

# Villa Maria College 2016 Annual Campus Security Report

## 1. Introduction

- a. Villa Maria College holds the safety and well-being of its community members and visitors as one of its highest concerns. While Villa Maria College is a relatively safe place to be, it is certainly not exempt from the same crime problems that exist in surrounding communities. Our goal is to provide a safe environment, one in which all campus members can work, learn and live. To attain this goal, all members must take responsibility for the safety and security of themselves and their neighbors. There needs to be a communal responsibility in all members of the College community. This means that all members not only must abide by accepted behavior standards, but also that each member will encourage acceptable behavior among their peers. Community members are encouraged to report crime and unsafe conditions or acts to appropriate College official.

## 2. Crime Prevention and Reporting

- a. To fulfill federal requirements of Title II of the Clery Act and also Article 129---A of the NY Education Law, the following policy is currently in effect for Villa Maria College. Since Villa Maria College believes in values and justice, no crime will be tolerated on the campus. Security plans, emergency plans, and crime reporting are organized to contribute to a safer environment, and to provide the mechanism for obtaining outside help from local police agencies and emergency facilities. The policy of Villa Maria College requires the reporting and investigation of crimes, including but not limited to Violent Felony Offenses as defined in NY Penal Law 70.2. The policy also requires that an investigation will be made in the event that a student who resides at a facility owned or operated by the College is reported to be missing. Investigations will be coordinated between the College and local police authorities.
  - i. Emergency phones are located on corridors. Instructions are posted adjacent to the phone.
- b. Reporting Crimes
  - i. Villa Maria College requires that all crimes, missing person situations, and emergencies be reported immediately.
  - ii. All students, faculty, staff, and visitors are asked to report any unusual or suspicious incidents to the Business Office, the police, or to security.
    1. Police, Fire Department, Rescue—press “Speed 1” on corridor phones or dial 911
    2. Security Guard—press “Speed 2” on corridor phones or dial 870---7176
    3. Business Office—dial 1811
      - a. To insure proper documentation, please complete a crime report in the Business Office.
  - iii. If you prefer to contact someone confidentially, you may call
    1. Counseling—1821 or 961---1821
    2. Campus Ministry—1813 or 961---1813
    3. Information received confidentially will be used for statistical purposes. If it is determined that the circumstances of the crime pose a danger to other members of the College community, then general

information about the incident may be released. However, the victim's identity will be protected.

- c. Institutional Response
  - i. Villa Maria College will investigate and seek to resolve all reports of crime on campus in accordance with our policies, procedures, and Memorandum of Understanding with Cheektowaga Police Department.
- d. Crime Log
  - i. Villa Maria College maintains a daily crime log in accordance with the Clery Act. This log is held in the Business Office located on the first floor of the Main Building. A copy is available for viewing upon request. Campus security guards and the Business Office staff maintain the crime log.

### **3. Campus Security**

- a. Villa Maria College Safety and Security offices have the authority to ask persons for identification and to determine whether individuals have lawful business at the College. College security officers have the authority to issue parking tickets, which are billed to financial accounts of students, faculty, and staff. Safety and Security officers do not possess arrest power. Criminal incidents are referred to the local police who have jurisdiction on the campus. Security officers at the College maintain a highly professional working relationship with the Town of Cheektowaga Police Department, and City of Buffalo Police. All crime victims and witnesses are strongly encouraged to immediately report the crime to campus security and the appropriate police agency. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.
- b. Town of Cheektowaga Police provides routine patrol of public areas adjacent to the College and is available to assist community members upon request. Villa Maria College and the Cheektowaga Police Department have a memorandum of understanding concerning campus safety. A copy of this MOU is available upon request at the Business Office.
- c. There is an on-campus security guard available to assist College students, staff, and faculty with safety and security issues during regular building hours. The security guard may be contacted by dialing "speed 2" on any hall telephone or directly by dialing (716) 870-7176. The security guard has the right to detain and secure persons for reasonable cause until police are on scene. Security or maintenance personnel can escort College community members to campus locations anytime during regular building hours.
  - i. The security guard is designated and authorized by the College to maintain the safety and security of College surroundings. All community members are urged to report crimes in progress, other criminal activity and suspicious behavior so that investigation and remedial activities can occur in a timely manner. Community members may report emergencies directly to the Town of Cheektowaga public safety agencies by using 911 or can report emergencies by dialing "speed 2" on any hall telephone or directly by dialing (716) 870-7176. Witnesses of crimes in progress may call 911 to access Town Police; 911 also may be used to request an ambulance or firefighting equipment. Calls reporting incidents or situations not appropriate for public safety but rather campus security or physical plant issues would be made by dialing "speed 2" on any hall telephone or directly by dialing (716) 870-7176.

- ii. As examples, reports of suspicious people, deficiencies in door locks or windows, problems with building utilities, minor injuries or requests for escort would be appropriate to report using the “speed 2” on any hall telephone or by dialing (716) 870-7176.
- iii. Crimes may be reported at the following offices:
  - 1. These calls may not necessarily remain confidential.
  - 2. Business Office: (716) 961-1811
  - 3. Security Guard: (716) 870-7176

#### **4. Access to Facilities**

- a. During designated open hours, the College will be open to students, parents, employees, contractors, guests, and invitees. Building hours are posted online, and generally follow this format:
  - i. Main Building: M-Th 7am to 12am, F 7am to 7pm, Sat 8am to 7pm, Sun 12pm to 6pm
  - ii. Athletic Center: M-F 11am to 3pm
  - iii. Felician Hall: M-F 8am to 5pm
- b. During non-business hours access to all College facilities is restricted. In the case of periods of extended closing, the College will admit only those with prior written approval to all facilities. Villa Maria College does not have residence halls. Over extended breaks, the doors of all halls will be secured around the clock. Some facilities may have individual hours, which may vary at different times of the year.
- c. Emergencies may necessitate changes or alterations to any posted schedules. College Administration is interested in continually improving campus security and asks questions via surveys to students and employees. Administrators review these results annually. These surveys examine security issues such as landscaping, locks, alarms, lighting, and communications. Additionally, during the academic year, the Emergency Management Committee meets as needed to review issues and make improvements.
- d. Maintenance contractors are advised to register at the Physical Plant Department before entrance to any campus buildings occurs. This reduces the chances of unauthorized or untimely entrance on campus grounds.

