



# **ANNUAL SECURITY AND FIRE SAFETY REPORT FOR CALENDAR YEAR 2015**

St. Bonaventure University Web site:

<http://www.sbu.edu>

<http://www.sbu.edu/security>

U.S. Department of Education Web site link:

<http://ope.ed.gov/security>

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St. Bonaventure University provides equal opportunity without regard to race, creed, color, gender, age, national or ethnic origin, marital status, veteran status, or disability in admission, employment, and in all of its educational programs and activities. Any grievance pertaining to discrimination should be directed to the Advocacy Officers.



IMPORTANT TELEPHONE NUMBERS

- Office of Safety and Security ..... (716) 375-2525
- Student Affairs ..... (716) 375-2513
- Residential Education..... (716) 375-2512
- Residential Living ..... (716) 375-2512
- Center for Student Wellness ..... (716) 375-2310
- WEBSITE - <http://www.sbu.edu/security> or [www.sbu.edu](http://www.sbu.edu)

## St. Bonaventure University

### Mission Statement

Founded in 1858, St. Bonaventure is a Catholic university dedicated to educational excellence in the Franciscan tradition. We are committed to the constant pursuit of distinction in our undergraduate and graduate programs, our innovative liberal arts core and all of our courses of study. At St. Bonaventure University, we come to know our students on an individual basis and become their mentors. We strive to bring out the best in every individual. As an academic and spiritual community, we endeavor to prepare our students for the challenges they will face in their professional careers as well as in their personal lives. True to our Franciscan heritage, we encourage students to manifest our values through lives of citizenship and service.

### Values Statement

As a Catholic university in the Franciscan tradition, we dedicate ourselves to the following Core Values and to making them live and thrive at St. Bonaventure:

#### *Discovery*

We steadfastly pursue intellectual, spiritual and personal growth in a way that reflects our belief in the wonder, excitement and joy of discovery along life's good journey. Central to that journey is an appreciation for the best that has been thought, written and discovered. It is our firm intent that our faculty and students add to this body of knowledge, sharing the adventure of inquiry in an atmosphere of academic freedom, both within and outside the classroom.

#### *Community*

We believe in an inclusive community that values diversity as a strength. We foster and celebrate practices that nurture living and learning in an atmosphere of caring, respect and mutual accountability. We seek to enhance the quality of life in the world around us, particularly by reaching out to the poor, the less fortunate and the disadvantaged. We not only demonstrate this spirit of community on our campus, we manifest it wherever we go.

#### *Individual Worth*

At the core of our identity is a strong belief in the goodness of life and the God-given worth of every individual. We treat all members of our community with dignity and strive to help them reach their full potential. We commit ourselves to actions that empower all members of the St. Bonaventure community and encourage their full participation in creating our future.

### Statement of Distinction

At St. Bonaventure University, we strive to foster the development of knowledgeable, skilled, compassionate, and ethical individuals by mentoring students within vitally engaging learning environments, ever mindful of such Franciscan values as individual dignity, community inclusiveness, and service to others.

## Campus Security Act of 1990

Pursuant to Federal Regulation 34.688.47, St. Bonaventure University makes available to prospective students and employees, distributes to all enrolled students and active employees, an annual security report which lists information about campus crime and criminal arrests. This annual report is available in booklet form through the Office of Safety and Security, and the Office of Human Resources. St. Bonaventure University also distributes the report electronically. Access to this report is available through the University Web site: <http://www.sbu.edu/security>. The Advisory Committee on Campus Safety will provide upon request all campus crime statistics as reported to the United States Department of Education.

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

## **Article 129-A of the New York State Education Law; Section 6436 – Bias-Related Crime Act of 2000**

In compliance with the New York State Education Law, Section 6436, Bias-Related Crime Act of 2000, the following information is designed to outline to the St. Bonaventure University Community the applicable laws on bias-related crimes, the penalties for the commission of bias-related crimes, the procedures for reporting crimes, the availability of counseling and support services, the nature of and common circumstances relating to bias-related crimes, and the methods used by St. Bonaventure University to advise and to update students about security procedures.

**Reporting a Crime:** If you are the victim of a bias-related crime, or you know or suspect that a member of the University community is a victim of a bias-related crime the following resources are available to you:

***St. Bonaventure University Office of Safety and Security***

First Floor Robinson Hall – telephone 716-375-2525 (on-campus ext. 2525)

***Office of the Vice President for Student Affairs***

Room 203 Reilly Center - telephone 716-375-2513 (on-campus ext. 2513)

***St. Bonaventure University Center for Student Wellness***

Room 127 Doyle Hall – telephone 716-375-2310 (on-campus ext. 2310)

***St. Bonaventure University Advocacy Officers***

Individual Names and telephone numbers are listed in the campus telephone directory.

***Local Law Enforcement***

***New York State Police***

585-268-9030

***Cattaraugus County Sheriff***

716-938-9191

Counselors, Safety and Security staff and members of the Office of Student Life are available to assist you.

**Counseling & Support Services:** The St. Bonaventure University Safety and Security booklet outlines the many counseling and support services available to the University Community who may be victims of bias related crimes. The Table of Contents references the page numbers outlining support services related to violent felonies, harassment, sexual assault, University counseling services and county support agencies. The St. Bonaventure University Student Code of Conduct is another valuable resource and may be accessed through the University Web site: <http://www.sbu.edu/codeofconduct>.

**Crime Statistics:** Crime statistics (the nature and common circumstances) associated with bias related crime is found in this publication on pages 21-24.

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

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

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

New York State Penal Law; 485.05 Hate Crimes.

A person commits a hate crime when he or she commits a specified offense and either:

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

<sup>1</sup> New York State Penal Law, Article 485 HATE CRIMES; 485.00 Legislative findings; New York State Handbook of Consolidated Laws, 2004

A “specified offense” is an offense defined by any of the following provisions of the New York State Penal Law: assault in the first, second or third degree; aggravated assault upon a person less than eleven years old; menacing in the first, second or third degree; reckless endangerment in the first or second degree; manslaughter in the first or second degree; murder in the second degree; stalking in the first, second, third or fourth degree; rape in the first degree; criminal sexual act in the first degree; sexual abuse in the first degree; aggravated sexual abuse in the first or second degree; unlawful imprisonment in the first or second degree; kidnapping in the first or second degree; coercion in the first or second degree; criminal trespass in the first, second or third degree; burglary in the first, second or third degree; criminal mischief in the first, second, third or fourth degree; arson in the first, second, third or fourth degree; petit larceny; grand larceny in the first, second, third or fourth degree; robbery in the first, second or third degree; harassment in the first degree; aggravated harassment in the second degree; or any attempt or conspiracy to commit any of the foregoing offenses.

Penalties for commission of bias related crimes; *New York State Penal Law 485.10 Sentencing*

- 1) When a person is convicted of a hate crime pursuant to this article, and the specified offense is a violent felony offense, as defined in section 70.02 of the NYSPL, the hate crime shall be deemed a violent felony offense.
- 2) When a person is convicted of a hate crime pursuant to this article and the specified offense is a misdemeanor or a class C, D or E felony, the hate crime shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant’s conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.
- 3) Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class B felony:
  - a) The maximum term of the indeterminate sentence must be at least six years if the defendant is sentenced pursuant to section 70.00 of the NYSPL.
  - b) The term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to section 70.02 of the NYSPL.
  - c) The term of the determinate sentence must be at least twelve years if the defendant is sentenced pursuant to section 70.04 of the NYSPL.
  - d) The maximum term of the indeterminate sentence must be at least four years if the defendant is sentenced pursuant to section 70.05 of the NYSPL.
- 4) The maximum term of the indeterminate sentence or term of the determinate sentence must be at least ten years if the defendant is sentenced pursuant to section 70.06 of the NYSPL.
- 5) Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class A-1 felony, the minimum period of the indeterminate sentence shall not be less than twenty years.

## **I. INTRODUCTION**

The St. Bonaventure University campus consists of more than 31 academic, residential and recreational buildings and facilities located between the City of Olean, N.Y., and the Village of Allegany, N.Y., on Route 417. The University presently enrolls 2,200 undergraduate and graduate students, of which approximately 1,350 are residents. In addition, the University employs 550 full-time and part-time employees. The Office of Safety and Security, along with Residential Living/Judicial Affairs, CARL (Center for Activities, Recreation and Leadership) the Center for Student Wellness and the CPRC (Career and Professional Readiness Center) report to the Vice President for Student Affairs. At St. Bonaventure University, safety is the primary consideration in the maintenance, grounds keeping and lighting of the campus. If a Security officer should discover a broken window or non-functional light, the officer informs the maintenance department. The Office of Safety and Security also works closely with the Office of Judicial Affairs (Student Affairs Division) to ensure that safety policies and procedures are uniformly executed and conveyed in a clear and consistent manner to the university students, as well as to its faculty and staff.

## **II. THE OFFICE OF SAFETY AND SECURITY**

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

All University security officers must meet the training requirements of the State of New York Security Guard Act. St. Bonaventure University personnel operate in the capacity of ordinary citizens. Under New York State law, every citizen has a right to make an arrest. St. Bonaventure Safety and Security personnel can make an arrest for a criminal offense without a warrant if the arrested person has committed a felony in his/her presence or if the arrested person has committed a felony offense outside the presence of the officer, but the arresting person has reasonable cause to believe that a felony has been committed. The Office of Safety and Security maintains a close working relationship with area law enforcement agencies within close proximity of St. Bonaventure University. The New York State Police, Cattaraugus County Sheriff's Department, City of Olean Police Department and the Village of Allegany Police Department may respond to emergencies on St. Bonaventure owned property. The Office of Safety and Security are involved in meetings between the leaders of these agencies, on both a formal and informal basis. These aforementioned law enforcement agencies have entered into a Memorandum of Understanding with St. Bonaventure for responding to emergencies on campus. In regard to utilizing local law enforcement to monitor criminal activity at student organization non-campus locations, St. Bonaventure does not have any officially recognized "off-campus" student organizational facilities.

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



SBU Safety and Security at 716-375-2525 for information regarding access protocol for a specific building.

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

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

A director, officers and dispatchers staff the office. The primary objective of the department is to encourage a safe and healthy experience that enhances the campus learning experience and complements the University's educational mission.

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

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

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

To reach the Office of Safety and Security from off-campus or from a cell phone, dial (716) 375-2525; from an on-campus networked phone dial, extension 2525. The Office of Safety and Security maintains a close working relationship with all appropriate law enforcement agencies and criminal justice systems. Regular meetings are held with those agencies, both on a formal and informal basis, and crime-related reports and statistics are routinely exchanged in accordance with accepted legal procedure and maintaining appropriate levels of confidentiality.

M.E.R.T. (Medical Emergency Response Team) is a volunteer organization that is staffed by certified students, who in conjunction with the Center for Student Wellness and the Office of Safety and Security, respond to campus medical emergencies. M.E.R.T. is dispatched by calling the Office of Safety and Security at ext. 2525.

