



**POLICY MANUAL**

**VOLUME II**

**CAMPUS COMMUNITY POLICIES**

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VOLUME II CAMPUS COMMUNITY POLICIES

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## **2.1 Introduction**

The policies provided in Medaille College's Policy Manual, Volume II Campus Community Policies pertain to all members of the College community. Volume II Campus Community Policies was developed to describe some of the expectations of members of the campus community and to outline the policies, programs, and benefits available. The College hopes that all members of the College community have a challenging, enjoyable, and rewarding experience here.

## **2.2 General Campus Information**

Information about the Buffalo and Rochester Campuses is available on the institutional website: [www.medaille.edu](http://www.medaille.edu).

## **2.3 Institutional Policy on Equal Opportunity**

Medaille College is strongly committed to a policy of providing equal employment opportunities to all employees and applicants without regard to the following: age, sex, race, color, sexual orientation, religion, national origin, disability, marital status, veteran status, military status, or any other category protected by law. The College also is committed to the practice of reasonable accommodation for qualified persons with disabilities as required by the Americans with Disabilities Act.

The Director of Human Resources is the College's Equal Employment Opportunity Officer. Any complaints or questions regarding this EEO policy should be brought to the EEO Officer or, if necessary, the Office of the President. All complaints will be promptly investigated and, where necessary, corrective action including discipline will be administered. Complaints will be handled confidentially to the extent permitted by a fair investigation. No person will be retaliated against for bringing a complaint or asking a question under this policy.

## **2.4 Institutional Policy Prohibiting Sex Discrimination, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking**

### **2.4.1 Definitions**

**“Accused”** shall mean a person accused of a violation who has not yet entered the institution's judicial or conduct process.

**“Advisor”** shall mean any individual who provides a complainant or accused support, guidance, or advice.

**“Bystander”** shall mean a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of the institution.

**“Complainant”** shall mean any person who submits a statement alleging that a student violated Medaille College’s Student Code of Conduct.

**“Confidentiality”** Medaille College will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, and stalking to the fullest extent of the law and as set forth in Medaille College’s policies. Medaille College maintains as confidential any accommodations or protective measures extended to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

**“Dating Violence”** shall mean violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and the existence of such a relationship shall be 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.

For the purposes of this definition-

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**“Domestic Violence”** shall mean a felony or misdemeanor crimes of violence committed:

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

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**“Fondling”** shall mean the touching of the private parts of another person for the purposes 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”** shall mean non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**“Privacy”** may be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with applicable laws, including informing appropriate institution officials.

**“Proceeding”** shall encompass all activities related to a non-criminal resolution of an institution disciplinary complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings. Proceeding shall not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

**“Rape”** shall mean 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.

**“Respondent”** shall mean a person accused of a violation who has entered the institution’s judicial or conduct process.

**“Reporting Individual”** shall encompass the terms victim, survivor, complainant, claimant, witness with victim status and any other term used to reference an individual who brings forth a report of a violation.

**“Sex Discrimination”** shall include all forms of: sexual harassment, sexual assault, and sexual violence by employees, students, or third parties against employees, students, or third parties. Students, College employees, and third parties are prohibited from harassing other students and/or employees whether or not the incidents of harassment occur on the College campus and whether or not the incidents occur during working hours.

**“Sexual Assault”** shall mean an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.



**“Sexual Harassment”** shall mean unwelcome, gender-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 College’s educational program and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

**“Sexual Violence”** shall mean physical acts perpetrated against a person’s will or where a person is incapable of giving consent, including, but not limited to, rape, sexual battery, and sexual coercion. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**“Stalking”** shall mean engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others or suffer substantial emotional distress.

For the purposes of this definition-

- Course of conduct means two or more acts, including, but not limited to, acts 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.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Reasonable persons mean a reasonable person under similar circumstances and with similar identities to the victim.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**“Statutory Rape”** shall mean non-forcible sexual intercourse with a person who is under the statutory age of consent.

**“Title IX Coordinator”** shall mean Medaille College’s Title IX Coordinator, and his/her designees.

#### **2.4.2 Institution Policy Against Sex Discrimination, Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence and Stalking**

Medaille College is committed to offering educational and employment opportunity based on ability and performance in a climate free of discrimination. Discrimination is prohibited at this institution not only because it is unlawful, but because it is inherently wrong. Among the forms of discrimination prohibited by Medaille College is unlawful harassment, including sexual harassment, by employees as discussed in this policy. In addition, Medaille College will endeavor to protect students and employees, to the extent possible, from reported harassment at

Medaille College and in the workplace by students, vendors, or other non-employees, and, when appropriate, will take steps to prevent Medaille College employees from harassing non-employees.

It is the policy of Medaille College not to discriminate on the basis of sex, including sexual harassment, in its educational programs, activities, or employment policies, as required by Title IX of the Education Amendments of 1972 and New York State law. Questions concerning Title IX may be referred to the Office of Civil Rights or Medaille College's Title IX Coordinator, who can be reached at 18 Agassiz Circle, Buffalo, New York 14214, by telephone at (716) 880-2119.

Sexual discrimination in the form of harassment on the basis of sex includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature when:

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

Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (i.e. due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by institution employees, other students, or third parties. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.

Medaille College will take all steps necessary to prevent such discrimination and effectively address incidents of unlawful harassment and sexual misconduct, including the imposition of appropriate sanctions. Any harassment of Medaille College employees, students, or applicants, or third parties (such as participants in Medaille College sponsored events) in violation of these rules is absolutely prohibited and will not be tolerated. Interim protective measures—as discussed below—may be made available while a complaint is investigated. Both complainant and respondent shall be treated equitably throughout the investigation.

Conduct that occurs off campus, including but not limited to that perpetrated electronically, by social networking or email, is also subject to investigation and an appropriate response under this policy to the extent that such conduct contributes to a sexually hostile environment on campus.

Medaille College strictly prohibits the offenses of domestic violence, dating violence, sexual assault and stalking.

After responsibility has been determined after investigation and conduct hearing, all perpetrators of sexual assault, domestic violence, dating violence, and stalking will be aggressively sanctioned, in accordance with the standards outlined by the Student Code of Conduct. Medaille College will work in close cooperation with local law enforcement agencies to address any serious criminal activity to the extent allowable by law. Medaille College will thoroughly investigate violations of individuals' rights and safety when reported. In addition, Medaille College may terminate the enrollment and/or employment of any perpetrator of sexual assault, domestic violence, dating violence or stalking, including summarily suspending the violator to protect the College community. The institution will take interim measures, such as changing the victim's academic and living situations, after an alleged sexual offense if these changes are requested by the victim and are reasonably feasible. Medaille College will take all steps reasonably necessary to prevent recurrence of any sexual violence and to remedy any discriminatory effects on the reporting individuals and others.

### **2.4.3 Affirmative Consent Policy**

This policy applies to all faculty, staff, and students of Medaille College.

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

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

#### **2.4.4 Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases**

The health and safety of every student at Medaille College is of utmost importance. Medaille College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct.

Medaille College strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Medaille College officials or law enforcement will not be subject to Medaille College'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.

#### **2.4.5 Bill of Rights for Students**

Medaille College is committed to providing options, support and assistance to victims/survivors of sexual assault, domestic violence, dating violence, and stalking to ensure that they can continue to participate in College-wide and campus programs, activities, and employment. All victims/survivors of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad:

##### **All students have the right to:**

- Make a report to local law enforcement and/or state police;
- Have disclosures of domestic violence, dating violence, stalking, and sexual violence assault treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the institution;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;

- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such a crimes or violations;
- Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident;
- Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
- Access to at least one level of appeal of a determination;
- Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process;
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

Copies of this Bill of Rights shall be distributed annually to students, made available on Medaille College’s website, and posted in each campus residence hall, dining hall, and student campus center and shall include links or information to access the Sexual Violence Response Policy and the Options for Confidentially Disclosing Sexual Violence.

#### **2.4.6 Sexual Violence Response Policy**

##### *Specific Procedural Steps for Victims:*

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should take the following steps:

1. Get to a safe, secure place.
2. Report the incident to Medaille College Public Safety at (716) 880-2911, the Title IX Coordinator at (716) 880-2119, and/or the local law enforcement agency at 911. Students should not be reluctant or embarrassed to call the police—you are the victim of a crime.
3. Consider seeking medical attention as soon as possible. In New York, evidence may be collected even if you choose not to make a report to law enforcement and can be preserved in the event you change your mind at a later date. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing, or clean the area where the assault occurred.
4. If you were a victim of sexual assault and do not opt for forensic evidence collection, healthcare providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

5. Preserve evidence by saving any text messages, instant messages, emails, social networking pages, other communications, pictures, logs, or other documents that may be of assistance to investigators.

Although Medaille College strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report. Victims have the right to decline involvement with the police. Medaille College will assist any victim with notifying law enforcement if the victim so desires.

Medaille College is committed to assisting victims as much as possible and in accordance with the wishes of the victim. In an effort to maintain sensitivity to the needs of the victim and to assist law enforcement as best as possible with their investigation, Medaille College works with various on and off-campus offices and agencies. Support agencies, on and off campus, include the following:

- Crisis Services - Victims Advocate Program, (716) 834-3131;
- Medaille Wellness Center, (716) 880-2112 or (716) 880-2339;
- Buffalo Police Department, 911;
- Erie County Medical Center, (716) 898-3000;
- Visa and Immigration Assistance, 1-901-767-2424;
- Women and Children's Hospital, (716) 878-7000;
- Buffalo Police Sex Offense Squad, (716) 851-4494;
- Erie County Sheriff/Department of Family Offenses, (716) 858-6102;
- Erie County District Attorney/CARR Unit, (716) 858-2525
- Other resources available to victims of sexual assault, domestic violence, dating violence or stalking include:
  - o <http://www.rainn.org> – Rape, Abuse and Incest National Network
  - o <http://www.ovw.usdoj.gov/sexassault.htm> - Department of Justice
  - o <http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office of Civil Rights

### *Reporting Violations of this Policy*

Medaille College strongly encourages all members of its community to report violations of this policy. Medaille College will ensure that reporting individuals are provided with protections and accommodations, as needed, and will ensure the rights of reporting individuals are protected.

### *Rights of Reporting Individuals:*

You have the right to make a report to campus security, local law enforcement, and/or state police or choose not to report; to report the incident to Medaille College; to be protected by Medaille College from retaliation for reporting an incident; and to receive assistance and resources from Medaille College.

Medaille College will ensure that reporting individuals are advised of their rights to:

- Notify Medaille College Public Safety, local law enforcement, and/or state police;
- Have emergency access to the Title IX Coordinator or other official trained in counseling victims of sexual assault, who shall be ready upon the first instance of disclosure by a reporting individual. Said officials will provide information to the reporting individual concerning options to proceed, the preservation of evidence, medical assistance, and the distinctions between the institution's grievance proceeding and the criminal justice process;
- Disclose confidentially the incident and obtain services from state or local government;
- Disclose the incident to institution representatives who can offer privacy or confidentiality and can assist in obtaining resources for reporting individuals;
- File a complaint of sexual assault, domestic violence, dating violence, and/or stalking and the right to consult the Title IX Coordinator for information and assistance. Complaints will be investigated in accordance with Medaille College policy and a reporting individual's identity shall remain private to the extent possible;
- If the accused is an employee of Medaille College, to disclose the incident to Medaille College's human resources authority or to request that a confidential or private employee assist in reporting to the appropriate human resources authority;
- Receive assistance from Medaille College representatives in initiating legal proceedings in family court or civil court; and
- Withdraw a complaint or involvement from the institution process at any time.

## *Resources*

Medaille College will ensure that reporting individuals are provided with information about resources, including:

- Intervention;
- Mental health counseling;
- Medical services, including whether said services are available at no cost or for a fee;
- Information on sexually transmitted infections;
- Victim advocacy and legal assistance;
- Information on sexual assault forensic examinations;
- Protections and accommodations; and
- Resources available through the New York State Office of Victims Services.

## *Protections and Accommodations*

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, Medaille College will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. In New York State, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights:

<http://ovs.ny.gov/helpforcrimevictims.html>

Medaille College will ensure that reporting individuals are provided with the following protections and accommodations:

- Where the accused or respondent is a student, to have Medaille College issue a “No Contact Order” where appropriate, whereby continued intentional contact with the reporting individual would be a violation of Medaille College policy subject to additional conduct charges; if the accused or respondent and a reporting individual observe each other in a public place, it shall be the responsibility of the accused or respondent to leave the area immediately and without directly contacting the reporting individual. Both the accused or respondent and the reporting individual shall, upon request and consistent with Medaille College policies and procedures, be afforded a prompt review of the need for and terms of a No Contact Order. Either party may submit evidence in support of his or her request;



- To be assisted by Medaille College’s campus security or other officials in obtaining an order of protection or, if outside of New York State, an equivalent protective or restraining order;
- To receive a copy of the order of protection or equivalent when received by Medaille College and have an opportunity to meet or speak with a Medaille College representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the accused’s or respondent’s responsibility to stay away from the protected person or persons;
- To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension;
- To receive assistance from campus security in effecting an arrest when an individual violates an order of protection or, if campus security does not possess arresting powers, then to call on and assist local law enforcement in effecting an arrest for violating such an order;
- When the accused or respondent is a student determined to present a continuing threat to the health and safety of the community, to subject the accused or respondent to interim suspension pending the outcome of a judicial or conduct process. Both the accused/respondent and the reporting individual shall, upon request, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modification, and shall be allowed to submit evidence in support of his or her request;
- When the accused or respondent is not a student but a member of Medaille College’s community and presents a continuing threat to the health and safety of the community, to subject the accused or respondent to interim measures in accordance with applicable bargaining agreements, employee handbooks, and rules and policies of Medaille College;
- To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to help ensure safety, prevent retaliation and avoid an ongoing hostile environment. Both the accused/respondent and the reporting individual shall, upon request, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of any such interim measure and accommodation that directly affects him or her, and shall be allowed to submit evidence in support of his or her request.

