouraged to discuss the denial with their primary academic advisor to evaluate how this decision may affect future academic plans.
4. The decision is final and there is no further appeal.

Financial Obligations & Refund Policy

A student applying for a late withdrawal/leave of absence should meet with a Financial Aid Counselor to be made aware of any financial ramifications which may happen by taking a late withdrawal/leave of absence. If a student drops a class or withdraws completely, tuition costs will be reduced based on the date the completed drop/add or withdrawal form is approved. In addition, student educational loans may go into repayment status once a student withdraws or takes a leave. Information on payment amounts, grace periods, etc., can be obtained by contacting the lender.

For more information, please see [the withdrawal refund policy](#):

Frequently Asked Questions

What constitutes consideration for a late withdrawal/leave of absence?

Was the circumstance:

- Unforeseen – an event which could not have been reasonably expected to occur during the semester in question. An example would be a military deployment, or a job transfer outside of the area.
- Serious and Extenuating – this policy cites “serious” personal or family illness or accidents as extenuating circumstances. Anything severe enough to warrant a late withdrawal should be a complete hinderance to completing the semester at all. Likewise, this means that whatever is severe enough to justify a late withdrawal in any class would prevent students from continuing their studies at all and would affect all the student’s classes. It will be unusual for a petition for a late withdrawal for a single class or for only some classes, but not others. However, under some circumstances, this may be justified.
- Beyond the Student’s Control – neither serious personal or family illness nor job transfers are normally chosen by the student. However, deciding that one needs to work more hours or deciding to work a different, better paying shift or job would not normally count as beyond the student’s control. It is important for students in these circumstances to follow the documented withdrawal policies within the assigned official dates.

Should I continue to attend class until I receive a decision on my petition?

Yes, if possible, you should continue to attend class because your request may not be approved.

If my instructor supports my late withdrawal, will it be approved?

No, because faculty is not part of decision-making process of late withdrawal.

Does it matter when during the semester I submit my request for late withdrawal? Can I petition for a late withdrawal from a course after classes have ended for that semester?

Timeliness is key consideration when considering your late withdrawal petition. Granting this sort of petition is extremely rare. Students should petition to withdraw as soon as possible after the circumstance arises, rather than waiting until later in the term. Students cannot petition for a late withdrawal from a course if they sit for the final exam or have taken the final mode of assessment for the course. Only in extenuating circumstances (an event which may have happened the day of or 1-3 days before the exam) will the late withdrawal be considered. Please contact your primary academic advisor if you think you may have a special circumstance.

What are some examples of circumstances that do not constitute a reason for a late withdrawal? (This list is not all-inclusive)

- Changing your major
- Planning to repeat a course
- Getting a grade on a test or assignment after the deadline
- An increased workload
- Realizing after the deadline that you will receive a poor grade
- No longer needing to maintain full-time status
- Planning to transfer to another school
- Financial considerations

Will D'Youville consider my petition if I only want to request a late withdrawal from one course due to a significant physical or health issue?

If you wish to withdraw from only one course for mental or physical health reasons, you should explain why this situation affects only that one course and submit official documentation of the circumstances.

Minors on Campus

In certain approved circumstances or when job requirements dictate, the residence apartments on 222 Connecticut St. will serve as Faculty/Staff Housing. Minor children who live in approved Faculty & Staff Housing are permitted to access the grounds immediately surrounding 222 Connecticut St., as well as the Dobson Field. The College expects that minor children who live in Faculty & Staff Housing will be accompanied by a parent or guardian in other areas of campus, unless otherwise agreed to by the College and reported to Campus Safety.

Missing Student

To meet federal requirements, resident students will be asked to register a confidential emergency contact person with the Office of Student Engagement & Housing. This contact would be notified in the event a student is missing or when another sufficient emergency situation develops. 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 when a missing student situation occurs. If a missing resident student is less than 18 years of age, and is not officially emancipated from their parents or guardian, the parent or guardian, by law, must be contacted.

For this federal requirement 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/her safety by peers and/or employees."

In the event a resident student is believed to be missing the following procedures will be followed:

- The Dean of Students and the Director of Campus Safety will be notified.
- Once such a notice is received, Campus Safety and University Officials will begin an investigation and will work with local law enforcement agencies as needed.

- Campus Safety will consult with the staff or community member making the report to determine the level of seriousness and to gather all pertinent information. Campus Safety will be assisted in this process by the Office of Student Engagement & Housing.
- As deemed appropriate Campus Safety will notify the Vice President for Student Affairs.
- If the missing student report is suspicious in nature and involves an immediate threat or danger, or the student has been missing for more than 24 hours, Campus Safety will notify the Buffalo Police and other law enforcement agencies if necessary.
- Interviews with roommates, family members, and those who were last in contact with the individual will be done immediately.
- Emergency notifications to the campus community will be coordinated as necessary by the Director of Campus Safety.
- Information will not be released to the public unless authorized by the Vice President for Student Affairs.
- All media requests will be directed to the Vice President for Institutional Advancement.
- 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 on-going investigation.

Reports of a missing commuter student will be referred immediately to the Buffalo Police and Campus Safety will assist their investigation in any way possible.

Non-Discrimination

D'Youville University (the "University") is committed to providing an educational and employment environment that is free from discrimination based on protected characteristics, harassment, and retaliation for engaging in a protected activity.

The University values and upholds the equal dignity of all members of its community and strives to balance the rights of the Parties in the resolution process during what is often a difficult time for all involved.

The University does not discriminate on the basis of race, creed, color, disability, national origin, sexual orientation, military status, sex, age, marital status, domestic violence victim status, arrest or conviction record, predisposed genetic characteristics, sincerely held religious belief or gender identity or expression and prohibits discrimination in any Education Program or Activity that it operates, as required by Title IX and its regulations, Title VI of the Civil Rights Act of 1964 and the New York State Human Rights Law (NYSHRL), including in admission and employment.

Notification

The University recognizes the vital interest and supportive role of a student's parents, guardians, family, spouse or partner. As such, D'Youville reserves the right, to the extent allowed by law, to notify these individuals of an emergency or crisis situation involving their family member. Such notification is intended to help the student, family and University appropriately cope with such situations. Where possible, the student will have the opportunity and be encouraged to initiate this contact.

In situations involving serious physical injury, illness, emotional or psychological concerns or serious discipline situations, the Vice President for Student Affairs, or designee, will notify the parents/family. Where possible, the student will be aware of and have the right to initiate such notification.

NYS Consumer Complaint Process

Section 494 (j) of the Higher Education Act of 1965, as amended, provides that a student, faculty member, or any other person who believes he or she has been aggrieved by an institution of higher education has the right to file a written complaint.

In New York State, a complaint may be filed by any person with reason to believe that an institution has acted contrary to its published standards or that conditions at the institution appear to jeopardize the quality of the institution's instructional programs or the general welfare of its students. Any person who believes he or she has been aggrieved by an institution on or after May 4, 1994, may file a written complaint with the Department within three years of the alleged incident.

The person should first try to resolve the complaint directly with the institution by following the internal complaint procedures provided by the institution. An institution of higher education is required to publish its internal complaint procedure in a primary information document such as the catalog or student handbook. (The Department suggests that the complainant keep copies of all correspondence with the institution.). If a person is unable to resolve the complaint with the institution or believes that the institution has not properly addressed the concerns, he or she may send a letter or telephone the Postsecondary Complaint Registry to request a complaint form. Please telephone (212) 951-6493 or write to:

New York State Education Department Postsecondary Complaint Registry
One Park Avenue, 6th Floor
New York, NY 10016

Parking

Students may only park on campus with a valid D'Youville parking permit. All parking permits must be purchased online. Parking rules are enforced through City of Buffalo parking violations and are not private tickets. If you need to park in a lot overnight, contact Campus Safety at 716.829.7550

Students living on campus are able to purchase parking specific to their residence hall lot.

Students are not allowed to have motor vehicles on campus during periods when the University is closed.

If you are a student who only comes to campus in the evenings or on weekends, you will still need a Weekend and Evening parking permit. This permit is free of charge but can only be used during the evening and weekend hours (no overnight parking is permitted) and is not valid during weekday hours.

Personal Property

D'Youville will not assume responsibility for protecting personal property. While normal security precautions will be in effect, it is the responsibility of students to provide safeguards for their belongings. Each individual is strongly advised to carry personal property insurance.

Political Activity

As a 501(c)(3) non-profit organization, the University cannot engage in political campaign activity and is forbidden to directly or indirectly participate in any political campaign on behalf of (or in opposition to) any candidate for elective public office. D'Youville students, as citizens, are free to engage in political activities and discussions, however no campaign signs or posters may be posted on University doors, windows, common areas, or other locations which could be construed to represent the University's support of a particular candidate.

Preferred Name Policy

In alignment with D'Youville's commitment to diversity, equity, and inclusion, students may choose to identify themselves within the university community with a preferred first and/or middle name that differs from their legal name.

Students may facilitate the use of a preferred name by updating their information within Self-Service. The preferred first and/or middle name will appear instead of the person's legal name in university-related systems and documents where it is technically feasible, including, but not limited to:

Purposes for which preferred name will be used include, but are not limited to:

- Class and residence hall rosters
- Student identification cards
- Within Self-Service
- Diplomas

D'Youville reserves the right to review all preferred name changes and may deny or remove any preferred name for misuse, including but not limited to misrepresentation, fraud, or the use of derogatory names, with or without notice.

Students are asked to provide their legal names prior to enrollment. Legal name changes require an official documentation and are processed through the Office of the Registrar.

The preferred name may not be used where use of the legal name is required by university business or legal need. D'Youville is required to use the student's legal name in many instances, including, but not limited to:

- Reporting to state or federal agencies
- Transcripts
- Payroll documents
- Financial aid documents
- Enrollment and degree verification processes

Official lists of students made available to the public

FERPA

Under the Family Rights and Privacy Act, a student's name, including preferred name, may be disclosed to the public as "directory information". To opt out, students must contact the Solutions office.

Posting Policy

All community members are strongly encouraged to utilize digital advertising tools such as the announcements email system, social media platforms, and the digital bulletin board system on campus. In addition to avoiding untidiness on campus and potential damage to surfaces, this helps to promote sustainability.

Administration, Faculty, Staff, Students, Alumni, Organizations and Community Guests who wish to produce physical advertisements may work with the Office of Student Engagement & Housing to approve and distribute these postings to physical bulletin boards across the campus.

It is recommended that advertising not be submitted and distributed more than two weeks prior to the event being advertised.

Unauthorized advertising attached to walls, windows, glass, interior or exterior doors, light fixtures, trees, shrubs, trash receptacles, or utility poles is not only prohibited but are subject to removal. Additionally, the Administrator, Faculty, Staff, Student, Alum, Organization or Community Guest will be subject to conduct review through the appropriate authority.