## **SBU Timely Warning Policy**

In accordance with The Jeanne Clery Act, SBU established a “Timely Warning Policy” in the form of a “Policy Statement” and the “Timely Warning Matrix”, (pgs. 54 & 55) for all members of the campus community. In disclosing this information we address who is responsible for initiating the warnings, what communications means will be used to provide the notification, when the notifications will be given and for what scenario that they will be given for. SBU utilizes overlapping means of communication in case one method fails or malfunctions when executing its “Timely Warning Policy”.

We will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. An “immediate” threat as used here encompasses an imminent or impending threat, such as an approaching forest fire, as well as a fire currently raging in one of our buildings. Confirmation means that an SBU official (or officials) have verified that a legitimate emergency or dangerous situation exists. Confirmation doesn’t necessarily mean that all of the pertinent details are known or even available. Some other examples of significant emergencies or dangerous situations are listed in the attached Matrix.

The SBU Emergency Plan contains all of the specific emergency response procedures and describes them in a manner that lets the campus community and others know what we will do and who or what office or organization will be responsible for each step along the way. This plan is available to all members of the Campus Community. The plan also provides information about how to report an emergency.

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

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

Administrators, upon receiving notification of a Campus Emergency, will notify personnel under their direction of the emergency by utilizing either phone trees or other designated communication measures. Additional campus wide notification means include; a steam powered siren, CISCO telephone alerts to classrooms and offices, the E2Campus text alert system, campus email to include the Notice Board, and the St. Bonaventure University website, [www.sbu.edu](http://www.sbu.edu). Timely warnings will never include the specific names of victims in the message.

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

When this declaration is made, only registered students, faculty, staff and administrators are authorized to remain on campus. Those who cannot present proper identification (registration or employee identification card, or other ID) showing their legitimate business on campus will be asked to leave the campus. Unauthorized persons remaining on campus are subject to arrest.

In addition, only those university employees who have been assigned emergency response team duties are allowed to enter the designated emergency areas. (See Emergency Response Team below)

Campus staff and students should not discuss any details concerning a campus emergency with any media personnel. All questions, communications or requests for information by news media will be directed to the Emergency Operations Center. Within one hour of notification, the Vice President for University Relations will designate the location of the media holding area/briefing area and assign members of her staff to set up the area and liaison with arriving media personnel.

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

### **Emergency Response Team (ERT)**

The ERT is comprised of university staff personnel and outside agency personnel who have a direct or indirect support role when the Emergency Preparedness Plan is activated. All or some persons in the following positions may serve as response personnel depending on the threat or emergency.

- ◆ Aramark Director
- ◆ Assistant Director for Residential Living
- ◆ Associate Athletic Director for Internal Operations
- ◆ Director of the Center for Student Wellness
- ◆ Associate Director of Facilities for Maintenance
- ◆ Director of Human Resources
- ◆ Assistant Director of Facilities for Housekeeping
- ◆ Faculty Representatives
- ◆ University Environmental Health and Safety Officer
- ◆ Director of Media Relations and Marketing
- ◆ Director of Publications
- ◆ Director of University Communications
- ◆ Fire and Life Safety Officer
- ◆ Registrar
- ◆ Director of Faith Formation, Worship and Ministry

- ◆ County Emergency Services Coordinator
- ◆ Local Police / Fire / Ambulance
- ◆ NYS Homeland Defense Representative
- ◆ Red Cross

## **Key Personnel Responsibilities**

### ***President***

- ◆ Approve policies that govern the Emergency Preparedness Plan
- ◆ Overall decision making authority during a crisis or emergency
- ◆ Declare a campus emergency when required

### ***Vice President for Student Affairs***

- ◆ Serve as the Emergency Management Coordinator
- ◆ Oversee the development, testing and execution of the Emergency Preparedness Plan
- ◆ Authorize implementation of Emergency Preparedness Plan
- ◆ Assign duties and responsibilities to both the Emergency Management Team and Emergency Response Team
- ◆ Provide the Emergency Management Team with information and recommendations to make decisions on campus closings, evacuation and physical recovery
- ◆ Ensure the safety and well-being of all students on campus
- ◆ Provide resources and information necessary for implementing the student related aspect of the plan
- ◆ In the absence of the University President and University Provost, assume responsibility for declaring a campus emergency

### ***Provost and Vice President for Academic Affairs***

- ◆ *Serve as a member of the Emergency Management Team*
- ◆ *In the absence of the Vice President for Student Affairs, assume duties as the Emergency Management Coordinator*
- ◆ *Provide the Emergency Management Team with information and recommendations to make decisions on campus closings, evacuation and physical recovery*
- ◆ *In the absence of the University President, assume responsibility for declaring an emergency*

### ***Senior Vice President for Finance and Administration***

- ◆ Serve as a member of the Emergency Management Team
- ◆ In the absence of the Vice President for Student Affairs and the University Provost, assume duties as the Emergency Management Coordinator
- ◆ Establish priorities for use of personnel and resources
- ◆ Provide the Emergency Management Team with information and recommendations to make decisions on campus closings, evacuation and physical recovery
- ◆ Develop emergency accounting disbursement procedures
- ◆ Determine cost implications for various emergency planning alternatives

### ***Vice President for University Relations***

- ◆ Serve as a member of the Emergency Management Team
- ◆ Immediately implement the crisis communication plan
- ◆ Establish a media holding area and briefing area either on campus or off campus within one hour of the declaration of emergency
- ◆ Direct the release of all public information and respond to all inquiries
- ◆ Responsible for all briefing plans, press releases, internal communication and media
- ◆ Monitor weather reports, emergency channels and news
- ◆ *Provide an appropriate staff member to serve as the coordinator of the Family Support Center. Training of this individual will be coordinated by the Executive Director of Residential Living and Conduct*

### ***Director of Safety and Security***

- ◆ Serve as a member of the Emergency Management Team
- ◆ Responsible for initial notification to the Emergency Management Team, campus community and community emergency response personnel
- ◆ Establish traffic control points at the West Entrance, Main Entrance and Francis Entrance within 10 minutes of emergency notification
- ◆ Support and assist the Emergency Management Coordinator in implementing the Emergency Preparedness Plan
- ◆ Set priorities, delegate tasks and manage the Emergency Operations Center
- ◆ Provide the Emergency Response Team with current information on the status of the emergency and emergency response
- ◆ Responsible for liaison with government authorities and outside agencies
- ◆ Assist the Emergency Management Coordinator with emergency transportation assets, evacuations, crowd control, access control, investigations, etc., as necessary

### ***Associate Vice President for Facilities***

- ◆ Serve as a member of the Emergency Management Team
- ◆ Assist the Vice President for Student Affairs as required
- ◆ Provide the Emergency Management Team with personnel and resources necessary to respond to the threat or emergency
- ◆ Provide the Emergency Management Team with recommendations and information to make decisions on campus infrastructure, campus evacuation, campus closings and recovery operations.
- ◆ Provide one complete set of building, gas and sewer blueprints to the Emergency Operations Center and the Law Enforcement Tactical Operations Center immediately upon notification of an emergency
- ◆ Install and maintain the steam powered emergency notification system and voice alert speaker system
- ◆ Ensure that the primary and alternate Emergency Operations Centers have a backup power capability
- ◆ Assess transportation resources on campus and develop an emergency usage plan
- ◆ Ensure OSHA compliance during emergency response

### ***Director of Human Resources***

- ◆ Support the Emergency Management Coordinator by providing employee records and emergency information
- ◆ Coordinate faculty and staff replacements as required
- ◆ Coordinate for, collect and maintain accurate phone rosters for all departments

### ***Executive Director of Technology***

- ◆ Serve as a member of the Emergency Management Team
- ◆ Coordinate procedures for the restoration of essential campus computer records
- ◆ Determine what records are vital to the continued operation of the campus via Internet sites
- ◆ Update, maintain and conduct periodic testing of the CISCO telephonic campus alert system

### ***Director of the Center for Student Wellness***

- ◆ Serve as a member of the Emergency Management Team
- ◆ Advise the Emergency Management Coordinator on the proper medical response to any campus emergency
- ◆ Develop and implement the university's triage/morgue plan in the event of an emergency
- ◆ Maintain adequate medical equipment stockage to support an emergency
- ◆ Maintain liaison with local hospitals and county/state health departments
- ◆ Serve as a member of the Emergency Response Team
- ◆ Serves as source of information for EMT in implementing the plan
- ◆ Provide Emergency and Recovery Counseling Services

### ***Director of Food Services***

- ◆ Provide routine feeding of campus community and plan for emergency feeding requirement of emergency response personnel and off campus community members
- ◆ Ensure maintenance of long-term dining supplies

### ***Director of Athletics***

- ◆ Develop a plan to utilize the Reilly Center and Butler Gymnasium as evacuation sites in the event of a partial campus evacuation or an evacuation of Allegany Limestone school children to St. Bonaventure
- ◆ Assess athletic activities and events affected by the emergency

### ***Executive Director of Residential Living and Conduct***

- ◆ Serve as a member of the Emergency Management Team
- ◆ Train all Residence Directors and Resident Assistants to serve as guides and mentors for the student body in the event of an emergency
- ◆ Responsible for coordinating the training of the appointed Coordinator of the Family Support Center
- ◆ Responsible for accountability of all on campus students in the event of an emergency
- ◆ In the absence of the Executive Director of Residential Living and Conduct, the Asst. Director of Residential Living and/or the Director of Leadership will act on his or her behalf

### **III. CRIME PREVENTION**

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

The crime prevention program is based upon the dual concepts of eliminating or minimizing criminal opportunities and encourages students and employees to be responsible for their own security and security of others. The following is a listing of the crime prevention programs and projects employed by St. Bonaventure.

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

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

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

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

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

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

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

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

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

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

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

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

Rape Awareness/Education and Prevention: In cooperation with the University's Center for Student Wellness, rape awareness, education and prevention presentations are made each year to members of the campus community.

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

Enhanced Emergency Telephone System: All on-campus telephone calls made to the Office of Safety and Security are identified and the telephone number and location of the telephone are displayed on a screen to the Office of Safety and Security dispatcher. This enhanced emergency telephone system was installed to ensure that Safety and Security Services knows the on-campus origin of an emergency call, even if the caller is unable to communicate verbally.

### **Crime Prevention and Personal Safety:**

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

Anyone with information on any suspicious or illegal activities is asked to provide information to the Office of Safety & Security at x2525. If you prefer to remain anonymous, you can submit a



report through the St. Bonaventure University Silent Witness program: <http://www.sbu.edu/life-at-sbu/campus-safety/silent-witness>

#### **IV. CRIME REPORTING AND RESPONSE TO REPORTS**

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

*Annual Report:* A comprehensive annual report of crime-related information is compiled and published. This annual report is distributed to all active students and current employees and is available upon request. <http://www.sbu.edu/security> .

*Web site Access:* Listed are two websites which you may access in order to learn more about campus crime and crime-related problems. To view the St. Bonaventure University crime reporting web page, please go to <http://www.sbu.edu/security>

- To view the U.S. Department of Education crime reporting site, please go to <http://ope.ed.gov/security>
- *Special Alert:* If circumstances warrant, a specially printed crime alert bulletin can be prepared and distributed either selectively or throughout campus.