#### **5. Campus Crime Statistics**

- a. The following crime statistics are compiled and reported in accordance with the Clery act. All categories of crime comply with the Department of Justice, Federal Bureau of Investigation definitions of crimes.

**Villa Maria College Annual Security Report Crime Statistics (for years 2014-2016)**  
**CRIMINAL OFFENSE REORTINGTABLE**

<b>Offense</b>	<b>Year</b>	<b>On-Campus Property</b>	<b>Non-Campus Property</b>	<b>Public Property</b>
Murder/ Non-Negligent Manslaughter	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Manslaughter By Negligence	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Rape	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Fondling	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Incest	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Statutory Rape	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Robbery	2014	0	0	0
	2015	1	0	0
	2016	0	0	0
Aggravated Assault	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Burglary	2014	0	0	0
	2015	1	0	0
	2016	0	0	0
Motor Vehicle Theft	2014	0	0	0
	2015	0	0	1
	2016	0	0	0
Arson	2014	0	0	0
	2015	0	0	0
	2016	0	0	0

**VAWA OFFENSES REPORTING TABLE**

Offense	Year	On-Campus Property	Non-Campus Property	Public Property
Domestic Violence	2014	0	0	0
	2015	1	0	0
	2016	0	0	0
Dating Violence	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Stalking	2014	0	0	0
	2015	0	0	0
	2016	0	0	0

**ARRESTS AND DISCIPLINARY REFERRALS REPORTING TABLE**

Offense	Year	On-Campus Property	Non-Campus Property	Public Property
Arrests: Weapons - Carrying/Possessing, etc.	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Disciplinary Referrals: Weapons - Carrying/Possessing	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Arrests: Drug Abuse Violations	2014	0	0	0
	2015	0	0	1
	2016	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2014	1	0	0
	2015	0	0	0
	2016	0	0	0
Arrests: Liquor Law Violations	2014	0	0	0
	2015	0	0	0
	2016	0	0	0
Disciplinary Referral: Liquor Law Violations	2014	0	0	0
	2015	0	0	0
	2016	0	0	0

## **6. Timely Notifications**

- a. In the event that a situation arises, either on or off campus, that, in the judgment of College administrators, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be issued through the college e-mail system to students, faculty, staff. Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, College officials may also post a notice on campus bulletin boards and doors providing the college community with more immediate notification. Anyone with information warranting a timely warning should report the circumstances to Campus Security by phone (716-870-7176) or in person at the Business Office located on the first floor of the Main Building.
- b. The Business office, Vice President for Business Affairs, and the Vice President for Enrollment Management and Student Services have responsibility for and have authority to issue Timely Notifications and Emergency Notifications.

## **7. Crime Prevention and Information**

- a. During orientation in August new students are informed of services offered by Campus Security. Presentations outline ways to maintain personal safety on campus as well as crime prevention. Students are told about crime on-campus and in surrounding neighborhoods. Similar information is presented to new employees during new employee orientation. Crime Prevention Programs and Sexual Assault Prevention Programs are offered occasionally.
- b. Periodically during the academic year crime prevention awareness sessions on sexual assault (rape and acquaintance rape), drug and alcohol abuse, theft, and vandalism, as well as educational sessions on personal safety are offered to students.
- c. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others.
- d. In addition to seminars, information is disseminated to students and employees through crime prevention awareness posters and displays.
- e. When time is of the essence, information is released to the College community through security alerts via e-mail or posted prominently throughout campus, or voice mail broadcasting system.

## **8. Alcohol and Drugs**

- a. Alcohol and drugs are prohibited on the College’s property. On occasion, at the College’s discretion, alcohol may be served on campus in accordance with College policy and state law. Students are expected to comply with all federal, state, and local laws pertaining to alcohol and drugs as well as the comprehensive Additional information on Alcohol and Drug policy found in this handbook. Potential violations of law and College policy include but are not limited to:
  - i. Possession, consumption, or transportation by automobile of alcohol by a person under 21 years of age.
  - ii. Use, Possession or Distribution of a controlled substance (illegal drugs), or drug paraphernalia.

- iii. Possession or display of alcohol paraphernalia. Examples include but are not limited to: empty alcohol containers, shot glasses, alcoholic signage, and alcoholic games/toys.
  - iv. Sale or distribution of Alcohol on campus, except by vendors who possess the appropriate licenses and have received permissions from the Student Affairs Office.
  - v. Presentation of any written or oral evidence of age that is false, fraudulent, or not a person's own for the purpose of ordering, purchasing, or attempting to procure alcohol by a person under 21 years of age.
  - vi. Any person bringing guests to campus is responsible for making College policies known, and any violations by the guests will be attributed to the host student.
  - vii. Granting access to or serving alcohol to those under 21 years of age or who are intoxicated.
  - viii. Possession of alcohol outside approved or registered areas.
  - ix. Being in the presence of alcohol outside approved or registered areas.
  - x. Destruction of College property at approved off---campus functions, resulting from the use of alcohol.
  - xi. Inappropriate behavior, noise, or conduct that infringes on the rights of others and is the result of the use of alcohol.
  - xii. Public intoxication, including but not limited to, the Villa Maria College campus.
  - xiii. Any other violation of the Alcohol and Drug Policy in this handbook.
- b. Alcohol and Drug Statement --- Villa Maria College is dedicated to the creation of a Christian environment, which fosters the intellectual, spiritual, emotional and physical development of its students and employees. This development is the essence of personal wellness.
- i. The College community takes its responsibility seriously, and through education, counseling and modeling, assists students and employees in making responsible, ethical and informed behavioral choices.
  - ii. In accordance with the 1989 Drug Free Schools and Communities Act, the College reaffirms standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on the College property or as part of any of its activities. Villa Maria College will comply with state law and local ordinances regarding the purchase and consumption of alcoholic beverages.
  - iii. The Drug Free Schools and Communities Act Amendments of 1989 (Public Law 101-226; Final Regulations published on August 16, 1990) requires the College to certify to the United States Department of Education that it has adopted and implemented a program to prevent the illicit use of drugs and the abuse of alcohol by its students and employees.
  - iv. The Higher Education Act Amendments of 1986 require those institutions receiving federal financial student aid to certify that they have drug prevention programs accessible to institutional officers, employees and students. This program must include the annual distribution of the following to each student and employee:
    - 1. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use or distribution of drugs and alcohol by students and employees on the institution's property or as part of the institution's

