

Villa Maria College Civil Rights Grievance Procedure

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. The following policy and procedure contains specific guidance concerning **Title IX Policy: Discrimination on the Basis of Sex & Sexual Misconduct**, and **Section 504 Policy: Discrimination on the Basis of Disability**

1. Non-Discrimination Statement:

- Villa Maria College does not discriminate on the basis of age, race, religion, creed, color, national or ethnic origin, gender, disability, sex, sexual orientation, domestic violence victim status, marital status, veteran status, military status, predisposed genetic carrier status and any other characteristics or protected status recognized by applicable federal, state or local law. This policy applies to admissions, all terms and conditions of employment, and any other aspect regarding the conduct of College programs and activities Villa Maria College is an Equal Opportunity Employer.
 - a. 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.

- 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

John Ives, Vice President for Business Affairs
Civil Rights Compliance Officer: Deputy Title IX Coordinator
Villa Maria College
240 Pine Ridge Rd.
Buffalo, NY 14225
Office Location: Business Office – First floor of the Main Building
Phone: 716. 961.1884
E-mail: jives@villa.edu

- Guidance on reporting
 - 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.

3. Whom to file a report or make a complaint to:

- 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.
- The Title IX Coordinator/Section 504 Coordinator (Brian Emerson, 716.961.1838)
 - 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.
 - The VPEMSS can assist with all aspects of the reporting procedure; and may 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.
 - 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.
- Vice President for Business (John Ives, 716.961.1884)
 - Office: Human Resources – Main building, first floor. E-mail: jives@villa.edu. Phone: 716.961.1884. Address: 240 Pine Ridge Rd, Buffalo NY, 14225.
- Campus Security (716.870.7176, 716.848.9640)
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.

4. Grievance Procedure

- 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.
- The College has developed both an informal and formal complaint and resolution procedures 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.
- Special note to students upon first making a report: You have the right to make a report to campus security, local law enforcement, and/or state police, or chose not to report; to report the incident to Villa Maria College; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from Villa Maria College. Specific examples of these resources and services are outlined in this policy.

5. Informal Procedure

- Some complaints of discrimination can be resolved through informal mediation between the parties.
- Once a report of discrimination has been made, informal resolution procedures will be pursued within seven business days of the initial report.
- 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.
- 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.
- 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.
- The College shall take reasonable steps to prevent the recurrence of discrimination in any form. If such reoccurrence 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.
- 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.
- If the reporting party is unsatisfied with the outcome of the informal resolution procedure, the formal resolution procedure may be pursued.
- Written notice of the outcome of this process shall be given to the parties involved by the VPEMSS within one day of the outcome.

6. Formal Procedure

- 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.
- To ensure a prompt and thorough investigation, the complainant should provide as much of the following information as possible:
 - a. The name, department, and position of the person or persons allegedly causing the discrimination or retaliation.
 - b. A description of the incident(s), including the date(s), location(s), and the presence of any witnesses.
 - c. 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.
 - d. The names of other students or employees who might have been subject to the same or similar discrimination or retaliation.

- e. Any steps the complainant has taken to try to stop the discrimination or retaliation.
- f. Any other information the complainant believes to be relevant to the discrimination, harassment, or retaliation.
- Investigation
 - a. 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.
 - b. The investigation may include any of the following: interviews of the parties involved, including witnesses, and the gathering of other relevant information.
 - c. Students will be given notice via e-mail or letter about the need to appear for any investigation, or to be present at any investigation meeting that they are entitled to attend.
 - d. Parties to the complaint may present witnesses and other evidence.
 - e. 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.
- Cooperation with Law Enforcement
 - a. 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.
 - b. 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.
- 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.
- 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. For appeals involving students: a board made up of three hearing officers will be convened. The President of the college shall not hear an appeal.
- 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.

- 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.

7. Time Limitations

- 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.
- Retaliation
 - 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.
 - a. 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.
 - b. No person shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights and responsibilities under this policy.
- Confidentiality
 - 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, and must report incidents of sexual harassment in all of its forms to the Civil Rights Compliance officers. 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.
 - 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.

- 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.
- Even Villa's offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution
- Anonymous Reporting – Students and employees may make an anonymous report that will be sent to campus security and the Civil Rights Compliance officers at: <https://www.villa.edu/campus-life/campus-security/anonymous-reporting/>
- The VPEMSS or Director of HR shall maintain all information in secure files pertaining to a complaint or investigation.
 - a. Federal Statistical Reporting Obligations:
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.
 - b. Federal Timely Warning Reporting Obligations:
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.
- Intersection with the Student Conduct Process
 - 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.
- Standard for Determining Responsibility in the Civil Rights Grievance Procedure and Student Conduct hearing:
 - The standard used to determine accountability will be whether it is more likely than not (preponderance of the evidence) 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.