St. Bonaventure University monitors and records, through the local police agencies, criminal activities for all recognized off-campus student organizations which maintain off-campus housing facilities. NOTE: At this time, St. Bonaventure University student organizations do not own or operate off-campus housing facilities.

#### **Violent Felony Offenses**

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

#### **Missing Persons**

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

The Director of Safety and Security at 716-375-2526

The Executive Director of Residential Living and Conduct at 716-375-2572

The Vice President for Student Affairs at 716-375-2513

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

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

### **How to Report a Crime and/or Emergency On-Campus**

#### **Medical Emergency**

Dial 716-375-2525

or 911

Every student, faculty and staff member should take a moment to input the number for Safety and Security Services into their phone (716-375-2525). You can also dial 911, whether you are on campus or off. To expedite appropriate emergency response, be prepared to give your exact location, the nature of the emergency, and as many details about the situation as possible (see "Medical Emergencies" in your Emergency Response Guide").

The Medical Emergency Response Team (MERT), a volunteer organization staffed by certified students who are advised and work with the Center for Student Wellness, assists Safety and Security Services in responding to medical and other emergencies. Calling Safety and Security Services dispatches MERT until additional personnel can arrive from off-campus agencies if needed.

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

## **Reporting a Crime in Progress/Active Threat**

Dial 716-375-2525

or 911

If you are a witness to a crime in progress, stay calm and assess the situation. Determine the location of the threat if possible, and dial either Safety and Security Services or 911 as soon as it is safe to do so. Be prepared to give the location and nature of the threat/incident, the name and/or description of all persons involved, and the person's direction of travel and description of vehicles if applicable (see "Crime In Progress/Active Threat" in your Emergency Response Guide).

## **Reporting a Crime/Non-emergency**

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

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

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

**Vice President for Student Affairs, 716-375-2513**

**Cattaraugus County Sheriff – 716-938-9191 or 911**

**New York State Police – 585-268-9030**

**Executive Director for Residential Living/Chief Judicial Officer – 716-375-2572**

**Counseling Center – 716-375-2310**

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

\*\*As a result of the negotiated rulemaking process which followed the signing into law of the 1998 amendments to 20 U.S.C. Section 1092(f), clarification was given to those considered to be campus security authorities. Campus "Pastoral Counselors" and Campus "Professional Counselors" when acting as such are not considered to be a campus security authority and are not required to report crimes for inclusion in the annual disclosure of crime statistics. The aforementioned counselors at St. Bonaventure University are encouraged if and when they deem appropriate, to inform individuals they are counseling of the procedure to report crimes on a voluntary or confidential basis for follow up and inclusion into the university crime statistics.

A Pastoral Counselor is an employee of an institution, who is associated with a religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

A Professional Counselor is an employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community, and who is functioning within the scope of his or her license or certification.

\*\*\*Students, Faculty or Staff wishing to report Sexual Violence or Harassment should follow procedures outlined in the “University’s Procedures for Reporting Sexual Violence and Harassment” section of this document, also located in Appendix S of the Code of Conduct.

**St. Bonaventure University Silent Witness Program** - St. Bonaventure University also utilizes a program by which a student or employee may report a crime anonymously, voluntarily and confidentially. The link to this is on the Safety and Security web page and listed below:

<http://www.sbu.edu/life-at-sbu/campus-safety/silent-witness.>

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

## **V. IT HAPPENED TO ALEXA FOUNDATION**

“It Happened to Alexa Foundation” is a resource available to colleges and students to assist victims and their families with travel expenses related to criminal trials.

### **Contact Information:**

- **1-877-77ALEXA**
- [www.ithappenedtoalexa.org](http://www.ithappenedtoalexa.org)

## CRIME STATISTICS

On Campus Residence Facilities (Calendar Year)	2013	2014	2015
• Murder/Non-negligent manslaughter	0	0	0
• Negligent manslaughter	0	0	0
• Sex Offenses/Forcible	4	2	3
• Sex Offenses/Non-forcible (include only incest and Statutory rape)	0	0	0
• Robbery	0	0	0
• Aggravated Assault	0	0	1
• Burglary	1	0	6
• Motor Vehicle Theft	0	0	0
• Arson (Only include fires that are investigated by law enforcement and determined to be arson.)	0	0	0
• *Domestic Violence	0	0	1
• *Dating Violence	1	0	1
• *Stalking	1	1	0
• Arrests or Persons referred to Campus for disciplinary action:			
Drug Law			
Arrests	0	2	1
Disciplinary Action	3	19	42
Liquor Law			
Arrests	0	0	0
Disciplinary Action	316	214	271
Weapons Law			
Arrests	0	0	0
Disciplinary Action	0	0	0
*No data available			
<b>Hate Crimes – (Race, Gender, *Gender Identity*, Religion, Sexual Orientation, Ethnicity, *National Origin*, Disability)</b>			
All of the above, plus:	0	0	0
Larceny – Theft	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	0
Destruction, Damage, Vandalism of Property	0	0	0

<b>Public Property (Calendar Year)</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
• Murder/Non-negligent manslaughter	0	0	0
• Negligent manslaughter	0	0	0
• Sex Offenses/Forcible	0	0	0
• Sex Offenses/Non-forcible (include only incest and Statutory rape)	0	0	0
• Robbery	0	0	0
• Aggravated Assault	0	0	0
• Burglary	0	0	0
• Motor Vehicle Theft	0	0	0
• Arson (Only include fires that are investigated by law enforcement and determined to be arson.)	0	0	0
• *Domestic Violence	0	0	0
• *Dating Violence	0	0	0
• *Stalking	0	0	0
• Arrests or Persons referred to Campus for disciplinary action:			
Drug Law			
Arrests	0	0	0
Disciplinary Action	0	0	0
Liquor Law			
Arrests	0	0	0
Disciplinary Action	0	0	0
Weapons Law			
Arrests	0	0	0
Disciplinary Action	0	0	0
*No data available			
<b>Hate Crimes – (Race, Gender, *Gender Identity*, Religion, Sexual Orientation, Ethnicity, *National Origin*, Disability)</b>			
All of the above, plus:	0	0	0
Larceny – Theft	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	0
Destruction, Damage, Vandalism of Property	0	0	0

<b>Non-Campus (Calendar Year)</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
• Murder/Non-negligent manslaughter	0	0	0
• Negligent manslaughter	0	0	0
• Sex Offenses/Forcible	0	0	0
• Sex Offenses/Non-forcible (include only incest and Statutory rape)	0	0	0
• Robbery	0	0	0
• Aggravated Assault	0	0	0
• Burglary	0	0	0
• Motor Vehicle Theft	0	0	0
• Arson (Only include fires that are investigated by law enforcement and determined to be arson.)	0	0	0
• *Domestic Violence	0	0	0
• *Dating Violence	0	0	0
• *Stalking	0	0	0
• Arrests or Persons referred to Campus for disciplinary action:			
Drug Law			
Arrests	0	0	0
Disciplinary Action	0	0	0
Liquor Law			
Arrests	0	0	0
Disciplinary Action	0	0	0
Weapons Law			
Arrests	0	0	0
Disciplinary Action	0	0	0
*No data available			
<b>Hate Crimes (Race, Gender, *Gender Identity*, Religion Sexual Orientation, Ethnicity, *National Origin*, Disability)</b>			
All of the above plus:	0	0	0
Larceny – Theft	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	0
Destruction, Damage, Vandalism of Property	0	0	0

On-Campus (Calendar Year)	2013	2014	2015
• Murder/Non-negligent manslaughter	0	0	0
• Negligent manslaughter	0	0	0
• Sex Offenses/Forcible	4	2	3
• Sex Offenses/Non-forcible (include only incest and Statutory rape)	0	0	0
• Robbery	0	0	0
• Aggravated Assault	0	0	2
• Burglary	5	0	14
• Motor Vehicle Theft	0	0	0
• Arson (Only include fires that are investigated by law enforcement and determined to be arson.)	0	0	0
• *Domestic Violence	0	1	1
• *Dating Violence	1	0	1
• *Stalking	1	2	1
• Arrests or Persons referred to Campus for disciplinary action:			
Drug Law			
Arrests	0	4	2
Disciplinary Action	6	21	42
Liquor Law			
Arrests	0	1	1
Disciplinary Action	321	224	271
Weapons Law			
Arrests	0	0	0
Disciplinary Action	0	0	0
*No data available			
<b>Hate Crimes (Race, Gender, *Gender Identity*, Religion, Sexual Orientation, Ethnicity, *National Origin*, Disability)</b>			
Larceny – Theft	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	0
Destruction, Damage, Vandalism of Property	0	0	0



## **SEXUAL MISCONDUCT**

**All St. Bonaventure University policies and procedures relating to Gender-Based and Sexual Misconduct referenced herein can be found in Appendix S of the Code of Conduct, [www.sbu.edu/codeofconduct](http://www.sbu.edu/codeofconduct), or on MySBU in the Governing Documents of the University.**

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

### **Law Enforcement**

It is the policy of St. Bonaventure University to notify local law enforcement when sexual misconduct occurs, typically without providing identifying information about the incident, unless a victim wishes that information to be shared, or an emergency requires disclosure. Victims have the option to notify law enforcement directly, or to be assisted in doing so by campus authorities. If requested, campus officials can facilitate reporting to campus or local law enforcement, but may also respect a victim’s request not to do so.

### **Victim Safety, Resources, and Evidence Collection**

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

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

## **ST. BONAVENTURE UNIVERSITY CENTER FOR STUDENT WELLNESS**

Room 127 Doyle Hall      Phone: 716-375-2310

Office Hours are:

Monday, Wednesday, Friday 8 AM - 5 PM

Tuesday & Thursday 8 AM – 8 PM (after hours a counselor can be reached through the Office of Safety and Security at 716-375-2525).

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

## **CATTARAUGUS COMMUNITY ACTION/VICTIMS' SERVICES DIVISION**

Phone: 716-945-1041

24-hour HOTLINE: 716-945-3970

4. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important in the case of rape or sexual assault. Physical evidence should also be collected through a medical examination. Olean General Hospital has a Sexual Assault Forensic Examiner program, designed specifically to conduct physical examinations after an incident of sexual violence, and evidence is collected during this examination. Having this examination does not commit a person to pursuing legal charges against an individual. However, failure to have an accurate examination to collect physical evidence in a timely manner may negatively affect a person's ability to pursue legal charges in the future. Victim Advocates from Cattaraugus County Community Action Victim Services will explain options for victims to be reimbursed for medical examinations.
- ☐ To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate, or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable.
  - ☐ Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing, and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean **paper** bag or clean sheet to avoid contamination.
  - ☐ If you have physical injuries, photograph or have them photographed, with a date stamp on the photo.
  - ☐ Record the names of any witnesses and their contact information. This information may be helpful as proof of a crime, to obtain an order of protection, or to offer proof of a campus policy violation.
  - ☐ Try to memorize details (e.g., physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details, if you have time and the ability to do so.