- activities;
- 2. A description of the applicable legal sanctions under local, state and federal law for unlawful possession, use or distribution of illicit drugs and alcohol;
- 3. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- 4. A description of any drug and alcohol counseling, treatment or rehabilitation programs that are available to students and employees; and
- 5. A clear statement that the institution will impose sanctions on students and employees (consistent with local, state and federal law) and a description of these sanctions, up to and including expulsion or termination of employment and referral for prosecution for violations of the standards of conduct.
- v. The law further requires that the College conduct a biennial review of its program to (a) determine its effectiveness and implement changes as they are needed; and (b) ensure that the sanctions developed are consistently enforced. The following document is Villa Maria College's response to Section 22 of the law, entitled "Drug-Free Schools and Campuses" and the Higher Education Act Amendments of 1986 which require those institutions receiving federal financial student aid to certify that they have drug prevention programs accessible to institutional officers, employees and students.
- c. Substance Abuse Education and Prevention
  - i. The College has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals and college conduct actions. VMC's Health Services Office provides an overall coordination of the Drug-Free School Program. However, many services are the responsibility of other areas of the institution. These include:
    - 1. Alcohol and Drug Education: College Health Services, Employee Assistance Program, IDS 106 class.
    - 2. Counseling Services: The College Counselor, College Nurse, Employee Assistance Program.
    - 3. Referral Services: Student Services Staff, College Counselor, College Nurse, Employee Assistance Program.
    - 4. College Disciplinary Actions: The VP EMSS.

## **9. Disclosures to Alleged Victims of Crimes of Violence or Non-Forcible Sex Offenses**

- a. The College will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any Student Conduct proceeding conducted by the college against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, the College will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

## **10. Emergency Response and Evacuation Procedures**



- a. Emergencies and disasters are unpredictable and often strike without warning. It is essential that all Villa faculty, staff, students, and visitors respond quickly and appropriately to emergency situations in order to reduce the risk of injury and property damage. Emergency Procedures can be found in the Business Office
- b. Emergency Phone Numbers
  - i. Villa Maria Security 716.870.7176, 716.848.9640
  - i. Police/Fire/Ambulance Emergency 9-911
  - ii. The 9-1-1 emergency system can be accessed from office and hallway phone by dialing 9 prior to 9-1-1. If you do call 9-1-1 for an emergency, please also call Villa Security immediately afterward. This will allow officers to meet, coordinate with, and direct emergency officials for the incident. If you cannot reach Villa Security for some reason, call 9-1-1.
- c. General Emergency Procedures
  - i. When you become aware of an emergency situation where life or property is threatened, contact Villa Security immediately at 716.870.7176, 716.848.9640. It is imperative that everyone follows the directives of emergency response personnel. This includes Villa Security, local Police and Fire/EMS personnel. Know the location of safety equipment in your work area and how to use it. Familiarize yourself with emergency evacuation routes for your building.
  - ii. Villa Maria College will notify students and employees about emergency situations via e-mail, fire alarms, SMS communication (through e2Campus), and through mass voice mail notification on the phone system. People can sign up for the mass notification system here: <https://www.villa.edu/campus-life/campus-security/emergency-message-registration/>
  - iii. The following people are responsible for carrying out the Emergency Procedures for the College:
    - 1. Michael Eadie, VP for Business Affairs, 716.961.1884
    - 2. Brian Emerson, VP EMSS, 716.961.1838
    - 3. David Wisner, Physical Plant Director, 716.961.1867
    - 4. Christine Palczewski, Director of Computer Services, 716.961.1817
    - 5. Kristen Schober, Communications Specialist, 716.961.1889
  - iv. Upon determination that a significant emergency or dangerous situation is made by campus officials, will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. College officials will also notify entities outside of the institution via phone and e-mail when necessary, these outside entities could include the Town of Cheektowaga and the City of Buffalo, various news agencies, and other nearby institutions including schools and the Felician Sisters Convent.
  - v. Villa Maria College tests emergency response and evacuation procedures on an annual basis, through drills once per semester. Tests are generally announced to the campus community via e-mail and publication on the

campus calendar, they are publicized and documented.

## **11. Missing Student Policy**

- a. It is the policy of Villa Maria College that any faculty or staff member of the College who receives information that a student of the College is missing from his or her normal and ordinary place of residence, whose whereabouts cannot be determined, and whose absence does not appear to be voluntary shall promptly report this information to the Vice President for Enrollment Management and Student Services. The source of the report to include name, phone, and address of the reporting party along with a summary of the circumstances shall be made a part of any such report, to the extent possible. For purposes of speed, the initial report may be verbal to be followed by a written statement of circumstances forwarded in due course.
- b. The Vice President for Enrollment Management and Student Services shall make inquiry to confirm as much information as possible and shall make a report to the Police Department in either Cheektowaga, New York, or in Buffalo, New York, as appropriate. Reporting:
  - i. Anyone with knowledge that a student is missing for 24 hours or more must report this information to Campus Security, the Business Office, or the Vice President for Enrollment Management and Student Services.
  - ii. Individuals who wish to report that a student has been missing for 24 hours may contact any of the following office
    1. Office of Student Affairs --- VP for Enrollment Management and Student Services
      - a. Telephone: 716.961.1831
      - b. Location: Felician Hall, room 119.
- c. Confidential Contact
  - i. Each student has the option to register a confidential contact person to be notified in the case that the student is determined to be missing. Only authorized campus officials and law enforcement officers in furtherance of a missing person investigation have access to this information.
  - ii. To complete a Confidential Contact Information form, please visit the Business Office. The Business Office will maintain confidential Contact Information forms.
  - iii. The College will contact the parent or guardian of any students who are less than 18 years of age and not emancipated, who are reported missing.
- d. Law Enforcement
  - i. In all instances where a student has been reported missing for more than 24 hours, law enforcement will be notified.
  - ii. Villa Maria College may initiate any part of an investigation or procedures in less than 24 hours if circumstances warrant a faster implementation.