It is not the intent of this policy to censor or to otherwise control the content of materials to be posted on campus. However, it is the obligation of all members of the institution to maintain an educational environment while respecting the rights of individuals and groups. For this reason, the University reserves the right to deny permission to post materials that target specific individuals or groups or otherwise harm the campus community without contributing to constructive discourse.

The advertising, marketing, or merchandising of credit cards to students on the D'Youville campus is strictly prohibited. This includes the posting of flyers, posters, or other forms of information on any University property or within the D'Youville computer network, for the purpose of advertising, marketing, or the merchandising of credit cards. This policy also pertains to any contracted services that the University may hold with any companies or vendors.

The right of free expression, which does not include a right to harass, intimidate, injure, degrade, discriminate against, or silence others, is essential in an academic community. D'Youville promotes civil discourse through respectful debate and inquiry. Infringing upon the expression of views, either by interfering with a speaker, or by defacing or removing properly posted or distributed notices or materials, will not be tolerated. Because unattributed (anonymous) postings preclude dialogue on content, materials such as posters, banners and advertisements should include the identity of the sponsors.

Advertising & Posting Procedure:

Administration, Faculty, Staff, Students, Alumni, Organizations and Community Guests who wish to advertise on campus should ensure the following information is clearly posted on the advertisement:

- Event name,
- Event date and time,
- Event location,
- Invited communities,
- Event goals and/or purpose,
- Sponsoring individual and/or organization.

Administration, Faculty, Staff, and Students who wish to utilize the email announcement system or digital bulletin board system can submit their advertising to announcements@dyc.edu and include when they would like the message to be sent out.

Administration, Faculty, Staff, Students, and Community Guests who wish to utilize official institution social media can submit a request through the marketing ticket system located here:

<https://marcom.dyouville.net/support/#/tickets/new>

Administration, Faculty, Staff, Students, Alumni, Organizations and Community Guests who wish to distribute physical flyers within the Residence Halls can deliver flyers to the Office of Student Engagement & Housing located within The Beach on the second floor of KAB. No more than 30 flyers will be distributed throughout the Residence Halls unless otherwise approved.

Public Areas

While the University respects the right of students to access public areas, such as lounge spaces and outdoor park areas, the rights of students to study, sleep, and be well take precedent. If unauthorized activities in public areas disrupt the ability of other students to study, sleep, and/or maintain wellness, the unauthorized activity must end. If the unauthorized activities taking place in public areas violate the Code of Conduct, for example underage consumption of alcohol or open containers of alcohol outdoors, additional conduct action will be taken. The division of Student Affairs may determine an activity to be unauthorized in a public area at any time.

Reckless Endangerment

The University will not tolerate any action that creates a substantial risk such that bodily harm could result to any person. These actions include but are not limited to: objects or people on window ledges, use of weapons of any kind for any purpose, throwing objects (i.e. snowballs), use of fireworks, and/or jeopardizing the physical or emotional safety of oneself or another.

Reporting an Active Threat

If you are witness to a crime in progress, stay calm and assess the situation. Determine the location of the threat and call Campus Safety at 716.829.7777 or 911 as soon as it is safe to do so. Be prepared to give the location and nature of the threat/incident, the name and/or description of all persons involved, and the person's direction of travel and description of vehicles if applicable.

Safe Guarding Customer Information Notice

Legislation enacted by the Federal Trade Commission requires colleges and universities to act in compliance regarding the safeguarding of customer information. D'Youville acknowledges this requirement and publicizes this notice to alert its customers those policies and procedures are in place to protect all nonpublic personal information about its customers. This notice applies to students as customers. The University collects nonpublic personal information about its customers from the following sources: applications, financial aid and other forms, financial transactions and methods of payment.

The University does not disclose any nonpublic personal information about its customers or former customers to anyone that is not affiliated except as permitted by law. The University discloses customer information to its affiliates that are service providers to the school. Service providers include companies such as banks and other lending institutions, collection agencies, loan processing agencies and credit card processing companies. The customer information accessed by service providers includes name, address, date of birth, phone number, social security number, driver's license number and state, loan amount, loan number, loan period, tuition cost, tuition payments, balance owed, financial aid awarded, cost of attendance, expected family contribution, enrollment status and graduation date.

The University restricts access to nonpublic personal information to those employees who need to know that information in order to provide service to customers and maintains physical, electronic and procedural safeguards that comply with Federal Trade Commission standards to protect customer nonpublic personal information. Information on this issue can be found at the following website: <http://www.ftc.gov/privacy/privacyinitiatives/glbact.html>

Social Media

The term "social media" applies, without limitation, to any web-based and mobile technologies, in use now or developed in the future, that enable individuals or entities to disseminate or receive information, communicate, or otherwise interact, and includes, without limitation, email, texting, messaging, social networking, blogging, micro-blogging, and bulletin boards through providers such as Facebook, LinkedIn, Twitter, YouTube, Instagram, TikTok, Snapchat and any other social media platforms.

You are personally responsible for any of your social media activity conducted with a D'Youville email address or on a University website or page, and/or which can be traced back to a University domain, and/or which uses the University's equipment or property, and/or which expressly or implicitly identifies you as a student of the University. If, from a post, it is clear you are a D'Youville student, or if you mention the University, or it is reasonably clear you are referring to the University or a position taken by the University, and also express a political opinion or an opinion regarding the University's positions or actions, the post must specifically note that the opinion expressed is your personal opinion and not D'Youville's position.

Do not post any information or conduct any online activity that may violate applicable University, local, state or federal laws or regulations. Any conduct which is impermissible under the law if expressed in any other form or forum is impermissible if expressed through online social media.

Examples of misuse of social media include, but is not limited to:

- Pretending to be other people online to deceive others;

- Spreading lies and rumors;
- Tricking people into revealing personal information;
- Sending or forwarding abusive or threatening messages;
- Posting pictures of people without their consent;
- Hate speech and/or bias related behavior.

Keep up with the D'Youville University social media accounts by checking out the list [here](#)

Solicitation

Solicitation by non-campus entities is prohibited on campus. Campus organizations may hold sales or fundraising drives provided they adhere to campus guidelines. All sales and fundraisers by recognized student organizations must be approved in advance by the Director of Student Engagement & Housing.

Solomon Amendment

The Solomon Amendment is a federal law that mandates universities receiving federal financial aid funding to provide student recruiting information upon request to military recruiting organizations. The request and information released by the University is limited to military recruiting purposes only. The request for information must be in writing on letterhead that clearly identifies the military recruiting organization. Military recruiters must be from one of the following military organizations: Air Force, Coast Guard, Air Force Reserve, Coast Guard Reserve, Air Force, National Guard, Navy, Army, Navy Reserve, Army Reserve, Marine Corps, Army National Guard, or Marine Corps Reserve.

The release of student recruiting information generally follows the FERPA guidelines defining student directory information (see above). Students are not permitted under federal law to restrict the release of this information specifically to military organizations, but if students withhold the release of directory information generally, then the University may not release this information to military organizations. The directory information released is limited to the current semester or the previous semester. If the request is received between semesters, the requestor must specify previous semester or upcoming semester. Further, students must be in an enrolled status (incomplete and complete registration status).

Speakers

Recognized organizations may invite speakers to the campus given the following conditions:

- The majority of the organization's members must be in accord regarding the extending of the invitation. The faculty advisor to the organization should also express their approval for the invitation.
- It is assumed that faculty and student groups will exercise objective judgment in issuing invitations to guest speakers.
- The presence on of a particular speaker does not imply University approval or support of the speaker's views.
- The University requires that speakers agree to an open forum after formal remarks, to allow for questions, dissenting opinions, and dialog.

Weather Closings

A decision of canceling classes and/or closing the University in an emergency situation or because of weather conditions will be made by leadership as soon as possible for classes. Weather closings will be announced through the emergency notification system as well as announced over local media outlets and posted on the University website.

SECTION 8: JUDICIAL PROCEDURES & PROCESSES

D'Youville is a community structured by education and the pursuit of human values. The intent of all rules and regulations within the community is to liberate its members for the pursuit of these values. Law serves not to coerce or oppress, but rather to free each member of the community for the fullest realization of the human potential. Therefore, it is expected that each member of the University will adhere to those general norms established for the preservation and enrichment of the total community. It is assumed that personal initiative and individual responsibility will dictate responsible participation in the central projects of the community and responsible and mature behavior need not be legislated.

Priority in value is given to the dignity, worth and growth of the individual person. Each member of the total community is expected to preserve and promote that value responsibly. All rules and regulations have been formulated with precisely this intention. Full and part-time students, by enrolling voluntarily at the University, assume an obligation to abide by the regulations, policies and procedures of the University.

University policies are not to be regarded as an irrevocable contract between the University and the student. The University reserves the right to make necessary changes in policies. Such changes then will be considered as part of the regulations, policies and procedures of the University. Each student is free to exercise their rights as an individual and responsibilities as a citizen. The University also has certain rights; therefore, the University 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.

It is the purpose of this student code to provide the student with knowledge so that they may become a contributing member of the D'Youville community. Students receive consideration without discrimination because of race, creed, color, gender, age, national origin, sexual orientation, gender identity or expression, disability, or status. Those who believe any of these rights have been transgressed have the opportunity to utilize the judicial procedure as outlined in this student handbook. Communication with students involved in the judicial process will receive all communication through their D'Youville email account as delivered by Maxient Conduct Services unless told otherwise by the Student Conduct Administrator.

Students who receive accommodations through Accessibility Resources are encouraged to use their accommodations during judicial proceedings. Students need to self-identify their accommodations so that the Student Conduct Administrator can seek advisement from the Office of Accessibility Resources.