Further, Medaille College complies with New York State law in recognizing orders of protection from every other state. Copies should be provided to Public Safety and the Office of the Title IX Coordinator. A complainant may then meet with Public Safety to develop a Safety Action Plan, which is a plan for Public Safety and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cell phone, changing classroom location or allowing a student to complete assignments from home, etc.). Medaille College cannot apply for

a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services via the Buffalo Police Department. Medaille College may issue an institutional No Contact Order if deemed appropriate or at the request of the victim or accused. To the extent of the victim's cooperation and consent, Medaille College offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC1395 (a) (20). Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. Medaille College does not publish the name of crime victims nor house identifiable information regarding victims in the Public Safety office or the Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by request via Human Resources.

The Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: a Medaille College No Contact Order, interim suspension, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Medaille College.

#### **2.4.7 Grievance Procedures**

##### *Jurisdiction*

The Medaille College Student Code of Conduct shall apply to conduct that occurs on College premises, at College sponsored activities, and to off-campus conduct that adversely affects the College community and/or the pursuit of its objectives. Each student shall be responsible for his or her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if the conduct is not discovered until after a degree is awarded). The Student Code of Conduct shall apply to a student's conduct even if the student withdraws from the College while a disciplinary matter is pending. The Vice President of Student Development or his/her designee shall decide

whether the Student Code of Conduct shall be applied to conduct occurring off campus, on a case-by-case basis, in his/her sole discretion.

### *The Complaint*

Students have a right to file a criminal complaint and a Title IX complaint simultaneously. Whether or not criminal charges are filed, a person may file a complaint with Medaille College alleging that a student, employee, or third party violated Medaille College's policy prohibiting sex discrimination, sexual harassment, sexual assault, domestic violence, dating violence and stalking.

Medaille College will not tolerate the discrimination against or the harassment (sexual or otherwise) of members of the College community. Students and employees are legally protected from such activity by both state and federal legislation and are asked to report any occurrence without fear of retaliation as follows:

Individuals who believe that they have been harassed or discriminated against should address their concerns to the appropriate administrative official at the College as set forth below:

- Faculty Members: Director of Human Resources
- Staff Members (including Administrative Staff): Director of Human Resources
- Students: Vice President of Student Development or Title IX Coordinator

If the appropriate administrator is the subject of the harassment or discrimination allegations, or the complainant is otherwise uncomfortable approaching a designated administrator, the complainant shall direct the complaint to one of the other appropriate administrators. Reports of sexual assault, domestic violence, dating violence, or stalking made to Campus Public Safety will automatically be referred to the Title IX Coordinator for investigation regardless of whether the complainant chooses to pursue criminal charges.

Official allegations of harassment or discrimination are to be made to the appropriate administrator in writing as soon as possible. The complaint should include:

- The name, address, and telephone number of the complainant;
- The nature of the complaint;
- Date(s) and location(s) of the alleged occurrence(s);
- Evidence on which the complaint is based; and
- Redress sought by the complainant.

The Title IX Coordinator will arrange for individual(s) to act as investigator(s) in the matter. In conducting the investigation, the investigator(s) may gather evidence and interview the complainant, the accused or respondent, and any other persons believed to have relevant factual knowledge. At all times, the investigator(s) shall make an effort to maintain confidentiality except where and to the extent that disclosure of information is necessary in the investigation. The parties and any notified College officer or supervisor shall maintain strict confidentiality. The investigator shall be in communication with the complainant until the complaint is resolved. The investigator(s) shall be familiar with the appropriate sanctions that might be imposed against the individual against whom the complaint is made in the event that harassment or discrimination is found to have occurred.

### *Disciplinary Proceedings*

All students have the right to request that student conduct charges be filed against the accused in a proceeding governed by New York law and Medaille College rules. Complaints alleging student violations of Medaille College's policies against sexual assault, domestic violence, dating violence and stalking will be handled as laid out in this Policy Handbook Volume II. Complaints will be evaluated under a preponderance of the evidence standard ("more likely than not"). However, Medaille College will ensure that all students involved in proceedings where a student is accused of sexual assault, domestic violence, dating violence, stalking are afforded the following rights:

- To a prompt response to any complaint, and to have the complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in, among other issues, conducting investigations of sexual violence, the effects of trauma, and the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until a finding of responsibility is made pursuant to the provisions of this article and the institution's policies and procedures, and other issues including, but not limited to domestic violence, dating violence, stalking or sexual assault.
- To an investigation that is fair, impartial, and provides a meaningful opportunity to be heard, and that is not conducted by individuals with a conflict of interest;
- To have Medaille College's investigation and student disciplinary process run concurrently with a criminal justice investigation and proceeding, except for temporary delays;
- Notice to a respondent describing the date, time, location and factual allegations concerning the alleged violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions that may be imposed;
- To receive written or electronic notice, in advance, of any meeting the complainant or respondent is required to, or is eligible to, attend; of the specific rule, rules, or laws alleged to have been violated and in what manner; and the sanction or sanctions that may be imposed on the respondent based on the outcome of the judicial or conduct process;

- To be accompanied by an advisor of his or her choice, at his or her own expense, at any stage of the process and at any meeting or proceeding. An advisor may only consult and advise the student, and may not speak for the student at any meeting or hearing;
- An opportunity to offer evidence during an investigation, and to present evidence and testimony at a hearing, where appropriate, and to have access to a full and fair record of any such hearing;
- To present as witnesses those individuals who have first-hand knowledge of the alleged incident or violation or those having information which can otherwise be shown to be credible. The decision to hear testimony from witnesses having information other than first-hand shall be made by the hearing officer;
- To timely and equal access to review evidence in the case file, to the extent allowable by law;
- To make an impact statement during the point of the student disciplinary proceeding where the decision maker is deliberating the appropriate sanction;
- To receive simultaneous written notice of the findings of fact, the decision and the sanction, if any, as well as the rationale for the decision and sanction, as well as any changes to the decision prior to the time that such decision becomes final;
- Access to at least one level of appeal of a determination before a panel that is fair or impartial and does not include individuals with a conflict of interest;
- To choose whether to disclose or discuss the outcome of a conduct process; and
- To have all information obtained during the course of the conduct process be protected from public release until the appellate panel makes a final determination unless otherwise required by law.
- To exclude their own prior sexual history with persons other than the other party in the judicial or conduct process or their own mental health diagnosis and/or treatment from admittance in the institution disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.

#### *Responsibility for Final Determination*

The investigator's report will be provided to the appropriate College officer or supervisor with the requisite authority to impose sanctions. That officer/supervisor will have the authority to make the final determination of responsibility, and to decide on and impose sanction.

Thus the Director of Residence Life will make the final determination in proceedings where a student is the respondent. The Vice President for Academic Affairs will make the final

determination where a faculty member is the respondent. The Director of Human Resources will make the final determination where a staff member is the respondent.

Medaille College will make every effort to investigate and render a finding within sixty calendar days. The length of each case will depend on the specific circumstances. The proceedings timeframe allows for extensions for good cause with notice to the complainant and the accused of the delay and the reason for the delay.

### *Appeals*

In all cases where a student is accused of sexual assault, domestic violence, dating violence, stalking, or sexual activity that may otherwise violate Medaille College's Student Code of Conduct, both the reporting individual and the respondent are guaranteed access to at least one level of appeal of a determination. The request for appeal must be submitted in writing to the Vice President of Student Development within two business days of the disciplinary proceeding decision. The Vice President of Student Development will assemble a fair and impartial appellate review panel, which will be comprised of individuals who have training or experience with respect to the adjudication of prohibited conduct and are free from bias or conflict of interest.

Grounds for appeal are limited to:

- (1) Violation of Medaille College conduct review procedures;
- (2) Previously unavailable, relevant evidence that could affect the outcome;
- (3) Improper or excessive sanctions; and/or
- (4) Decision not supported by a preponderance of the evidence.

#### **2.4.8 Transcript Notation Policy**

For crimes of violence, including, but not limited to, sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act, 20 U.S.C. § 1092(f)(1)(F)(i)(I)-(VII), Medaille College will make a notation on the transcript of students found responsible after a student disciplinary proceeding that they were "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." For a respondent who withdraws from the institution while such conduct charges are pending, and declines to complete the disciplinary process, Medaille College shall make a notation on the transcript of such student that he/she "withdrew with conduct charges pending." Medaille College may also choose to adjudicate such cases in the student's absence.

Students may make an appeal seeking removal of a suspension transcript notation. The suspension notation may not be removed prior to one year after conclusion of the suspension. Appeals shall be made in writing to the Vice President of Student Development. Action taken by the Vice President of Student Development shall constitute a final resolution of the appeal.

Notations for expulsion may not be appealed and will not be removed.

If a finding of responsibility is vacated for any reason, such transcript notation will be removed.

#### **2.4.9 Options for Confidentially Disclosing Sexual Violence**

Medaille College wants you to get the information and support you need regardless of whether you would like to move forward with a report of sexual violence to campus officials or to law enforcement. You may want to talk with someone about something you observed or experienced, even if you are not sure that the behavior constitutes sexual violence. A conversation where questions can be answered is far superior to keeping something to yourself. Confidentiality varies, and this policy is aimed at helping you understand how confidentiality applies to different resources that may be available to you.

##### *Privileged and Confidential Resources:*

Individuals who are confidential resources will not report crimes to law enforcement or college officials without your permission, except for extreme circumstances, such as health and/or safety emergency. At Medaille College, this includes:

- Medaille College Counseling Services: (716) 880-2339
- Medaille College physicians, licensed medical professionals, or supervised interns when they are engaged in a physician/patient relationship: (716) 880-2112
- Medaille College confidential victim advocates
- Individuals serving in a pastoral role under Medaille College Campus Ministry

Off campus options to disclose sexual violence confidentially include (note that these outside options do not provide any information to the campus):

- Off-campus counselors and advocates
  - Crisis Services of Erie County provides confidential 24/7 assistance and can be reached at (716) 834-3131. Crisis Services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on an agency's policies on confidentiality may be obtained directly from the agency.
- Off-campus healthcare providers
  - Erie County Medical Center is a Center of Excellence for victims of sexual assault, and is recommended for care following a sexual assault. ECMC is located at 462 Grider Street in Buffalo and can be reached at (716) 898-3000.

- Please note that medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for healthcare and counseling services, including emergency compensation. More information may be found by calling 1-800-247-8035 or by visiting OVS's website at <https://ovs.ny.gov/>.

Note that even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to him or herself or others and the mandatory reporting of child abuse.

### *Non-Professional Counselors and Advocates*

Non-professional counselors and advocates can also assist you without sharing information that could identify you. At Medaille College, this includes members of the Medaille Wellness Center, who can be reached at (716) 880-2112 or (716) 880-2339. These individuals will report the nature, date, time, and general location of an incident to Medaille College's Title IX Coordinator, but will consult with you to ensure no personally identifying details are shared without your consent. These individuals are not considered confidential resources as discussed above.

### *Privacy versus Confidentiality*

Medaille College officers 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. Medaille College will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

### *Requesting Confidentiality: How Medaille College Will Weigh the Request and Respond*

If you disclose an incident to a Medaille College employee who is responsible for responding to or reporting domestic violence, dating violence, stalking, or sexual assault, but wish to maintain confidentiality or do not consent to Medaille College's request to initiate an investigation, the Title IX Coordinator must weigh your request against our obligation to provide a safe, non-discriminatory environment for all members of its community. Factors that will be considered include:

- Whether the accused has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation in unlawful conduct on behalf of the accused from such as a situation that previously involved sustained stalking;
- The increased risk that the accused will commit additional acts of violence;
- Whether the accused used a weapon or force;



- Whether the reporting individual or victim/survivor is a minor; and
- Whether we possess other means to obtain evidence such as security footage, and whether the report reveals a pattern of perpetration at a given location or by a particular group.

We will assist you with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of your reporting choices. We may also take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that does not identify you or the situation you disclosed.

We will seek consent from you prior to conducting an investigation. You may decline to consent to an investigation, and that determination will be honored unless Medaille College's failure to act does not adequately mitigate the risk of harm to you or other members of the College community. Honoring your request may limit our ability to meaningfully investigate and pursue conduct action against an accused individual. If we determine that an investigation is required, we will notify you and take immediate action as necessary to protect and assist you.

#### *Public Awareness/Advocacy Events*

If you disclose a situation through a public awareness event such as "Take Back the Night," candlelight vigils, protests, or other public event, Medaille College is not obligated to begin an investigation. Medaille College may use the information you provide to inform the need for additional education and prevention efforts.

#### *Anonymous Disclosure*

You may call the New York State Hotline for Sexual Assault and Domestic Violence at 1-800-942-6906. The Hotline is for crisis intervention, resources, and referrals, and is not a reporting mechanism.

#### *Institutional Crime Reporting*

Reports of certain crimes occurring in certain geographic locations will be included in the College's Clery Act Annual Security Report in an anonymous manner that neither identifies the specifics of the crime or the identity of the reporting individual or victim/survivor.

Medaille College is obligated to issue timely warnings of crimes enumerated in the Clery Act occurring within relevant geography that represent a serious or continuing threat to students and employees, except in those circumstances where issuing such a warning may compromise current law enforcement efforts or when the warning itself could potentially identify the reporting individual.

A reporting individual or victim/survivor will not be identified in a timely warning.

The Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, allows institutions to share information with parents when: (1) there is a health or safety emergency, or; (2) when the student is a dependent on either parents' prior year federal income tax return. Generally, Medaille College will not share information about a report of sexual violence with parents without the permission of the reporting individual or victim/survivor.

#### **2.4.10 Risk Reduction and Preventative Measures**

##### *Risk Reduction*

Medaille College sponsors programs and maintain a variety of resources promoting safety from sexual assault. Studies of campus crime rates across the United States indicate that there is a significant risk to new students entering college – especially during the first few weeks of fall semester. Incoming Freshman, who are away from home and without parental supervision for the first time, tend to engage in behaviors that greatly increase their risk of becoming sexual assault victims. This is especially true for female students, but male students should not rule out the possibility of assault.

With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- The majority of sexual assault victims know their assailant.
- An individual should never “pair off” with someone the individual just met at a party or social event - even if the person is a “friend of a friend.” Make a deal with a buddy to watch out for one another and vice versa. Nationwide statistics show that almost 80% of sexual assault perpetrators are known to the victim, at least as an acquaintance. One should never assume that a person met socially once or twice can be trusted. Remember, it is in the best interest of a perpetrator to appear to be a “nice guy.”
- Trust your instincts:
  - If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
  - If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).

