



**Medaille  
College**

2015

Annual Security  
& Fire Safety Report  
Amherst Campus

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## **ABOUT THE ANNUAL SECURITY & FIRE SAFETY REPORT**

The Medaille College Department of Public Safety, under the direction of the Vice President of Business and Finance, is responsible for preparing and distributing this report. All information and a copy of this report is kept on file in the Public Safety Building located at 2 Agassiz Circle, Buffalo, NY 14214, Human Resources Office located at Main Building 18 Agassiz Circle, Buffalo, New York 14214, Admissions Office, 23 Agassiz Circle, Buffalo, New York 14214 and the Rochester Campus 1880 S. Winton Road suite 1, Rochester, New York 14618.

We work with many other departments and agencies to compile the information. We encourage members of the campus community to use this report as a guide for safe practices on and off campus. It is available on-line at <http://www.medaille.edu/current-students/public-safety/annual-security-and-fire-reports> and each member of the Medaille College community receives an email annually that describes the report and provides its web address. The report is also made available to prospective students and employees.

### **Medaille College Geography**

The Amherst Campus of Medaille College is located at 30 Wilson Rd. Buffalo, NY 14222. *The Amherst Campus does not have any on-campus housing or non-campus properties.*

***\*\*\* Amherst Campus has been closed since Spring 2015\*\*\****

## **ABOUT THE DEPARTMENT OF CAMPUS PUBLIC SAFETY**

The Medaille College Campus Public Safety Department shall provide a safe and secure campus environment for a diverse community of students, faculty, staff and visitors while maintaining and encouraging an atmosphere of learning. This shall be accomplished by establishing a liaison and partnership with all segments of the campus community. Lines of communication will be set up with all student and faculty associations, internal campus departments as well as outside community groups, organizations and neighborhood associations. It will be the primary responsibility of the Campus Public Safety Department to work proactively with the students, faculty and staff to identify report, reduce and remove the opportunity of crime and criminal activity before it should occur.

The Medaille College Campus Public Safety Department, located at 2 Agassiz Circle, is open 24 hours a day providing around-the-clock services to the campus community. Officers are on duty 24 hours a day, seven (7) days a week, 365 days a year. The office aids in

enforcement of federal, state, and local statutes and Medaille College Policies and Regulations.

All Medaille College Public Safety officers complete a New York State Peace Officer Equivalency Training Course and are AED/CPR certified. However, they do not have law enforcement arrest powers; they have the same arrest powers and authority as that of an average citizen. Under the New York State Penal law, every citizen has a right to make an arrest for a criminal offense without a warrant if the arrested person has committed a felony in his/her presence or if the arrested person has committed a felony offense outside the presence of the officer, but the arresting person has reasonable cause to believe that a felony has been committed.

Medaille College has submitted a Memorandum of Understanding with the Amherst Police Department. This agency has primary responsibility and jurisdiction, to investigate crimes and respond to emergencies, on the Medaille College Campus. The Public Safety Department maintains a close working relationship with all local law enforcement agencies, all College and School Security, Safety and University Police agencies in Western New York. A copy of this Memorandum of understanding is kept on file in the Public Safety Office.

We have assisted in the establishment of a Western New York Coalition of University and College Law Enforcement Professionals in the greater Buffalo and Rochester communities. Regular meetings are held to exchange information, enhance communication, provide training and assist each other with the development of proactive approaches to crime and criminal activity.

The primary objective of the Public Safety Department is to encourage a safe and healthy experience that enhances the campus learning experience and complements the College's educational mission. The Public Safety Department provides support services tailored to meet the needs of the College Community and advocates a law enforcement, security and emergency response for crimes on campus.

*Some of the services we offer are:*

1. Issue school IDs for all students, faculty and staff
2. Register and provide parking permits for students, faculty and staff
3. Monitor security and safety systems in all campus buildings and facilities
4. Provide OSHA safety inspections for all campuses
5. Maintain key maintenance and control for entire college
6. Schedule and provide transportation for campus activities

7. Establish and implement Emergency Notification Systems
8. Patrol all campus buildings, grounds and facilities
9. Investigate all violations of law and school policies
10. Investigate minor motor vehicle accidents and minor vehicle problems
11. Test and maintain all security and fire-prevention equipment and alarms
12. Inspect buildings for safety compliance
13. Maintain a lost-and-found department

To reach the Public Safety Department from off-campus or from a cell phone, dial (716) 880 – 2911. From an on-campus networked phone dial, extension 2911 to reach Public Safety.