Definitions

- The Vice President for Student Affairs and/or their designee is designated by the D'Youville President to be responsible for the administration of the Student Code of Conduct.
- The term "University" means D'Youville.
- The term "Institution" means D'Youville.
- The term "Student Code" refers the Student Code of Conduct.
- The term "Student" includes all persons taking courses, both full-time and part-time, in person or online, pursuing undergraduate, graduate or doctoral studies. Persons who withdraw after allegedly violating the Student Code, who are not officially enrolled for a particular term but have a continuing relationship with the University or who have been notified of their acceptance for admission are considered "students".
- The term "Faculty Member" means any person hired by D'Youville to conduct classroom or teaching activities or who is otherwise considered by D'Youville to be a member of its faculty.
- The term "University Official" includes any person employed by D'Youville, performing assigned responsibilities.
- The term "member of the D'Youville community" includes any person who is a Student, Faculty Member, University Official, or any other person employed by the University. A person's status in a particular situation shall be determined by the Vice President for Student Affairs.
- The term "Property" includes all land, buildings, facilities, and other property in the possession of or owned, used, leased, or controlled by D'Youville including adjacent streets and sidewalks.
- The term "Organization" means any group of persons who have complied with the formal requirements for recognition at D'Youville.
- The term "Campus Standards Board" means any person or persons authorized by the Vice President for Student Affairs to determine whether a student has violated the Student Code and to recommend imposition of sanctions.
- The term "Student Conduct Administrator" means a D'Youville Official who is authorized by the Vice President for Student Affairs to impose sanctions upon students found to have violated the Student Code. The Vice President for Student Affairs may authorize a Student Conduct Administrator to serve as the hearing officer for an Administrative Hearing or as a member of a Campus Standards Board. Nothing shall prevent the Vice President for Student Affairs from authorizing the same Student Conduct Administrator to impose sanctions in all cases.
- The term "shall" is used in the imperative sense.
- The term "may" is used in the permissive sense.
- The term "policy" means the written regulations of D'Youville as found in, but not limited to, this handbook, code of conduct, website and computer use policy, and Undergraduate Catalogs.
- The term "Complainant" means any person who submits a charge alleging that a student violated this Student Code. When a student believes that they have been a victim of another student's misconduct, the student who believes they have been a victim will have the same rights under this Student Code as are provided to the Reporting party, even if another member of the University community submitted the charge itself.
- The term "Respondent" means any student accused of violating this Student Code.
- The term "Process Advocate" refers to an employee of D'Youville that is acting in an advisory role to a student involved in any judicial process.

Amnesty

Any student may seek assistance or report an intoxicated or drug-impaired peer to a University Official. By doing this, neither they nor the peer will face disciplinary action from the University for having used or provided alcohol or drugs. Further, if the consumption of alcohol or drugs took place at an event held, sponsored, organized or supported by a student group and the person who seeks assistance for the intoxicated or drug-impaired student was a member or guest of the student group involved, the University will weigh this fact heavily as a mitigating circumstance with respect to any potential disciplinary action with respect to the other members of the group. Conversely, the University will consider the failure to seek assistance by members of the student group as a factor when determining the appropriateness of any such disciplinary action. The University also may consider as mitigating factors any efforts made by the hosts or officers to prevent the harmful or potentially harmful situation and their cooperation with the University in its investigation of the situation.

Appeals

A decision reached by the Student Conduct Administrator or Campus Standards Board may be appealed in writing via email to the Vice President for Student Affairs or their designee within three calendar days of the decision.

Appeals will only be considered should they outline proof of one of at least one of the following standards:

1. A procedural error or omission occurred that significantly impacted the outcome of the process or the sanction imposed;
2. New evidence, unknown or not reasonably available during the process, that could substantially impact the original finding;
3. 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.

Once an appeal is submitted the Vice President for Student Affairs, or designee, will determine if a face-to-face meeting is warranted. An appellate decision for this purpose is defined as having the power to review the conduct findings of another conduct officer. An appellate review may result in additional sanctioning, reduced sanctioning, dismissal of all sanctioning, or no action.

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.

Charges

Once a charge is filed, the Student Conduct Administrator or their designee may conduct an investigation to determine if the charges have merit and/or if they can be disposed of through mediation by mutual consent of the parties involved on a basis acceptable to the Student Conduct Administrator. The Student Conduct Administrator may serve as the mediator or appoint a mediator. If the charge could be a Title IX case, the Student Conduct Administrator will stop investigating the charge to where the Sexual Misconduct Policy will begin. In cases where a judicial charge and a Title IX charge are reported, the Student Conduct Administrator will refer the Title IX violation to the Title IX Coordinator and will treat each charge separately, so charges do not conflict.

All charges shall be presented to the Respondent in written form. A time shall be set for a Campus Standards Board Hearing or Administrative Hearing, not more than fifteen calendar days after the student has been notified. Maximum time limits for scheduling of Campus Standards Board Hearings may be extended at the discretion of the Student Conduct Administrator. In addition to charges being filed, the Student Conduct Administrator will also enclose an explanation of the Judicial Process, student's rights in the process, and the formal process for appeal.

Conduct within a Group or Organization

In situations involving both a Respondent(s) (or group or organization) and a student as the Complainant(s), the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the Respondent(s) and Complainant(s) because the educational career and chances of success in the academic community of each may be impacted.

In addition to the above-mentioned sanctions, the following sanctions may be imposed upon groups or organizations:

1. Loss of selected rights and privileges for a specified period of time.
2. Deactivation - Loss of all privileges, including D'Youville recognition, for a specified period of time.

Hearings

All University hearings are open only to those individuals who have specific involvement in the case. Hearings shall be conducted in private. Parents or others not directly involved in the case are not allowed to be present. Admission of any person to the hearing shall be at the discretion of the Student Conduct Administrator and written requests should be provided to the hearing officer at least three calendar days prior to the hearing in order to be approved. During all formats of hearings, students have the rights to:

- Answer to the charge or accusation and to offer any additional information that might be helpful in resolving the case.
- Not answer any question that may be asked during the hearing with the understanding that a decision will be rendered without that answer.

Hearing Formats

There are two formats for hearings. All low or intermediate level judicial cases will be heard by an administrative hearing conducted with the Student Conduct Administrator or their designee. In any case in which the sanction could result in suspension or expulsion, the Campus Standards Board will conduct the hearing.

Administrative Hearings

A student (Complainant or Respondent) may request an alternate hearing officer if they believe a bias exists with the appointed officer. In that event, the Vice President for Student Affairs will assess the situation to determine if a bias does, in fact, exist which could impact the outcome of the case and will assign an alternate hearing officer when possible. The Student Conduct Administrator will ensure that all hearings include an overview of the judicial process, a student's due process, and the appeals process.

If applicable, the Complainant and the Respondent have the right to be accompanied throughout the hearing by a Process Advocate of their choice. A Process Advocate may not speak on behalf of the student or address the Student Conduct Administrator during the hearing. The name of the Process Advocate must be provided to the hearing officer at least three calendar days prior to the hearing in order to be approved.

A Process Advocate can be provided to a student by the Student Conduct Administrator if requested. Legal counsel cannot serve as a Process Advocate in general student conduct matters.

If applicable, the Complainant and the Respondent may present witnesses. Only those persons with first-hand knowledge of the alleged incident or violation or others having information which can otherwise be shown to be credible may serve as witnesses. The decision to hear testimony from witnesses having information other than first-hand shall be made by the Student Conduct Administrator.

Pertinent records, exhibits, and written statements may be accepted as evidence for consideration at the discretion of the Student Conduct Administrator. Assumptions, speculations, or references to prior, unreported, incidents will most likely not be permitted.

At the close of the hearing, the hearing officer shall determine whether the student has violated each section of the Student Code that the student is charged with violating. The decision shall be made on the basis of whether it is more likely than not that the Respondent violated the Student Code (preponderance of evidence).

There shall be a written record of all hearings delivered after upon the close of the hearing. The record shall cite the violation(s), the decision (responsible or not responsible), and the sanction(s). This notice is called a "Letter of Resolution." Failure to obey the summons of the Student Conduct Administrator or failure to attend one's own hearing does not preclude the case from still being heard and a decision being rendered; and decisions made by the Student Conduct Administrator shall be final.

Campus Standards Board

All proceedings associated with Administrative Hearings are required when conducting a hearing that involves a Campus Standards Board. When a Campus Standards Board is used, the case will be heard by a board of three University Officials with one Student Conduct Administrator serving as chair and will occur as follows:

1. The chair will present to the Campus Standards Board all pieces of information, witness accounts, etc., that are deemed necessary and relevant for the case.
2. After all parties have reviewed the documents prepared for the hearing, the chair shall call the meeting to order formally, announcing the date and time.
3. The chair shall introduce the purpose of the hearing, outline the conduct process and identify roles for those attending the hearing.
4. All parties involved will introduce themselves by name and role at the hearing (chair, panel member, complainant, respondent, witness, and/or process advocate).

5. The chair shall read the charges and the respondent will provide a preliminary indication of whether they are responsible or not responsible for those charges.
6. The Complainant shall present their opening statement and present the complaint.
7. Members of the Campus Standards Board may ask questions of the Complainant, Respondent, and all witnesses for the sole purpose of fact-finding and clarification.
8. The Respondent may indirectly question the Complainant and witnesses as they appear by submitting their questions, in writing, to the chair. The chair can choose to ask the questions presented or deny the ability to ask a question if it is redundant, is “victim-blaming” or does not carry relevance to the case. The chair may call a break for the Board in order to clarify questions to assure the respondent is receiving their due process.
9. The Respondent shall present their opening statement and present a response to the Complainant.
10. Members of the Campus Standards Board may ask questions of the Complainant, Respondent, and all witnesses for the sole purpose of fact-finding and clarification.
11. The Campus Standards Board members may call witnesses from either side after all original testimony has been heard for the sole purpose of fact-finding and clarification.
12. The Complainant may present a closing statement.
13. The Respondent may present a closing statement.
14. All parties except the Campus Standards Board and the chair shall be excused from the hearing room while the Board discusses the case to determine their decision and appropriate sanction(s).
15. The decision of the Campus Standards Board will be made within three calendar days of the hearing unless unusual circumstances make deferment necessary. The Complainant and the Respondent will both be made aware of any deferments in writing simultaneously.
16. A majority vote of all participating Campus Standards Board panelists is required to declare a decision and sanction(s).
17. The Respondent shall be notified in writing of the decision.
18. Any sanctions imposed are effective immediately, unless otherwise indicated.
19. There will be no formal transcript of the hearing though notes will be submitted to the student record and retained.

Judicial Authority

Any member of the D’Youville community may report a concern against any student for violations of the Student Code. A report shall be prepared in writing through the official University reporting system, Maxient, located on the main University website and within SharePoint under HELP! Which will then be directed to the appropriate University Official based on the information provided.

Any report should be submitted as soon as possible after the event takes place. Once received, the Student Conduct Administrator will send a notification to the Respondent and will also enclose an explanation of the Judicial Process, student’s rights in the process, and the formal process for appeal.

Decisions made by a Student Conduct Administrator and/or Campus Standards Board shall be final, pending the normal appeal process.

Alleged violations of the Student Code may be adjudicated by one of four types of conduct review bodies on campus, depending upon the nature and seriousness of the charges, the location of the event and/or the number of students involved:

- Informal Resolutions or Mediations general occur in cases which do not involve a violation of the Student Code or impact the University's community standards. The Student Conduct Administrator and/or their designee may be assigned as mediator. All parties must agree to mediation, and to be bound by the decision with no right of appeal. This often times is called "informal mediation."
- The Residence Director(s) or Coordinator of Student Engagement & Housing generally addresses lower-level violations by students within housing.
- The Student Conduct Administrator generally addresses intermediate- level violations;
- The Campus Standards Board, consisting of three University Officials, generally conducts hearings to address violations of the most serious nature that have the potential to result in University suspension or expulsion. The Board is appointed and reviewed by the Dean of Students.