- ☐ If you obtain external orders of protection (e.g., restraining orders, injunctions, protection from abuse), please notify [Campus Police/Public Safety] or the campus Title IX Coordinator so that those orders can be observed on campus.
- 5. Even after the immediate crisis has passed, consider seeking support from the University's Health and Wellness Center, or from Victim's Services of Cattaraugus County Community Action.
- 6. Contact the Executive Director for Residential Living and Conduct, 716-375-2572, if you need assistance with University-related concerns, such as no-contact orders or other protective measures. The Executive Director will also assist in any needed advocacy for students who wish to obtain protective or restraining orders from local authorities. St. Bonaventure University is able to offer reasonable academic supports, changes to living arrangements, transportation resources or modifications, escorts, no contact orders, counseling services access, and other supports and resources as needed by a victim. St. Bonaventure University is able to offer information about legal assistance, visa/immigration assistance, and student financial aid considerations for victims.

## **LEGAL DEFINITIONS**

**Rape** is generally defined by states as forced sexual intercourse. It may also include situations where the victim is incapable of giving consent due to incapacitation by means of disability or alcohol or other drugs. Many rapes are committed by someone the victim knows, such as a date or friend.

Under New York State Penal Law Article 130, Sections 130.25, 130.30, 130.35, a person is guilty of rape when he/she engages in sexual intercourse with another person:

- who is incapable of giving consent because person is less than 17 years old; or
- who is incapable of giving consent by reason of being mentally disabled or mentally incapacitated; or
- by forcible compulsion; or
- who is unable to consent by reason of being physically helpless.

## **DEFINITIONS AND NEW YORK STATE PENAL LAWS ON SEX OFFENSES**

**Forcible Rape:** The carnal knowledge of a 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 because of his or her temporary or permanent mental or physical incapacity or because of his or her youth.

**Forcible Sodomy:** Oral or anal sexual intercourse with 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 because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.

**Sexual Assault with an Object:** Is the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of 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 because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.

**Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental incapacity. Forcible fondling includes "indecent liberties" and "child molesting." Non-forcible sex offenses are incidents of unlawful, non-forcible sexual intercourse.

**Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

## **DEFINITIONS**

**Offense** means conduct for which a sentence to a term of imprisonment or to a fine is provided by any law of this state or by any law, local law or ordinance of a political subdivision of this state, or by any order, rule or regulation of any governmental instrumentality authorized by law to adopt the same.

**Misdemeanor** means an offense, other than a "traffic infraction," for which a sentence to a term of imprisonment in excess of fifteen days may be imposed, but for which a sentence to a term of imprisonment in excess of one year cannot be imposed.

**Felony** means an offense for which a sentence to a term of imprisonment in excess of one year may be imposed.

**Crime** means a misdemeanor or a felony.

**Sexual misconduct:** A person is guilty of sexual misconduct when:

- 1) He or she engages in sexual intercourse with another person without such person's consent; or
- 2) He or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent; or
- 3) He or she engages in sexual conduct with an animal or a dead human body.

**Sexual misconduct is a class A misdemeanor.**

**Rape in the third degree:** A person is guilty of rape in the third degree when:

- 1) He or she engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than seventeen years old;
- 2) Being twenty-one years old or more, he or she engages in sexual intercourse with another person less than seventeen years old; or
- 3) He or she engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

**Rape in the third degree is a class E felony.**

**Rape in the second degree:** A person is guilty of rape in the second degree when:

- 1) Being eighteen years old or more, he or she engages in sexual intercourse with another person less than fifteen years old; or
- 2) He or she engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated.

It shall be an affirmative defense to the crime of rape in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.

**Rape in the second degree is a class D felony.**

**Rape in the first degree:** A person is guilty of rape in the first degree when he or she engages in sexual intercourse with another person:

- 1) By forcible compulsion; or
- 2) Who is incapable of consent by reason of being physically helpless; or
- 3) Who is less than eleven years old; or
- 4) Who is less than thirteen years old and the actor is eighteen years old or more.

**Rape in the first degree is a class B felony.**

**Criminal sexual act in the third degree:** A person is guilty of criminal sexual act in the third degree when:

- 1) He or she engages in oral sexual conduct or anal sexual conduct with a person who is incapable of consent by reason of some factor other than being less than seventeen years old.
- 2) Being twenty-one years old or more, he or she engages in oral sexual conduct or anal sexual conduct with a person less than seventeen years old; or
- 3) He or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

**Criminal sexual act in the third degree is a class E felony.**

**Criminal sexual act in the second degree:** A person is guilty of criminal sexual act in the second degree when:

- 1) Being eighteen years old or more, he or she engages in oral sexual conduct or anal sexual conduct with another person less than fifteen years old; or
- 2) He or she engages in oral sexual conduct or anal sexual conduct with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated.
- 3) It shall be an affirmative defense to the crime of criminal sexual act in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.

**Criminal sexual act in the second degree is a class D felony.**

**Criminal sexual act in the first degree:** A person is guilty of criminal sexual act in the first degree when he or she engages in oral sexual conduct or anal sexual conduct with another person:

- 1) By forcible compulsion; or
- 2) Who is incapable of consent by means of being physically helpless; or
- 3) Who is less than eleven years old; or
- 4) Who is less than thirteen years old and the actor is eighteen years old or more.

**Criminal sexual act in the first degree is a class B felony.**

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

For the purposes of this section, forcible touching includes squeezing, grabbing or pinching.

**Forcible touching is a class A misdemeanor.**

**Sexual abuse in the third degree:** A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter's consent; except that in any prosecution under this section, it is an affirmative defense that:

- 1) Such other person's lack of consent was due solely to incapacity to consent by reason of being less than seventeen years old, and
- 2) Such other person was more than fourteen years old, and
- 3) The defendant was less than five years older than such other person.

**Sexual abuse in the third degree is a class B misdemeanor.**

**Sexual abuse in the second degree:** A person is guilty of sexual abuse in the second degree when he or she subjects another person to sexual contact and when such other person is:

- 1) Incapable of consent by reason of some factor other than being less than seventeen years old; or
- 2) Less than fourteen years old.

**Sexual abuse in the second degree is a class A misdemeanor.**

**Sexual abuse in the first degree:** A person is guilty of sexual abuse in the first degree when he or she subjects another person to sexual contact:

- 1) By forcible compulsion; or
- 2) When the other person is incapable of consent by reason of being physically helpless; or
- 3) When the other person is less than eleven years old.

**Sexual abuse in the first degree is a class D felony.**

**Aggravated sexual abuse in the fourth degree:** A person is guilty of aggravated sexual abuse in the fourth degree when:

- 1) He or she inserts a foreign object in the vagina, urethra, penis or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than seventeen years old; or
- 2) He or she inserts a finger in the vagina, urethra, penis or rectum of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than seventeen years old.

Conduct performed for a valid medical purpose does not violate the provisions of this section.

**Aggravated sexual abuse in the fourth degree is a class E felony.**

**Aggravated sexual abuse in the third degree:** A person is guilty of aggravated sexual abuse in the third degree when he inserts a foreign object in the vagina, urethra, penis or rectum of another person:

- 1) By forcible compulsion; or
- 2) When the other person is incapable of consent by reason of being physically helpless; or
- 3) When the other person is less than eleven years old. A person is guilty of aggravated sexual abuse in the third degree when he or she inserts a foreign object in the vagina, urethra, penis or

rectum of another person causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

Conduct performed for a valid medical purpose does not violate the provisions of this section.

**Aggravated sexual abuse in the third degree is a class D felony.**

**Aggravated sexual abuse in the second degree:** A person is guilty of aggravated sexual abuse in the second degree when he inserts a finger in the vagina, urethra, penis or rectum of another person causing physical injury to such person:

- 1) By forcible compulsion; or
- 2) When the other person is incapable of consent by reason of being physically helpless; or
- 3) When the other person is less than eleven years old.

Conduct performed for a valid medical purpose does not violate the provisions of this section.

**Aggravated sexual abuse in the second degree is a class C felony.**

**Aggravated sexual abuse in the first degree:** A person is guilty of aggravated sexual abuse in the first degree when he inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person:

- 1) By forcible compulsion; or
- 2) When the other person is incapable of consent by reason of being physically helpless; or
- 3) When the other person is less than eleven years old.

Conduct performed for a valid medical purpose does not violate the provisions of this section.

**Aggravated sexual abuse in the first degree is a class B felony.**

**Course of sexual conduct against a child in the first degree:** A person is guilty of course of sexual conduct against a child in the first degree when, over a period of time not less than three months in duration:

- 1) he or she engages in two or more acts of sexual conduct, which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than eleven years old; or
- 2) he or she, being eighteen years old or more, engages in two or more acts of sexual conduct, which include at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than thirteen years old.

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

**Course of sexual conduct against a child in the first degree is a class B felony.**

**Course of sexual conduct against a child in the second degree:** A person is guilty of course of sexual conduct against a child in the second degree when, over a period of time not less than three months in duration:

- 1) he or she engages in two or more acts of sexual conduct with a child less than eleven years old; or
- 2) he or she, being eighteen years old or more, engages in two or more acts of sexual conduct with a child less than thirteen years old.

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

**Course of sexual conduct against a child in the second degree is a class D felony.**

**Female genital mutilation:** A person is guilty of female genital mutilation when:

- 1) a person knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not reached eighteen years of age; or
  - 2) Being a parent, guardian or other person legally responsible and charged with the care or custody of a child less than eighteen years old, he or she knowingly consents to the circumcision, excision or infibulation of whole or part of such child's labia majora or labia minora or clitoris. Such circumcision, excision, or infibulation is not a violation of this section if such act is:
    - a) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or
    - b) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.
- For the purposes of paragraph (a) of subdivision two of this section, no account shall be taken of the effect on the person on whom such procedure is to be performed of any belief on the part of that or any other person that such procedure is required as a matter of custom or ritual.

**Female genital mutilation is a class E felony.**

**Facilitating a sex offense with a controlled substance:** A person is guilty of facilitating a sex offense with a controlled substance when he or she:

- 1) knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and
- 2) Commits or attempts to commit such conduct constituting a felony defined in this article.

**Facilitating a sex offense with a controlled substance is a class D felony.**

### **Possible Penalties for Sexual Assault Offenses**

The New York State Penal Law provides for the following possible penalties for the various classifications of sexual assault offenses:

- Class B Felony - Imprisonment for 5 to 25 years
- Class C Felony - Imprisonment for 3 1/2 to 15 years
- Class D Felony - Imprisonment for 2 to 7 years
- Class E Felony - Imprisonment for 1 1/2 to 4 years
- Class A Misdemeanor - Imprisonment for up to 1 year
- Class B Misdemeanor - Imprisonment for up to 3 months

### **Affirmative Consent (This is the University's policy that applies to consent)**

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

1. Silence, lack of physical resistance, and/or the absence of a verbal "no" are not forms of consent.
2. Consent is required regardless of whether the person initiating the act is under the influence of



drugs and/or alcohol.