- If you feel uneasy about any given person or situation, chances are there's a good reason for those feelings. It's better to leave and be safe, than to ignore one's instincts and risk a negative, life changing experience.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- The most commonly used "date rape" drug is alcohol.
- Almost without exception, sexual assault cases reported involve a victim who was intoxicated at the time of assault. Alcohol is a drug, use it with caution.
- An individual should know one's limits; if losing control, stop drinking. Be wary of persons urging individuals to drink more than they feel comfortable with. Alcohol affects individuals differently, factors such as age, weight, previous drinking experience, altitude, etc. change intoxication rates. One should never try to "keep up" or prove that one can hold as much alcohol as the next person.
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, get a new one.
- Never accept open containers or mixed drinks – there is a significant risk that someone may add stronger alcohol, or other substances to a person's drink to increase the rate of intoxication. When in doubt, discard the drink and demand an unopened container. With mixed drinks, watch the bartender mix the drink and accept it only from the bartender directly.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.

- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
  - Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
  - If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.
- Males can be victims too: Nationwide, campus crime rates are rising rapidly. In the past few years, serious injuries and deaths have been reported across the country as a result of pranks, hazing, hate crime, or just plain stupidity on the part of college students. Exercise caution at all times, but especially in situations where large groups of people and large quantities of alcohol are present.
- No means No: Engaging in sexual acts with any person who has not given permission for the act, is a crime under the laws of the state of New York. A person who is intoxicated, or otherwise incapacitated, cannot legally give consent. (Also, in the State of New York, persons under the age of 17 cannot give legal consent.) If there is any doubt, stop. Sex crimes carry serious legal consequences and could remain on an individual's record permanently. Don't take that risk, it's not worth it.

### *Education and Prevention Programs*

Medaille College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end sexual assault, domestic violence, dating violence, and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.
- Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:
  - Identifies sexual assault, domestic violence, dating violence, and stalking as prohibited conduct;
  - Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes sexual assault, domestic violence, dating violence, and stalking;
  - Defines what behavior and actions constitute consent to sexual activity in the State of New York and/or using the definition of consent found in the Student Code of Conduct if state law does not define consent;
  - Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
  - Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

Medaille College has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students; participating in and presenting information and materials during new employee orientation.

Medaille College offers primary prevention and awareness programs for all incoming students, new employees, current students and current employees.

### *Bystanders*

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander.

- If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.
- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, and try to make out or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

### *Sex Offender Registration Policy*

The Campus Sex Crimes Prevention Act is a federal law enacted in October 2002 that provides for the tracking of convicted, registered sex offenders who are either enrolled as students or working at institutions of higher education. The Act amended the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. Under the provisions of this Act, any person who is required to register under a state sex offender registration program must notify the State when the registrant enrolls at an institution of higher education or is employed at such an institution. Additionally, the sex offender registrant must notify the State of any change in enrollment or employment at an institution of higher learning. The State will provide a list of registered sex offenders who have indicated they are either enrolled or employed at the College to the College's law enforcement agency or if none, the local law enforcement agency having primary jurisdiction over the campus.

In accordance with the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (as amended by the Campus Sex Crimes Prevention Act), the College shall publish a statement in each Annual Campus Public Safety/Crime Statistic Report where the list of registered sex offenders can be found.

The College encourages members of the campus community who wish to be informed of the identities of registered sex offenders residing in the surrounding area to contact the Buffalo Police Department, Erie County Sheriff's website: [criminaljustice.state.ny.us](http://criminaljustice.state.ny.us) or from an independent website such as [parentsformeganslaw.com](http://parentsformeganslaw.com).

#### **2.4.11 Anti-Retaliation Statement**

Title IX prohibits retaliation of any kind against anyone filing a complaint of harassment or discrimination. Initiating a complaint of harassment or discrimination will not affect a complainant's employment, compensation or work assignments or, in the case of students, grades, class selection, or any other matter pertaining to student status. Distinguishing between harassing or discriminatory conduct and conduct that is purely personal or social without a harassing or discriminatory work or educational effect requires a determination based on all of the facts pertaining to the situation. False accusations of harassment or discrimination can seriously injure innocent people. Initiating a false harassment or discrimination complaint or initiating a harassment or discrimination complaint in bad faith may result in disciplinary action. A finding for the accused does not constitute a finding the complaint was in bad faith.

#### **2.5 Consensual Relations**

When two parties have consented at the onset to a romantic or sexual involvement, such consent does not preclude a charge of sexual harassment for subsequent unwelcome conduct of a sexual nature. The educational mission of the College is promoted by professionalism in employee-student relationships. Professionalism is fostered by an atmosphere of mutual trust and respect. Actions of the College employees and students that harm this atmosphere undermine professionalism and hinder fulfillment of the College's educational mission. Trust and respect are diminished when those in positions of authority abuse or appear to abuse their power. Those who abuse or appear to abuse their power in such contexts violate their duty to the College community.

Amorous relationships between the College employees and students are inappropriate. The College employee exercise power over students, whether in giving them praise or criticism, evaluating them by making recommendation for their further studies or their future employment, or conferring any other benefits on them. Given the fundamentally asymmetrical nature of an employee-student relationship, voluntary consent by the student in an amorous relationship is suspect. In addition to the possible sexual exploitation of the student involved, other students and employees may be affected by such unprofessional behavior. Therefore, the College shall view it as unethical if an employee engages in amorous relations with any student enrolled (except enrolled spouses and individuals already involved in a pre-existing relationship prior to employee-student relationship who are exempted from this policy) at the College.

Other romantic or sexual relationships that might be appropriate in other contexts may, within the College community, create the appearance or fact of an abuse of power or of undue advantage.

Violators of this policy are subject to disciplinary action leading to sanctions up to and including dismissal. Disciplinary decisions can be appealed by the affected individuals through applicable grievance procedures set forth in Volumes IV (faculty grievance procedures) or Volume V (staff and administrative appeal procedures).

## **2.6 Family Educational Rights and Privacy Act (FERPA)**

The Family Education Rights and Privacy Act (also known as FERPA or the Buckley Amendment) affords students certain rights with respect to their educational records. They are:

The right to inspect and review the student's education records within 45 days from the day the College receives a request for access: Students of Medaille or parents of a dependent student have the right to inspect and review their education records within forty-five (45) days from the day the College receives written request for access. Students of Medaille or parents of a dependent student shall submit a request to the Office of the Registrar for academic records (transcripts, etc.); a request for financial aid records to the Financial Aid Office; and records regarding a student's account to the Business Office. A request for any other education records shall be directed to the Student Development Office. The written request must identify the record(s) the student wishes to inspect. The College official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted that official shall advise the student of the correct official to whom the request should be submitted.

The right to request the amendment of a student's education records that the student believes is inaccurate or misleading: A student may ask the College to amend an education record that the student believes is inaccurate or misleading. The student shall write the College official responsible for the record, clearly identifying the part of the record the student wants changed and specify why it is inaccurate or misleading. If the College decides not to amend the record as requested, the College will notify the student of the decision. The student has the right to request a hearing regarding the denial of the request for amendment to the education records.

The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception that permits disclosure of personally identifiable information contained in a student's education records without consent is disclosure to College officials with legitimate education interest. A school official is:

- A person employed by the College in an administrative, supervisory, academic or research, or support staff position (including security personnel and health staff);
- A person or company with whom the College has contracted (such as an attorney, auditor, or collection agent, temporary staffing agencies, and outsourced vendors). Outsourced vendors are those parties helping the College provide students access to services relating to their education;
- A person serving on the Board of Trustees; or



- A student serving on an official committee, such as a disciplinary or grievance committee, or assisting another College official in performing the official's tasks.
- A College official has a legitimate educational interest, if the official needs to review a student's education record in order to fulfill the official's professional responsibility.

The College may disclose a student's education records without consent to officials of another school in which a student has applied or seeks to enroll, upon their request.

The right to refuse to permit the College to designate disclosure of personally identifiable information about the student as "Directory Information," which is not subject to the above restrictions on disclosure: Another exception that permits disclosure without a student's consent, is disclosure of personally identifiable information which the College has designated "Directory Information." The College may within its discretion release some or all categories of Directory Information, as it determines is appropriate. Directory Information includes the student's name; local address and telephone number; permanent address and telephone number; College e-mail address; date of birth, major and minor field(s) of study, including the department or program in which the student is enrolled; classification as a freshman, sophomore, junior, senior or graduate, or by number referring to such classes, course load, e.g., full-time or part-time; participation in officially recognized activities and sports; weight and height information of members of athletic teams; dates of attendance and graduation, and degrees received; most recent previous educational institution attended; and honors and awards received, including selection to a Dean's list or honorary organization, and the grade point average of students selected for such honors and awards.

If a student does not wish to have information designated as Directory Information and disclosed to members of the College community and to requestors from outside of the College, the student must inform the Office of the Registrar, in writing, no later than the 15th day of the academic term (or the 5th day of a summer session).

Please note that a student's request to block the designation of information as Directory Information will apply to all request for Directory Information from within and outside the College community, including prospective employers.

This notification will remain in effect until the student informs the Office of the Registrar in writing to remove the block to designation and disclosure.

The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA:

The name and address of the Office that administers to FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
Washington, DC 20202-4605

Inquiries about the use of Directory Information or any other FERPA issues can be directed to the Registrar's Office or the Student Development Office.

The College has adopted a Policy on the Privacy of Student Records which has been developed to comply with FERPA: A copy of the policy may be obtained from the Registrar.

Personal records on students are retained in the Student Development Office and are accessible to the Associate Dean. These confidential records contain name, address, phone number, courses in which the student has enrolled, notation of Dean's List and separate disciplinary records. Records are only released to other institutions and employers upon written consent of the students. With the exception of the official record in the Registrar's Office, each graduated student's record is destroyed after five years. Each non-graduated student's record is destroyed after five years.

### **2.6.1 Medaille's Preferred Name Policy**

#### **I. General Policy Statement**

Medaille College is committed to providing an educational environment where all students are welcome and free to express the manner in which they choose to identify themselves. For many students, the ability to use a preferred name is essential to feeling welcome and included at the College.

Medaille recognizes that obtaining a legal name change can take time, and can also be expensive. There also may be legal or personal reasons why someone cannot change their name. For international students, obtaining a legal name change may not be possible or even preferable. It is also important to understand that many transgender students may be "out" at school, but may not feel that they can disclose to their families that they are transgender.

Students may designate a preferred first name, which certain Medaille systems will then use. These systems include class rosters, the display name in Banner, the display name in Blackboard, directory information, and on the Medaille ID card. Medaille will also retain the student's full legal name, which is used when required by the College such as in tax documents, contracts, academic transcripts, diplomas, and certain health records. For further details (including information about surname changes), students can refer to the Registrar's office.

Medaille is issuing this policy so that individuals may be identified by a preferred first name where possible in the course of Medaille College business and education purposes. For this reason, beginning in the Fall 2020 semester, Medaille will enable students to use a "Preferred Name." Campus departments are encouraged to utilize the preferred name in their educational and business practices. Students who experience problems related to faculty or staff misuse of their preferred name, or who experience discrimination should contact the Office of Diversity and Inclusion at 716-880-2203.

#### **II. Policy Definitions**

- a) **Preferred Name-** A Preferred Name is a name a student wishes to be known by in the Medaille community that is different from a student's Legal Name. Medaille's policy covers Preferred First Names. Surnames (also known as Last Names) can be changed only with a legal name change.
- b) **Legal Name-** A Legal Name is the name that appears on the student's passport, driver's license, birth certificate, or U.S. Social Security Card.

### III. Policy

1. **Permissible Use of Preferred Names.** Students of the Medaille community are entitled to use Preferred Names to identify themselves. Medaille acknowledges that a Preferred Name can and should be used where possible in the course of Medaille education and communication. It is solely the responsibility of students using a Preferred Name to ensure that their professors are able to identify the student's work for grading purposes.
2. **Prohibited Use of Preferred Names.** Preferred Names shall not be used for the purpose of misrepresentation, avoiding legal obligations, or otherwise in any manner that violates Medaille policies or federal, state, or local laws. Preferred Names that are not administratively possible to implement, including, without limitation, symbols or images, are prohibited. Medaille reserves the right to deny/remove any Preferred Name due to misuse or abuse of this Preferred Name Policy, including, but not limited to, misrepresentation, attempting to avoid legal obligations, or the use of highly offensive or derogatory names.
3. **Privacy.** Under the Family Educational Rights and Privacy Act (FERPA), a student's name, including one's Preferred Name, may be disclosed to the public as "directory information" unless the student opts not to permit such disclosure. Under the provisions of the Family Educational Rights and Privacy Act of 1974 students have the right to withhold disclosure of such directory information. Medaille College will honor your request to withhold directory information.

Please consider carefully the consequences of any such decision to withhold such directory information. Should you decide not to release any of this information, any requests for such information from Medaille College will be refused.

**This includes degree and enrollment verification requests from potential employers, enrollment verification to lenders and the standard contact information listed in your file.**

Students should complete the [Request to Withhold Directory Information Form](#) and submit to the Registrar's Office.

### IV. Acceptable uses of Preferred Names Include:

Under Medaille's Preferred Name policy, any student may choose to identify a Preferred First Name in addition to the Legal Name. Students may request this service via the Registrar's office. Please note the student's Preferred Name may be used in many Medaille contexts, including:

- Banner,
- Class and grade rosters,
- Blackboard,
- Commencement,
- Press releases,
- Social media,
- Accu-Tracker,
- Medaille Merit pages,
- Athletic rosters (per NCAA regulations),
- Medaille issued ID Cards,
- Official letters and correspondences sent to your permanent address

#### **V. Prohibited uses of Preferred Names Include:**

For some other records, also described below, Medaille is legally required to use a student's Legal Name. However, whenever reasonably possible, a student's "Preferred Name" will be used.