## **12. Sexual Assault and VAWA Crimes**

- a. Villa Maria College is committed to providing learning and working environment

that promotes personal integrity, civility and mutual respect in an environment free of discrimination. The Civil Rights Grievance Procedure is the method by which Villa Maria College handles the resolution of grievances related to civil rights discrimination pertaining to any member of the college community, including: students, employees, volunteers, and third---party contractors. Specifically, this procedure will be used to resolve any issue dealing with or concerning civil rights discrimination. This information can be found on---line at: <http://www.villa.edu/campus---life/civil---rights---compliance/>

- b. Language
  - i. Please note that the word “discrimination” was chosen to represent all forms of sexual assault, misconduct, harassment, and violence in this section of the ASR and in VMC’s Civil Rights Grievance Procedure.
- c. Non---Discrimination Statement:
  - i. Villa Maria College does not discriminate on the basis of age, race, religion, creed, color, national or ethnic origin, disability, gender, sex, sexual orientation, domestic violence victim status, marital status, veteran status, military status, and any other protected status. This policy applies to admissions, all terms and conditions of employment, or in any other aspect regarding the conduct of College programs and activities.
  - ii. Villa Maria College prohibits all forms of discrimination on the basis of sex [Title IX] including: Harassment, Sexual Assault, Sexual Violence, Domestic and Dating Violence, and Stalking.
- d. The following people have been designated as Civil Rights Compliance Officers to handle inquiries regarding the Civil Rights Grievance Procedure:

Brian J. Emerson, Vice President for Enrollment and Student Services  
(VPEMSS)  
Civil Rights Compliance Officer: Title IX Coordinator and Section 504  
Coordinator  
Villa Maria College  
240 Pine Ridge Rd.  
Buffalo, NY 14225  
Office Location: Felician Hall, Room 119  
Phone: 716.961.1838  
E---mail: bemerson@villa.edu

Jo---Ann Formoso, Director of Human Resources  
Civil Rights Compliance Officer: Deputy Title IX Coordinator  
Villa Maria College  
240 Pine Ridge Rd.  
Buffalo, NY 14225  
Office Location: Human Resources – First floor of the Main Building  
Phone: 716.961.2864  
E---mail: Formosoj@villa.edu

- e. Guidance on reporting
  - i. Villa Maria College encourages those who have experienced any form of

discrimination to report the incident promptly, to seek all available assistance, and to pursue college conduct charges and criminal prosecution of the offender when desired. The College takes complaints of discrimination very seriously and will work with complainants to ensure their safety and to remedy the situation.

- f. Whom to file a report or make a complaint to:
  - i. The College encourages those who have experienced discrimination to report these offenses to either the VPEMSS or Director of HR; those who want to make a complaint have the right, however, not to provide a statement to Campus Security.
  - ii. The Title IX Coordinator/Section 504 Coordinator (Brian Emerson, 716.961.1838)
    - 1. Persons who wish to report any form of discrimination may contact the College's civil rights grievance officer, who is the Title IX and Section 504 Coordinator: Brian Emerson, VPEMSS.
    - 2. The VPEMSS can assist with all aspects of the reporting procedure; will conduct an investigation into a complaint. Employees of the College can also make an initial report to their immediate supervisor or the Director of HR, who will assist the VPEMSS.
    - 3. Employees who believe they have either witnessed or been subjected to discrimination may notify one of the following: the Vice President for Enrollment Management and Student Services and/or the Director of Human Resources. If for any reason the employee is unable or unwilling to report the matter to any one of the individuals listed above, he/she may report the matter to the President of the College.
  - iii. The Director of HR (Jo---Ann Formoso, 716.961.2864)
    - 1. Office: Human Resources – Main building, first floor. E---mail: Formosoj@villa.edu. Phone: 716.961.2864. Address: 240 Pine Ridge Rd, Buffalo NY, 14225.
  - iv. Campus Security (716.870.7176, 716.848.9640)
  - v. Persons who wish to make a report may contact Campus Security. Phone: 716.870.7176, 716.848.9640. Office: Business Office, Main Building --- First Floor. Address: Villa Maria College, 240 Pine Ridge Rd, Buffalo, NY 14225.
  - vi. Reporting to Law Enforcement
    - 1. Students and employees may choose to report crimes to law enforcement, or they may choose not to report crimes to law enforcement. It is the option of the person making the report to choose to do so or not. If a person chooses to not report to law enforcement, they will still receive the support of the College as outlined in this policy.
  - vii. Written Notification
    - 1. Upon reporting a crime or making a complaint, VMC will provide written notification about counseling, health, mental health, victim advocacy, legal assistance and other services available off campus. In addition, VMC will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations if those changes are requested by the victim and reasonably available, regardless of whether the victim reports the offense to campus or local police.