3. Consent can be initially given but withdrawn at any time.

4. When consent is withdrawn or can no longer be given, sexual activity must stop. Once a person says “no,” it is established that he or she is not giving consent to a sexual act. Any activity or further encouragement beyond that point could be construed as force, coercion or intimidation.

5. Prior relationship, existing relationship, or prior sexual contact does not pre-suppose consent. A sexual act must be mutually agreed upon each time it occurs.

6. Consent to one sexual act does not indicate consent to all sexual acts.

7. Consent cannot be given if a person is incapacitated (see definition of “incapacitation” in the Code of Conduct). Sexual activity with someone whom one should know to be – or based on the circumstances should reasonably have known to be – mentally or physically incapacitated (by disability, sleep, involuntary restraint, or the taking of drugs or alcohol, unconsciousness or blackout) constitutes a violation of this policy.

8. Consent cannot be given under coercion, force, or threat of physical harm or injury.

9. Consent cannot be given if someone is under the legal age defined by New York State (see NYS Penal Law)

### **NYS Penal Law - Consent**

A person is considered unable to give effective consent under the following conditions according NYS Penal Law, Article 130, Sex Offenses:

1. He/she is unconscious or otherwise physically unable to communicate consent or lack of consent to an act.

2. He/she is mentally disabled, or suffers from a mental disorder, which renders him/her incapable of appraising or controlling his/her conduct.

3. He/she is mentally incapacitated, rendering him/her temporarily incapable of appraising the nature of his/her conduct, due to the influence of alcohol or other drugs, administered to him/her without his/her consent.

4. He/she is less than 17 years old.

5. He/she is subject to forcible compulsion.

## **St. Bonaventure University Gender-Based Discrimination and Sexual Misconduct Policy**

### **Statement of Intent**

St. Bonaventure University promotes respect for the dignity and integrity of each person. Members of the University community, guests and visitors have the right to an environment free from all forms of gender and sex-based discrimination and misconduct, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence and stalking. All members of the University community are expected to conduct themselves in a manner that does not infringe upon the rights of others. St. Bonaventure University takes reports of gender-based discrimination and sexual misconduct very seriously and treats each report with the utmost care and urgency. When an allegation of discrimination or misconduct is brought to an appropriate administrator’s attention, and a responding party is found to have violated this policy, sanctions will be applied to prevent such actions from being repeated. In addition, accommodative and remedial measures will be offered to mitigate the effects of the conduct. This policy has been developed to reaffirm these principles, to provide a mechanism for determining when this policy has been violated, and to provide recourse for those individuals whose rights have been violated.

## **Overview of Consensual Relationships Policy**

The educational Mission of the University is promoted by professionalism in relationships between administrators, faculty, students and staff. Professionalism is fostered by an atmosphere of mutual trust and respect. Trust and respect are diminished when those in position of authority abuse, or appear to abuse, their power.

Sexual relationships between faculty and student, or staff and student, are expressly prohibited. Even when both parties have consented to the development of such relationships, they can raise serious concerns about the validity of the consent, conflicts of interests, and/or unfair treatment of others. Moreover, others may be adversely affected by such behavior because it places the faculty or staff member in a position to favor or advance one student's interests at the expense of others.

Sexual relationships between supervisor and employee are prohibited when a direct evaluative relationship exists. In such cases the University requires that the faculty member, administrator, staff member or employee divest him or herself of the professional responsibility for evaluation and/or cease such conduct.

## **Gender-Based Discrimination and Sexual Misconduct Policy**

St. Bonaventure University prohibits all forms of gender based discrimination and sexual misconduct. Gender-based discrimination or sexual misconduct can be committed by any person upon any other person, regardless of the sex, gender, sexual orientation and/or gender identity of the persons involved in the acts.

This policy prohibits the following forms of misconduct:

**Gender-Based Discrimination** – Gender-Based Discrimination includes discrimination on the basis of gender, sexual orientation, gender identity or domestic violence victim status in any aspect of employment or access to University curricular, co-curricular or extracurricular educational programs and/or resources, including without limitation:

- hiring and firing;
- compensation, assignment, or classification of employees;
- transfer, promotion, layoff, or recall;
- job advertisements;
- recruitment;
- testing or grading;
- use of University facilities;
- training and apprenticeship programs;
- fringe benefits;
- pay, retirement plans, and disability leave;
- admissions and recruiting standards and practices;
- financial aid and scholarship awarding policies and practices;
- eligibility for academic programs;
- use of student housing
- participation in extracurricular student activities; and
- other terms and conditions of employment or the student experience.

This policy does not apply to decisions relating to requests for reasonable accommodation due to a disability. Student disability accommodations are handled by Adriane Spencer, [aspencer@sbu.edu](mailto:aspencer@sbu.edu), 716-375-2065 and pursuant to that office's policies. Work-related disability accommodations are handled by the Human Resources Office and pursuant to that office's policies.

**Sexual Harassment** – Sexual harassment is unwelcome, gender-based, sexual orientation-based or gender identity-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the University's educational program, employment, and/or activities, and is based on power differentials (*quid pro quo*), the creation of a hostile environment, or retaliation.

It constitutes sexual harassment when:

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

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

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

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

**Non-Consensual Sexual Contact** – any intentional touching, however slight, for purposes of sexual gratification or with sexual intent, directly or with any object that is without affirmative consent. Acts of non-consensual sexual contact may include but are not limited to intentional contact (directly or over clothing) with another person's breasts,

buttocks, groin, genitals, or inner thigh, or touching another with any of these body parts, or making another touch oneself or themselves with or on any of these body parts.

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

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

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

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

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

**Other Misconduct Offenses (will be addressed under this policy when based on gender, gender identity, sexual orientation, or domestic violence victim status)**

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of another person;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing (see Hazing Policy of the St. Bonaventure University Student Code of Conduct for definition); and
- Bullying, defined as repeated and or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or emotionally.

**Additional Applicable Definitions:**

**Affirmative Consent**

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

The following conditions apply to the term "consent" according to the University:

1. Silence, lack of physical resistance, and/or the absence of a verbal "no" are not forms of consent.
2. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. In other words, it is not an excuse that the person initiating the act was intoxicated or incapacitated due to alcohol or other drugs.
3. Consent can be initially given but withdrawn at any time.
4. When consent is withdrawn or can no longer be given, sexual activity must stop. Once a person says "no," it is established that he or she is not giving consent to a sexual act. However, the absence of a verbal "no" does not constitute consent. Any activity or further encouragement beyond that point could be construed as force, coercion or intimidation.
5. A current or previous dating relationship is not sufficient to constitute consent. Further, past consent to engage in sexual activity with any person cannot be presumed to be consent to sexual activity in the future with the same or a different person. A sexual act must be mutually agreed upon each time it occurs.
6. Consent to one sexual act does not indicate consent to other sexual acts.

7. Consent cannot be given if a person is incapacitated (see definition of “incapacitation”). Sexual activity with someone whom one should know to be – or based on the circumstances should reasonably have known to be –incapacitated (for example, by disability, sleep, involuntary restraint, or the taking of drugs or alcohol, unconsciousness or blackout) constitutes a violation of this policy.
8. Consent cannot be given under coercion, force, or threat of physical harm or injury.
9. Consent cannot be given if someone is under the legal age of consent. In New York State, a minor (meaning a person under the age of 17 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 17 years old is a crime as well as a violation of this policy, even if the minor wanted to engage in the act.

### **Force**

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. It includes threats and/or intimidation (implied threats) that overcome resistance or produce purported (but ineffective) consent. It also includes rendering someone incapacitated by administering alcohol or any other drug.

### **Coercion**

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes it clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

### **Incapacitation**

Incapacitation is a state where someone lacks the ability to knowingly choose to participate in a specific activity. Incapacitation can result from disability, sleep, lack of consciousness, involuntary restraint, or other factors that prevent voluntary choice. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs or other intoxicants may be incapacitated and therefore unable to consent.

**NOTE:** There is no requirement that a party resists a sexual advance or request, but resistance is a clear demonstration of non-consent. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

## **Confidentiality and Reporting of Offenses Under This Policy**

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. The University offers a number of confidential and non-confidential resources on-campus.

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

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

Even University offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

## **Confidential Assistance**

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

Quick Reference Contact Information:

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

*Complete descriptions of services provided by the resources listed above can be found in the University’s Guide to Understanding Gender-based discrimination and sexual misconduct, or online at <http://www.sbu.edu/life-at-sbu/conduct-at-sbu/gender-based-sexual-misconduct>.*

## **Non-Confidential Resources**

All University employees other than confidential resources have a duty to share reports of gender-based discrimination or sexual misconduct with the Title IX Coordinator or a Deputy Coordinator so that the University may take steps to offer support services and prevent the recurrence of any misconduct. If a reporting party does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Coordinator or a Deputy Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law.

In cases of pattern, predation, physical threat, weapons, and/or violence, the University will likely be unable to honor a request for confidentiality. If the University determines that it must proceed with an investigation, the reporting party can choose whether or not he/she is going to be part of it. The burden of investigation, disciplinary charges, and consequences is not on the reporting party, but instead rests with the University. In cases where the reporting party requests confidentiality, and the circumstances allow the University to honor that request, the University will offer interim supports and remedies to the reporting party and the community, but will not otherwise pursue formal action.

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

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

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

Complaints will be considered according to the following procedure:

1. Once a report is received, information is shared with the Title IX Coordinator and/or a Deputy Coordinator.
2. Preliminary information gathering will occur to determine whether or not a formal investigation is appropriate.



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

misconduct, but also may hear any allegations of additional conduct or policy violations that are alleged to have occurred as part of the same set of circumstances as the alleged gender-based discrimination or sexual misconduct, even though those collateral allegations may not otherwise fall within this policy. Accordingly, investigations should be conducted with as wide a scope as necessary. Final determination of whether the investigation will deal with collateral misconduct will be made by the Title IX Coordinator.

8. After the investigation is complete, and based on the *preponderance of the evidence standard* (“more likely than not”), investigators will determine whether it is “more likely than not” the responding party(s) violated one or more policies and prepare the final report. Investigators will provide the final report to the Title IX Coordinator. **This is the finding in the case.** Final reports will include documented summary of interviews, evidence, credibility assessments and any other factual support for the investigators’ findings.
9. The Title IX Coordinator and/or Deputy Coordinator will inform the reporting party and responding party in writing of the outcome of the investigation, including the relevant findings of fact and the rationale for the determination. If the determination is that the responding party is responsible for one or more violations, the Title IX Coordinator and/or Deputy Coordinator will determine the appropriate sanctioning body dependent on whether the responding party is a faculty/staff member, or student.
10. Should a student be accused of a violation of the Gender-Based Discrimination or Sexual Misconduct Policy, they are NOT subject to the same process and procedure outlined in the Code of Conduct under the “Judicial Process”, and the processes and procedures in this policy will be followed instead. There is no hearing to determine responsibility, as that is the purpose of the investigation process. If there is a determination by the Title IX Coordinator and/or Deputy that the case should move forward for sanctioning, a Judicial Sanctioning Board will be called to determine sanctions.
11. If the responding party found responsible for a violation is a faculty or staff member, the Title IX Coordinator will consult with the chair of CODAH, the Director of Human Resources, and the appropriate executive officers to review:
  - the responding party’s personnel file;
  - any past informal complaint where there has been a finding of discrimination and/or harassment;
  - a finding of discrimination and/or harassment by the responding party through the formal complaint process; or
  - any past formal or informal complaint against the responding party that was not judged to be a spurious complaint.