- Complainant and Respondent Rights
 - a. The Complainant's Rights in a student conduct hearing:
 - An explanation of available options for redress,
 - Freedom from harassment by the respondent (or the supporters),
 - Use of all available internal and external support services in dealing with the aftermath of the offense,
 - 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,
 - The presence of an advisor from the College community and/or a support person during the disciplinary hearing,
 - The opportunity to present witnesses who can speak about the charges, character witnesses excluded,
 - Attend the entire disciplinary hearing except for the deliberation phase,
 - Testify on his/her own behalf,
 - Written information about the outcome of the hearing, and
 - Opportunity to appeal the outcome of the hearing.
 - b. 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:
 - An explanation of available options for redress,
 - Freedom from harassment by the complainant (or the supporters),
 - Use of all available internal and external support services in dealing with the aftermath of the offense,
 - Ability to speak on their own behalf during the disciplinary proceedings, including making an "impact" statement to a hearing board or College disciplinary panel,
 - The presence of an advisor from the College community and/or a support person during the disciplinary hearing,
 - The opportunity to present witnesses who can speak about the charges, character witnesses excluded,
 - Attend the entire disciplinary hearing except for the deliberation phase,
 - Testify on his/her own behalf,
 - Written information about the outcome of the hearing, and
 - Opportunity to appeal the outcome of the hearing.
 - c. All students have the right to:
 - Make a report to local law enforcement and/or state police;
 - Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
 - 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 from the institution;
 - Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;

- Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
 - 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;
 - Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident.
 - Be free from retaliation by the institution, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
 - Access to at least one level of appeal of a determination;
 - Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process;
 - Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the College.
- Appeal Process
 - 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.
 - 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.
 - Appeals shall follow the appeal procedure found in the Student Conduct Procedure. The VP EMSS or Designee (including a designee board) 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.
 - There is no conflict between this Title IX policy and procedure and student conduct process.
- Consequences
 - 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.
 - Such measures include, but are not limited to, room reassignments, interim suspension from campus pending a hearing, and reporting to the local police.
 - 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.
- Special Provisions
 - Attempted violations
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.
 - The College as Complainant

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.

- False Reports

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.

- Immunity for Victims of Civil Rights Violations

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.

- Good Samaritan

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.

- Amnesty Guarantee

The health and safety of every student at Villa Maria College is of utmost importance. Villa 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. Villa strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institutional officials.

A bystander acting in good faith that disclose any incident of domestic violence, dating violence, stalking or sexual assault to [institution] officials or law enforcement will not be subject to Villa's officials or law enforcement will not be subject to [institutions] 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

- Parental Notification

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 t and Privacy Act.

- Notification of Outcomes
 - a. 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.
 - b. Students who bring any sort of discrimination complaint against faculty or staff will be informed of the outcome of the investigation and the resolution.
 - c. 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.
 - d. Other than College expulsion, disciplinary sanctions shall not be made part of the student’s academic transcript, but shall become part of the student’s permanent record.
 - e. Pursuant to New York State law, students who are found responsible for Clery Act part I primary crimes and who are expelled, suspended, and/or withdraws with conduct charges pending, a notation will be placed on their transcripts indicating such action was taken. Students may appeal this transcript notation by indicating their desire to do so in writing and addressing it to the VPEMSS.
- Alternative Testimony Options for Student Conduct Hearings
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.

Title IX Policy: Discrimination on the Basis of Sex & Sexual Misconduct

1. 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.
2. 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.
3. Guidance on taking immediate action
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.

- 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.)
- 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.
- 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.
- 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.

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

- 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.
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.
- 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:
 - a. Promising, directly or indirectly, a student or employee a reward, if the student or employee complies with a sexually oriented request.
 - b. Threatening, directly or indirectly, retaliation against a student or an employee, if the student or employee refuses to comply with a sexually oriented request.
 - c. 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.
 - d. Displaying pornographic or sexually oriented materials.