Interim Suspension

In certain circumstances, the Student Conduct Administrator, or a designee, may impose an interim suspension prior to the hearing to ensure the safety and well-being of members of the University community or preservation of University property or to ensure the student's own physical or emotional safety and well-being or if the student poses a definite threat of disruption of or interference with the normal operations of the University.

During the interim suspension, a student shall be denied access to the physical and digital campus spaces, classes, and University sponsored activities and privileges. Violation of the grounds set forth in the interim suspension will result in further judicial action being taken.

The interim suspension does not replace the judicial process, which shall occur per the Student Code of Conduct. The student should be notified in writing of this action and the reasons for the interim suspension. The notice should include the time, date, and place of a subsequent hearing at which the student may show cause why their continued presence on the campus does not constitute a threat and at which they may contest whether a campus rule was violated.

When a student is on interim suspension, the only University Official with whom the student, or those communicating on the student's behalf, should be in communication is the University Official who issued the interim suspension.

Interpretation and Revision

Any question of interpretation regarding the Student Code shall be referred to the Vice President for Student Affairs or their designee for final determination. The Student Code of Conduct shall be reviewed regularly and revised as necessary under the direction of the Vice President for Student Affairs.

Process Advocates

If requested, at least three calendar days prior to a hearing, the Student Conduct Administrator may approve the Complainant or Respondent to have a Process Advocate present during the proceedings.

An approved Process Advocate must be a member of the University community and is not permitted to speak at the proceedings. Prior to the hearing, the Process Advocate may meet with the Student Conduct Administrator to receive information about the Code of Conduct and to ask questions they may have about the proceedings. The Student Conduct Administrator cannot answer questions about the charge itself or the student's case to a Process Advocate.

The Process Advocate's role is to provide guidance to the Complainant/Respondent with regards to how to act, what questions to ask, how to prepare their case and make sure the University is providing due process.

Proscribed Conduct

The Student Code of Conduct shall apply to conduct that occurs on University premises, at University sponsored activities, digitally, and to off-campus conduct that adversely affects the University community and/or the pursuit of its objectives.

Each student shall be responsible for their conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded).

The Student Code shall apply to a student's conduct even if the student withdraws from the Institution while a disciplinary matter is pending. The Vice President for Student Affairs shall decide whether the Student Code shall be applied to conduct occurring off campus, on a case by case basis. Disciplinary action may be taken against a student who violates local, state, or federal law, even if the violation occurred off campus.

D'Youville expects its students to obey all applicable federal, state, and local laws, to behave in moral, ethical, professional, civil, and courteous ways, and to observe the specific policies, procedures, regulations, rules, and standards that are declared by the University for conducting its own affairs.

Schools and/or departments within the University may insert additional policies, regulations, rules in keeping with their professional standards, within their own student handbooks. It is expected that students within these schools and/or departments will abide by these additional policies, regulations and rules as set forth in their school/departmental handbook.

Listed below are some of the basic rules governing a person's behavior. Violation(s) or attempted violation(s) of the following rules, or other conduct which reflects unfavorably on the student or the University is subject to the disciplinary sanctions outlined in the Judicial Proceedings:

- Acts of dishonesty, including but not limited to the following:
 - Knowingly furnishing false information to any University official, faculty member or office,
 - Forgery, alteration, or misuse of any University document, record, or instrument of identification,
 - Tampering with the election of any University recognized student organization;

- Disruption or obstruction of University activities or community members on or off campus;
- Disruption of peace or community learning spaces;
- Any unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without consent;
- Taking pictures or video of another person where there is a reasonable expectation of privacy such as, but not limited to in a gym, locker room, restroom, or residence room;
- Violation of federal, state or local law on or off-campus from the time of application for admission through the actual awarding of a degree;
- Violation of any published University policies, rules or regulations;
- Aiding and abetting any individual in the violation of any University policy or federal, state or local ordinance;
- Reckless endangerment of any individual through negligent or deliberate actions;
- Lewd or Indecent Behavior;
- The construction of any unauthorized structure such as a tent, shelter or platform on D'Youville property;
- Physical abuse (assault, threats, intimidation, harassment, coercion) and/or other conduct that threatens or endangers the health or safety of any person;
- Verbal abuse, intimidation or harassment which has the intent or effect of preventing a person from performing his/her legitimate role at the University, to include, but not limited to, bullying, cyber-bullying, and harassment;
- Attempted or actual theft, vandalism, arson, and/or damage of property of University or property of a member of the University community or other personal or public property;
- Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so;
- Insubordination toward a University official including acts of hostility or any actions that make it difficult for the University Official to do their job;
- Illegal Demonstration described as participation in an on-campus or off-campus demonstration, riot or activity which disrupts the normal operations of the University and/or infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus;
- Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions;
- Extortion or blackmail described as making threats to do something, or disclose something, that will cause harm to the victim of the threat; this threat of potential harm is done with the intent to obtain something of value.
- Theft or other abuse of computer facilities and resources, including but not limited to:
 - Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose,
 - Unauthorized transfer of a file,
 - Use of another individual's identification and/or password,
 - Use of computing facilities and resources to interfere with the work of another student, faculty member or University official,
 - Use of computer facilities and resources to send and/or store obscene or abusive messages or materials,

- Use of computer facilities and resources to interfere with normal operation of the University computing system,
- Use of computing facilities and resources in violation of copyright laws,
- Abuse of the student conduct system, including but not limited to:
 - Knowingly falsifying, distorting, or misrepresenting information before or during a judicial proceeding,
 - Disruption or interference with the orderly conduct of judicial proceedings,
 - Initiation of a student conduct proceeding in bad faith,
 - Attempting to discourage an individual's proper participation in, or use of, judicial proceedings,
 - Attempting to influence the impartiality of a member of a judicial proceeding prior to, and/or during the course of, the judicial process,
 - Failure to comply with the sanction(s) imposed under the student code,
 - Influencing or attempting to influence another person to commit an abuse of the judicial process.
- Violation of New York State and D'Youville fire safety regulations;

Sanctions

The conduct process is designed to respond to violations in the most appropriate and the most effective way possible; therefore, it is necessary to determine conduct sanctions that are fitting to the circumstances of the individual case. In determining sanctions, the following factors are considered:

- The nature and severity of the offense;
- The injury or damage resulting from misconduct, including injury to student or member of the community;
- The student's prior disciplinary record;
- The impact of the violation on members of the University community;
- The impact on the reputation of D'Youville;
- The impact on the profession for which the student is preparing;

The following sanctions may be imposed upon any student found to have violated the Student Code:

- **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.

More than one of the sanctions listed above may be imposed for any single violation. Other than expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record but shall become part of the student's disciplinary record.

Transcript Notation

For those crimes of violence that the University is required by federal law to include in its Annual Security Report, the transcripts of students found responsible after a hearing and appeal, if any, shall, as applicable, include the following notation:

- Suspended after a finding of responsibility for a code of conduct violation;
- Expelled after a finding of responsibility for a code of conduct violation; or
- Withdrew with conduct charges pending.

Transcript notations for suspensions may be removed at the discretion of the University, but no earlier than one year after the conclusion of the suspension. Transcript notations for expulsion may not be removed.

Violation of the Law and D'Youville Discipline

If a student is charged only with an off-campus violation of federal, state, or local laws, but not with any other violation of this code, disciplinary action may be taken if the student has been found guilty in a court of law or has declined to contest such charges, although not actually admitting guilt (e.g., “no contest” or “nolo contendere”).

Disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this student code (that is both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this student code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Student Conduct Administrator.

Determination made or sanction imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

When a student is charged by federal, state, or local authorities with a violation of law, D'Youville will not request or agree to special consideration for that individual because of their status as a student. If the alleged offense is also the subject of a policy violation under the Student Code, D'Youville may advise off-campus authorities of the existence of the Student Code and of how such matters will be handled internally with the D'Youville community. D'Youville will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions).

If a student is arrested on D'Youville property or at a University sponsored event, D'Youville may issue an Interim Suspension and Persona Non-Grata to campus until the incident can be investigated. The Student Conduct Administrator will be the only point of contact for the student during the interim suspension. The Student Conduct Administrator will notify faculty and Academic Services of the student's absence. The student is responsible to communicate with faculty and their advisor on the timelines to complete missing assignments and class content. Interim suspensions will be lifted on a case by case basis.

Violations while on Disciplinary Probation and Sanction Completion

If a student is placed on disciplinary probation and then violates the terms of that probation by further violating any additional article of the Student Code, that student will be contacted by the Student Conduct Administrator to be present for a conduct hearing which will determine if the student did violate policy. Students who fail to attend a meeting will have the case heard, and a decision rendered, in absentia. Cases heard in absentia have no right to appeal.

Students who do not complete sanctions in full or in the allotted time are subject to further judicial action

SECTION 9: SEXUAL HARASSMENT POLICES & TITLE IX INFORMATION

D'Youville University is committed to providing an educational and employment environment that is free from discrimination based on protected characteristics, harassment, and retaliation for engaging in a protected activity.

The University values and upholds the equal dignity of all members of its community and strives to balance the rights of the Parties in the resolution process during what is often a difficult time for all involved.

To ensure compliance with federal, state, and local civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the education program or activity, the University has developed policies and procedures that provide for prompt, fair, and impartial resolution of allegations of protected characteristic discrimination.

D'Youville University has two processes for addressing sexual misconduct. The policy outlined below is primarily aimed at addressing complaints of *sexual harassment involving a student as a party*, as defined below. The University's policy and grievance procedures for addressing all other forms of unlawful discrimination and harassment can be found [here](#).

Affirmative Consent

Affirmative Consent means a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate Consent.

The definition of Consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression. Consent to any sexual act or prior consensual sexual activity between or with any Party does not necessarily constitute Consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. Consent cannot be given when a person is incapacitated.

Incapacitation occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot Consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, 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. "Consent" and "affirmative consent" may be used interchangeably under this Policy.

Jurisdiction of Policy

The University's Title IX Coordinator will determine if this Grievance Procedure applies to a Complaint. This Grievance Procedure will apply when the following elements are met, in the reasonable determination of the Title IX Coordinator:

- The conduct alleged occurred on or after August 1, 2024;
- The conduct alleged occurred in the United States;

- The conduct alleged occurred in D'Youville University's Education Program or Activity; and
- The conduct alleged, if true, would constitute Sex-Based Harassment as defined in this Grievance Policy;
- One of the parties was an enrolled student at D'Youville at the time of the alleged conduct.

For disciplinary action to be issued under this Policy, the Respondent must be a D'Youville University student or employee at the time of the alleged incident. If the Respondent is unknown or is not a member of the University community, the Title IX Coordinator or designee will offer to assist the Complainant in identifying appropriate institutional and local resources and support options and will implement appropriate supportive measures and/or remedial actions. The University can also assist in contacting local or institutional law enforcement if the individual would like to file a police report about criminal conduct.