After this history has been taken into consideration, the Title IX Coordinator and Chair of CODAH will make their final recommendation for corrective action to the appropriate executive officer for implementation, if appropriate. Copies of the

final recommendation will be sent to the reporting party, responding party, Chair of the CODAH, Director of Human Resources and appropriate executive officer for both the reporting party and responding party. This process will be done within 60 days of the registration of the complaint in writing unless there are extenuating circumstances.

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

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

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

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

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

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

- The Chief Judicial Officer, or appropriate designee of the Vice President for Student Affairs, and
- one faculty member, and
- one staff person.

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

should be reported to the Title IX Coordinator, and the Title IX Coordinator will make the determination as to whether recusal is warranted.

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

### **Sanctioning for Gender-Based Discrimination and Sexual Misconduct**

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

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

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

- Written Warning
- Disciplinary Fines
- Community Service
- Attendant Restrictions
- Participation in Educational Activities Addressing the Nature of the Violation
- Disciplinary Probation
- Loss of Campus Residency
- Organizational Sanctions
- Suspension – remainder of current semester
- Suspension – One Semester\*
- Suspension – Two Semesters\*
- Suspension – Three Semesters\*
- Suspension – Four Semesters\*
- Expulsion
- Withholding of Diploma and/or Degree Conferral
- Revocation of Degree

## **Employee Sanctions:**

- Warning – written
- Performance Improvement Plan
- Required Counseling
- Written Reprimand
- Formal Apology
- Transfer or reassignment
- Disciplinary Probation
- Non-Renewal of Employment Agreement
- No Contact Order
- Required Training/Education
- Demotion
- Loss of Annual Pay Increase
- Suspension Without Pay\*
- Suspension With Pay\*
- Termination

\*There are no specified lengths of with or without pay suspensions of employees. Sanctions imposed on St. Bonaventure University employees are imposed pursuant to the governing handbook for that particular faculty or staff member.

No corrective action will be implemented that violates any provision of a St. Bonaventure University employment contract.

## **Transcript Notation**

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

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

### **Withdrawal Prior to Completion of Process**

Students withdrawing from the University during an investigation, or any time prior to the completion of judicial procedures (including an appeal process), to which they are subject as a responding party, may not be eligible for re-admission to the University or re-enrollment in any courses offered by the University on campus, online, or through any affiliate programs, unless and until the pending charges are resolved to the University's satisfaction.

### **Resignation Prior to Completion of Process**

Employees who resign from the University during an investigation, or any time prior to the completion of judicial procedures or other resolution process (including an appeal process), to which they are subject as a responding party, may not be eligible for re-hire unless and until the pending charges are resolved to the University's satisfaction.

### **Temporary Withholding of Degree/Diploma; Denial of Participation in Commencement**

The University may withhold a student's degree and/or diploma for a specified period of time and/or deny a student participation in commencement activities if the student is the subject of a pending complaint or investigation, or has disciplinary charges pending.

### **Guidelines for Sanctioning**

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

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

### **Amnesty**

The health and safety of every student at St. Bonaventure University is of utmost importance. The University recognizes that students who have been drinking and/or using drugs, (whether

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

### **Appeals (for students only)**

An Appeals Board shall be convened when either the reporting party or the responding party choose to appeal the finding of the investigating officers and/or the sanction imposed by the Judicial Sanctioning Board. Additionally, the Appeals Board may consider appeals for removal of a suspension notation from the official transcript. If granted, the suspension notation will be removed no less than one year after the suspension is completed. No member of the Judicial Sanctioning Board who determined the sanctions in the case shall be part of the Appeals Board. The same rules that apply in selecting members of the Judicial Sanctioning Board (including rules with respect to conflicts of interest) shall apply to the Appeals Board. The Appeals Board composition shall be:

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

### **Appeal of Investigative Finding**

The appealing student shall file a written appeal to the VPSA. Appeals may be filed for the following reasons:

- Material procedural defect in the original investigation that is likely to have impacted the outcome, and/or
- Presence of new material evidence that was not available through no fault of the appealing party throughout the course of the investigation, and that, if known, would be likely to have impacted the outcome, and/or
- Substantial disregard for factual evidence that is likely to have impacted the outcome.

### **Appeal for Review of Sanction**

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

### **Appeal Procedure (Students Only)**

The appealing party must file the appeal electronically as a Word Document attachment via University email to the VPSA within five class days of the later of notification of (a) the outcome of the investigation or (b) if applicable, the outcome of the Judicial Sanctioning Board hearing, stating the specific reason and justification for the appeal. The VPSA will review the appeal request and determine whether or not the appeal request states a proper basis for appeal. If the VPSA determines the appeal states the proper basis, the Appeals Board will convene. Sanctions imposed are implemented immediately unless the VPSA stays their implementation pending the outcome of the appeal.

1. The Appeals Board process is not a “re-hearing” of the case. It will only consider facts and issues relevant to the basis for the appeal, and will not be conducting new investigations.
2. It will be assumed by the board that the original investigation and sanctions are sound, and the burden is on the appealing party to prove otherwise.
3. The Board shall meet with the appealing party and the non-appealing party (if requested), and may meet with anyone else deemed necessary to make their determination, including the investigators in the case.
4. The Board will make one of the following decisions:
  - a. **Finding/Sanction Stands:** If upon review of relevant information the Board finds that there is no merit to the appeal, or that any issue brought up in the appeal would not change the finding or the appeal, then the Board will affirm the finding and (if applicable) the sanction. This decision is final, and the case is closed.
  - b. **Appeal Granted:** If upon review of relevant information the Board finds that the appellant has met the burden of establishing that one or more grounds for appeal have merit, the Board has discretion to take action consistent with that determination. That may include, without limitation, in the case of procedural error or new information, remanding the case in whole or in part to the original investigators or new investigators or, in the case of disproportionality of a sanction, modifying that sanction as appropriate.
5. Once an appeal of a case is concluded, no further appeals are allowed, except to the extent that one or more parties seek review of proceedings ordered by the Appeals Board on remand.

### **Accommodations and Interim Measures**

Certain accommodations and interim measures may be made by the Title IX Coordinator and/or Deputy Coordinators, or appropriate designee, in an effort to protect the safety and/or well-being of any member(s) of the campus community. Initial or interim remedies are intended to address the immediate and ongoing effects of harassment, discrimination, sexual assault, sexual exploitation, domestic violence, dating violence, stalking or retaliation, or to prevent further



harm to the alleged victim and to prevent further violations. These accommodations could include, but are not limited to: (a) changes in academic, living, transportation, and working situations if those changes are requested by the alleged victim and reasonably available; (b) “No Contact” Orders, Summary Suspension, or Access Restrictions as provided in the Code of Conduct under “Interim Sanctions”; or (c) any other interim restriction or sanction deemed appropriate by the Title IX Coordinator or Deputy Coordinators, or appropriate designee. A written summary of rights, options, supports, and procedures, is provided to all reporting and responding parties, whether they are students, employees, guests, or visitors.

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

If an outside agency or court of law has put in place an order of protection, the University will assist in upholding the order, including explaining the legal consequences for violating the order. If the University receives a report of an official order of protection being violated, the University will provide assistance in contacting the appropriate law enforcement agency.

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

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

#### **Advisor of Choice**

The reporting party and the responding party have the right to an advisor of their choice present with them through any interviews throughout the investigation, any proceedings resulting from Title IX investigations and any related meetings. The role of the advisor is to be of support to the parties. Advisors are not permitted to represent the parties. Thus, advisors are not permitted to ask or answer questions, nor are they to interfere in the process for any reason at any time. If an advisor does not adhere to these or other applicable ground rules, the advisor will be dismissed from the applicable interview, proceeding, or meeting, which will continue without opportunity for the advisee to secure a new advisor. Additionally, the University will determine its own schedule, and it is incumbent upon the reporting party and responding party to ensure their advisors are available. The schedule for interviews, hearings, appeals, or any meeting necessary will not be driven by advisor availability. Except in cases involving allegations of Domestic Violence, Dating Violence, Stalking or Sexual Assault, the advisor of choice for an employee of the University must be another employee of the University.

## **Retaliation**

Reporting parties have the right to continue their employment or educational endeavors free from retaliation or further harassment as a result of filing a report or participating in a judicial process. Retaliation exists when an individual harasses, intimidates or takes other adverse action(s) against a person because of the person's participation in an investigation or other process undertaken pursuant to this policy, or their support of someone involved in such an investigation or process. Retaliatory actions include but are not limited to threats or actual violence against a person or their property, adverse educational or employment consequences, ridicule, intimidation, bullying, or ostracism. An allegation that retaliation has occurred in violation of this policy will be investigated and adjudicated in accordance with the procedures set forth in this policy. Without limiting the preceding sentence, any evidence of such behavior from a responding party throughout the course of an investigation, or on behalf of the responding party, could warrant immediate summary suspension from the University pending the completion of the investigation and subsequent judicial process.

## **Distribution of Policies and Procedures**

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

## **Training and Prevention Programming**

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

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

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

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

### **Title IX Coordinator**

In accordance with Office of Civil Rights legislation pertaining to Title IX of the Education Amendments of 1972, the University is required to appoint and maintain a coordinator for Title IX Compliance on campus. St. Bonaventure University's Title IX Coordinator is the Vice President for Student Affairs, 716-375-2513, or [rtrietle@sbu.edu](mailto:rtrietle@sbu.edu). Documentation of investigations, findings, and Judicial Sanctioning Board Hearing outcomes regarding alleged gender-based discrimination and sexual misconduct will be kept on record with the Title IX Coordinator in accordance with University policies regarding records management.

### **STUDENTS' Bill of Rights**

All students have the right to:

1. Make a report to local law enforcement and/or State Police
2. Have disclosures of domestic violence, dating/intimate partner violence, stalking and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justices free from pressure by the University;
4. Participate in a process that is fair, impartial and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the University courteous, fair and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;

7. Describe the incident to as few University representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the University, any student, the responding party and/or their friends, family, and acquaintances within the jurisdiction of the University;
9. Access to at least one level of appeal of determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial process including all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the University.