These are the instances where Medaille is required to use the student's Legal Name:

- International Students Documentation
- Student Financial Services Documentation
- Financial Aid
- Federal Requests for Information ( National Reporting Purposes)
- National Student Clearinghouse
- Official Transcripts
- Academic Certifications
- Diplomas
- Enrollment and degree verifications
- Employment and personnel records
- Paychecks, tax documents, and other payroll documents ( for students employed by the College in any capacity)
- Department of Public Safety
- Parking tickets
- Medical records

#### **VI. To Whom Does This Policy Apply**

All Medaille Undergraduate, Post Traditional and Graduate Students.

#### **VII. Frequently Asked Questions?**

What does using a student's preferred name mean for you? Some common questions are listed here.

- a) **Do I have to use a Preferred Name?**
  - a. No. Use of a Preferred Name is optional.
- b) **Are there any Preferred Name restrictions?**

- a. Preferred Names may not be used for purposes of fraud or misrepresentation. Medaille reserves the right not to authorize a Preferred Name if it contains inappropriate or offensive language.
- c) **Does a Preferred First Name affect my Legal Name?**
  - a. No. An approved Preferred Name does not change your Legal Name.
- d) **How do I request a Preferred Name?**
  - a. Students may request this service at the Registrar's office. Students may designate a First Preferred Name. All requests are reviewed by Medaille's Registrar's Office.
- e) **Who will have access to my Legal Name?**
  - a. College administrators, the Public Safety Office, and your supervisor (if you are employed in a campus job) will have access to your Legal and Preferred Names.
- f) **How do I get my Preferred Name on my Medaille ID Card?**

In order to receive a Medaille ID Card with your Preferred Name, follow these steps:

  1. Submit your Preferred Name request for review by the Registrar's Office.
  2. Once you have received approval from the Registrar's office you may then request an updated ID card from Public Safety.
  3. **\*\*Please note that students will only be permitted to change a preferred first name once. A one-time waiver of the fee to update the student identification card with the preferred name will be provided. Subsequent changes will result in an applicable fee.**
- g.) **May I have a new photograph taken for my new ID Card?**

Yes, please inform Public Safety that you would like a new photograph to be taken before your new Card with Preferred Name is issued.
- h.) **I need to change my legal name, how will this affect my preferred name?**

If you have a preferred name in BANNER and submit a subsequent legal name change, you must request that your preferred name be deleted in BANNER by notification in writing to the Registrar's office. Please contact the Registrar's office with any questions.
- i.) **\* For Mental Health Counseling and Vet Tech students:**

If you are a Mental Health Counseling student interacting with patients, or another student who may be in an internship or placement in a patient care area governed by New York State health law: New York State health law, licensing regulations, and related policies may limit the use of a preferred name in place of a legal name.
- j.) **Is the Medaille ID Card a form of identification accepted off campus?**

It is advisable to carry a government-issued form of ID such as a driver's license or passport with you in order to access resources that are not on the Medaille campus.

## **VIII. Medaille College Faculty and Staff Guidance on Preferred Names**

- a) **Why are students now given the option of using a preferred name?**

There are many reasons why students might want to use a preferred name. Some students have used a different name than the one assigned at birth for many years, and find the use

of their legal name uncomfortable and out of place. Others may have adopted a new name more recently. Some examples include the following:

- i. A student may have a gender identity different than that assigned at birth, and may want to use a name that reflects their gender identity.
- ii. International students may find that faculty, staff and other students have trouble pronouncing their birth names, and may want to adopt a name that is easier for others to use.
- iii. Some students have gone by their middle names instead of their first names and would like this to be the name that appears on their class rosters.
- iv. A student may find a nickname to suit them better - for example, "Bob" instead of "Robert," "Beth" instead of "Elizabeth."

## **2.7 Student Record Release under the Solomon Amendment**

The Solomon Amendment is a federal law that mandates colleges receiving federal financial aid funding to provide student recruiting information upon request to military recruiting organizations. The request and information released by the College is limited to military recruiting purposes only. The request for information must be in writing on letterhead that clearly identifies the military recruiting organization. Military recruiters must be from one of the following military organizations:

Air Force

Air Force Reserve

Air Force National Guard

Army

Army Reserve

Army National Guard

Coast Guard

Coast Guard Reserve

Navy

Navy Reserve

Marine Corps

Marine Corps Reserve

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

## **2.8 Student Rights Within the College Community**

With the approval of the Board of Trustees, the College affirms the following student rights and privileges:

1. To engage in discussion, to make inquiries, to exchange thought and opinion, to publish and exchange findings and recommendations, to speak, or print freely on any subject, and to sponsor speakers of their choice, in accordance with the guarantees of our Federal and State Constitutions, subject only to the right of the College to make reasonable rules and regulations related to thereto.
2. To associate with whomever they please.
3. To engage in educational process.
4. To engage in peaceful, orderly, and nondestructive picketing, protests and demonstrations, to the extent they do not violate public law and do not interfere with the educational process, or the rights of other members of the college community.
5. To be free from discrimination on the basis of race, creed, color, sex, religion, sexual orientation, national origin, veteran status, or disability.
6. To be secure in their persons, living quarters, papers and effects, from the reasonable, illegal, or unauthorized searches and seizures; and in the event of a legally authorized search, whenever possible to have present an official of the College and the student against whom the legally authorized search is directed.
7. To be free from violence, force, the threat of force, entrapment and coercion.
8. To organize one's own personal behavior as long as such behavior does not violate public law or the right of others, and does not interfere with the educational process. *Medaille College Policy Manual: Volume VII.*
9. To be informed of the standards and the norms of conduct established by the College, and the right to have advance notice of any sanctions for violations thereof.
10. To have the benefit of fair equitable procedures for determining the validity of charges of alleged violations of College standards of conduct. All procedures shall be structured to facilitate a reliable determination of the truth or falsity of charges while providing due process and fundamental fairness to all persons.
11. To retain unaltered status as a member of the College community, to be present on the campus and attend classes, during the consideration of any disciplinary matter, except for reasons relating to the safety and well-being of members of the College community or College property or to a student's own physical or emotional safety and well-being.

12. To petition for redress of a grievance arising from negligent, malicious, or irresponsible actions of a member of the College community.
13. To have College records reflect only such information as is reasonably related to the educational purposes of the College.
14. To be informed of the existence, custodianship, and general character of all personal records maintained by the College. To inspect all personal records, except records determined to be confidential in accordance with the properly established criteria.
15. To have protection from disclosure of personal records to unauthorized persons in accordance with the Family Educational Rights & Privacy Act of 1974. Information will not be released outside the College community without the expressed consent of, or waiver by, the student involved, except under valid legal compulsion or where there is a danger to a member of the College community, in said cases, the student will be informed of any such release.
16. To establish and elect a democratic, representative, student government.
17. To be heard and have one's views considered at appropriate levels of the decision making process within the College community.
18. To use designated College facilities as individuals and members of student organizations for extra-curricular activities sponsored by registered student organizations and student groups, subject to the priority of academic needs and to reasonable College rules and regulations regarding use of facilities.

## **2.9 Institutional Policy on Disability (ADA)**

In accordance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, Medaille's campus and facilities are accessible for individuals with disabilities. Entrance to the Main Building can be gained by a lift from the outside to the lower level. For further information, contact the Office of Disability Services.

### **2.9.1 Student with Disabilities**

In compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, Medaille College does not discriminate on the basis of disability. Medaille College endeavors to assist students on an individual basis with any expressed concerns. The Office of Disability Services was created to assist students with disabilities with all aspects of college life, based on the submission of appropriate documentation. College personnel do as much as is reasonable to ensure that individuals with disabilities achieve independence and fully participate in the educational process in a comprehensively accessible environment. Students requesting services and/or accommodations must contact the Office of Disability Services directly at (716) 566-3088. See the Office of Disability Services for Policies and Procedures.

#### **2.9.1.1 Federal and State Legislation Mandates**

Assurance of equal opportunity rests upon legal foundations established by federal and state law, specifically the Rehabilitation Act of 1973 including Section 504, the Americans with



Disabilities Act of 1990, and the New York Human Rights Law. By federal law, a person with a disability is any person who:

- has a physical or mental impairment,
- has a record of such impairment, or
- is regarded as having such an impairment, which substantially limits one or more major life activities such as self-care, walking, seeing, hearing, speaking, breathing, or learning. Examples include, but are not limited to: learning disabilities, visual impairments, hearing loss, psychological disorders, mobility impairments, AIDS, seizure disorders, and other chronic illnesses.

The College's efforts to accommodate people with disabilities must be measured against the goal of full participation and integration. Services and programs to promote these benefits for people with disabilities shall complement and support the College's regular services and programs.

The College will continue to strive to achieve excellence in its services and to assure that its services are delivered equitably and efficiently to all of its members.

The policies and procedures that follow are the means by which faculty, staff, and students of Medaille College endorse and will apply the conditions of Section 504, the ADA, and the New York Human Rights Law to students.

### **2.9.1.2 Non-Discrimination Policy for Students with Disabilities**

It is Medaille College's policy that no otherwise qualified person with a disability be excluded from participating in any College program or activity, be denied the benefits of any College program or activity, or otherwise be subjected to discrimination with regard to any College program or activity. A program or activity refers to any credit or non-credit program or activity sponsored by Medaille College.

An otherwise qualified person with a disability must be ensured the same access to programs, opportunities, and activities at the College as are all others. Existing barriers, whether physical, programmatic or attitudinal will be removed. There must be ongoing vigilance to ensure that new barriers are not erected.

### **2.9.1.3 College Service Providers for Students with Disabilities**

Individuals with disabilities seeking accommodations, adjustments, and/or auxiliary aids and services must contact and provide documentation of disability to:

Coordinator, Office of Disability Services/504 ADA Compliance Medaille College  
Student Support Center (Huber 101)  
PHONE (716) 566-3088/FAX (716) 884-0291

## **2.10 Health Related Policies**

### **2.10.1 Drug and Alcohol Policies**

In order for the College to be in compliance with the Drug-Free Workplace and Drug-Free Schools and Communities Acts, the College promotes an environment free from illegal use, possession, and distribution of controlled substances and drugs.

Policies on the use, possession and sale of alcohol beverages are carefully delineated in Volume VII (Student Handbook in the section entitled “Alcohol Usage Policy of Medaille College”) and Volume III (General Institutional Employment Policies). Sections on illegal drugs appear also in both volumes. Please review these guidelines to insure awareness of College policies and procedures.

The College sponsors a number of programs and publications to disseminate information regarding alcohol and drug abuse, crime, and safety policies, some of which are included in the Student Handbook. These resources include the Crime Statistics Report, the Crime Alert Pamphlet, the National Student Alcohol Awareness Week, New Student Orientation, Students Against Destructive Decisions (SADD), as well as All-College Open Forums.

### **2.10.2 Student Drug and Alcohol Policies**

Volume VII of the Medaille College Policy Manual outlines the College’s policies regarding student use of drugs and alcohol on campus. All students are required to know these policies and adhere to them.

### **2.10.3 Employee Drug and Alcohol Policies**

Volume III of the Medaille College Policy Manual outlines the College’s policies regarding employee use of drugs and alcohol on campus. All employees are required to know these policies and adhere to them.

### **2.10.4 New York State Law**

New York State Alcohol Beverage Control Law prohibits a person under the age of 21 from possessing an alcoholic beverage with intent to consume it. Additional information is provided in Volume VII of this Policy Manual.

### **2.10.5 Description of Health Risks Associated with Illicit Drugs and Alcohol**

See Volume VII.

### **2.10.6 Smoking Policy**

In accordance with New York State’s Smoke-Free Workplace law and recommendations from the federal level, Medaille College is committed to having a smoke-free and “tobacco- free campus.” In creating a healthy environment for all members of our community, smoking and

tobacco use is prohibited at all times on campus, which includes inside all buildings, outside all buildings, residence halls, grounds, and college owned vehicles. Smoking includes the use of any type of lighted pipe, cigar, cigarette (including electronic cigarettes), or any other smoking equipment, whether filled with tobacco or any other type of material. **Anyone in violation of this policy will be subject to a \$25 fine.**

### **2.10.7 Hepatitis B Vaccine (HBV)**

Hepatitis B Vaccine (HBV) vaccinations will be offered on a voluntary basis to all identified persons. These vaccinations will be offered at Healthworks WNY and paid for by the College.

Education will be provided to inform identified persons about the Hepatitis B Vaccine and how it can protect their health.

Each person will be required to sign an informed consent form prior to receiving the vaccination. Identified individuals who refuse the vaccine will be required to sign the declination form.

The person will receive a schedule for follow-up injections at one month and six months.

A reminder will be sent before each scheduled injection. It is each individual's responsibility to report for the injection.

Additional information regarding the Hepatitis B vaccine is set forth in documents available from the Office of Human Resources.

### **2.10.8 Exposure to Blood Borne Pathogens**

Exposure to Blood Borne Pathogens Policy is located in a manual applicable to the Departments of Veterinary Technology, Athletics, Residence Life and Student Life. All departments are required to produce and distribute applicable procedures.

## **2.11 Safety and Security Policies**

The College's Department of Public Safety is located at 2 Agassiz Circle and its primary responsibility is to work proactively with students, faculty and College departments to identify, reduce and remove the opportunity for crime and criminal activity before it occurs. Public Safety Officers patrol Campus buildings, grounds, parking lots and facilities, control traffic and parking as necessary, and are responsible for the safety and security of the College Community.

Student identification cards and parking permits are available at this office as well as information and literature to assist in preventing crime and victimization. Anyone encountering safety or security issues, or observing criminal activity, shall report it immediately to the Campus Public Safety Office. The Campus Public Safety Office is located at 2 Agassiz and can be reached at phone number 880-2911.

### **2.11.1 Campus Crimes Statistics Report**

Medaille College annually supplies a security report containing statistics, policies, and a description of programs that promote campus safety. A copy of this report is available to all prospective students and employees, and may be requested by contacting the Admissions Office, the Student Development Office, or the Public Safety Office. A copy of the Campus Crimes Statistics report is available at the Web site of the U.S. Department of Education. The USDE Web site is: <http://www.ope.ed.gov/security>. (See also paragraph 2.3.6.1.)

### **2.11.2 General Security**

- Never leave valuables where they may be readily seen.
- Lock office and rooms during all absences.
- Ask for identification from all repairmen. Always check with the Campus Public Safety Office before allowing anyone to remove equipment for repair.
- If a theft is discovered, report it to the Department of Public Safety immediately. A report will be filed with the Public Safety Office.