- g. Grievance Procedure
  - i. All incidents of discrimination, including retaliation, should be reported. The VPEMSS/Title IX Coordinator/Section 504 Coordinator will provide for the adequate, reliable, and impartial investigation of all complaints.
  - ii. The College has developed both an informal and formal complaint and resolution procedure to respond to civil rights discrimination. The use of the informal complaint and resolution procedure is optional. In instances where parties involved do not wish to engage in the informal procedure, where informal resolution is not appropriate, or in situations where attempts at the informal procedure are unsuccessful, the formal procedure may be followed.
- h. Informal Procedure
  - i. Some complaints of discrimination can be resolved through informal mediation between the parties.
  - ii. Once a report of discrimination has been made, informal resolution procedures will be pursued within seven business days of the initial report.
  - iii. Informal resolution procedures are optional and may be used when the College determines that it is appropriate. The informal resolution procedures are also optional for the complainant, who need not agree to an informal procedure even in instances where the College believes it to be appropriate. Informal procedures are never applied in cases involving alleged violence or alleged non-consensual sexual intercourse.
  - iv. The VPEMSS or Director of HR shall conduct an investigation into the report within seven business days of the report being made. For reports involving allegations against College employees, the VPEMSS or Director of HR shall jointly conduct an investigation. The informal investigation will take an estimated seven business days but may take longer as necessary to fully complete the investigation due to the collection of information, documentation, etc.
  - v. Once the informal resolution procedure is complete, written notification to all parties shall be given by the VPEMSS within one day of the determinations of findings.
  - vi. The College shall take reasonable steps to prevent the recurrence of discrimination in any form. If such recurrence takes place, those responsible for such behavior may be subject to actions under the Code of Student Conduct if they are a student, or they may be subject to actions under the Employee Handbook if they are an employee or third party. For examples of the range of potential actions and sanctions see the Code of Student Conduct in the Student Handbook.
  - vii. The College will take all necessary steps to remedy the discriminatory effects on the victim(s) and others. Examples of such victim sensitive remedies may include: order of no contact, adjustment of schedule, etc. These remedies may be applied to one, both, or multiple parties involved.
  - viii. If the reporting party is unsatisfied with the outcome of the informal resolution procedure, the formal resolution procedure may be pursued.
  - ix. Written notice of the outcome of this process shall be given to the parties involved by the VPEMSS within one day of the outcome.
- i. Formal Procedure
  - i. Once a complaint of discrimination is made, or the college becomes aware of the existence of discrimination, an investigation of the report shall be

pursued within seven business days. The formal investigation will take an estimated seven business days but may take longer as necessary to fully complete the investigation.

- ii. To ensure a prompt and thorough investigation, the complainant should provide as much of the following information as possible:
  - iii. The name, department, and position of the person or persons allegedly causing the discrimination or retaliation.
  - iv. A description of the incident(s), including the date(s), location(s), and the presence of any witnesses.
  - v. If the complainant is an employee: the alleged effect of the incident(s) on the complainant's position, salary, benefits, promotional opportunities, or other terms or conditions of employment.
  - vi. The names of other students or employees who might have been subject to the same or similar discrimination or retaliation.
  - vii. Any steps the complainant has taken to try to stop the discrimination or retaliation.
  - viii. Any other information the complainant believes to be relevant to the discrimination, harassment, or retaliation.
- j. Investigation
- i. The VPEMSS and/or Director of HR shall conduct an investigation into the report. For reports involving College employees and/or third parties, the VPEMSS or Director of HR shall jointly conduct the investigation. The investigation shall be concluded as quickly as possible, typically within seven business days or within a reasonable amount of time required to complete the investigation. The investigation will be conducted in a manner so that it is adequate, reliable and impartial.
  - ii. The investigation may include any of the following: interviews of the parties involved, including witnesses, and the gathering of other relevant information.
  - iii. Parties to the complaint may present witnesses and other evidence.
  - iv. At any time during the investigation, the investigator may recommend that appropriate College officials provide interim protections or remedies for the parties involved or witnesses. These protections or remedies may include separating the parties, placing limitations on contact between the parties, suspension, or making alternative workplace or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of the Code of Student Conduct and/or a violation of employee policy.
- k. Cooperation with Law Enforcement
- i. The College will comply with law enforcement request for cooperation and such cooperation may require the College to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency is in the process of gathering evidence. The College will promptly resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process, which typically takes three to ten business days, although the delay in the College's investigation may be longer in certain instances.
  - ii. The College will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the

- victim(s) and the campus community and the avoidance of retaliation.
- l. A resolution shall be determined at the conclusion of the investigation. Parties involved will be given written notice of the outcome in writing within one day of the determination.
  - m. Parties to the complaint may appeal the findings of the investigation. All grounds for appeal shall be based on the emergence of new evidence that was previously unavailable, or based on the grounds that some aspect of this policy or procedure was not adequately followed. All appeals will be conducted in an impartial manner by one of the persons in the following positions who did not conduct the initial investigation: the VP for Academic Affairs, the VP for Business Affairs, or the VP for Development. The President of the college shall not hear an appeal.
  - n. The College shall take reasonable steps to prevent the recurrence of discrimination or retaliation in any form. If the reoccurrence takes place, those responsible for such behavior may be subject to disciplinary action under the Student Conduct Procedure (Student Handbook, 10) or Employee Handbook if the person is an employee or third party. For examples of the range of potential disciplinary sanctions, see the Code of Student Conduct in the Student Handbook.
  - o. The College will take all necessary steps to remedy the discriminatory effects on the victim(s) and/or complainant(s) and others. Examples of such remedies may include: order of no contact, classroom re---assignment, or other appropriate remedies.
  - p. Time Limitations
    - i. In order to pursue action through Villa Maria College's grievance procedure, an aggrieved student or employee should meet with the VPEMSS or Director of HR, as the case may be, as soon as possible after the alleged act of discrimination or retaliation occurs, to discuss the complaint. In any case, there is no time limit for students to make a report. Employees who have experienced conduct they believe is contrary to this policy have an obligation to make a report. An employee's failure to fulfill this obligation may affect his or her rights in pursuing legal action. Timely reporting is necessary for employees.
    - ii. Retaliation
      1. Civil Rights law and Villa Maria College strictly prohibits retaliation against any person for using this reporting procedure, or for filing, testifying, assisting or participating in any manner in any investigation or proceeding involving allegations of discrimination. Any person who violates this policy will be subject to discipline, up to and including termination if they are an employee, and/or dismissal if they are a student.
      2. Retaliation is any action by any person that is perceived as: intimidating, hostile, harassing, retribution, or violent that occurred in connection to the making and investigation of the report.
      3. No person shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights and responsibilities under this policy.
  - q. Confidentiality
    - i. Those who have experienced discrimination should know that all College employees (Campus Security, staff members, etc.) excluding licensed

professionals from the College Counseling Center and the professionals in Campus Ministry, must report known felonies to the police, either directly or through Campus Safety. Because licensed professionals from the College Counseling Center and professionals in Campus Ministry are not required to disclose knowledge of felonies reported to them except when necessary to prevent harm, those who wish to discuss a situation in complete confidence should notify only the Counseling Center or Campus Ministry. Counseling services and pastoral care are available for persons affected by a sex offense.