### **FACULTY & STAFF Bill of Rights**

All St. Bonaventure employees have the right to:

1. Make a report to local law enforcement and/or State Police;
2. Have disclosures of sex discrimination, sexual harassment, domestic violence, dating/intimate partner violence, stalking and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justices free from pressure by the University. *This applies only if the employee is the person the crime is against;*
4. Participate in a process that is fair, impartial and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity, courtesy, fairness and respect;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or that the reporting individual should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few University representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the University, any student, the responding party and/or their friends, family, and acquaintances within the jurisdiction of the University; and
9. Be accompanied by an advisor of choice who is an employee of the University (CODAH Advocacy Officers may be called upon) who may assist and advise a reporting individual, accused, or respondent throughout the investigatory process including all meetings and hearings related to such process.

## **Sex Offenders**

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

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

## **New York State Definitions of Sexual Assault, Domestic Violence, Dating Violence and Stalking**

**Sexual Assault** is a broad term that covers a range of sex offenses, including, but not limited to, public lewdness, rape, sexual battery, and sexual abuse. New York State does not specifically define sexual assault.

**Domestic Violence** includes felony or misdemeanor crimes of violence committed by a member of the same family or household.

Examples of domestic violence offenses within New York State Penal Law include:

- Aggravated Harassment Second Degree;
- Assault in the Second and Third Degree and Attempted Assault (any degree);
- Criminal Mischief (any degree);
- Criminal Obstruction of Breathing or Blood Circulation;
- Disorderly Conduct;
- Forcible Touching;
- Grand Larceny Third and Fourth Degree;
- Harassment in the First and Second Degree;
- Identity Theft First, Second and Third Degree;
- Menacing in the Second and Third Degree;
- Reckless Endangerment (any degree);
- Sexual Abuse Third Degree;
- Sexual Abuse in the Second Degree subdivision (1);
- Sexual Misconduct;
- Stalking in the First, Second, Third, or Fourth Degree, and
- Strangulation in the First and Second Degree.

Under the New York State Family Court Act and the Criminal Procedure Law the definition of a member of the same family or household includes persons who:

1. Are legally married to one another; (including same sex marriage)
2. Were formerly married to one another;
3. Are related by blood;
4. Are related by marriage;
5. Have a child in common, regardless of whether they were ever married or ever lived together at any time, or
6. Are not related by blood or marriage but who are or have been involved in an "**intimate relationship**" regardless of whether such persons have lived together at any time, including same-sex couples.

There is no specific definition of "**intimate relationship**" in the applicable provisions of the FCA and the CPL. However, the law provides factors to assist in determining if an intimate relationship exists.

- Factors the court may consider in determining whether the relationship is an "**intimate relationship**" include but are not limited to: the nature or type of the relationship, regardless of whether the relationship is sexual in nature, the frequency of the interaction between the individuals and the duration of the relationship.
- Neither a casual acquaintance nor ordinary fraternization (i.e.: casual dating, brief live-in encounters, roommates) between two individuals in business or social contacts shall be deemed to constitute an "**intimate relationship**." Refer: FCA §812(1), CPL §530.11(1)

**Dating Violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement with consideration of the length of the relationship, and the frequency of interaction between the persons involved in the relationship. New York State does not specifically define "dating violence," but under New York State Penal Law some intimate relationships can be covered under the definition of domestic violence.

**Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others or (B) suffer substantial emotional distress.

Under New York State Penal Law Article 120, Sections 120.45, 120.50, 120.55, 120.60, a person is guilty of stalking when he/she engages in an intentional course of conduct directed at a specific person that causes harm to the mental or emotional distress of that person, fear for his or her health, safety or property, or the health, safety or property of his or her family or acquaintances, or fear that his or her employment, business or career is threatened.

### **Definitions of Clery Reportable Crimes**

Reporting of statistics under the Clery Act, and in compliance with the Violence Against Women Act (VAWA), uses federal offenses definitions that allow comparability across campuses, regardless of the state in which the campus is located. These definitions are as follows:

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

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

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

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- A. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- B. For the purposes of this definition:
  - i. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - ii. Dating violence does not include acts covered under the definition of domestic violence.
- C. For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Domestic Violence:** A felony or misdemeanor crime of violence committed:

- A. By a current or former spouse or intimate partner of the victim;
- B. By a person with whom the victim shares a child in common;
- C. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- D. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- E. By any other person against an adult or youth victim who is protected

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

- A. Fear for the person's safety or the safety of others; or
- B. Suffer substantial emotional distress.
- C. For the purposes of this definition,
  - *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
  - *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
  - *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a Sex Offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."

## **VIII. ACCESS TO UNIVERSITY FACILITIES**

Most University buildings and facilities are accessible to members of the campus community and both guests and visitors during normal hours of business, Monday through Friday, and for limited designated hours on Saturday, during periods of time the University is in normal operation (this includes most holidays). For information regarding access to campus facilities, contact Security Services at 716-375-2525.

## **IX. RESIDENTIAL FACILITIES AND POLICIES**

The St. Bonaventure University residence community houses students in varied accommodations ranging from single and double dormitory-style rooms to fully furnished apartments and townhouses. Services and programs intended to enhance the quality of life and to assure the security and safety of the resident student body is a priority for the residence life administration.

All facilities are served by live-in residence directors, resident assistants, student mentors and counselors (ministers-in-residence). At least one professional staff member is on duty at all times, 24 hours a day, 7 days a week.

Security and safety policies and procedures, especially regarding locking individual rooms and building doors and related precautions, are discussed with residents in crime prevention seminars, in routine floor meetings conducted by the residence life staff and in printed material that is posted and distributed by the staff.



## **X. DRUG AND ALCOHOL POLICIES**

The University complies with federal, state and local laws including those which regulate the possession, use and sale of alcoholic beverages and controlled substances. The below policies are enforced consistently by Safety and Security Services and residence hall staff. All documented violations of these policies will be heard through the University's judicial process, outlined beginning on page 38 of the Code of Conduct, and sanctioned accordingly. Sanctions for these violations include written warning, disciplinary fines, community services, attendant restrictions, disciplinary probation, loss of campus residency suspension and/or expulsion.

The following represent policies of St. Bonaventure University regarding possession, use and sale of alcoholic beverages, taken from Appendix D of the Code of Conduct:

### **Policies Regarding Possession, Use, and Distribution of Alcoholic Beverages**

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

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

**Consumption of Alcoholic Beverages** – Consumption of alcoholic beverages is strictly prohibited if a student is under the age of 21. Persons 21 years of age or older who choose to consume alcohol may do so only in the presence of other persons 21 years of age or older, and must remain in control of their behavior. They will be responsible for their actions and must respect the rights of others.

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

The following represent policies of St. Bonaventure University regarding possession, use and sale of controlled substances, taken from Appendix G:

### **Policies Regarding Possession, Use, and Distribution of Controlled Substances**

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

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

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

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

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

\*\*\*\*Also, the following acts are prohibited on University premises or at any University-sponsored activities: Illegal possession of an open container of an alcoholic beverage, public intoxication, driving while intoxicated and consumption of alcoholic beverages while in unauthorized areas.

## **ON-CAMPUS SUBSTANCE ABUSE PREVENTION PROGRAMMING AND COUNSELING SERVICES**

**AlcoholEDU**: This course is an online, educational interface offered by EverFi, which tailors feedback to participants based on their responses regarding the individual’s behaviors related to alcohol and drug use. All incoming students are required to take Part I of the course prior to attending the University, and then take Part II of the course after approximately one month of enrollment. In addition to providing educational material to the participant, the University is able to collect aggregate data, which is utilized to target preventative programming and plan for longitudinal effectiveness.

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

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

counselor about referring another person. Referrals to outside agencies and local substance abuse treatment centers are also available.

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

**Commission on the Responsible Use of Alcohol:** As a result of the President's Task Force on the Responsible Use of Alcohol established in 2005, a working commission was been established and met regularly to evaluate and address the campus climate involving alcohol. It now operates as an advisory committee.

The University reserves the right, as a separate jurisdiction, to conduct judicial proceedings according to the procedures outlined in the Code of Conduct before, during or at the completion of the extra-University criminal proceedings.

The Code of Conduct includes a section of offenses and discipline for students. The Hourly Staff Handbook includes a section of offenses and discipline for staff. The Administrators Handbook includes a section on offenses and discipline for administrators. The Faculty Handbook includes a section on offenses and discipline for faculty.

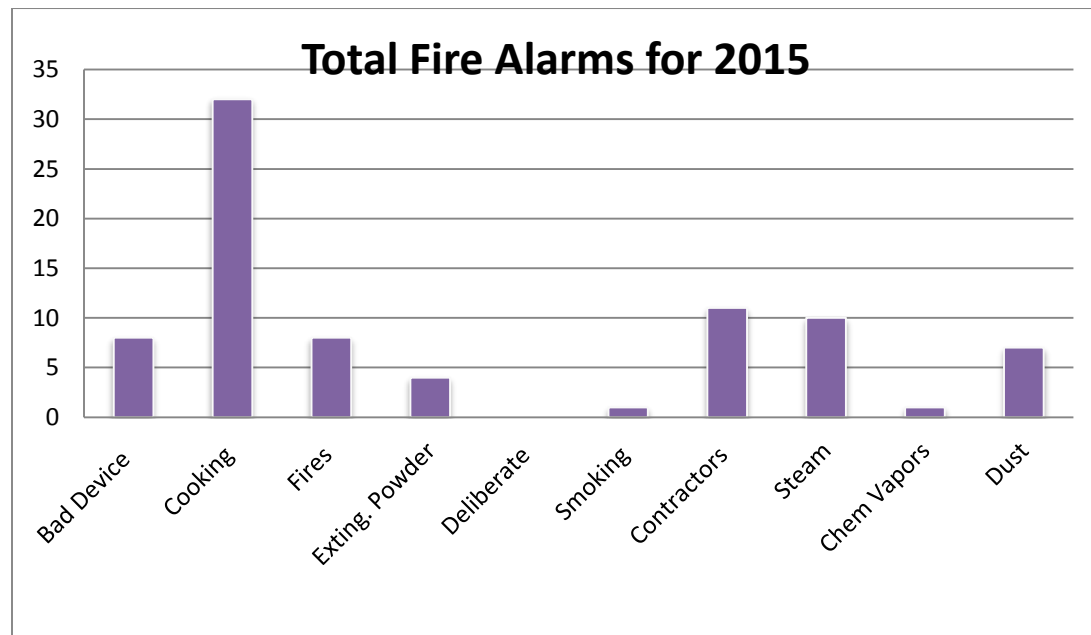
## **XI. University Policies on Weapons and Other Dangerous Chemicals**

**Possession/Use of Firearms and/or Dangerous Weapons** - possession or use of any object or substance designed to inflict a wound or injury, or to incapacitate. Such objects or substances include but are not limited to: firearms, BB guns, pellet guns, air soft guns, knives other than kitchen utensils, billies, sling shots, black jacks, metal knuckles, martial arts weapons, mace, tear gas, etc.

**Possession/Use of Fireworks, Explosives or Other Dangerous Chemicals** – possession and use of **all** fireworks and explosive materials are prohibited on campus.