- e. Engaging in indecent exposure.
 - f. Making sexual or romantic advances toward a student or employee and persisting despite the student or employee's rejection of the advances.
 - g. Physical conduct such as assault, touching, or blocking normal movement.
 - h. Retaliation for making harassment reports or threatening to report harassment.
 - i. 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.
 - j. 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.
- Sexual Misconduct
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:
 - Sexual Assault
Sexual assault can be defined as any type of sexual contact or behavior that occurs by force or without consent of the recipient of the unwanted sexual activity. Falling under the definition of sexual assault is sexual activity such as forced sexual intercourse, sodomy, child molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity
 - Non Consensual Sexual Contact
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.
 - Non-Consensual Sexual Intercourse/Non-forcible sex offenses
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.
 - Forced Sexual Intercourse/Forcible Sex offenses
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.
 - Sexual Activity includes:
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).

- Sexual Exploitation

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.

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.

- Domestic Violence

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.

- Dating Violence

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.

- Stalking

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.

- Consent: Affirmative 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.

Consent is informed, freely and actively given and requires clear communication between all persons involved in the sexual encounter.

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

Consent to some or past activity is not necessarily consent to future or other acts. Consent can be withdrawn at any time. Consent must be free from coercion, intimidation, force, restraint, threat of harm. A person initiating sexual activity is still responsible to obtain consent even if the initiating person is under the influence of drugs or alcohol.

- Incapacitation

Incapacitation occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Such things that can influence choice include: force, coercion, intimidation, threat of harm, intoxicants.

- a. This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of a so-called “date-rape” 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/>
- b. Use of alcohol or drugs will never function to excuse behavior that violates this policy.

5. Support Services

- There are various supportive measures available for those who have experienced sex discrimination. These support sources include:
 - a. *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.
 - b. *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.
 - c. *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.
 - d. *Protections and Accommodations*: The College may initiate other protective measures or accommodations to address the effects of harassment and/or retaliation that may include order of no contact, reassignments (listed above), interim suspensions, and more. Students have the ability to review the need for and terms of these protections and accommodations by contacting the Civil Rights Compliance officers. This process will be prompt, and reviewed within 7 business days, and decisions will be made that are reasonable under the circumstances.

6. Past Sexual History/Character in Student Conduct Hearings
 - 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:
 - a. The respondent was previously found to be responsible in a conduct hearing;
 - b. The previous incident was substantially similar to the present allegation;
 - c. Information indicates a pattern of behavior and substantial conformity with that pattern by the responding student.
7. Sex Offense Prevention and Awareness Educational Programming
 - 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.
 - Sex Discrimination educational programming may address matters such as: a definition of what constitutes sex discrimination, 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.

Section 504 Policy: Discrimination on the Basis of Disability

1. 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 disability, including disability harassment. Villa Maria considers disability discrimination in all its forms to be a serious offense. This policy refers to all forms of disability discrimination, including disability harassment by employees, students, or third parties.
2. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability in education programs and activities that receive federal financial assistance. To ensure compliance with Section 504 and other federal and state civil rights laws, the College has developed policies and procedures that prohibit disability discrimination in all of its forms. An individual with a disability is defined as "any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment. The regulation further defines a physical or mental impairment as (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic;

skin; and endocrine; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.”

3. Reporting/Complaint

- Please refer to sections 1-3 of the Villa Maria College Civil Rights Grievance Procedure for information on how to make a report and/or file a complaint of disability discrimination.

4. Additional Information

- Additional information about Villa Maria College’s services for students with disabilities can be obtained from Agnes Zak-Moskal, Director of Student Success, at 716.961.1861 or azakmoskal@villa.edu. The Disability Services office is located in the Student Success Center. You can also visit: <https://www.villa.edu/campus-life/students-with-disabilities/>

Alternative places to report Civil Rights Grievances

- Individuals who wish to report a civil rights grievance or complaint to someone outside of Villa Maria College may contact one of the following:

Office for Civil Rights (OCR) – Enforcement Office
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
Email: OCR.NewYork@ed.gov

NYS Division of Human Rights Offices
<http://www.dhr.ny.gov/contact-us>
Tasha Moore, Regional Director, Buffalo
Walter J. Mahoney State Office Bldg.
Telephone No. (716) 847-7632
InfoBuffalo@dhr.ny.gov
65 Court Street, Suite 506
Buffalo, New York 14202

NYS Civil Liberties Union
<http://www.nyclu.org/content/contact-nyclu>
Telephone: (212) 607-3300
126 Broad Street, 19th floor
New York, NY 10004

Note: This policy is effective January 1st, 2014/Updated: July 2016