All vendors serving D'Youville University through third-party contracts are subject to the policies and procedures of their employers, but may be subject to removal at D'Youville's discretion in good cause exists to believe they have violated University policy.

When a party is participating in a dual enrollment and/or early college program, the University will coordinate with the party's home institution to determine jurisdiction and coordinate providing supportive measures and responding to the complaint under the appropriate policy and procedures based on the allegations and identities of the Parties.

When the Respondent is enrolled in or employed by another institution, D'Youville University can assist the Complainant in contacting the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

If all elements of jurisdiction are met, the University will investigate the allegations according to this Grievance Procedure as appropriate, unless informal resolution is pursued or unless there are grounds for dismissal of the Complaint.

Online Harassment and Misconduct

D'Youville's policies are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the University's education program and activities, or when they involve the use of the University's networks, technology or equipment.

Although D'Youville University may not control websites, social media, and other venues through which harassing communications are made, when such communications are reported to the University, it will engage in a variety of means to address and mitigate the effects.

Nothing in the Policy is intended to infringe up or limit a person's rights to free speech. Any online posting or other electronic communication by students, including technology-facilitated stalking, harassment, occurring completely outside of the University's control (e.g. not on University's networks, websites, or D'Youville University email accounts) will only be subject to this Policy when such online conduct can be shown to cause (or will likely cause) a substantial in-program disruption or infringement on/harm to the rights of others.

Off-campus harassing speech by employees, whether online or in person, may be regulated by the University

when such speech is made in an employee's official or work-related capacity or infringes upon or harms the rights of others to participate in D'Youville University educational programs or services.

If neither party is a student, other policies may apply and an alternate process under that policy may be followed.

Applicability

Administration, Faculty, Staff, and Students.

DEFINITIONS

Sexual Misconduct

Sexual misconduct encompasses a range of behavior used to obtain sexual gratification against another's will or at the expense of another or that otherwise targets an individual because of their sex. Sexual Misconduct includes sexual harassment, sexual assault, and any conduct of a sexual nature that is without consent or has the effect of threatening or intimidating the person against whom such conduct is directed. State and federal laws and regulations vary on defining acts which constitute unlawful sexual misconduct. However, this policy prohibits conduct in addition to that which may be deemed unlawful under state or federal law.

Dating Violence

Dating Violence (as defined in the Violence Against Women Act (VAWA) Reauthorization of 2022 and the VAWA Amendments to the Clery Act) means any violence committed by a person:

- (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship;
 - (ii) the type of relationship; and
 - (iii) the frequency of interaction between the persons involved in the relationship.

Domestic Violence

Domestic Violence means any felony or misdemeanor crimes committed by a person who: (A) is a current or former partner of the victim under the family or Domestic Violence laws of New York State, or a person similarly situated to a spouse of the victim; (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) shared a child in common with the victim; or (D) commits acts against a youth or adult victim who is protected from those acts under the family or Domestic Violence laws of New York State;

Exploitation

Nonconsensual, abusive sexual behavior that does not otherwise constitute Sexual Assault I, Sexual Assault II or Sexual Harassment. Examples include but are not limited to: intentional, nonconsensual tampering with or removal of condoms or other methods of birth control and STI prevention prior to or during sexual contact in a manner that significantly increases the likelihood of STI contraction and/or pregnancy by the non-consenting party; nonconsensual video or audio taping of sexual activity; allowing others to watch consensual or nonconsensual sexual activity without the consent of a sexual partner; observing others engaged in dressing/undressing or in sexual acts without their knowledge or consent; trafficking people to be sold for sex;

and inducing incapacitation with the intent to sexually assault another person.

Sexual Assault

Sexual Assault (as defined in the Clery Act, 20 U.S.C. 1092(f)) means any sexual act directed against another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent;

Sex-Based Harassment means sexual harassment and other harassment on the basis of sex, including harassment because of gender identity, sexual orientation, sex characteristics, sex stereotypes, and/or pregnancy

Stalking

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

- (A) fear for the person's safety or the safety of others; or
- (B) 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, students should assume 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: (i) faculty advisors which includes academic advisors and those that advise clubs and organizations, (ii) deans of the Institution and department chairs, (iii) athletic department staff and team coaches, (iv) all Institution housing staff, (v) the president and their council, (vi) 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, non-discriminatory 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; Whether the Respondent is alleged to have used a weapon or force;
4. The Impacted Party's age (and whether the Impacted Party is a minor);

5. Whether the Respondent has a history of violent behavior or is a repeat offender;
6. Whether there have been other sexual misconduct complaints about the same individual;
7. 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
8. 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.

The Institution will assist an Impacted Party with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of reporting choices. 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.

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 for 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.

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.

Protections after Reporting

Retaliation Prohibited

The University prohibits retaliation, including peer retaliation, in its Education Program or Activity. Upon receiving a Complaint alleging retaliation or upon receiving information about conduct that reasonably may constitute retaliation under Title IX, the University will initiate its grievance procedure or, as appropriate, an informal resolution process.

Complaints alleging Retaliation may be filed according to the [Nondiscrimination Policy and Grievance Procedures](#).

Amnesty for Alcohol and/or Drug Use Violations

The health and safety of every student at D'Youville University is of utmost importance. The University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence 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 University strongly encourages students to report domestic violence, dating violence, stalking, and sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to the University's officials or law enforcement will not be subject to D'Youville University's student code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

STUDENTS' BILL OF RIGHTS

All Students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of Domestic Violence, Dating Violence, Stalking, and Sexual Assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the Reporting Individual is at fault when these crimes and violations are committed or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. 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. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a Reporting Individual or Complainant, Accused, or Respondent throughout the judicial or conduct process including all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct processes of the institution.

CONFIDENTIALITY

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

The following officials at D'Youville University **may provide confidentiality**:

- Counseling Services at The Wellness Lodge
- Crisis Services

There are other confidential options available for crisis intervention, resources and referrals, but these are not reporting mechanisms to the institution, meaning that disclosure on a call to one of these hotlines does not provide any information to the University.

Complainants are encouraged to contact a campus confidential or private resource so that the University can take appropriate action in these cases.

Some resources for confidential disclosure **NOT** to the institution are:

- The New York State Office for the Prevention of Domestic Violence hotlines: <http://www.opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options that can be found and are presented in several languages can also be found here: <http://www.opdv.ny.gov/help/index.html> (or by calling 1-800-942-6906).
- SurvJustice: <http://survjustice.org/our-services/civil-rights-complaints/>;
- Legal Momentum: <https://www.legalmomentum.org/>;
- NYCASA: <https://nyscasa.org/responding>;
- NYSCADV: <http://www.nyscadv.org/>;
- Pandora's Project: <http://www.pandys.org/lgbtsurvivors.html>;
- GLBTQ Domestic Violence Project: <http://glbtqdv.org/>;
- RAINN: <https://www.rainn.org/get-help>; and
- Safe Horizons: <http://www.safehorizon.org/>

The following officials at the University will **provide privacy, but not confidentiality**, upon receiving a report of conduct prohibited by Title IX:

- Title IX Coordinator or designee(s);
- Officials with Authority to institute corrective measures under Title IX;
- All other employees at D'Youville University that are not designated as confidential resources.

Privacy vs. Confidentiality

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

POSSIBLE OUTCOMES AFTER ALLEGATIONS

Supportive and Interim 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 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.

Providing Supportive Measures

Complainants who report allegations of Sex-Based Harassment have the right to receive supportive measures from D'Youville University regardless of whether they file a complaint. Supportive measures are non-disciplinary and non-punitive. Supportive measures may vary depending upon what is reasonably available at the University.

As appropriate, supportive measures may include without limitation:

- Counseling services
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services, as available
- Restrictions on contact applied to one or more Parties (no contact orders)
- Changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative
- Leaves of absence
- Increased security and monitoring of certain areas of the campus
- Training and education programs related to Sex-Based Harassment
- Assistance by D'Youville University's Campus Safety, if applicable, or other officials in obtaining an order of protection or, if outside of New York state, an equivalent protective or restraining order

Supportive measures must not unreasonably burden either Party and must be designed to protect the safety of the Parties or the University's educational environment, or to provide support during D'Youville University's Sex-Based Harassment grievance procedures under this policy or during informal resolution under this procedure.

The University may modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the Informal Resolution process or may continue them beyond that point within the University's discretion.

The University will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one Party of supportive measures provided to another Party, unless necessary to provide the supportive measure or restore or preserve a Party's access to the University's Education Program or Activity, or there is an exception that applies, such as:

- The University has obtained prior written consent from a person with the legal right to consent to the disclosure;
- When the information is disclosed to an appropriate third Party with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
- To carry out the purpose of the policy when it is necessary to address conduct that reasonably may constitute Sex-Based Harassment under Title IX in D'Youville University's Education Program or Activity;
- As required by Federal law, federal regulations, or the terms and conditions of a federal award; or
- To the extent such disclosures are not otherwise in conflict with Title IX, when required by State or local law or when permitted under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g, or its implementing regulations, 34 CFR Part 99).

Note on Orders of Protection and their equivalent: D'Youville University must provide a copy of the order of protection or equivalent when it is received by the University, and Parties shall have the opportunity to meet or speak with the Title IX Coordinator or designee, who can explain the order and answer questions about it, including information from the order about the Accused's/Respondent's responsibility to stay away from the protected person or persons. Parties are entitled to an explanation of the consequences for violating these orders, including without limitation, arrest, additional conduct charges, and interim suspension or emergency

removal, as applicable. A Complainant is also entitled to receive assistance from Campus Safety in effecting an arrest when an individual violates an order of protection or, if Campus Safety does not possess arresting powers, then to call on and assist local law enforcement in effecting an arrest for violating such order, in accordance with limits on current law enforcement jurisdiction and procedures.

Process for Review of Supportive Measures

D'Youville University provides for a Complainant or Respondent to seek modification or reversal of the University's decision to provide, deny, modify, or terminate a supportive measure. Grounds for challenge of supportive measures include, but are not limited to:

- Whether a supportive measure is reasonably burdensome;
- Whether a supportive measure is reasonably available;
- Whether a supportive measure is being imposed for punitive or disciplinary reasons;
- Whether the supportive measure is being imposed without fee or charge; and
- Whether the supportive measure is effective in meeting the purposes for which it is intended, including to restore or preserve access to the Education Program or Activity, provide safety, or provide support during the Grievance Procedure.

This review will be conducted by an impartial employee of the University, who did not make the challenged decision on the original supportive measure request. The impartial employee of the University who makes this determination will have the authority to modify or reverse the decision if that impartial employee determines that the decision to provide, deny, modify or terminate the supportive measure was inconsistent with the procedures as outlined above for providing supportive measures in accordance with the Title IX regulations.