## St. Bonaventure University Fire Alarm Statistics 2015

There were a total of ninety (90) fire incident responses in 2015 campus-wide. Ten (10) of those incidents were reported as actual fires. Of the Ten reported fires, four (4) occurred in residence halls and all were caused by cooking. Three (3) fires were unauthorized outside recreational fires, one (1) trash can fire was determined accidental by smoking, and two (2) were vehicle fires due to electrical or mechanical accidents. The eighty (80) remaining incidents were fire alarm responses for various non-fire related reasons. No actual structure fires occurred in the residence halls in 2015. See the chart below for residence hall alarm cause details.



### Annual Fire Safety Report, 2015

#### Overview

The Higher Education Opportunity Act (Public Law 110-315) became law in August 2008, requiring all United States academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and all fire-related on-campus statistics. The following public disclosure report details all information required by this law as it relates to fire safety at St. Bonaventure University.

### Actual Resident Hall Fire Statistics

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

### General Statement of St. Bonaventure-Owned Student Housing

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

#### Dormitories

Devereux Hall

Doyle Hall

Francis Hall

Robinson/Falconio Hall

Shay/Loughlen Hall

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

### Apartment buildings

Gardens East

Gardens West

Townhouse A

Townhouse B

Townhouse C

Townhouses 21 thru 26

Townhouse 31 thru 33

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

### Complete Listing of Residence Hall Fire Safety Features

Building	Alarm Type	Smoke Detection	Pull Stations	Notification Capability	Sprinkler System	Drills Per-Year
Devereux Hall	Simplex 4020	YES	YES	Centrally Monitored	No	4 minimum
Doyle Hall	Simplex 2001-3080	YES	YES	Centrally Monitored	No	4 minimum
Francis Hall	Simplex 4100U	YES	YES	Centrally Monitored	No	4 minimum
Gardens East	Simplex 4004	YES	YES	Centrally Monitored	No	4 minimum
Gardens West	Simplex 4004	YES	YES	Centrally Monitored	No	4 minimum
Robinson/Falconio	Simplex 4100ES	YES	YES	Centrally Monitored	Yes-all	4 minimum
Shay/Loughlen	Simplex 4100U	YES	YES	Centrally Monitored	Yes-All	4 minimum
Townhouse Building 11	Simplex 4020-8001	YES	NO	Centrally Monitored	No	4 minimum
Townhouse Building 12	Simplex 4020-8001	YES	NO	Centrally Monitored	No	4 minimum
Townhouse Building 13	Simplex 4020-8001	YES	NO	Centrally Monitored	No	4 minimum
Townhouse Building 21	Simplex 4006	YES	YES	Phone Line	No	4 minimum
Townhouse Building 22	Notifier SFP-1024	YES	YES	Phone Line	No	4 minimum
Townhouse Building 23	Simplex 4006	YES	YES	Phone Line	No	4 minimum
Townhouse Building 24	Simplex 4006	YES	YES	Phone Line	No	4 minimum
Townhouse Building 25	Simplex 4006	YES	YES	Phone Line	No	4 minimum
Townhouse Building 26	Simplex 4006	YES	YES	Phone Line	No	4 minimum
Townhouse Building 31	Simplex 4005	YES	YES	Centrally Monitored	No	4 minimum
Townhouse Building 32	Simplex 4005	YES	YES	Centrally Monitored	No	4 minimum
Townhouse Building 33	Simplex 4005	YES	YES	Centrally Monitored	No	4 minimum

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

### Reported Fires 2015 Fire Log

Reported Fire	Confirmed	Building/Location	Report #	Cause/suspected	# Of Injuries	# Of Deaths	Estimated Damage	Disposition	
4/27/2015	Yes	Loughlen 2 <sup>nd</sup> Lounge	327-15-F	Cooking	0	0	\$100	N/A	
9/13/2015	Yes	Townhouse 254	607-15-F	Cooking	0	0	0	N/A	
9/18/2015	Yes	Townhouse 246	646-15-F	Cooking	0	0	0	N/A	
11/22/2015	Yes	Francis Dining Hall	864-15-F	Cooking	0	0	\$300	N/A	

### Specific Fire-Prevention-Related Policies in Residence Halls

#### Appendix I (Student Code of Conduct) – Fire Safety Policies and Procedures

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

#### Fire Safety Policies

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

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

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

**Evacuation During the Sounding of an Alarm:** All persons are required to follow evacuation procedures listed below in “Fire Safety Procedures.” Failing to do so will be considered a violation of this policy.

**Extension Cords, Multi-plug Adapters and Power Strips:** The New York State Fire Code has specific rules regarding the use of extension cords and similar devices. **All extension cords and multi-plug adapters are strictly prohibited in all Bonaventure-owned student housing.** Surge protected power strips are permitted, but only power strips of the polarized or ground type, equipped with over-current protection. Power strips must be plugged directly into a permanent wall outlet. The daisy chaining of power strips (plugging one power strip into another) is strictly prohibited.

**Holiday Lights, Christmas Trees, Cable Cords, Electrical Wires etc.:** Holiday lights are only permitted to be hung for thirty (30) days. Real Christmas trees are prohibited in all Bonaventure-owned student housing. Electrical and cable cords must not be stapled or nailed to a wall or floor. Tape may be used, if necessary. No cable or electrical wiring may run underneath carpeting, through doors or windows, or along the ceiling.

**Keeping Clear Exit Pathway:** Students are responsible for maintaining a safe, healthy and clean living environment. Therefore, students must maintain a clear exit and entrance pathway free from obstruction in and out of their residence hall room and/or apartment, in case of emergencies. All hallways, stairwells, building entrances and exits, are to be kept clear of debris, furniture, etc.

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

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

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



## **Fire Safety Procedures**

St. Bonaventure will consistently abide by and enforce all fire safety policies. Students living in Bonaventure-owned student housing are subject to the following procedures with regards to fire safety:

**Fire Alarms and Evacuation:** Whenever a fire alarm sounds, students must exit the residence facility immediately and remain at least fifty (50) feet away from the building until appropriate Residence Life or Safety and Security personnel announce that students are permitted to re-enter. Students failing to exit the residence hall during the sounding of an alarm or re-entering the residence hall before being given permission will be subject to the judicial hearing process. In the event of a real fire, please EXIT THE BUILDING IMMEDIATELY utilizing the nearest clear exit. If there is no alarm sounding and there is a pull box along your exit pathway, please pull the fire alarm. However, if there is no pull box on your way out of the building, continue your exit and notify the Office of Safety and Security using the nearest emergency phone, or by calling 375-2525. **All fire alarms must be taken seriously, and students must evacuate the residence hall immediately during any sounding of an alarm.**

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

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

### **Education and Training Programs**

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

### **To Report a Fire**

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

### **Plans for Fire Safety Improvements**

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

## Appendix T (Student Code of Conduct) – Smoking Policy

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

In compliance with state law, then, and faithful to the core values of St. Bonaventure University, the following smoking regulations have been adopted:

1. **Smoke-free Workplace:** St. Bonaventure University guarantees its employees and students a smoke-free workplace.
  - a) Smoking is prohibited in **ALL** indoor areas of the University, including University vehicles.
  - b) Smoking is not permitted in any residence facility at any time.
  - c) Smoking is prohibited within thirty (30) feet or less from all entrances/exits to all University buildings.
2. **Tobacco Products:** Sale of tobacco products is restricted on campus.
3. **Posting of Signs:** “No Smoking” signs will be prominently displayed. Additionally, copies of this policy will be posted on the University Web site, employee handbooks and available to all employees and prospective employees upon request.
4. **Enforcement:** Failure to comply with this policy places both the smoker and the University at risk of substantial civil penalty.
  - a) **Sanctions:** Sanctions will be imposed as a result of a University judicial hearing.
  - b) Flagrant repeated violations of this policy may be cause for severe disciplinary action up to and including dismissal (for employees) or expulsion (for students). These sanctions will be assessed through already existing University procedures.
5. **Responsible Person:** Complaints may be directed to the director of Safety and Security, the University’s agent responsible for enforcing this policy, and/or the Residence Life staff for violations occurring in the residence halls.

<b><u>Timely Warning Matrix</u></b>	<b><u>St. Bonaventure University</u></b>								
Event	Imminent Threat Determination Made By	Timing of Warning	Steam Whistle	Cisco Phone Alert	E2 Text	Blast E-Mail	Notice Board	Bulletin Board Postings	Face to Face
Large Fire	VP Student Affairs/Safety & Security Director	0-4 Hours	Yes	Yes	Yes	Possible	Yes	No	Yes
Outbreak of meningitis, norovirus or other serious illness	VP Student Affairs/Wellness Center Director	0-72 Hours	No	No	Yes	Possible	Yes	Possible	Yes
approaching Tornado or extreme weather condition	VP Student Affairs/Safety & Security Director	0-2 Hours	Yes	Yes	Yes	Possible	Yes	No	Yes
Earthquake	VP Student Affairs/Safety & Security Director/VP Facilities	0-3 Hours	No	Yes	Yes	No	Yes	No	Yes
Gas Leak	VP Student Affairs/Safety & Security Director/VP Facilities	0-2 Hours	No	Yes	Yes	Possible	Yes	No	Yes
Terrorist Incident	VP Student Affairs/Safety & Security Director	0-2 Hours	Yes	Yes	Yes	Yes	Yes	No	Yes
Armed Intruder	VP Student Affairs/Safety & Security Director	0-1 Hour	Yes	Yes	Yes	Yes	Yes	No	Yes
Bomb Threat	VP Student Affairs/Safety & Security Director	0-1 Hour	Yes	Yes	Yes	Yes	Yes	No	Yes
Civil Unrest or Rioting	VP Student Affairs/Safety & Security Director/Human Resources/VP Media Relations	0-72 Hours	No	No	Yes	Possible	Yes	No	Yes
Explosion	VP Student Affairs/Safety & Security Director/VP Facilities	0-2 Hours	Yes	Yes	Yes	Possible	Yes	No	Yes

<b>Timely Warning Matrix</b>	<b>St. Bonaventure University</b>	<b>Continued</b>							
Event	Imminent Threat Determination Made By	Timing of Warning	Steam Whistle	Cisco Phone Alert	E2 Text	Blast E-Mail	Notice Board	Bulletin Board Postings	Face to Face
Criminal Assault on Campus if assailant is unknown, unidentified and at large	VP Student Affairs/Safety & Security Director	0-8 Hours	Possible	Possible	Yes	Possible	Yes	No	Yes
Nearby chemical or hazardous waste spill	VP Student Affairs/Safety & Security Director/ VP Facilities/Environmental Officer	0-8 Hours	No	Yes	Yes	Yes	Yes	No	Yes
Power Outage	VP Facilities	0-48 Hours	No	No	No	No	Yes	Possible	Yes
Snow Closure	VP Student Affairs/Safety & Security Director/ VP Facilities	0-8 Hours	No	No	Yes	No	Yes	Possible	Yes
String of Larcenies or Burglaries	VP Student Affairs/Safety & Security Director	0-72 Hours	No	No	No	No	Yes	Yes	Yes
All Other Emergencies	VP Student Affairs & TBD	0-TBD	Possible	Possible	Possible	Possible	Possible	Possible	Possible