### ***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.

### ***Campus Security Authorities (CSA)***

An updated list of Campus Security Authorities is maintained by Public Safety and is available at 2 Agassiz Circle. Campus Security Authorities are required to complete initial and ongoing annual training in order to fulfill this role. Training is conducted via our D. Stafford and Associates Online CSA training program. A new list of CSAs is compiled at least annually. CSAs are sent a Crime Collection form to document any crimes reported to them. They are encouraged to report any Clery Crimes reported to them immediately to Public Safety. The Crime Collection form is distributed annually and available online here: <http://www.medaille.edu/sites/default/files/u1716/Clery%20letter%20to%20College%20Security%20Officials%20for%20WEBSITE.pdf> as well as on the CSA training site.

## **GENERAL CONDUCT POLICIES**

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



Listed below are some of the basic rules governing a person's behavior on campus, on non-campus property used by the college and at functions sponsored by the college or any group affiliated with the college. Violation(s) of these rules, or other conduct which reflects unfavorably on the student or the college, may result in disciplinary action up to and including dismissal from the college. The following is **PROHIBITED** and is considered disorderly conduct:

- Violence, including assault, or the threat of violence, against any person.
- Intimidation or harassment which has the intent or effect of preventing a person from performing his/her legitimate role at Medaille College, to include, but not limited to, bullying, cyber-bullying, stalking, and harassment.
- The use, possession, sale, or purchase of any type of unlawful drug. Possession, consumption, or sale of drugs is a serious offense which is subject to severe penalties. See the **Medaille College Alcohol and Drug Abuse Policy** <http://www.medaille.edu/policy-handbooks>.
- Additional information related to federal penalties at the US Drug Enforcement Administration can be found at: <http://www.justice.gov/dea/index.htm> and information on services rendered through the New York State Office of Alcoholism and Substance Abuse Services (OASAS) website: <http://www.oasas.state.ny.us/index.cfm>.

As a matter of policy, the college will cooperate fully with all law enforcement agencies in the investigation and prosecution of substance abuse and drug trafficking cases. Violations of these regulations will cause the student to be subject to criminal prosecution, disciplinary action, or both. Distribution, sale, or use of drugs will ordinarily result in immediate disciplinary action by college officials. Prohibited drugs are defined as including, but not limited to:

- Marijuana
- Cocaine/crack
- LSD
- Barbiturates
- Mescaline
- Opiates
- Amphetamines
- Psilocybin
- Tranquilizers

- While on campus or participating in Medaille College activities, possession or use of explosives, firearms, fireworks, knives, incendiaries, or other dangerous weapons including gas or air guns.
- Tampering with fire alarms and/or other fire safety equipment or otherwise hindering the proper function of the college's fire and/or safety procedures. No fires may be set by students for any reason.
- Abusive or disruptive behavior on campus or at any college activity or event (on or off campus), the effect of which might bring discredit to Medaille College.
- Disregard of the rights of other members of the campus community and/or their guests.
- Failure to follow the directive of an official of the college or his/her representative.
- Giving false information to any college official or office.
- Gambling in any form, except legal raffles, lotteries or casino gambling conducted by recognized student organizations and approved by the college.
- Destruction, damage, or defacement of college property or that of students, vendors or guests of the college.
- The use, possession, sale or purchase of alcoholic beverages by students under the legal age of 21.
- Violation of any other college policies, procedures and/or regulations.

## **CRIME REPORTING PROCEDURES/POLICY**

Medaille College strives to maintain a safe campus and relies on all members of the campus community to do their part to keep our campus safe. Medaille College encourages accurate and prompt reporting of all suspected criminal activity to the Public Safety Department. Public Safety communicates with local law enforcement when the need arises.

Any member of the campus community – faculty, student, staff, and trustees – who observes criminal activity on the Medaille Buffalo campus or at any off-campus instructional or athletic site is expected to report such conduct promptly to the police and to campus Public Safety. Criminal activity includes, but is not necessarily limited to: physical assault, including sexual assault and abuse, burglary, robbery, arson, unauthorized display or use of a dangerous weapon, and the illegal distribution or manufacture of controlled substances.

If you observe a crime, immediately contact the Medaille College Public Safety Department at 716.880.2911 and follow their directives. In case of an emergency during off-site athletic practices or games, students are to report to the attending Public Safety Officer.

In addition, there are occasions when minors (persons under 18 years of age) are on the Medaille College campus or involved in college events. Any person, who observes the sexual abuse of a minor or has reasonable suspicion of such abuse, should immediately notify Medaille College Public Safety and the local police authorities (call 911). A call may also be placed to the NYS Child Abuse Hotline at 1.800.342.3720.