- ii. If you would like to report an incident or speak to someone about something that happened and you desire that details of the incident be kept confidential, you should speak with staff members of the Counseling Center, the Campus Minister, or off---campus rape crisis resources, who will maintain confidentiality. Campus counselors are available to help you free of charge, and can be seen on an emergency basis. In addition, you may speak on and off campus with clergy and chaplains, who will also keep reports made to them confidential.
- iii. All inquiries, complaints, and investigations are treated with discretion. Information is revealed as law and policy permit. However, the identity of the complainant is usually revealed to the person(s) responding of such conduct and any witnesses with consent of the complainant. Publicizing information about alleged discrimination or retaliation is strictly prohibited and may be considered a violation of College policy.
- iv. The VPEMSS or Director of HR shall maintain all information in secure files pertaining to a complaint or investigation.
- v. Federal Statistical Reporting Obligations:
  1. Certain campus officials (campus security officials) have a duty to report certain violations of this policy for federal statistical reporting purposes. All personally identifiable information is kept private, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off---campus, in the surrounding area, but no addresses are given), for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.
- vi. Federal Timely Warning Reporting Obligations:
  1. Victims of sex discrimination should also be aware that College administrators must issue timely warnings for certain types of incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community under Federal “Clery” law. The College will make every effort to ensure that a victim’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.
- r. Intersection with the Student Conduct Process
  - i. For reports of violations of this policy, in which the complaint involves students, the complainant may also initiate charges through the Student Conduct process found in the Student Handbook. As stated in that policy, any member of the College community may initiate charges against a student. In



instances when a student conduct complaint is made, a conduct hearing shall be scheduled within seven business days of the conclusion of the investigation about the complaint. The purpose of the student conduct hearing is to determine responsibility for any alleged charges. This policy will be followed, in accordance with the Student Conduct process as it relates to the Civil Rights Grievance Procedure.

1. Standard for Determining Responsibility in the Civil Rights Grievance Procedure and Student Conduct hearing:
  - a. The standard used to determine accountability will be whether it is more likely than not that the respondent has violated the Civil Rights Grievance Procedure and Student Code of Conduct policy. All members of the College community found to have violated this policy will be sanctioned, up to dismissal from the College if they are students or termination if they are employees.
  - ii. Student Conduct procedures will be conducted by college officials who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking, as well as how to conduct a hearing process that protects victim safety and promotes accountability.
- s. Complainant and Respondent Rights
  - i. The Complainant's Rights in a student conduct hearing:
    1. An explanation of available options for redress,
    2. Freedom from harassment by the respondent (or the supporters),
    3. Use of all available internal and external support services in dealing with the aftermath of the offense,
    4. Ability to speak on their own behalf during the disciplinary proceedings, including making a "survivor impact" statement to a hearing board or College disciplinary panel,
    5. The presence of an advisor from the College community and/or a support person during the disciplinary hearing,
    6. The opportunity to present witnesses who can speak about the charges, character witnesses excluded,
    7. Attend the entire disciplinary hearing except for the deliberation phase,
    8. Testify on his/her own behalf,
    9. Written information about the outcome of the hearing, and
    10. Opportunity to appeal the outcome of the hearing.
  - t. The Rights of the respondent in a student conduct hearing -- The College will treat the respondent with fairness throughout the disciplinary proceedings. Specifically, responding persons are entitled to:
    1. An explanation of available options for redress,
    2. Freedom from harassment by the complainant (or the supporters),
    3. Use of all available internal and external support services in dealing with the aftermath of the offense,
    4. Ability to speak on their own behalf during the disciplinary proceedings, including making an "impact" statement to a hearing board or College disciplinary panel,
    5. The presence of an advisor from the College community and/or a support person during the disciplinary hearing,

6. The opportunity to present witnesses who can speak about the charges, character witnesses excluded,
  7. Attend the entire disciplinary hearing except for the deliberation phase,
  8. Testify on his/her own behalf,
  9. Written information about the outcome of the hearing, and
  10. Opportunity to appeal the outcome of the hearing.
- u. Appeal Process
- i. At the conclusion of the conduct hearing process, the College will provide written notification to the parties involved of the outcome and resolution of the hearing within one business day.
  - ii. Once written notification of the resolution has been received, the parties involved will have the opportunity to appeal the findings. The desire to appeal should be submitted in writing to the conduct officer within seven business days.
  - iii. Appeals shall follow the appeal procedure found in the Student Conduct Procedure. The VP EMSS or Designee will hear appeals. The Appellate body may not be the Hearing Officer or member of the Conduct Board in the original hearing. The President of the College shall not hear appeals in the Student Conduct process.
  - iv. There is no conflict between this Title IX policy and procedure and student conduct process.
- v. Consequences
- i. The College reserves the right to take whatever measures it deems necessary in response to an allegation of discrimination in order to protect students' and employees' rights and personal safety.
  - ii. Such measures include, but are not limited to, room reassignments, interim suspension from campus pending a hearing, and reporting to the local police.
  - iii. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the College reserves the right to impose differing sanctions, ranging from oral warning to expulsion, depending on the severity of the offense.
- w. Special Provisions
- i. Attempted violations
    1. In most circumstances, the College will treat attempts to commit any form of discrimination listed in this policy or in the Student Code of Conduct as if those attempts had been completed.
  - ii. The College as Complainant
    1. As necessary, the College reserves the right to initiate a student conduct complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint by the victim or complainant.
  - iii. False Reports
    1. The College will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.
  - iv. Immunity for Victims of Civil Rights Violations
    1. The College community encourages the reporting of all Civil Rights violations and Code of Conduct violations. Sometimes, people are

hesitant to report to college officials because they fear that they themselves may be charged with policy violation as, such as underage drinking at the time of the incident. It is in the best interest of this community that all people who have experienced discrimination should report the incident to College officials. To encourage reporting, the College pursues a policy of offering victims of civil rights violations, including sexual misconduct, limited immunity from being charged with policy violations related to the particular incident. While violations to policy cannot be completely overlooked, the College will provide educational options rather than punishment, in such cases.