### **2.11.3 Campus Communications about Missing Students**

Notifications to the campus community will be coordinated by the Director of Public Safety and the Vice President for Student Development. Media communications will be coordinated by the college's Director of Communication of appointed designee. Information will not be released unless authorized by the Vice President for Student Development. All media requests will be directed to the Vice President for College Relations.

**Commuter Students:** Reports of commuter students who are missing will be referred to the Director of Public Safety and the appropriate police agency.

### **2.11.4 Sex Offender Community Notification Policy**

Medaille College is committed to providing a way in which faculty, staff, and students can be informed when a convicted sex offender has become part of the campus community, either through enrollment or employment. The Campus Sex Crimes Prevention Act amended the Family Education Rights and Privacy Act (FERPA) to permit educational institutions to disclose sex offender information received under the New York State Sex Offender Registration Act (SORA) and community notification program.

The Sex Offender Registration Act requires the Division of Criminal Justice Services (DCJS) to maintain a Sex Offender Registry (Registry). The Registry contains information on sex offenders classified according to their risk of re-offending: low-risk (Level 1), moderate-risk (Level 2) and high-risk (Level 3). The DCJS Registry site contains their Subdirectory of Level 2 and Level 3 Sex Offenders, as well as, other information regarding New York State's Sex Offender Registry. Sex offenders registered in New York are required to notify the Registry of any institution of higher education at which he or she is, or expects to be, whether for compensation or not, enrolled, attending or employed, and whether such sex offender resides or expects to reside in a

facility operated by the institution. Changes in status at the institution of higher education must also be reported to the Registry no later than ten days after such change. DCJS must then notify Medaille's Public Safety of the presence of such an individual.

When Medaille is notified by DCJS that a Level 2 or Level 3 sex offender is enrolled or employed at the campus, the campus community may be informed via Medaille's email notification system. Notifications will be issued under the heading of "Sex Offender Community Notification", which will direct concerned individuals to a link on the DCJS website where more information will be available.

Medaille does not independently verify registration information. Users are cautioned that the information provided on this site is information of record that is reported to Medaille and may not reflect the current residence, status, or other information regarding an offender. Medaille makes no express or implied guarantee concerning the accuracy of this data. Anyone who uses this information to injure, harass, or commit a criminal act against any person may be subject to criminal prosecution.

#### **Definition of Sex Offender Levels**

- Level 1 - If the risk of repeat offense is low, a level one designation shall be given to such sex offender. In such case the law enforcement agency or agencies having jurisdiction and the law enforcement agency or agencies having had jurisdiction at the time of his or her conviction shall be notified pursuant to the article.
- Level 2 - If the risk of repeat offense is moderate, a level two designation shall be given to such sex offender. In such case the law enforcement agency or agencies having jurisdiction and the law enforcement agency or agencies having had jurisdiction at the time of his or her conviction shall be notified and may disseminate relevant information which may include the name of the sex offender, approximate address based on sex offender's zip code, a photograph of the offender, background information including the offender's crime of conviction, modus of operation, type of victim targeted, the name and address of any institution of higher education at which the sex offender is enrolled, attends, is employed or resides and the description of special conditions imposed on the offender to any entity with vulnerable populations related to the nature of the offense committed by such sex offender. Any entity receiving information on a sex offender may disclose or further disseminate such information at its discretion.
- Level 3 - If the risk of repeat offense is high and there exists a threat to the public safety, a level three designation shall be given to such sex offender. In such case, the law enforcement agency or agencies having jurisdiction and the law enforcement agency or agencies having had jurisdiction at the time of his or her conviction shall be notified and may disseminate relevant information which may include the sex offender's name, exact address, a photograph of the offender, background information including the offender's crime of conviction, modus of operation, type of victim targeted, the name and address of any institution of higher education at which the sex offender is enrolled, attends, is employed or resides and the description of special conditions imposed on the offender to

any entity with vulnerable populations related to the nature of the offense committed by such sex offender. Any entity receiving information on a sex offender may disclose or further disseminate such information at its discretion. In addition, in such case, the information described herein shall also be provided in the subdirectory established in this article and notwithstanding any other provision of law, such information shall, upon request, be made available to the public.

### **2.11.5 Campus Advisory Committee on Security and Safety**

It is the policy of Medaille College to comply with the legal requirements of Article 129-A of NYS Education Law §6431 (Regulation of Conduct on Campus and Other College Property Used for Educational Purposes). Accordingly, Medaille College has adopted written rules establishing campus safety advisory committees.

#### **A. Committee Composition – The committee shall consist of a minimum of six members:**

1. At least half of the committee shall be female;
2. One-third of the committee shall be appointed from a list of students that contains at least twice the number to be appointed, which is provided by the largest student governance organization on the campus;
3. one-third of the committee shall be appointed from a list of faculty members that contains twice the number to be appointed, which is provided by the largest faculty organization on the campus; and
4. One-third of the committee shall be selected by the president.

#### **B. Committee Responsibilities - The committee shall review current campus security policies and procedures and make recommendations for their improvement. It shall specifically review current policies, plans and procedures for:**

1. Educating the campus community, including security personnel and those persons who advise or supervise students, about sexual assault pursuant to §6432 of Article 129-A of NYS Education Law;
2. Educating the campus community about personal safety and crime prevention;
3. Reporting sexual assaults and dealing with victims during investigations;
4. Referring complaints to appropriate authorities;
5. Counseling victims; and
6. Responding to inquiries from concerned persons.

**C. Written Annual Reporting** - The committee shall report in writing, at least once each academic year to:

1. College President
2. Campus community, including: faculty, staff, administrators and students in publications or appropriate mailing; and
3. When requested, applicants for enrollment or employment.

This annual written report does not constitute the mandatory reporting of official crime statistics.

### **2.11.6 Bias Incident Response Protocol**

#### **2.11.6.1 Introduction**

Medaille College (“Medaille”) is committed to nurturing a welcoming and safe environment for all Faculty, staff and students of the campus community. Medaille prohibits discrimination against any person based on race, color, creed, religion, sex, sexual orientation, gender identity, gender expression, national origin, age, disability, marital status, familial status, citizenship status, domestic violence victim status, veteran status, military status, predisposing genetic characteristics or genetic information, or any other category protected by law. Medaille is dedicated to ensuring that our community is free of bias incidents and hate crimes.

Medaille has developed the Hate-Bias Response Protocol (the “Protocol”) to clearly set forth a process to comprehensively and collaboratively address reports of bias incidents at Medaille. The Protocol is intended to provide a centralized method for reporting bias incidents, referring reporters to resources, coordinating institutional responses, and assessing bias incidents impacting the Medaille community.

An objective of the Protocol is the creation and maintenance of a positive atmosphere of nondiscrimination in every phase and activity of college operations. Harassment and intimidation can impede an individual's ability to participate fully in the educational process. Acts of discrimination, harassment and insensitivity hurt and degrade all members of the community whether victim, perpetrator, or observer. Every member of the Medaille community is responsible for creating and maintaining a climate free of discrimination and harassment. The commitment to creating a welcoming, safe and inclusive community does not mean that community Faculty, staff and students will never be offended. Medaille vigorously endorses the principle of academic freedom as outlined in Medaille’s *Faculty Handbook*, and Medaille is committed to providing a learning environment that encourages a robust, stimulating and thought-provoking exchange of ideas. Among other things, we expect our students as well as other Faculty, staff and students of the community to become comfortable with the discomfort of being challenged by new experiences and ideas and, above all, of being challenged to achieve excellence. Nothing in this Bias Response Protocol is intended to stifle academic freedom, protected speech or lawful protest.

The Protocol does not circumvent, or limit conduct and speech protected by the First Amendment. Medaille affirms the right to free speech. Medaille permissibly regulates speech activities in certain places and times pursuant to college policy. The Protocol will be applied with the free speech rights of the speaker and college policy in mind. Medaille's response to reported incidents of bias may include education, dialogue, counter-speech, referrals to resources, and other responses other than discipline. Should discipline or sanction be appropriate, however, Medaille will follow established processes for that discipline or sanction as indicated in this Protocol.

The Protocol is applied by the Bias Response Team (or "BRT"). The BRT is composed of key college stakeholders who work collaboratively to respond to reports of bias incidents impacting the Medaille community. The Office of Student Development and the Department of Human Resources is charged with coordination of the Bias Response Team and implementation of the Protocol.

Medaille recognizes that dealing with employee and/or student issues related to diversity, equity and inclusion are multidimensional and complex. Faculty, staff and students of Medaille College, therefore, should expect that the definitions and procedures set forth in this document will continue to evolve.

Medaille has a zero tolerance for hate crimes and bias incidents and will act swiftly and effectively when such are reported. This protocol is specific to addressing hate crimes or bias incidents particularly those directed at persons identified as protected class citizens, under local, state or federal civil rights laws and regulations. Protected group status is afforded based on race, color, religion, creed, national origin, gender expression, sex, sexual orientation, gender identity, genetic information, marital status, age, disability, pregnancy, or status as a disabled veteran, a Vietnam era veteran or other covered veterans.

#### **2.11.6.2 Mission and Goals**

The mission of the Protocol is to contribute to the enhancement and maintenance of an inclusive, welcoming, and safe Medaille for all students, faculty, and staff. To accomplish its mission, the Protocol seeks to:

- Establish constructive dialogues to discuss equity and inclusion on campus;
- Develop and provide educational resources or opportunities to individuals, departments, units, and other groups to address bias;
- Communicate Medaille's values and strong commitment to addressing and countering bias;
- Provide easily accessible methods for Medaille College community members to report bias incidents;
- Provide a structure and guidelines for consistently evaluating, assessing and responding to reports of bias incidents;
- Collaboratively implement institutional responses that provide care to Medaille College community members impacted by bias incident;
- Collaboratively design and implement educational responses to comprehensively address the negative effects of bias incidents, both immediate and long-term;



- Designate a body of college stakeholders to apply the Protocol and to coordinate the institution’s response to reports of bias incidents;
- Design tools for assessment and measurement of reports of bias incidents to inform institutional policies, procedures, and initiatives;
- Develop methods to inform the Medaille College community about Medaille’s institutional response to reported bias incidents in a timely and informative manner, while remaining in compliance with federal and state privacy protections.

### **2.11.6.3 Protocol Jurisdiction**

The Protocol applies to any bias incident reported that occurs at Medaille College, including the Buffalo campus, the Rochester campus and all other property owned or controlled by Medaille, or at any College sponsored activity. In any case where a reported bias incident occurs involving a party under the control of the institution, the Protocol applies.

### **2.11.6.4 Bias Incident Reporting**

The primary reporting vehicle for reporting bias incidents is the online Bias Incident Report Form hosted on the Office of Diversity and Inclusion Website. The form may be accessed at the following URL: [https://cm.maxient.com/reportingform.php?MedailleCollege&layout\\_id=1](https://cm.maxient.com/reportingform.php?MedailleCollege&layout_id=1) Bias incident reports are managed through Medaille’s centralized Maxient system. The form is available at all times and is mobile-enabled. Questions regarding reporting may be directed to the Office of Student Development by calling 716-880-2218. In addition to the Bias Incident Report Form, Public Safety is available to provide support to Medaille community members impacted by bias incidents.

### **2.11.6.5 Response Protocol**

#### **Report**

#### **1. Bias incident reported**

- a. Reporting party submits Bias Incident Report using online report form. (The form is in development)
- b. Reporting party reports a bias incident to a BRT member over the phone or in person.
  - i. BRT member or college partner submits a Bias Incident Report as a third-party, when appropriate.
  - ii. Reporting party directed to submit a Bias Incident Report, when appropriate.

#### **Evaluate**

#### **2. Bias incident report received, evaluated and processed**

- a. On receipt of Bias Incident Report the Designated BRT Coordinator or designee evaluates report for immediate action and support needs.

- i. If immediate safety or health concerns are present, the Designated BRT Coordinator or designee alerts Public Safety Office, Police, SBCT, and/or Student Behavioral Consultation Team, as appropriate.
- b. Within 48 to 72 hours of receipt of Bias Incident Report Form, the Designated BRT Coordinator or designee:
  - i. Should create Maxient case record using the incident report.
  - ii. Should send acknowledgement of report to reporting party articulating bias response process and care resources.
- c. As soon as practical, the Designated BRT Coordinator or designee should:
  - i. Coordinate with the Wellness Center for student care evaluation. Referrals for faculty and staff members should be coordinated through the Employee Assistance Program (EAP) or Crisis Services.
  - ii. If the impacted party is a Medaille student or student organization on the Buffalo campus, the Director of Residence Life and Student Conduct assesses care needs, conducts outreach, and refers to college partners, as appropriate.
  - iii. If impacted party is a Medaille faculty or staff member, the Director of Human Resources or designee assesses care needs, conducts outreach, and refers to college partners, as appropriate.
  - iv. If reporting party is not a Medaille College community member, Designated BRT Coordinator or designee conducts outreach, as appropriate.

### **3. BRT Coordinator evaluates/investigates incident report**

- a. Gather additional information about the reported incident
  - i. If the incident involves a verbal act, write down exactly what was said to the best of your recollection.
  - ii. Identify the accused, if known or provide a detailed description of the individual(s) involved.
  - iii. List all witnesses including their names and contact information.
- b. Documenting Graffiti, Vandalism, Telephone, Email, or Public Postings:  
Take the following actions, depending on the form of the incident:
  - i. Graffiti, vandalism, or public postings: Public Safety and/or college personnel will document it for evidence and take responsibility for ensuring prompt removal.
  - ii. Email: Keep the email in your inbox. Do not delete, alter, or forward the message. Contact the Public Safety Office (716) 880-2911, to inform them of the email. Public Safety Office will contact appropriate campus officials to investigate the source.
- c. The Designated BRT Coordinator or designee once contacted by Public Safety and/or college personnel will document possible hate crimes or bias incidents through such activities as photographing physical injuries, offensive graffiti and evidence of vandalism. Reports will include important details such as when and where the incident occurred and who was involved in or witnessed the incident.

If the student/faculty/staff/community member shows any signs of being distraught, contact the following resources as appropriate, the Wellness Center (for students), EAP, and/or Crisis Services.