The prompt reporting of criminal activity is essential to securing a safe campus environment for all persons, including guests and members of the public. No one is exempt from the expectation of law-abiding behavior. There shall not be any form of retaliation within the Medaille College community against any person making a good faith report of suspected criminal activity.

If you wish to voluntarily report a crime confidentially you may do so via a counselor or pastor at the Medaille College Counseling Center at 716.880.2339. These reports will be included confidentially as part of the statistical disclosure to the Department of Education but will remain confidential. Professional counseling or pastoral staff will maintain confidentiality unless there is a court order or a life threatening situation.

All felony offenses reported to the College and/or Public Safety, occurring on campus, at a College sponsored event or on College owned/controlled property, will be reported to the Buffalo Police for further investigation.

Individuals to whom students and employees should report criminal offenses: The Department of Public Safety, 2 Agassiz Circle, Buffalo, NY 14214, (716) 880-2911.

### ***Timely Warning for Reported Crimes***

In an effort to provide timely notice to the Medaille College community, and in the event of a serious incident which may pose an on-going threat to members of the Medaille College community, a Safety Alert is sent to all students and employees. The alerts are generally written and distributed, via campus email, by the Director of Public Safety and Vice President of Business and Finance. In addition to the campus email system, notices will be posted on the college's website, bulletin boards in strategic locations around campus and/or sent via the college's emergency notification system (text and/or PA system). Incidents of aggravated assault and sex offense cases are considered on a case by case basis, depending on the facts of the case and whether there is a continuing danger to the campus community. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to the Medaille College community members and a Safety Alert would not be distributed. The Director of Public Safety or designee, in consultation with appropriate

campus personnel, reviews all reports to determine if there is an on-going threat to the community and if the distribution of a Safety Alert is warranted. Safety Alerts may also be issued for other crime classifications, as deemed necessary.

## **SECURITY OF AND ACCESS TO CAMPUS FACILITIES, INCLUDING RESIDENCES**

Medaille College facilities are available for use by students, employees, alumni, invited visitors and those having direct business with the college. Renters who have made the appropriate arrangements to use college facilities may do so during the approved hours and using approved procedures for doing so. Medaille College academic and student services buildings are open from 6am-11pm Monday through Friday with limited access on weekend and holidays. After hours buildings are locked and secured and only accessible by authorized personnel.

The Medaille College Residence Hall buildings (North Residence Hall and South Residence Hall) are permanently locked and secured, the only means of entrance is by use of an encoded student identification swipe card presented at the entrance to the building. Medaille College Residence Life houses students in varied accommodations ranging from single to double rooms. Services and programs intended to enhance the quality of life and to assure the security and safety of the resident student body is a priority for the residence life administration and presented to residents on an on-going basis. All facilities are served by live-in residence directors and resident assistants. At least one professional staff member is on duty at all times. Security and safety policies and procedures, especially regarding locking individual rooms and building doors and related precautions, are discussed with residents in crime prevention seminars, in routine floor meetings conducted by the residence life staff and in printed material that is posted and distributed by the staff. Safety information is also posted on the Medaille website and is available publically.

Security and college officials maintain the authority to ask those on college property for proper identification and to escort unwanted visitors off campus property and if needed refer to the Buffalo Police for possible arrest for criminal trespass.

## **CRIME PREVENTION AND SECURITY AWARENESS PROGRAMS**

Medaille College engages in comprehensive, intentional, and integrated crime prevention programming, initiatives, strategies, and campaigns intended to prevent criminal activity and foster a safe and secure learning environment for our students, employees, and visitors. Educational programming consists of primary crime prevention and crime awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees.

Programming is:

1. 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
2. Considers environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

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 offered the following primary prevention and awareness programs for all incoming students, new employees, current students and current employees in 2015:

- Sexual Assault Prevention/Personal Safety Awareness (this programming included dating/domestic violence and stalking)
- RA training – sexual assault and LGBT training
- Sexual Assault training for Resident Assistants (RAs) and TRiO Mentors
- Sex Discussed Here provided the programming for freshman. This programming addressed consent, sexual assault, and did have a bystander component.

### ***Crime Prevention Orientation for New Students***

We hold a series of crime prevention awareness sessions for resident students (held during regularly scheduled floor meetings) commuter student (awareness training held during both the day and the evening).

Crime Prevention Awareness Bulletins from Public Safety are sent periodically to the entire Medaille community (students, faculty and staff) via email and other publications, including, but not limited to the school newspaper.

### ***Crime Prevention Measures***

Most on-campus crime can be prevented if rules are followed and common sense safety tips are observed. The college is extremely committed to maintaining safe and secure working, learning and studying environments for all members of the college community. Members of the college community can assist this effort by adhering to the following safety tips and other common sense rules:

- Travel with a companion whenever possible.