v. Good Samaritan

1. The welfare of students in our community is of paramount importance. At times, students on and off---campus may need assistance. The College encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, as student who has been drinking underage might hesitate to help take a victim of sexual misconduct to campus authorities). The College pursues a policy of limited immunity for students who offer help to others in need. While policy violations cannot be overlooked, the College will provide educational options, rather than punishment, to those who offer their assistance to others in need.

vi. Parental Notification

1. The College reserves the right to notify parents/guardians of dependent students regarding any health or safety emergency, change in student status or conduct situation, particularly alcohol and other drug violations. The College may also notify parents/guardians of non---dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non---dependent, the College will contact parents/guardians to inform them of situations in which there is a health and/or safety risk. The College also reserves the right to designate which college officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act.

x. Notification of Outcomes

- i. The outcome of a civil rights investigation involving students is part of the education record of the student parties involved, and is protected from release under a federal law, FERPA. However, the College observes the legal exceptions that allow for notification of the parties involved and others whom the College determines to inform based on the law and this policy.
- ii. Students who bring any sort of discrimination complaint against faculty or staff will be informed of the outcome of the investigation and the resolution.
- iii. The College may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a College policy that is a "crime of violence," including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction. The College will release this information to the

complainant in any of these offenses regardless of the outcome.

y. Alternative Testimony Options for Student Conduct Hearings

- i. For student conduct complaints of a sensitive nature, whether the alleged victim is serving as the complainant or as a witness, alternative testimony options may be given, such as placing a privacy screen in the hearing room, or allowing the person to testify from another room via video. While these options are intended to help make the person more comfortable, they are not intended to work to the disadvantage of the respondent

**13. Sexual Assault and VAWA Continued - Title IX Policy: Discrimination on the Basis of Sex & Sexual Misconduct**

- a. Villa Maria College is committed to providing a learning, working and living environment that promotes personal integrity, civility and mutual respect in an environment free of discrimination on the basis of sex, which includes all forms of sexual misconduct. Sex discrimination violates an individual's fundamental rights and personal dignity. Villa Maria College considers sex discrimination in all its forms to be a serious offense. This policy refers to all forms of sex discrimination, including but not limited to: sexual harassment, sexual assault, and sexual violence by employees, students, or third parties.
- b. Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in educational programs and activities that receive federal financial assistance. To ensure compliance with Title IX and other federal and state civil rights laws, the College has developed policies and procedures that prohibit sex discrimination in all of its forms.
- c. Guidance on taking immediate action
  - i. Tell a trusted person about the incident. You may contact Villa Maria College Campus Security at (716) 870---7176, (716) 848---9640 and/or the College's Title IX Coordinator. You may also contact the Villa Maria College Counseling Center at (716) 961---1821. Another helpful resource is Buffalo and Erie County Crisis Services at (716) 834---3131, the NYS Domestic and Sexual Violence 24 hour hotline at (800) 942---6906. The Director of Counseling and the Title IX Coordinator can provide immediate referral information, access to the College counselor on call, and/or investigation assistance.
  - ii. In the event that sexual assault or sexual violence occurred, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. (The decision to press charges does not have to be made at this time. However, following these procedures will help preserve this option for the future.) Survivors should not bathe, urinate, douche, brush teeth, or drink liquids. Clothes should not be changed but if they are bring all the original clothing to the hospital in a paper bag. (Plastic bags damage evidence.)
  - iii. When necessary, seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.
  - iv. The complainant may choose whether or not to speak to the police at the hospital or any other time. If they do, the option to choose whether to file charges against the respondent will exist.
  - v. Private physicians are not required to notify the police. If a survivor desires

police involvement, they may request this contact. Also, with a private physician, survivors may have to ask for a rape kit to be completed. Please keep in mind: having a rape exam does not mean that survivors are mandated to press charges. This action only keeps the survivor's options open.

d. Definitions and Examples Regarding Sexual Harassment (Title IX)

i. Sex Discrimination: behaviors and actions that deny or limit a person's ability to benefit from, and/or fully participate in the educational programs or activities or employment opportunities because of a person's sex.

1. Examples of sex discrimination under Title IX include, but are not limited to, sexual harassment, failure to provide equal opportunity in education programs and co-curricular programs including athletics, discrimination based on pregnancy, and employment discrimination.

ii. Sexual Harassment is unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when: (1) submission to such conduct is made a term or condition of employment or the educational relationship; (2) submission to or rejection of such conduct is used as a basis for employment or education decisions affecting the individual; or (3) such conduct has the effect of unreasonably interfering with a student's or employee's work performance or creating an intimidating, hostile, or offensive working, educational, or living environment. While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

1. Promising, directly or indirectly, a student or employee a reward, if the student or employee complies with a sexually oriented request.
2. Threatening, directly or indirectly, retaliation against a student or an employee, if the student or employee refuses to comply with a sexually oriented request.
3. Denying, directly or indirectly, a student or employee an employment or education related opportunity, if the student or employee refuses to comply with a sexually oriented request. Engaging in sexually suggestive conversation or physical contact or touching another student or employee.
4. Displaying pornographic or sexually oriented materials.
5. Engaging in indecent exposure.
6. Making sexual or romantic advances toward a student or employee and persisting despite the student or employee's rejection of the advances.
7. Physical conduct such as assault, touching, or blocking normal movement.
8. Retaliation for making harassment reports or threatening to report harassment.
9. Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment sometimes involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment.
10. Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment

even if one of the incidents considered separately would not rise to the level of harassment.

iii. Sexual Misconduct

1. Sexual Misconduct is a broad term encompassing any sexual behaviors that violate Villa Maria College's Code of Conduct and/or Title IX Policy. In general, any non---consensual physical contact of a sexual nature may constitute Sexual Misconduct. Sexual Misconduct may vary in its severity and consists of a range of behaviors or attempted behaviors that may be grounds for student conduct action under College policy. Prohibited conduct under this Sexual Misconduct Policy includes:

iv. Non Consensual Sexual Contact

1. Non---Consensual Sexual Contact is any intentional sexual touching, however slight with any object or body part, by a man or a woman upon a man or a woman, without consent.