- i. Discuss potential responses
- ii. Provide follow-up resources

#### **4. Response and Follow Up**

The investigation, fact finding and resolution of all complaints of hate crimes and bias incidents will be conducted by the Bias Response Team. Investigations will be conducted to determine possible violations of college policies and local, state or federal laws and regulations. Students, faculty and/or staff who have committed a hate crime or bias incident may be accountable under the criminal justice system, the Student Conduct Code and/or the applicable College policy. Knowingly making a false complaint against another member of Medaille community is also prohibited behavior, and may be subject to sanctions under the criminal justice system, applicable College policies, and the Student Conduct Code. A finding that a hate crime or bias incident was not substantiated is not in itself sufficient for a charge of a false accusation. (This section should not be construed as a warning against filing a complaint.)

The Bias Response Team may consider a variety of responses to reported bias incidents based on the severity, complexity and context of the incident. Responses can take many forms and involve various college partners, and may include the initiation of college processes (e.g. Cleary reporting), and/or referral of the reported incident to college offices (e.g. Student Conduct and the Public Safety Office.)

In addition to the possibility of investigation and disciplinary sanction as determined by BRT, examples of responses may include, but are not limited to, efforts to:

- Establish direct contact with reporting and impacted parties to process the impact of a bias incident and create restoration through the restorative justice model.
- Coordinate with supervisors to initiate conversations with faculty and employees to discuss the impact of bias, and alignment or misalignment with employment expectations and departmental, unit, and college values.

#### **5. Definitions of Bias Incident and Hate Crime**

Medaille defines a bias incident as an act of bigotry, harassment or intimidation involving a member of the Medaille community (i.e. faculty, staff, students, administrators, delivery persons, third party vendors, and volunteers) that a reasonable person would conclude is directed at a member or group of the Medaille community based on race, color, ethnicity, nationality, economic background, age, physical and mental health or ability, sexual orientation, sex, gender identity or expression, marital status, veteran status or religious practice. A bias incident can occur whether the act is intentional or unintentional. Speech or expression that is consistent with the principles of academic freedom does not constitute a bias incident. Furthermore, the mere expression of viewpoints and disagreement on political/social matters as protected under the First Amendment, and which does not create a material disruption to the operations of Medaille College or the rights of any person, does not constitute a hate-bias incident.

A **hate crime** is defined under New York State Penal Law Article 485.05 – Hate Crimes as follows:

1. A person commits a hate crime when he, she, or they commits a specified offense and either:
  - a) Intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
  - b) 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.

Note: All hate crimes are bias incidents, but not all bias incidents are hate crimes.

## 6. Additional Definitions

When applying the Reported Bias Incident Response Protocol, the following definitions will be applied:

### i. **Bias**

**Bias** is a pre-formed negative opinion or attitude toward an individual or a group of individuals who possess common characteristics such as age, color, disability, gender identity or expression, marital status, national origin, race, religion, sex, sexual orientation, or veteran status.

### ii. **Bias Incident**

A **bias incident** is an **act** directed toward an individual or group based upon actual or perceived background or identity, as defined by the term **bias** above. A bias incident can constitute discrimination. These acts can create an unsafe or hostile environment or have a negative psychological, emotional, or physical effect on an individual, group, or community. Bias incidents may occur regardless of whether the act is legal, illegal, intentional, or unintentional.

The severity of a bias incident, and Medaille’s response to these incidents, can vary based on factors including location, context and behavior, location, pre-meditation, and whether the incident presents a threat to safety. Any College response will follow college processes established as applicable.

### iii. **Discrimination or Harassment**

Discrimination is an act that either in form or operation, and whether intended or unintended, unreasonably differentiates among persons on the basis of age, color, disability, gender identity or expression, genetic information, marital status, national origin, race, religion, sex, sexual orientation, or veteran status. This definition reserves to Medaille, in furtherance of its educational mission, the right to address conduct that would not necessarily be unlawful, following college processes in place as applicable.

### iv. **Freedom of speech**

With respect to reported bias incidents, Medaille does not seek to discipline individuals for expression of views in a manner that is protected by their rights under the free speech clauses of the state and federal constitutions, but may challenge protected speech that conflicts with college values by speaking out against it, by providing educational opportunities, and by supporting those negatively affected by such speech. The Bias Response Team will consult with legal counsel about whether speech is protected and how to respond in cases of protected speech.

## **7. Bias Response Team**

The Bias Response Team is responsible for applying the Protocol. Bias Response Team core members include key college stakeholders representing the following offices:

- Office of Student Development
- Office of Residence Life/Student Conduct
- Office of Diversity and Inclusion
- Office of Academic Affairs
- Department of Human Resources
- Public Safety Office
- College Relations

### **2.11.7 Firearms and Weapons**

Possession of, or use of, firearms, ammunition, explosives, or any weapons on College premises or in College Housing (this includes weapons stored in personal vehicles) is strictly prohibited and creates a serious safety hazard. Members of the Campus Community should consider this a serious matter as it involves the gravest of consequences.

Any person possessing or firing a weapon or igniting a dangerous explosive on campus will be subject to disciplinary action up to and including termination and/or arrest.

### **2.11.8 Theft and Vandalism**

Since respect for the person and property is a fundamental principle of the College, theft in any form and in any place on the campus is inexcusable. For this reason, theft is considered a major violation subject to severe disciplinary, Police and/or legal action. Respect for the property of others also includes the property of the College. Vandalism and malicious destruction of property is a major violation and the violator could be subject to dismissal.

### **2.11.9 Disorderly Conduct**

Disorderly conduct is defined as the use of loud, abusive, and/or obscene language or gestures to/by a member of the campus community and/or publicly intoxicated behavior or persistence, which inconveniences, disrupts and/or impedes other members of the campus community in their proper use of or passage through the campus.

### **2.11.10 Campus Security, Crime and the Clery Act**

In accordance with the Clery Act, a copy of the Crime Statistics Report is available to all members of the campus community through the Director of Campus Public Safety. In addition, the Report is widely distributed at the beginning of each academic year to employees, as well as current and incoming students. The Report indicates that Medaille College has been very fortunate in the past with regards to campus crime. The College orientation and on-going programming helps to lead to awareness, the initial step in crime prevention. Any crime occurring on a consistent basis will be reported to the campus community through memo, newsletter, student newspaper, or other effective means of communication.

Campus security is the responsibility of all members of the Medaille community. The Campus Public Safety Office assumes a key role on a daily basis to help insure compliance with campus guidelines and facility usage. Any person having knowledge of campus crime shall submit all information to the Director of Campus Public Safety. The Office is also the focal point for emergencies, which can be reported through any member of the College staff or by using the emergency phones located throughout the Medaille campus.

### **2.11.11 Hazardous Waste Policy**

The College subscribes without exception to the laws of New York and the United States with respect to the purchase, storage, handling and disposal of all hazardous materials. Members of the campus community who knowingly violate these laws and statutory requirements are advised that they are not only endangering themselves and the College community, but are subject to personal liability. In the event a question arises regarding the purchase, storage, handling or disposal of these materials, members of the campus community are encouraged to contact the Public Safety Office/OSHA Compliance Officer. The Environmental Safety Officer will want to know quantity, who and how it is handled, (training) and disposal of that material.

All hazardous materials are to be stored and handled in accordance with manufacturer's specifications and OSHA and EPA regulations. Where necessary, fume hoods, training, safety gear and other precautions must be employed.

The disposal of all hazardous materials must also be handled in a responsible manner. The College maintains a contract with a licensed disposal firm for the removal and destruction of hazardous materials from College property. Departments are individually responsible for the charges which are associated with the removal and processing of all hazardous materials.

Any member of the campus community who violates any such laws, unless such violation occurs despite reasonable reliance upon advice given by the College shall be deemed to have acted outside the scope of authority.

#### **2.11.11.1 Employee Right to Know Act of 1983**

The Employee Right to Know Act of 1983 defines handling procedures for working with and handling hazardous and toxic chemicals. A copy of this Act in its entirety may be obtained from the Public Safety Department/OSHA Compliance Officer. The following summarizes the provisions of the Act:

1. Provides for occupational safety and health;
2. Defines hazardous substance; (material safety datasheet);
3. Defines harmful physical agent;
4. Requires employers using hazardous substances and harmful physical agents to provide employees with certain training information;
5. Requires that hazardous substances and harmful physical agents must be labeled under certain circumstances;
6. Creates a right to refuse work under conditions violating any applicable State Occupational Safety and Health Act;
7. Creates a right to refuse to work with a hazardous substance or harmful physical agent; and Provides penalties.

## **2.12 Emergency Procedures**

### **2.12.1 Emergency Notification**

The College will make a documented effort to locate a student on campus in case of notification of a personal emergency. This would be greatly aided if students provide their families with class schedules including hours and room numbers. This is especially important for evening students as the Registrar's Office may be closed during evening class hours. The College will not interrupt class unless there is an emergency.

### **2.12.2 Emergency Evacuation**

In case evacuation is necessary due to fire or other emergency, it is important that everyone leave the building as quickly and orderly as possible. Please note the routes of evacuation from each room. Do not use the elevator unless explicitly told to. When evacuation is complete, meet in front of the Main Building. Those requiring assistance with exiting the building, should proceed to a designated evacuation area/site. Please contact Campus Public Safety at 880-2911 with any questions.

### **2.12.3 In Case of Fire**

Dial 2911 on a Campus telephone, 911 on a non-campus telephone, or pick up a red security phone and tell the Public Safety Officer the location and nature of smoke or fire. If necessary, activate the nearest hallway alarm system by pulling down on the handle.

### **2.12.4 Fire Equipment**

Any person who tampers with fire protection equipment or sets off a false alarm will be subject to serious disciplinary action and possible civil action. Fire extinguishers are not to be misused. The discharging, unauthorized movement of, or tampering with a fire extinguisher carries a minimum sanction of disciplinary probation on the first violation.

### **2.12.5 Security**

Dial 2911 on a Campus telephone, 911 on a non-campus telephone, or pick up a red security phone and tell the Public Safety Officer the nature of the situation or emergency. If unable to speak freely, leave the phone off the hook.

### **2.12.6 First Aid**

Several staff members, including the College Nurse, have been trained in first aid and will be available to help in the event of a medical emergency.

Dial 2911 on a campus telephone, 911 on a non-Campus telephone or pick up a red security phone and tell the Public Safety Officer the name of the individual, location and apparent condition; and

Remember that any attempt to render first aid or other treatment by an untrained party should be limited to only those steps necessary to sustain life and make the injured person as comfortable as possible until trained medical assistance arrives.

### **2.12.7 School Closing**

The School Closing Policy is distributed annually by the Office of the President.

#### **Daytime & Weekend Closing**

- Prior to 6:00 a.m. each morning, the Director of Public Safety will evaluate the condition of the roads and parking lots, and make the decision regarding closing.
- If the decision is to close, the Director of Public Safety will contact the various radio/television stations.
- In case of closing, facilities personnel will be expected to reach the College and proceed with snow removal. Also, food service personnel will report.

#### **Evening Closing**

- Closing of the evening classes will be the responsibility of the Vice President for Academic Affairs, in consultation with the Director of Public Safety, who will notify the VP of Business and Finance of his/her decision prior to 3:30 p.m. on class days so that radio/television stations can be notified. In the absence of the Senior Director of Communications, the Director of Public Safety will notify the radio/television stations.



- If day classes have been canceled, but evening classes are to be held, the Vice President for Academic Affairs will so notify the VP of Business and Finance. If he/she cannot be contacted, the Director of Public Safety will notify the radio/television stations.

### **Closing During Classes**

If the College must be closed after classes have begun, the order of leaving will be: first, students; next faculty and staff; next, administrators; next, Information Office personnel. Campus Public Safety will remain on duty to keep property and resident students safe and secure.

### **Public Announcements Regarding Closings**

If it becomes necessary to close the College due to inclement weather, announcements will be made on the following radio stations: WBEN (first called), WJYE, WBLK, WEBR, WBUF, WGR, WWBK, WKSE, WHTT and WGR-FM; and on the following local television channels: 2, 4, and 7. Day and evening classes close independently. If day classes are cancelled, do not assume evening classes are cancelled as well. If evening classes are cancelled, a separate announcement will be made on the same radio stations after 3:00 p.m. The occasion may also arise when bad weather conditions develop during the day and evening classes may be cancelled even though day classes are in session.

In addition to the media outlets, school closing information will be broadcast over the Medaille College Emergency Alert System. Text messages, e-mails and messages to cell, office and home phones will be sent to everyone enrolled in the Emergency Alert System. Information will be placed on the Medaille College Website main page at [www.Medaille.edu](http://www.Medaille.edu) and at [www.Medaille.edu/alert](http://www.Medaille.edu/alert).

Go to this site to enroll if you have not already done so.

### **In the event of a campus closing, the following departments are required to report:**

1. Campus Public Safety – report for regular duty
2. Facility Services/Aramark – report to perform snow removal and verify condition of all buildings and systems
3. Dining Services – report to prepare and provide meals for resident students

Please do not phone the College regarding closing. If the College remains open but an individual is unable to attend classes, the College will not be able to accept messages for instructors due to increased call volume.

## **2.13 Information Technology**

Computers and network systems can enhance communication among the members of Medaille College and the communities outside of the College setting. However, unlawful or inappropriate

use of these systems can infringe on the rights of others. Therefore, the College expects all members of the campus community to use electronic communications in a responsible manner. Violators of this policy will be subject to the applicable disciplinary procedures of Medaille College. Medaille College reserves the right to change this policy at any time.

### **2.13.1 Acceptable Use Policy**

Medaille College's Acceptable Use Policy (AUP) sets forth the standards by which all students, faculty, staff and authorized guests (hereafter referred to collectively as "User[s]") may use their assigned computer accounts, email services and the shared Medaille College networks and systems. The use of Medaille's computer and network resources including all electronic communication systems and equipment (hereafter referred to collectively as the "Medaille Network") is a revocable privilege. The Medaille Network is provided to support Medaille College business and its mission of education, service and research. Any other uses, including uses that jeopardize the integrity of the Medaille Network, the privacy or safety of other Users, or that are otherwise illegal are prohibited.