Parties are only allowed to challenge their own individual supportive measures. Challenges by one Party will not be heard to supportive measures afforded to the opposite Party, unless that supportive measure directly impacts the Party making such challenge (i.e., two-way no contact orders).

Emergency Removal

D'Youville University retains the authority to remove a Respondent from all or part of the University's Educational Program or Activity on an emergency basis, where the University (1) undertakes an individualized safety and risk analysis, and (2) determines that an imminent and serious threat to the health and safety of a Complainant or any students, employees, or other persons arising from the allegations of Sex-Based Harassment justifies removal.

The University will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal. Respondent may do so by submitting the challenge to the Title IX Coordinator, who will ensure that it is properly considered by a neutral decisionmaker.

The decisionmaker who hears a challenge to an emergency removal must not be involved in any decision regarding responsibility or appeal of a determination.

Emergency removals will not be considered Relevant evidence that can be considered in reaching a determination of whether Sex-Based Harassment occurred.

Administrative Leave

D'Youville University retains the authority to place a non-student employee Respondent on administrative leave or suspension during the Grievance Procedure, consistent with relevant employee handbook/collective bargaining agreements.

Note on student employees: when a Complainant or Respondent is both a student and an employee of the University, the University must make a fact-specific inquiry to determine whether this procedure applies to that student employee. The University will consider if the Complainant or Respondent's primary relationship with the University is to receive an education and whether the alleged Sex-Based Harassment occurred while the Party was performing employment-related work.

TITLE IX PROCESS

Details of the 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 outlining the Title IX Process and offers assistance in notifying local law enforcement and the local hospital. The Title IX Coordinator holds an initial meeting with the Impacted Party and gathers all known details and other information regarding the incident.

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 a University Official.

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.

TIMEFRAME

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.

FORMAL & INFORMAL RESOLUTIONS

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 below. At any stage during or upon the conclusion of the informal resolution process, either party may decide to proceed by formal process.

INFORMAL RESOLUTION

Procedures for Entering and Exiting Informal Resolution Process

At any time prior to determining whether Sex-Based Harassment occurred under this Grievance Procedure, including prior to making a Complaint, Parties may instead seek the University's assistance to resolve allegations of Sex-Based Harassment, and may elect to enter the informal resolution process.

The Parties may voluntarily elect to enter the University's informal resolution process at any time through an informed written consent. This informed written consent will include all terms of the elected informal process, including a statement that any agreement reached through the process is binding on the Parties.

No Party may be required to participate in informal resolution, and the University may never condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to informal resolution.

The Parties may elect to leave the informal resolution process at any point until the informal resolution process is concluded. If a Party elects to leave the informal resolution process, the Grievance Procedure that the Parties paused will continue. In participating in the informal resolution process, the Parties understand that the timeframes governing the Grievance Procedure will temporarily cease, and only reinstate upon reentry into the Grievance Procedure.

Supportive Measures will be available, or continue to be available if already provided, during an informal resolution process, if elected to proceed. The Title IX Coordinator will also, to the extent necessary, take other appropriate prompt and effective steps to ensure that Sex-Based Harassment does not continue or recur within the University's Education Program or Activity.

Notice Prior to Entry Into Informal Resolution Process

Before the initiation of an informal resolution process, the Title IX Coordinator must provide to the Parties a written notice that explains:

- The allegations;
- The requirements of the informal resolution process;
- That, prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and to initiate or resume the University's Grievance Procedure;
- That the Parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the Parties from initiating or resuming the University's Grievance Procedure arising from the same allegations;

- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and
- What information the University will maintain and whether and how the University could disclose such information for use in its Grievance Procedure if they are initiated or resumed.

Determination to Approve Entry into Informal Resolution Process

Even where the Parties agree to submit a matter to informal resolution, the Title IX Coordinator must approve the decision to move the matter to the informal resolution process and may determine that informal resolution is not appropriate under the circumstances.

Factors that the Title IX Coordinator may weigh in considering the appropriateness of the informal resolution process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to the campus, whether the Respondent is a repeat offender, the status of the parties (i.e., student or employee), whether the alleged conduct would present a future risk of harm to others, and whether the Parties are participating in good faith. This determination is not subject to appeal.

At any time after the commencement of the informal resolution process, the Title IX Coordinator may determine that the informal resolution process is not an appropriate method for resolving the matter, and may require that the matter be resolved through the Grievance Procedures. This determination is not subject to appeal.

If informal resolution is approved or denied, the University will provide the outcome in writing simultaneously to the Parties. If informal resolution is approved, the Title IX Coordinator shall also provide the information of the facilitator in writing to the Parties in a reasonable timeframe once the facilitator is assigned.

Role of the Facilitator

Informal resolution processes are managed by trained facilitators. All facilitators must not be the same person as the investigator or the/a decisionmaker(s) in the University's Grievance Procedure. Any person designated to facilitate informal resolution must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

All facilitators must have training, required by law and regulation. Such training includes:

- The University's obligation to address sex discrimination, including Sex-Based Harassment, in its Education Program or Activity;
- The scope of conduct that constitutes sex discrimination, including Sex-Based Harassment, under Title IX, including the definition of Sex-Based Harassment;
- All applicable notification and information requirements related to parental, family, or marital status, including pregnancy and related conditions, and the University's response to sex discrimination;
- The rules and practices associated with the University's informal resolution process; and
- How to serve impartially, including by avoiding conflicts of interest and bias.

Contents of Informal Resolution Agreements

Potential terms that may be included in an informal resolution agreement between the Parties include but are not limited to:

- Restrictions on contact; and
- Restrictions on the Respondent's participation in one or more of the University's education programs or activities or attendance at specific events, including restrictions the University could have imposed as Remedies or Disciplinary Sanctions had the University determined at the conclusion of the Grievance Procedure that Sex-Based Harassment occurred.

Breach of Informal Resolution Agreements

If a Party breaches the resolution or if the University has other compelling reasons, such as if it learns of any fraud by a Party in entering into the agreement, the University may void the agreement and initiate or resume the Grievance Procedure. The University may also bring conduct or disciplinary charges against the party found in violation of the agreement.

Confidentiality:

In entering the informal resolution process, the Parties agree that any testimony and evidence (including admissions of responsibility) they share or receive during the informal resolution process concerning the allegations of the Complaint is confidential. No evidence concerning the allegations obtained within the informal resolution process may be disseminated to any person, provided that any Party to the informal resolution process may generally discuss the allegations under investigation with a parent, friend, or other source of emotional support, or with an advocacy organization. As a condition of entering the informal resolution process, any evidence shared or received during the informal resolution process may not be used in any subsequent Grievance Procedure or institutional appeal.

Informal Resolution Options

The University offers the following informal resolution procedures for addressing Complaints of Sex-Based Harassment described under this Grievance Procedure:

Administrative Resolution

Should the Parties mutually determine to enter the informal resolution process, and the Respondent elects to accept responsibility for the allegations of the Complaint at any point during the informal resolution process, the institution may administratively resolve the Complaint.

Where the Respondent admits responsibility, the Parties will receive simultaneous written notification of the acceptance of responsibility, and the University will determine the Respondent's sanction and other Remedies, as appropriate and consistent with University policy. The Parties will be given an opportunity to be heard at the sanctions hearing, including without limitation, the submission of impact statements, but questioning of Parties or witnesses will not be permitted. The Parties will receive simultaneous written notification of the decision regarding sanctions and Remedies, which may be appealed according to the process described above.

Mediation

The purpose of mediation is for the Parties who are in conflict to identify the implications of a Student's actions and, with the assistance of a trained facilitator, identify points of agreement and appropriate

Remedies to address them. Either Party can request mediation to seek resolution; mediation will be used only with the Consent of both Parties, who will be asked not to contact one another during the process. The Title IX Coordinator will also review any request for mediation, and may decline to mediate based on the facts and circumstances of the particular case. Either Party has the right to terminate the mediation process and choose or resume another option for resolution at any time.

The mediation process will typically commence within ten days after the Title IX Coordinator receives Consent to mediate from both Parties, and has made its determination to allow informal resolution to go forward. Mediation will continue until concluded or terminated by either Party, the facilitator, or the Title IX Coordinator. During mediation, any potential investigation will halt, and calculations for time frames will be stayed. If the mediation results in a resolution, the disciplinary process will be concluded, and the matter will be closed. If a resolution cannot be reached, the matter will be referred to the Dean of Students to re-evaluate other options for resolution, including investigation or proceeding forward with the Grievance Procedure.

During mediation, a facilitator will guide a discussion between the Parties. In circumstances where the Parties do not wish to meet face to face, either Party can request “caucus” mediation, and the facilitator will conduct separate meetings.

At the conclusion of the mediation, the facilitator will memorialize the agreement that was reached between the Parties. The Title IX Office will monitor adherence to the proposed solution and close the matter when compliance is satisfactory.

FORMAL RESOLUTION

If formal resolution is recommended, further investigation will begin which may include meeting with witnesses and gathering other evidence. 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 with 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. 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 investigator elects 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. A student who does not identify an Advisor on their own will be provided a list of potential advisors by the Institution.

Both the Complainant and the Respondent will receive an equal opportunity to inspect and review all evidence gathered during the investigation directly related to the allegations gathered in the formal complaint and regardless of whether the information will be relied on in reaching a determination. The Complainant and Respondent, and each party's Advisor, if any, 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 10 days to submit a written response, which will be reviewed and considered by the investigators prior to completion of their investigative report.

The assigned investigators will use the investigation, and the evidence and information they gather, to prepare a full written investigative report. The report will fairly summarize the relevant evidence. The investigator need not include information in the investigative report that the investigator determines not relevant or otherwise excludable. The investigator will submit the investigative report to the Title IX Coordinator.

The investigative report will then be provided to both the Complainant and Respondent, and each party's Advisor, if any, 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.

RESOLUTION TYPE: FORMAL DEFINITIONS

Complainant

- a Student or employee who is alleged to have been subjected to conduct that could constitute Sex-Based Harassment as defined in this Grievance Procedure and who was participating or attempting to participate in the University's Education Program or Activity; or
- a person other than a Student or employee who is alleged to have been subjected to conduct that could constitute Sex-Based Harassment under this Grievance Policy and who was participating or attempting to participate in the University's Education Program or Activity at the time of the alleged Sex-Based Harassment.

Complaint means an oral or written request to the University that objectively can be understood as a request for the University to investigate and make a determination about alleged Sex-Based Harassment at the institution.

Disciplinary Sanctions means consequences imposed on a Respondent following a determination under this Grievance Procedure that the Respondent violated the University's prohibition of Sex-Based Harassment.