- Use the escort service provided by our Public Safety Officers. Call 716.880.2911 to request an escort.
- Never lend your cell phone to a stranger.
- Follow parking regulations. Park in lighted areas of the parking lots if you will be leaving class after dark.
- Keep your gas tank full.
- Store items in the trunk of your car. Do not keep items in plain view.
- Always lock your car, when you are in it and out of it.
- Have your keys ready when you go to unlock your car. Be sure no one is inside your car as you enter.
- Never hitchhike or pick up hitchhikers.
- Drive to a police station, fire station or other very public place if you think a person is following you.
- When on an elevator stay near the controls. Push every button at the first sense of an attack.
- Stay near the street when walking. Stay away from bushes, shrubs and buildings. Walk confidently and look like you know where you are going. A good defense is to look and act confident.
- Do not ride with someone you do not know.
- When riding public transportation sit near the front, if possible and be familiar with the schedule to avoid long waits. Choose an occupied subway car if possible when riding the subway.
- Tell your friends where you are going and when you expect to return.
- Report all suspicious persons seen on campus to: Campus Public Safety 716.880.2911 and/or Buffalo Police 911
- Carry a noise maker (whistle or other device) when out after dark.
- The Director of Public Safety also distributes a security report to the college community via school newspaper or other means of distribution summarizing campus

security issues and/or responses to calls on campus, along with safety tips for the college community.

Public Safety Officers conduct comprehensive surveys of exterior lighting, exterior doors and grounds. Officers consistently survey buildings for any maintenance issue which may cause a security or safety hazard. Such concerns are reported without delay to the Facilities department.

## **SEXUAL OFFENSES, SEXUAL ASSAULT and SEXUAL HARASSMENT**

Medaille College does not discriminate on the basis of sex in its educational programs. Sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, Medaille College issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a College official. In this context, Medaille College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

Sexual assault/harassment is illegal under both federal and state law and is also a form of sex discrimination which is also illegal under federal laws Title VII (employees) and Title IX (students) and the New York State Human Rights Law. Both, harassment or discrimination, may involve unwelcome sexual advances, requests for sexual favors, and other verbal/non-verbal or physical contact of a sexual nature such as sexual assault or acts of sexual violence. The Title IX coordinator may be reached at [nr327@medaille.edu](mailto:nr327@medaille.edu) or 716.880.2119.

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

Submission to such conduct is explicitly or implicitly a term or condition of an individual's education or employment.

Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual.

Such conduct has the purpose or effect of substantially interfering with an individual's performance or creating an intimidating, hostile, or offensive educational or working environment.

### ***DEFINITIONS:***

**Sexual Assault** "Sexual assault" means 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.

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

**Rape** is defined as 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.

**Fondling** is defined as 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** is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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

**Domestic Violence:** The term "domestic violence" means

- 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.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting. <http://ovs.ny.gov/helpforcrimevictims.html>

**Dating Violence:** The term “dating violence” means 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.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Stalking:** The term “stalking” means 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.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

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## ***Education and Prevention Programs***

Medaille College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault 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 domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
  - Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, 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 offered primary prevention and awareness programs for all incoming students, new employees, current students and current employees in 2015. See page 13 for programming that was offered.

***Prompt, fair, and impartial proceeding:*** A proceeding that is completed within reasonably prompt timeframes designated by an institution’s policy, including a process that allows for the extension of timeframes for good cause and with written notice to the accuser and the accused of the delay and the reason for the delay;

Conducted in a manner that:

- Is consistent with the institution’s policies and transparent to the accuser and accused;
- Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
- Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
- Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused

***Advisor:*** Any individual who provides the accuser or accused support, guidance, or advice

***Proceeding:*** All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings.

Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

***Result:*** Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution.

***Unfounded Crimes:*** An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report.

### ***Affirmative Consent Policy***

This policy applies to all Medaille 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.

1. 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.
2. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
3. Consent may be initially given but withdrawn at any time.
4. 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.
5. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
6. When consent is withdrawn or can no longer be given, sexual activity must stop.

***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 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.

### ***Victim's Bill of Rights for Students and Employees***

Medaille College is committed to providing options, support and assistance to victims/survivors of sexual assault, domestic violence, dating violence, and/or 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:*

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual violence assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such a crimes or violations;
7. Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident;
8. Be free from retaliation by the institution, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process;

11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the College.