By using or accessing the Medaille Network, Users agree to comply with the AUP and other applicable Medaille policies which may be implemented from time to time, as well as all Federal, state, local laws and regulations. Using and/or accessing the Medaille Network without proper authorization is strictly prohibited.

### **Principles**

General guidelines for acceptable use of the Medaille Network are based on the following principles:

1. Users are expected to behave responsibly with respect to the Medaille Network at all times.
2. Users are expected to respect the integrity and the security of the Medaille Network.
3. Users are expected to behave in a manner consistent with Medaille's mission and comply with all applicable laws, regulations, and Medaille policies.
4. Users are expected to be considerate of the needs of other Users by making every reasonable effort not to impede the ability of others to use the Medaille Network and show restraint in the consumption of shared resources.
5. Users are expected to respect the rights and property of others, including privacy, confidentiality and intellectual property.

### **2.13.2 Access Requirements**

The following statements govern access to the Medaille Network:

1. All access is denied unless expressly granted.
2. The Office of Information Technology ('IT') generally grants access in the form of computer and network accounts to registered students, faculty, staff, and others as appropriate for such purposes as research, education (including self-study), or College administration.
3. Passwords and/or personal identification numbers protect college accounts. Accounts are assigned to individuals and are not to be shared unless specifically authorized by IT.
4. Each User is solely responsible for all functions performed from accounts assigned to them. It is a violation of the AUP for any User to allow others (including other Users within the Medaille Network) to use or have access to their account.
5. It is a violation to use another User's account, with or without that person's permission.
6. Intentionally or negligently revealing one's password is prohibited.
7. It is a violation to attempt to learn the password to another User's account, whether the attempt is successful or not. The password used with an account, is the equivalent of an electronic signature.
8. The use of User ID and password authenticates an identity and gives on-line affirmations the force of a legal document.
9. Users are responsible for ensuring that they also comply with all IT policies, including those related to keeping the Medaille Network secure which can be found at: <http://it.medaille.edu/policies>

### **2.13.3 Prohibitions**

The following activities are specifically prohibited:

1. Users may not attempt to disguise their identity, the identity of their account or the machine that they are using. Users may not attempt to impersonate another person or organization. Users may not appropriate Medaille College's name, network names, network number spaces, or Medaille College logos, trademarks or service marks. Users may not use Medaille College's assigned Internet number space for their own domain without the prior express permission of IT.
2. Users may not attempt to intercept, monitor, forge, alter or destroy other Users' communications. Users may not infringe upon the privacy of others' computer or data. Users may not read, copy, change, or delete another User's data or communications without the prior express permission of the owner.

3. Users may not engage in actions that disrupt or interfere with the legitimate use by other Users of any computers and/or networks, including the Medaille Network, that interfere with the supervisory or accounting functions of the systems, or that are likely to have such effects. Such conduct includes, but is not limited to:
  - placing of unlawful information on the system, transmitting data or programs likely to result in the loss of an individual's work or system downtime, sending "chain letters" or "broadcast" messages to lists or individuals, or any other use that causes congestion of any networks or interferes with the work of others, i.e., spam.
4. Users may not distribute or send unlawful communications of any kind, including but not limited to threats of violence, obscenity, child pornography and/or harassing communications (as defined by law).
5. Users may not attempt to bypass computer or network security mechanisms, including the Medaille Network, without the prior express permission of the owner of that computer or network system. Possession of tools that bypass security or probe security, or of files that may be used as input or output for such tools, shall be considered as the equivalent to such an attempt. The unauthorized scanning of the Medaille Network is also prohibited.
6. Users must obey all established guidelines for any computers or networks used, both inside and outside Medaille College. For example, individuals using computing resources provided by IT, Medaille College Libraries or Departments must adhere to the policies established for use of those resources. Users accessing off-campus computers via external networks must abide by the policies established by the off-campus owners of those computers and networks as well.
7. Users may not engage in the unauthorized copying, distributing, altering or translating of copyrighted materials, software, music or other media without the express permissions of the copyright holder. Information on the Digital Millennium Copyright Act can be found at: <http://www.copyright.gov/legislation/dmca.pdf> and the Copyright Act at: <http://www.copyright.gov/title17/>
8. Users may not use the Medaille Network for private business, commercial or political activities, fundraising, or advertising on behalf of non-Medaille organizations, unlawful activities or uses that violate other Medaille College policies. Users may not extend or share the Medaille Network.
9. Users may not violate any laws or ordinances, including, but not limited to, copyright, discrimination, harassment, and/or export controls. Medaille College may contact local or federal law enforcement authorities to investigate any matter at its sole discretion.

#### **2.13.4 Monitoring**

In appropriate circumstances, Medaille College reserves the right to review and/or monitor any emails or transmissions sent or received through the Medaille Network, at its sole discretion.

Penalties for violating the AUP may include restricted access or loss of access to the Medaille Network, termination and/or expulsion from Medaille College and in some cases, civil and/or criminal liability.

Medaille College reserves the right to update or revise the AUP or implement additional policies in the future. Users are responsible for staying informed about Medaille College policies regarding the use of computer and network resources and complying with all applicable policies. The most current version of the IT AUP is at <http://it.medaille.edu/policies/>

### **2.13.5 Electronic Communications, Computers and Network Systems**

For purposes of this policy statement, electronic communications include but are not limited to electronic mail, Internet services, voice mail, audio and video conferencing, chat rooms, and facsimile messages that are sent or received by faculty, staff, students and other authorized users of College resources.

Medaille College provides access to computers and network systems for all members of the Medaille community. By using Medaille College's facilities, individuals acknowledge that they will abide by the broadest interpretation of this policy and all other computing policies. All members of the Medaille community are to comply with all applicable local, state, and federal laws and any other College policies.

Engaging in, or attempting to engage in, any of the following violates College policy. Violations include, but are not limited to, the following activities:

- Hacking or interference with any computer system, such as endangering or interfering with the operation of any computer system; unauthorized changing of hardware or software configurations on campus computers or networks; modifying, destroying or damaging hardware, software or data/databases for which a user is not authorized.; violating computer security systems; or using unauthorized computer accounts access codes or identification codes.
- Creating, participating in or intentionally promulgating any virus.
- Pirating/Theft of Software/Copyright Violations, including copying, downloading or otherwise making a duplication of any part of copyrighted software, beyond the license agreement; or copying site-licensed software for use at locations not covered under the terms of the license agreement.
- Transmitting, retrieving or storing any communication of an unlawful, discriminatory or harassing nature, or any that are defamatory to any individual or group, such as using in an obscene, X-rated, defamatory or threatening manner; supporting a "for-profit" activity;

soliciting or gambling; or using institutional computer technology for the purpose of academic dishonesty.

### **2.13.6 Violations of Computer Use Guidelines**

Violators of the computer use guidelines will be subject to the existing student or employee disciplinary procedures as outlined in Volumes II, III, IV, V and VII of the Policy Manual and relevant contractual agreements. Consequences may include the restriction or loss of computing privileges. Illegal acts involving Medaille College's computing resources may also subject users to prosecution by state and federal authorities.

### **2.13.7 Electronic Mail Policy**

This policy sets forth the proper use of Medaille College's Electronic Mail or E-mail System. The College reserves the right to change these policies at any time. The use of the E-mail System is a privilege, not a right, and inappropriate use will result in cancellation of these privileges. Users are expected to be ethical and responsible in their use. Users are to comply with all applicable local, state, and federal laws, and other College policies.

**Proper Use:** Users need to demonstrate responsibility when using their e-mail accounts. Violations include, but are not limited to the following:

- Initiating or forwarding of "chain letters."
- Using a false e-mail address (i.e. mail spoofing: deliberately sending mail with a misleading or false e-mail address).
- Attempting to disrupt another person's ability to use one's computer account.
- Spamming (the practice of emailing to all possible addresses, unsolicited and/or useless material).

**Privacy/Security:** A demonstrated and documented effort will be made to adhere to the confidentiality of an individual's e-mail account. However, such confidentiality may be compromised by applicability of law or policy, by unintended redistribution, or because of inadequacy of current technologies to protect against unauthorized access. Users, therefore, shall exercise caution in using e-mail to communicate confidential or sensitive matters. Users shall be aware that on occasion network and computer operations personnel and system administrators might, during the performance of their duties, inadvertently see the contents of e-mail messages. These individuals though, are not permitted to do so intentionally or disclose or otherwise use what they have seen.

Each time the information technology hardware, software, and service environment changes, the level of security may be affected.

Users must respect the confidentiality of other people's electronic mail and must not attempt to read, "hack" into other systems or other people's logins, or "crack" passwords, or breach computer or network security measures.

Users must protect their password and login information, and refrain from revealing this information to others.

**Monitoring:** The College will not monitor electronic communications as a routine matter. The College will inspect the contents of electronic messages in the course of an investigation triggered by indications of misconduct, as needed to protect the health and safety, as needed to prevent interference with the academic mission of the institution, or as needed to locate substantive information required for College business that is not readily available by some other means.

**Management:** Users shall review their messages every week so that they are removed from the server and delete those not needed. E-mail accounts will be deleted when a user is no longer affiliated with Medaille College. Accounts will be deactivated for the infringement of any written or implied policy. The quota for e-mail messages is 600MB.

### **2.13.8 Policy for Publishing Web Pages**

This policy is provided for Faculty, Administrators and Staff of Medaille College who intend to publish an individual program or organization web page, or submit information for their departments or offices to be used on official College pages.

**Content Responsibility:** The author of a web page is responsible for the content, and it is up to the individual to make sure that the material within the web page does not violate any College policies or any federal, state, and local laws.

**Ownership:** Medaille College's web site is an official publication of Medaille College, therefore, all materials (including text, photographs, and multi-media files) appearing on all official College web pages copyrighted and shall not be reproduced without written permission from the Medaille College Web Governance Group.

Individual faculty, administrators, and staff who create their own home pages own the copyright for their original material. Individuals though, must be aware of copyright infringement. Rather than duplicating the work of others, links to the work of others into an individual's own pages shall be incorporated, when appropriate.

Any electronic file (i.e., audio, video, text, data, multimedia), which is protected under copyright laws, will not be transmitted via the campus network or stored on any College computer or resource without the expressed written permission of the copyright owner.

### **2.13.9 Other Content Considerations**

The Medaille College web site is a public representation of the College and has a status comparable to that of the College catalog and other traditional publications. Because it is an official communication of information about Medaille College, it is vital that any and all information presented be accurate, up-to-date, consistent, and meet the highest standards for organization, content, and design. While recognizing the importance of allowing for freedom of expression, the College must first ensure that both official and unofficial pages which are a part of the Medaille College web site enhance the College's identity and mission. The College must strive to achieve the same editorial consistency and accuracy that governs the College's printed materials.

No material will be published that is in violation of any licensing or contractual agreement, law, or College regulation or policy.

No user may, under any circumstances, use Medaille College's computers or networks to libel, slander, or harass any other person.

Medaille College's computers or networks may not be used for commercial use or any unlawful activity. For example, there would be no soliciting sales or conducting a business, no advertising or selling a service, no posting of an advertisement to a news group. Therefore, if necessary, the College has the right to periodically and randomly review the files residing on the College's servers and networks and to remove without notice, content that violates academic freedom or this Policy Manual.

### **2.13.10 Editorial and Design**

The Medaille College website is an official publication of the College. The Manager of Creative Assets reviews website content. All revisions to the Medaille website are discussed and reviewed in web governance.

## **2.14 Public Relations Policies**

### **2.14.1 Media Relations**

It is important that Medaille College maintain a positive and consistent relationship with all media outlets, including radio, television and print. In order to do so and to protect the image of the College as much as possible, only designated spokespersons should talk to the media. No one representing Medaille College should speak to a reporter or any media representative at any time without permission from the V.P. of College Relations. All media inquiries should be referred to the office of College Relations.

Some general guidelines regarding how we can best work with the media include:

1. Respond to reporters' requests quickly by referring them to College Relations.
  - a. An appropriate response to any media inquiry would be:

“I'm not the appropriate person to speak with you. I am happy to put you in contact with John Crawford, who will be able to answer your questions. His phone number is 880-2879.”

2. Reporters work under severe deadline pressure, so tomorrow is usually too late. Once



you've hung up with the reporter, immediately alert College Relations of the forthcoming call.

3. Never answer a reporter's questions.
4. Never say, "no comment."
5. Do not offer comments, "off the record."
6. Never allow cameras on campus without permission. If anyone with a camera approaches you, ask him or her to cease filming or shooting and refer them directly to the Public Safety office.

Let's all work together to ensure that Medaille's reputation is the best it can possibly be...#freakinAMAZING!

## **2.15 Code of Ethics Governing Research**

Medaille College research activities are governed by the Medaille College Institutional Review Board and are guided by the Code of Ethics of the National Institutes of Health's (NIH) Office for Protection from Research Risks (OPRR). The current Code of Ethics along with IRB policies and procedures can be found at: <http://www.medaille.edu/academics/irb>

## **2.16 Institutional Advancement Policies**

### **2.16.1 Grants Development & Management Policy**

Grants Development and Management Committee shall determine the best process for supporting the development, submission, and implementation of grants. The process will be reviewed by the committee on an annual basis. Recommended revisions to the process will be submitted for approval to the College President. Upon approval, the process will be published to the College community via email, me@medaille, and/or some other form of campus communication.

### **2.16.2 Use of College Name, Seal, and Logo**

Members of the campus community, either individually or collectively, shall not officially use the name, seal or logo of Medaille College in any activity outside of the regular work of the College. Violation of this rule is regarded as sufficient cause for dismissal or expulsion. Medaille College's name, seal, and logo are the exclusive property of the College and, consequently, may not be used in connection with goods or services offered by any outside organization without the prior permission of the Vice President for College Relations. Members of the campus community publish a considerable number of reports in the form of bulletins, circulars, scientific articles, monographs, and books, some of which are copyrighted and others of which are not. Material from such recognized publications is, of course, quotable, and proper

recognition should be given to both the individual author and to Medaille College in connection with such quotations.

Official stationery may not be used in connection with “outside activities” except with respect to those academic and scholarly activities described above. No report or statement relating to outside activities may have the name of Medaille College attributed to it. The use of official Medaille College titles for personal gain or publicity is prohibited without the written approval of the Vice President for College Relations.