Education Program or Activity means any academic, extracurricular, research, occupational training or other Education Program or Activity operated by the University that receives Federal financial assistance.

Party means Complainant or Respondent.

Peer Retaliation means Retaliation by a Student against another Student.

Relevant means related to the allegations of Sex-Based Harassment under investigation as part of this Grievance Policy. Questions are Relevant when they seek evidence that may aid in showing whether the alleged Sex-Based Harassment occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether the alleged Sex-Based Harassment occurred.

Remedies means measures provided, as appropriate, to a Complainant or any other person the University identifies as having had their equal access to the University's Education Program or Activity limited or denied by Sex-Based Harassment. These measures are provided to restore or preserve that person's access to the University's Education Program or Activity after the University determines that Sex-Based Harassment occurred.

Respondent means a person who is alleged to have violated the University's prohibition on Sex-Based Harassment.

Retaliation means intimidation, threats, coercion, or discrimination by any person, by the University, a Student, or an employee or other person authorized by the University to provide aid, benefit, or service under the University's Education Program or Activity, for the purpose of interfering with any right or privileged secured by Title IX, or because the person has reported information, made a Complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Grievance Policy, including an informal resolution process.

FILING A COMPLAINT

Who can make a Complaint?

- A Complainant
- The Title IX Coordinator

Note on Title IX Coordinator initiated Complaints: In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator must determine whether to initiate a Complaint of Sex-Based Harassment. This

determination is fact-specific, and the Title IX Coordinator must consider:

- The Complainant's request not to proceed with the initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of Sex-Based Harassment would occur if a Complaint is not initiated;
- The severity of the alleged Sex-Based Harassment, including whether the Sex-Based Harassment, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the Sex-Based Harassment and prevent its recurrence;
- The age and relationship of the Parties, including whether the Respondent is an employee of the recipient;
- The scope of the alleged Sex-Based Harassment, including information suggesting a pattern, ongoing Sex-Based Harassment, or Sex-Based Harassment alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether Sex-Based Harassment occurred; and
- Whether the University could end the alleged Sex-Based Harassment and prevent its recurrence without initiating these grievance procedures.

If after considering these and other Relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents the University from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a Complaint.

If the Title IX Coordinator does initiate the Complaint after making this determination, the Title IX Coordinator must notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures as listed in Section VI of these procedures.

Formatting the Complaint

A Complaint can be an oral or written request to the University that objectively can be understood as a request for the University to investigate and make a determination about alleged Sex-Based Harassment at the institution.

REPORTING A COMPLAINT

Any reports of Sex-Based Harassment may be made directly to the Title IX Coordinator, whose contact information is listed at the beginning of this Grievance Procedure. There are other ways in which a Party may report a Complaint.

The University requires that any employee who is not a Confidential Employee must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination, including Sex-Based Harassment.

All other employees at the University who are not Confidential Employees and are not employees as identified above are required to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex-discrimination, including Sex-Based Harassment.

Note: If an employee has personally been subject to conduct that reasonably may constitute sex discrimination under Title IX or any institutional policy or this Grievance Procedure, these requirements do not apply to an employee reporting a personal Complaint.

What is the timeframe for the University to evaluate if the Title IX Coordinator is initiating an investigation under this Grievance Procedure?

The Title IX Coordinator must evaluate whether the Complaint falls under this Grievance Procedure within ten University business days after the Complaint is made, and must issue the Notice of Allegations as soon as practicable after the Complaint is evaluated. If there are any delays or extensions, the Title IX Coordinator must appropriately notice the Parties in writing, on a case-by-case basis, with good cause and the rationale for the extension or delay.

Can I make a Complaint and request initiation of the Grievance Procedure even if I have made a complaint to law enforcement?

Yes. The University has an obligation to appropriately evaluate all Complaints, regardless of whether there is a concurrent Complaint before law enforcement. This process is an administrative process that is different from the criminal justice process.

Multi-Party Situations and Consolidation of Complaints

The University may consolidate Complaints alleging Sex-Based Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of Sex-Based Harassment arise out of the same facts or circumstances.

The University can consider factors when making this fact-specific determination, which include, but are not limited to:

- The facts and circumstances of the particular Complaints when deciding whether to consolidate, including the toll of separate proceedings on the Parties; and
- Any risks to the fairness of the investigation or outcome.

DISMISSAL OF A COMPLAINT

Grounds for Dismissal

The University may dismiss a Complaint of Sex-Based Harassment for any of the following reasons:

- The University is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in the University's education program or activity and is not employed by the University;
- The Complainant voluntarily withdraws any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint through this Grievance Policy, and the University determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Sex-Based Harassment under Title IX or this Grievance Policy even if proven; or

- The University determines that the conduct alleged in the Complaint, even if proven, would not constitute Sex-Based Harassment under Title IX or these procedures. **Note:** the University must make reasonable efforts to clarify the allegations with the Complainant before dismissing under this basis.

Notice of Dismissal

If the University dismisses a Complaint, the University is required to promptly notify the Complainant of the basis for dismissal.

If the dismissal of the Complaint occurs before a Notice of Allegations is issued to the Respondent, the Title IX Coordinator does not need to notice the Respondent at that time. However, if the Complainant appeals the dismissal, the Respondent will need to be noticed of the Complaint allegations and given an opportunity to respond to the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the University must notify the Respondent and Complainant of the dismissal and the basis for the dismissal simultaneously in writing.

Appeal rights must also be outlined in any notification of dismissal of a Complaint, as included below under Appeal of Dismissals.

Appeals of Dismissals

The University must notify the Complainant that a dismissal may be appealed and provide the Complainant with an opportunity appeal the dismissal of a Complaint on the following grounds:

- ***Procedural irregularity:*** procedural irregularity that affected the outcome of the matter (i.e., a failure to follow the University's own policy to a degree that had material effect on the outcome of the matter);
- ***New evidence:*** New evidence that would change the outcome and that was not reasonably available when the determination whether Sex-Based Harassment occurred or dismissal of the Complaint was made; and
- ***Bias or Conflict of Interest:*** The Title IX Coordinator, investigator(s), or decisionmaker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome of the matter.

If the dismissal occurs after the Respondent has been notified of the allegations, then the University must also notify the Respondent that the dismissal may be appealed on the grounds set out above.

The submission of appeal stays (or pauses) any sanctions for the pendency of an appeal.

Supportive Measures and remote learning opportunities remain available during the pendency of the appeal.

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

Appeals will be decided by the Vice President for Student Affairs, who will be free of conflict of interest and bias,

and will not serve as investigator, Title IX Coordinator, or hearing decisionmaker in the same matter.

Outcome of appeal will be provided in writing simultaneously to both Parties, and include rationale for the decision.

Allegations Potentially Falling Under Two Policies

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Grievance Process will be applied in the investigation and adjudication of all of the allegations.

If a particular situation invokes more than one University policy or process, the University reserves the right to determine the most applicable policy or process and to utilize that policy or process.

Notice of Allegations

Upon initiating the University's Grievance Procedure, the Title IX Coordinator shall provide a Notice of Allegations in writing to the Parties whose identities are known. The University will provide the Notice of Allegations within ten University business days after receiving a Complaint if there are no extenuating circumstances.

The written Notice of Allegations must include:

- The University's Grievance Procedure and the University's Informal Resolution process;
- Sufficient information available at the time of the issuance of the Notice of Allegations to allow the Parties to respond to the allegations, which includes the identities of the Parties involved in the incident(s), the conduct alleged to constitute Sex-Based Harassment under the Grievance Procedure, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to the University;
- A statement that the Parties are entitled to an accurate description of the Relevant and not otherwise impermissible evidence, with an equal opportunity for the Parties to access the underlying Relevant and not otherwise impermissible evidence upon request of any Party;
- A statement that the Respondent is presumed not responsible for the alleged Sex-Based Harassment until a determination is made at the conclusion of the University's Grievance Procedure and that prior to the determination, the Parties will have an opportunity to present Relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- Parties may have an advisor of their choice, and that the advisor may be, but is not required to be, an attorney;
- The University's [code of conduct](#) prohibits knowingly making false statements or knowingly submitting false information during the University's Grievance Procedure; and
- If, in the course of an investigation, the University decides to investigate additional allegations of Sex-Based Harassment by the Respondent toward the Complainant that are not included in the original written Notice of Allegations provided, the University is required to provide written notice of any additional allegations to the Parties whose identities are known.

What if the University decides to investigate additional allegations of Sex-Based Harassment?

If, in the course of an investigation, the University decides to investigate additional allegations of Sex-Based Harassment by the Respondent toward the Complainant that are not included in the original issued written Notice of Allegations, or that are included in a Complaint that is consolidated under this Grievance Policy, the University shall provide notice of the additional allegations to the Parties whose identities are known.

What if I have safety concerns about a Notice of Allegations being issued to a Respondent?

To the extent that the University has reasonable concerns for the safety of any person as a result of providing a written Notice of Allegations, the University through the Title IX Coordinator, may reasonably delay providing the written Notice of Allegations in order to address the safety concern appropriately. Reasonable concerns must be based on individualized safety and risk analysis and not on mere speculation or stereotypes.

Advisor of Choice and Participation of Advisor of Choice

A Party's advisor of choice may accompany the Party to any meeting or proceeding, and the University will not limit the choice of who that advisor may be or their presence for the Parties in any meeting or proceeding, unless such advisor does not follow the University's established rules of decorum and rules around participation.

INVESTIGATION

General Rules of Investigations

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will perform an investigation of the conduct alleged to constitute Sex-Based Harassment in a reasonably prompt timeframe, after issuing the Notice of Allegations.

The University, and not the Parties, have the burden to conduct an investigation that gathers sufficient evidence to determine whether Sex-Based Harassment occurred under this Grievance Procedure. This burden does not rest with either Party, and either Party may decide not to share their account of what occurred, or may decide not to participate in the investigation or hearing. This does not shift the burden of proof away from the University and does not indicate responsibility.

The University cannot access, consider, or disclose medical records without a waiver from the Party (or parent, if applicable) to whom the records belong, or of whom the records include information. The University will provide an equal opportunity for the Parties to present witnesses, and other inculpatory or exculpatory evidence, as described below.

Notice of participation

The University will provide written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the Party to prepare to participate, if a Party is invited or expected to participate in any such meeting or proceeding.

Advisors of Choice and Participation of Advisors of Choice

The University will provide the Parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The University will not limit the choice or presence of the advisor for the Complainant or Respondent in any meeting or proceeding,

unless there is a violation of reasonable expectations of etiquette.

Access to and Review of the Investigative Report

The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will provide each Party with an equal opportunity to access and review an accurate description of the Relevant evidence collected throughout the investigation that is not otherwise impermissible in the form of an investigative report.

The Parties and their advisors of choice will also have an equal opportunity to access and review the underlying Relevant and not otherwise impermissible evidence summarized in the investigative report upon the request of any Party.