v. Non---Consensual Sexual Intercourse/Non---forcible sex offenses

1. Non---Consensual Sexual Intercourse is: any sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a man or woman upon a man or a woman, without consent. This includes non---forcible sex offenses, which is defined as unlawful, non---forcible sexual intercourse.

vi. Forced Sexual Intercourse/Forcible Sex offenses

1. Unwilling or non---consensual sexual penetration (anal, vaginal or oral) with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another's mental or physical condition of which the assailant was aware or should have been aware. This definition includes: any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

vii. Sexual Activity includes:

1. Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice. Intercourse however slight, meaning vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact).

viii. Sexual Exploitation

1. Occurs when a student takes non---consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses.
2. Examples of sexual exploitation include, but are not limited to: prostituting another student; non---consensual video or audio---taping of sexual activity; going beyond the boundaries of consent (such as

letting your friends hide in the closet to watch you having consensual sex); engaging in Voyeurism; knowingly transmitting an STD or HIV to another.

ix. Domestic Violence

1. Any felony or misdemeanor crime committed by a current or former spouse of the victim; a person the victim has a child with; an individual who lives or has lived with the victim as a spouse, or a person similarly situated to a spouse; and any other person committing an act against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

x. Dating Violence

1. Violence committed by a person who is or has been in a relationship — of a social, romantic or intimate nature — with a victim. The existence of such a relationship is to be determined by the length and type of relationship and the frequency of interaction.

xi. Stalking

1. Engaging in conduct directed at an individual that would cause any reasonable person to fear for her safety or that of others, or that inflicts emotional distress.

xii. Consent: Effective consent is the basis of the analysis applied to unwelcome sexual contact. Lack of consent is the critical factor in any incident of sexual misconduct.

1. Consent is informed, freely and actively given and requires clear communication between all persons involved in the sexual encounter
2. Consent is active, not passive. Consent can be communicated verbally or by actions. But in whatever way consent is communicated, it must be mutually understandable. Silence, in and of itself, cannot be interpreted as consent.
3. It is the responsibility of the initiator of sexual contact to make sure they understand fully what the person with whom they are involved wants and does not want sexually.
4. Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
5. Previous relationships or consent does not imply consent to future sexual acts.
6. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another.
7. Minors, mentally disabled individuals or people incapacitated as a result of drugs or alcohol, cannot give effective consent.
8. If you have sexual activity with someone you know to be-----or should know to be—mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), you are in violation of this policy.
9. Incapacitation is a state where one cannot make a rational, reasonable decision because of a lack of ability to understand the who, what,

when, where, why or how of sexual interaction.

10. This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of a so-called “date-rapе” drug. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student for the purpose of inducing incapacity is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org/>
11. Use of alcohol or drugs will never function to excuse behavior that violates this policy.

e. Support Services

- i. There are various supportive measures available for those who have experienced sex discrimination. These support sources include:
  1. *Title IX Coordinator*: The Title IX Coordinator serves as the central reference person for information about reporting and the investigative procedure, as well as available support services. The Title IX Coordinator can also assist with helping victims report incidents to the police when necessary, as well as implement restraining orders on campus.
  2. *Counseling*: Students who have experienced any form of sex discrimination, including sexual misconduct may receive free and confidential counseling at the College Counseling Center 716.961.1821 or other local resources. Villa Maria College employees may contact the Human Resources office or the Title IX Coordinator, or reference the Employee Handbook for information regarding counseling options.
  3. *Reassignments*: When the complainant and the respondent student participate in the same courses, or in proximity to one another, or participate in the same activities (i.e., clubs and organizations) survivors may request that a fair and immediate way to reassign and/or move one of the persons be decided upon by the VPEMSS or a designee. The VPEMSS will consult with the appropriate Vice Presidents in making a determination regarding an alternative classroom assignment(s) for the responding student and/or the complainant who has experienced a sex offense. When a student and/or employee makes a report and the respondent work in the same department or area, alternative work assignments may be made by the appropriate administrator, upon request by the student employee filing the complaint.

f. Past Sexual History/Character in Student Conduct Hearings

- i. The past sexual history or sexual character of a party will not be admissible in hearings unless such information is determined to be highly relevant by the VPEMSS. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be included in the complaint/response or a subsequent written request, and must be reviewed in advance of the hearing by the VPEMSS or Hearing Officer. While previous conduct violations by the responding student are not generally admissible as information about the present alleged violation, the



VPEMSS or Hearing Officer may supply previous complaint information to the conduct board, or may consider it him/herself if s/he is hearing the complaint, only if:

1. The respondent was previously found to be responsible in a conduct hearing;
  2. The previous incident was substantially similar to the present allegation;
  3. Information indicates a pattern of behavior and substantial conformity with that pattern by the responding student.
- g. Sex Offense Prevention and Awareness Educational Programming
- i. Because Villa Maria College recognizes sex discrimination as an important issue, the College offers educational programming to a variety of groups such as: campus personnel (Campus Safety, Faculty, and staff); incoming students participating in orientation; and, members of student organizations.
  - ii. Sex Discrimination educational programming addresses matters such as: a definition of what constitutes sex discrimination and sexual assault, the causes of sex discrimination, myths involved with sex discrimination, the relationship between sex discrimination and alcohol use, what to do if you are assaulted, the nature of a rape examination, an explanation of the College sex discrimination policy, how to file charges within the College, its conduct system, and/or with the local police department, men's issues and sexual assault, and campus community resources to assist both the complainant and the respondent, information about domestic and dating violence, stalking, bystander intervention, and recognizing the warning signs of sexual violence.
- h. Sex Offender Registration and Information
- i. The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed at, institutions of higher education. The CSCPA is an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act. The federal law requires state law enforcement agencies to provide the College with a list of registered sex offenders who have indicated that they are either enrolled, employed at the College. In New York information can be found here: <http://www.criminaljustice.ny.gov/nsor/>. VMC is required to inform the campus community that a list of registered sex offenders will be maintained and available at the Business Office located on the first floor of the Main Building. In addition, a list of all registered sex offenders in New York is available at In New York information can be found here: <http://www.criminaljustice.ny.gov/nsor/>. The CSCPA further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders. This statement is provided in compliance with the Campus Sex Crimes Prevention Act of 2000.