## **2.17 Miscellaneous Policies**

### **2.17.1 Hazing**

Hazing is an act or series of acts that persecutes or harasses an individual(s) with difficult, humiliating, and sometimes dangerous tasks. It is the policy of Medaille College that activities of this nature do not belong within a collegiate environment and are outside the context of a positive learning experience. Please refer to Volume VII, “Offenses Related to Persons,” and refer possible violations to the Student Development Office promptly.

### **2.17.2 Fireworks**

College regulations forbid the use of fireworks and firecrackers. Possession and/or use will result in disciplinary sanctions.

### **2.17.3 ATM**

For the convenience of the Medaille College community, an ATM is located in the Kevin Sullivan Campus Center on the first floor next to the elevator. The College is not responsible for any malfunction, error or loss of service with the ATM machine.

### **2.17.4 Facility Usage**

The academic program has priority in the use of College facilities. Requests for the use of facilities are filed with the appropriate office. Medaille College groups and individuals are given priority consideration in the use of College facilities. Non-Medaille College groups are required to complete a rental agreement and meet all insurance requirements. Clean up of the facility is the responsibility of the sponsoring organization or individual. Any group or individual sponsoring an event in the College facilities assumes all financial responsibilities connected with the event. Social events are limited to students, faculty, staff and their invited guests. Educational and cultural events may be open to the general public. A copy of the Rental Policy is available in the Appendix.

### **2.17.5 Food Service**

Students residing in College-sponsored housing are required to participate in the College Board Plan. Responsibility for the operation of the dining program is vested in the Director of Food Service. Any questions or suggestions should be brought to the Director’s attention. In order to

provide a desirable environment in the food service area, the following guidelines have been established:

- A proper meal card must be shown when entering the dining hall.
- Trays, glasses, silver, and dishes, of any type may not be removed from the food service area.
- Shirts and shoes must be worn at all times.
- Students using the athletic facilities are not to use the serving area or dining room until properly attired in street clothes and after appropriate hygiene.
- Throwing of food or any objects will not be tolerated.
- Students conducting themselves in an unacceptable manner may be separated from the food service area for a specific period of time by the Food Service Manager and with the concurrence of the Vice President of Student Development. When a student is separated from the dining area, no refund of board charges for missed meals will be made.
- All persons eating in the dining area are expected to return their trays and dishes to the dishwashing area after they have finished eating.
- The last meal to be served before Thanksgiving, Christmas, and Spring Break closing, will be the Lunch meal for the day the Residence Halls close.
- Students should enter and exit the dining area only through the two main entrances adjacent to the seating area. The other exits are for emergency use only.
- Students are encouraged to become involved in the planning of food service. The official vehicle is participation on the Food Service Committee.

### **2.17.6 Gambling**

No form of gambling is permitted on Medaille property by College policy and by state law unless authorized by the Vice President of Student Development. Any member of the Campus Community who violates this regulation will be subject to disciplinary action. Charitable bingo may be permissible under Board of Trustee approval.

### **2.17.7 Lost and Found**

Lost articles shall be taken to the Information Office or the Public Safety Office. Similarly, check with the Information Office or the Public Safety Office if an item has been lost. The Information Office is located on the first floor of the Main Building and the Public Safety Office is located at 2 Agassiz Circle.

### **2.17.8 Parking**

Parking is available to all students, faculty or staff members. Parking permits must be obtained from the Campus Public Safety Office every year.

Parking facilities are maintained for all faculty and staff members, as well as students registered at the College. To park on campus, parking permits must be obtained from the Department of Public Safety. The parking tag must be clearly displayed on of the vehicle, in a location designated by the Department of Public Safety.

Each employee and student is responsible for obtaining and adhering to the parking regulations. The College is not responsible for any theft or damage to vehicles. Comprehensive insurance is strongly suggested. Parking regulations, distributed when a permit is obtained, are enforced seven days a week and apply to all students, faculty, and staff at the College.

All new incoming day commuter students will park at the Buffalo Zoo lot, located on Parkside Avenue at the corner of Jewitt Parkway. A shuttle between this lot and the Sullivan Campus Center will be available from 7:00 a.m. – 5:00 p.m., Monday – Friday.

Every student, faculty or staff member’s personal vehicle parked on Campus or at the Buffalo Zoo lot must display a valid coded parking permit. These permits may be picked up at the Campus Public Safety Office located at 2 Agassiz Circle.

Prior to the issuance of any parking permit, an application (vehicle registration card) needs to be filled out. A valid driver’s license and vehicle registration must be presented. Students must also present a Student Class Schedule (students only) to obtain a parking permit.

The faculty/staff parking permit shall be hung from the inside rearview mirror in a manner which is readable from the outside of the vehicle. Student stick-on parking permits must be affixed to an area of the vehicle designated by Campus Public Safety.

Parking Permits are valid in any legal parking space on Campus which is not specifically marked for some other purpose. Vehicles parked in handicapped spaces must display a New York State Handicap plate or hanging permit.

Vehicles must park inside the clearly marked parking spaces. Vehicles occupying more than one space or parked diagonally will be ticketed.

Parking is not permitted in areas marked “Delivery,” “Loading Zone,” “Commercial

Vehicles Only,” “No Standing,” “No Parking,” “No Overnight Parking 11 pm – 7 am” near fire hydrants or in fire lanes or on grass.

Vehicles illegally parked may be towed at the owner’s expense. This will include the parking summons, the tow and storage charge.

All bicycles are to be locked in bike racks. Bicycles are not permitted in any of the buildings. Individuals are responsible for securing their own bicycles.

### **2.17.9 Snow Removal Policy**

From November 15th – April 15th, “No Overnight Parking” is allowed between the hours of 11:00 p.m. – 7:00 a.m. in areas to be designated by the Department of Campus Public Safety for the purpose of snow removal.

A snow removal and approved parking map will be posted on each floor of each Residence Hall, the Main Building and the Sullivan Campus Center for informational purposes. Any vehicle found in violation of this policy will be subject to a parking summons and a towing at the owner’s expense. Additional Campus notices will be posted as well as Campus voicemail and e-mail messages when the weather necessitates alternate parking for the clearing of snow from designated overnight resident student parking areas. Failure to adhere will result in the issuance of a parking summons and tow at the owner’s expense.

### **2.17.10 Adjudication Policy**

Anyone with a legitimate reason for not parking legally who wishes to contest the issuance of a parking summons must do so in writing within ten (10) days from date the summons was issued. No disputes will be accepted after ten (10) days. Dispute forms are available at the Office of Campus Public Safety and the Information Office.

A committee of representatives from Campus Public Safety, Office of Student Development and the Department of Residence Life will conduct parking a hearings and render decisions based on the evidence presented.

### **2.17.11 Violation Schedule**

Description	On Time	Late Charge
No parking	\$20	\$40
No decal/permit	\$20	\$40
Crosswalk	\$20	\$40
Overnight	\$20	\$40
On Sidewalk	\$20	\$40
On Grass	\$20	\$40
Straddling Lines	\$20	\$40
Blocking Dumpster	\$20	\$40
Fire Hydrant	\$40	\$80
Fire Lane	\$40	\$80
Snow Removal	\$40	\$80
Handicapped Space	\$50	\$100
Towing	\$45	

All Tickets are to be paid at the Public Safety Office, located at 2 Agassiz Circle between the hours of 8:00 a.m. and 3:00 p.m. Monday-Friday, or by mail to the Public Safety Office.

Any ticket not paid within ten (10) calendar days will result in a late charge and a hold being placed on the individual's account. This hold will result in violators being unable to register for classes, receive grades and/or transcripts.

#### **2.17.12 Traffic Flow**

A ring road has been established on Campus to provide for a safe flow of vehicular traffic entering or leaving Campus. Traffic signs have been posted and shall be followed to avoid accidents.

Traffic entering Campus may go left to the rear parking lot or may enter to the right to access the front parking lot. Traffic leaving the Campus should follow posted traffic signs and exit the rear parking lot to the roadway behind the Sullivan Campus Center and alongside the Admissions Building. All traffic should then exit the Campus at the Main entrance at Parkside and Agassiz Circle. The traffic flow pattern between 7 a.m. and 11 p.m. on Campus roadways is one way only.

During the hours of 11 p.m.–7 a.m. traffic is restricted from the roadway behind the Sullivan Campus Center (during this time, chains are erected to keep all traffic from this area). Traffic leaving the rear parking lot between 11 p.m.–7 a.m. shall exit to the roadway behind the South Residence Hall, in front of the North Residence Hall and follow it to the main entrance. The traffic flow pattern on the South Roadway is two-ways between 11 p.m.–7 a.m. and extra caution is advised.

#### **2.17.13 Postal**

Pre-stamped personal letters may be left in the Information Office for pickup by the Post Office. Postage may be purchased in the Information Office.

#### **2.17.14 Sales and Solicitations**

Sales and solicitations are not permitted on the Medaille College campus. Exceptions are subject to the discretion and approval of the Vice President of Student Development.

#### **2.17.15 Shoes**

In accordance with the state law, shoes must be worn in all public building, i.e., the Administration/Classroom, Library, Science, and Athletic buildings. This does not necessarily apply to student residences but footwear must be used when coming to the public buildings.

#### **2.17.16 Weight Room**

Faculty, staff and students may use the weight room facilities according to regulations.

### **2.17.17 College Identification**

Every registered student must have a valid Medaille College Student Identification Card. Photos for the ID cards are taken by the Campus Public Safety Office. Students should have their ID cards on their person at all times on campus and should be prepared to present it upon request. ID cards are needed to take books out of the library, for use of the Academic Computer Center, to gain entrance to most social events, to use the Campus Center during open hours, and to receive a parking tag. There is a \$30.00 replacement fee.

This card must be available for presentation upon request by any Campus Public Safety staff, or any College faculty or staff member. Failure to obtain the I.D. card at the designated time is a form of incomplete registration.

### **2.17.18 Childcare**

There are no childcare facilities on any campus of Medaille. Members of the campus community are encouraged to check local listings for available child care centers.

### **2.17.19 Children on Campus**

To protect the safety of young visitors and to avoid disruptive behavior, College policy prohibits the presence of unaccompanied children on campus. This policy applies to minor children of students and employees. Employees should consult with their supervisor when children are brought to campus. Likewise, students should check with their faculty, to the extent practical, prior to bringing children to class. Children can be a distraction to classroom learning and to the workplace and can therefore be an imposition on faculty, other classmates, and colleagues. Additionally, the presence of children presents a different aspect of risk that the parent should be mindful of and take responsibility for. Children should not be left unsupervised in lounges, hallways, classrooms, the Dining Hall, the Campus Center, Library, etc. The College assumes no responsibility or liability for children or for any accidents or injuries to children while on any College property or while visiting an off-campus facility or College event.

### **2.17.20 Visitors in the Workplace**

To provide for the safety and security of employees and the facilities at the College, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

Authorized visitors will receive directions or be escorted to their destination. Employees are responsible for the conduct and safety of their visitors.

If an unauthorized individual is observed on College premises, employees shall immediately notify their supervisor or the Public Safety Office. Any suspicious behavior shall be reported immediately to the Public Safety Office.

### **2.17.21 Pets on Campus**

Due to considerations of health, safety, cleanliness, and professionalism, members of the College community (faculty, administration, staff, students, guests) are not to bring animals onto the Buffalo campus of Medaille College, its college-operated student housing or any other campuses affiliated with Medaille College, such as the Rochester campus, except under very special conditions.

Animals may be brought onto campus only under one of the following conditions:

- Student, employee or guest requiring a Service Animal (canine) who has an ADA (American Disabilities Act) recognized and documented condition approved by the Office of Disability Services.
- Student, employee or guest requiring a comfort/therapy animal with supporting information from an appropriate professional and approved by the Office of Disability Services.
- A specific purpose such as a class demonstration, seminar, observation, surgery or medical assistance in any way pertaining to the Veterinary Technology Program.
- A specific program of college-wide interest such as a K-9 Therapy Dog Event.
- Animals used for academic learning assistance ex. Reading Program, Exam Stress Relief.

Prior permission is needed for an animal to be brought on any Medaille College campus. All animals brought on a campus must have a boarding and consent form completed by the individual requesting permission. Additional health records may be required at the discretion of the Program Director of the Veterinary Technology Department. Forms may be obtained in Room SC113, Buffalo Campus Main Building, 880-2321, from the Veterinary Technology Department Animal Care Supervisor and on the Medaille College website at [www.medaille.edu/hr/forms](http://www.medaille.edu/hr/forms)

Any animal brought into any student life area (ex. dormitory) must have prior permission signed and approved by the Director of Residence Life.

Requests for animals needed for other than academic purposes should be brought to the attention of the individual's immediate Supervisor who will determine the proper procedure.

Service and therapy dogs authorized to be on a Campus shall wear an appropriate vest or other means of identification.

Even after gaining permission to bring an animal on campus, proper clean-up must take place at all times. Under such permissions, the animal should be either in the presence of the owner or



supervised by Veterinary Technology Program personnel. Owners are also responsible for the behavior and conduct of their animal and inappropriate actions will not be tolerated.

For health reasons, animals other than non-carnivorous, non-poisonous aquatic animals (i.e. fish, frogs, turtles) and Seeing Eye dogs or other service or comfort/therapy animals are not allowed in any housing unit owned or leased by the College. Fish and other aquatic animals may be maintained in a student room in containers with a maximum volume equal to or less than 25 gallons.

Anyone found having unauthorized animals on Campus will be required to immediately remove them. Those who refuse to comply with this policy will be subject to disciplinary action. Questions should be directed to the Office of Disability Services and/or the Program Director of the Veterinary Technology Department.

### **2.17.22 Vending Machines**

The vending machines are provided for the convenience of the student body. Their proper use is a community responsibility, and students should actively participate in this process. Abuse of any vending machine will be considered abuse of College property and will result in disciplinary action.

### **2.17.23 Marketing of Credit Cards**

New York State Education Law, Article 129-A§ 6437 Prohibition on the Marketing of Credit Cards. Medaille College complies with the legal requirements of NYS Education Law §6437. Accordingly, Medaille College shall prohibit the advertising, marketing, or merchandising of credit cards on college campuses to students.