The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will provide each Party with a reasonable opportunity to respond to the investigative report.

The University will take reasonable steps to prevent and address the Parties' unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure. Participating individuals who engage in the unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure may be subject to the University's Student Code of Conduct and other University policies and/or procedures that may apply.

Note: Disclosures of information and evidence for purposes of administrative proceedings or litigation related to the Complaint of Sex-Based Harassment are authorized and not considered unauthorized disclosures potentially subject to other disciplinary action.

EVIDENCE

Review and Access to Relevant and Not Otherwise Impermissible Evidence

Each Party will have an equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that are Relevant and not otherwise impermissible, to the Title IX Coordinator and/or an investigator designated by the Title IX Coordinator. The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will review all evidence gathered through the investigation and determine what evidence is Relevant and what evidence is impermissible regardless of relevance, consistent with this Grievance Procedure.

Each Party and their advisors of choice will have an equal opportunity to review and access the evidence that is Relevant to the allegations of Sex-Based Harassment and not otherwise impermissible regardless of relevance prior to the conclusion of the investigation. The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will provide each Party with a reasonable opportunity to respond to the evidence.

The University will take reasonable steps to prevent and address the Parties' unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure. Participating individuals who engage in the unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure may be subject to the Student Code of Conduct other University policies and/or procedures that may apply.

Note: Disclosures of information and evidence for purposes of administrative proceedings or litigation related to

the Complaint of Sex-Based Harassment are authorized and not considered unauthorized disclosures potentially subject to other disciplinary action.

Relevant Evidence

Questions are Relevant when they seek evidence that may aid in showing whether the alleged Sex-Based Harassment occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether the alleged Sex-Based Harassment occurred.

Impermissible Evidence

The following types of evidence, and questions seeking that evidence, are excluded as impermissible (i.e., must not be accessed or considered, except by the University to determine whether an exception applies, must not be disclosed, and must not otherwise be used) regardless of whether they are Relevant:

- Evidence that is protected under a privileged as recognized by Federal or State law or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless the University obtains that Party's or witness's voluntary, written Consent for use in the University's Grievance Procedure; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove Consent to the alleged Sex-Based Harassment.
Note: the fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's Consent to the alleged Sex-Based Harassment or preclude determination that Sex-Based Harassment occurred.

Timeframe

An investigation will generally take no more than thirty (30) University business days to complete. The University allows for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice to the Parties that includes the reason for the extension or delay.

DECISION MAKING PROCESS GENERAL RULES FOR LIVE HEARINGS

The University will not issue a finding or disciplinary sanction arising from an allegation of Sex-Based Harassment involving a student as a party without holding a live hearing, unless otherwise resolved through an informal resolution process as outlined in this Grievance Procedure.

The live hearing may be conducted with the Parties physically present in the same geographic location. The University has the discretion to conduct the live hearing with the Parties physically present in separate locations, with technology enabling the decisionmaker and Parties to simultaneously see and hear the Party or the witness while that person is speaking. A Party may also request this option prior to the hearing.

The University shall create an audio or audiovisual recording or transcript of any live hearing and make it available to the Parties for inspection and review.

Participants in the Live Hearing

All participants must follow the University's rules of decorum. Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

Complainant and Respondent (The Parties)

If a Party chooses not to participate in the process or the hearing, the live hearing may still proceed in the absence of a Party, and The University may reach a determination of responsibility in their absence, including through any evidence gathered and other witness statements. The University will not threaten, coerce, intimidate or discriminate against any Party in an attempt to secure the Party's participation. The decisionmaker cannot draw an inference about the determination regarding responsibility based solely on a Party's absence from the live hearing, or a refusal to answer questions.

The Decisionmaker

The Hearing Panel will consist of three trained faculty and/or staff members. No member of the Hearing Panel will have served as the Title IX Coordinator, Title IX investigator or advisor to any Party in the case, nor may any member of the Hearing Panel serve on the appeals body in the case. No member of the Hearing Panel will have a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor of or against the Parties to the particular case. The Hearing Panel will be trained prior to serving during any hearing. The Parties will have an opportunity to raise any objections regarding a decisionmaker's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

Advisor of Choice

The Parties have the right to select an advisor of their choice, who may be, but is not required to be, an attorney. The advisor of choice may accompany the Parties to any meeting or hearing they are permitted to attend, but may not speak for the Party. An advisor of choice is not prohibited from being a witness in the hearing.

Witnesses

Witnesses cannot be compelled to participate in the live hearing and have the right not to participate in the hearing free from Retaliation.

HEARING PROCEDURES

For all live hearings conducted, the Hearing Panel will open and establish rules and expectations for the hearing. The Parties will each be given an opportunity to provide opening statements. Questioning of the Parties and witnesses will occur according to the procedures below.

Questioning Parties and Witnesses

During a live hearing, each Party is allowed to ask Relevant and not otherwise impermissible questions and follow-up questions of the Parties and witnesses through the Hearing Panel. No questioning to another Party or witness will be conducted by a Party personally.

Procedures for Decisionmaker's Evaluation of Questions and Limitation on Questions

The Hearing Panel will determine whether a proposed question is Relevant and not otherwise impermissible as described in this Grievance Procedure, prior to the question being posed, and will explain any decision to exclude a question as not Relevant or otherwise impermissible.

If the Hearing Panel determines that a Party's question is Relevant and not otherwise impermissible, then the question must be asked unless such question is unclear or harassing of the Party or witness being questioned. The Hearing Panel must give a Party an opportunity to clarify or revise a question that the Hearing Panel has determined is unclear or harassing and, if the Party sufficiently clarifies or revises a question so that it is no longer unclear or harassing, the question will be asked.

Refusal to Respond to Questions and Inferences Based on Refusal to Respond to Questions

A Hearing Panel may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed Relevant and not impermissible.

The Hearing Panel will not draw an inference about whether Sex-Based Harassment occurred based solely on a Party's or witness's refusal to respond to such questions.

Continuances or Granting Extensions

The University may determine that multiple sessions or a continuance (a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, the University will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

Newly-discovered Evidence

As a general rule, no new evidence or witnesses may be submitted during the live hearing.

If a Party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the Party may request that such evidence or witnesses be considered at the live hearing.

The Hearing Panel will consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The Party offering the newly-discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.

If the Hearing Panel answers in the affirmative to both questions, then the Parties will be granted a reasonable pause in the hearing to review the evidence or prepare for questioning of the witness.

DETERMINATION REGARDING RESPONSIBILITY

Standard of Proof

The University uses the preponderance of the evidence standard of proof to determine whether or not Sex-Based Harassment occurred. This means that the investigation and hearing determine whether it is more likely than not that a violation of the Grievance Procedure occurred.

General Considerations for Evaluating Evidence and Testimony

The decisionmaker (Hearing Panel) is required to evaluate Relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that Sex-Based Harassment occurred, whatever the quantity of the evidence is, the decisionmaker must not determine that Sex-Based Harassment occurred.

Determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the decisionmaker. Decisionmakers shall not draw inferences regarding a Party or witness' credibility based on the Party or witness' status as a Complainant, Respondent, or witness, nor shall it base its judgments in stereotypes about how a Party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the Party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence. However, credibility judgments should not rest on whether a Party or witness' testimony is non-linear or incomplete, or if the Party or witness is displaying stress or anxiety.

Decision makers will afford the highest weight relative to other testimony to first-hand testimony by Parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

A witness' testimony regarding third-Party knowledge of the facts at issue will be allowed but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

Communication of the Determination in Writing

All determinations on whether Sex-Based Harassment occurred will be communicated to the Parties in writing, simultaneously.

The written determination will include:

- A description of the alleged Sex-Based Harassment;
- Information about the policies and procedures that the University used to evaluate the allegations;
- The decisionmaker's evaluation of the Relevant evidence and determination on whether Sex-Based Harassment occurred;
- Any Disciplinary Sanctions the University will impose on the Respondent, whether Remedies other than the imposition of Disciplinary Sanctions will be provided by the University to the Complainant, and, to the extent appropriate, other Students identified by the University to be experiencing the effects of Sex-Based Harassment, if there is a finding that Sex-Based Harassment occurred; and
- The University's procedures for Complainant and Respondent to appeal.

Timeline of Determination Regarding Responsibility

If there are no extenuating circumstances, the determination regarding responsibility will be issued by the University within ten (10) University business days of the completion of the hearing.

Finality of Determination

The determination regarding responsibility becomes final either on the date that the University provides the Parties with the written determination of the result of any appeal, or, if no Party appeals, the date on which an appeal would no longer be considered timely.

APPEALS

Each Party may appeal a determination regarding responsibility. To appeal, a Party must submit their written appeal within five (5) University business days of being notified of the decision, indicating the grounds for appeal.

For appeals resulting from dismissal of a Complaint, please see the section on *Dismissal of Complaints*.

Grounds for Appeal

The limited grounds for appeal available are as follows:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination whether Sex-Based Harassment occurred or dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

Additional Procedures for Appeal Process

The University will notify the Parties of any appeal, provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome, and will notify the Parties of the result of the appeal and the rationale for the result.

The submission of an appeal stays (or pauses) any sanctions for the period during which an appeal determination is being assessed. Supportive Measures and remote learning opportunities remain available while an appeal is being deliberated and before a final decision has been made.

Appeals will be decided by the Vice President for Student Affairs who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing decisionmaker in the same matter.

SECTION 10: NON-DISCRIMINATION & EQUAL OPPORTUNITY

D'Youville University does not discriminate on the basis of race, creed, color, disability, national origin, sexual orientation, military status, sex, age, marital status, domestic violence victim status, arrest or conviction record, predisposed genetic characteristics, sincerely held religious belief or gender identity or expression and prohibits discrimination in any Education Program or Activity that it operates, as required by Title IX and its regulations, Title VI of the Civil Rights Act of 1964 and the New York State Human Rights Law (NYSHRL), including in admission and employment.

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

The University's Title IX Coordinator is Danielle Nesselbush, Title IX Coordinator, Koessler Administration Building Rm. 302, nesselbd@dyc.edu, 716.829.8337.

A student also has the right to file a complaint of discrimination with the Office for Civil Rights (OCR) of the U.S. Department of Education. Complaints are to be filed within 180 calendar days of the alleged act of discrimination and may be made to the regional office of OCR:

New York Office for Civil Rights
U.S. Department of Education 32 Old Slip, 26th Floor
New York, NY 10005-2500

Telephone: 646.428.3900
FAX: 646.428.3843
TDD: 877.521.2172
OCR.NewYork@ed.gov

The University's nondiscrimination policy and grievance procedures can be located [here](#).

To report information about conduct that may constitute discrimination or make a Complaint of discrimination under Title IX, [click here](#).