***Options in Brief:***

Victims/survivors have many options that can be pursued simultaneously, including one or more of the following:

1. Receive resources, such as counseling and medical attention;
2. Confidentially or anonymously disclose a crime or violation (for detailed information on confidentiality and privacy, visit [LINK TO Options for Confidentially Disclosing Sexual Violence]).
3. Make a report to an employee with the authority to address complaints, including:
  - a. Title IX Coordinator
  - b. Public Safety
  - c. Local law enforcement; and/or
  - d. Family Court or Civil Court.

Copies of this Bill of Rights shall be distributed annually to students, made available on every 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.

***Procedures for Reporting a Complaint***

Medaille College has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. Medaille College will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the Campus Public Safety or the Buffalo Police Department. Students and employees should contact the Dean of Students at 716.880.2224 or the Title IX Coordinator at 716.880.2119.

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at either Women and Children's Hospital, 219 Bryant

Street, Buffalo, NY 14222 or Erie County Medical Center, 462 Grider Ave., Buffalo, NY 14215. In New York State evidence may be collected even if you chose not to make a report to law enforcement. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining an order of protection. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to Medaille College hearing boards/investigators or police. Although the 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 and victims have the right to decline involvement with the police. Medaille College will assist any victim with notifying the Buffalo Police if they so desire.

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, Nicole Rua at [nr327@medaille.edu](mailto:nr327@medaille.edu) or by calling 716.880.2119, or writing or coming into the office to report in person and Public Safety (if the victim so desires). Medaille College will provide resources, on campus off campus or both, to include medical, health, to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Public Safety or other law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to Medaille College, the below are the procedures that Medaille College will follow as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report:

<b>Incident Being Reported:</b>	<b>Procedure Institution Will Follow:</b>	<b>Evidentiary Standard/TO MEET YOUR STANDARDS</b>
Sexual Assault	<p>Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care</p> <p>Institution will assess immediate safety needs of complainant</p> <p>Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</p> <p>Institution will provide complainant with referrals to on and off campus mental health providers</p> <p>Institution will assess need to implement interim or long- term protective measures, such as housing changes, change class schedule, “No Contact” directive between both in parties</p> <p>Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate</p> <p>Institution will provide written instructions on how to apply for Protective Order</p> <p>Institution will provide a copy of the Sexual Misconduct Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution</p> <p>Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</p> <p>Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</p>	Preponderance of the evidence.



<p>Stalking</p>	<p>Institution will assess immediate safety needs of complainant</p> <p>Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</p> <p>Institution will provide written instructions on how to apply for Protective Order</p> <p>Institution will provide written information to complainant on how to preserve evidence.</p> <p>Institution will assess need to implement interim or long- term protective measures to protect the complainant, if appropriate</p> <p>Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate</p>	<p>Preponderance of the evidence</p>
<p>Dating Violence</p>	<p>Institution will assess immediate safety needs of complainant</p> <p>Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</p> <p>Institution will provide written instructions on how to apply for Protective Order</p> <p>Institution will provide written information to complainant on how to preserve evidence</p> <p>Institution will assess need to implement interim or long- term protective measures to protect the complainant, if appropriate</p> <p>Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate</p>	<p>Preponderance of the evidence.</p>

Domestic Violence	<p>Institution will assess immediate safety needs of complainant</p> <p>Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</p> <p>Institution will provide written instructions on how to apply for Protective Order</p> <p>Institution will provide written information to complainant on how to preserve evidence</p> <p>Institution will assess need to implement interim or long- term protective measures to protect the complainant, if appropriate</p> <p>Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate</p>	Preponderance of the evidence.
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***Assistance for Victims: Rights & Options***

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> 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 in 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.

### ***Victim Support***

The 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 the college works with various on and off campus offices and agencies. Support agencies, on and off campus, include the following:

1. Crisis Services – Victims Advocate Program: 716.834.3131
2. Medaille Wellness Center: 716.880.2112 or 716.880.2339
3. Police: 911
4. Erie County Medical Center: 716.898.3000
5. Visa and Immigration Assistance: 1.901.767.2424
6. Women and Children’s Hospital: 716.878.7000
7. Buffalo Police Sex offense Squad: 716.851.4494
8. Erie County Sheriff/Dept. of Family Offenses: 716.858.6102
9. Erie County District Attorney/CARR Unit: 716.858.2525

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

- <http://www.rainn.org> – Rape, Abuse and Incest National Network
- <http://www.ovw.usdoj.gov/sexassault.htm> - Department of Justice

- <http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office of Civil Rights

### ***How to be an Active Bystander***

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. Further information regarding bystander intervention may be found.

- 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 with, 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.

### ***Risk Reduction***

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.

- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- 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.
- Trust your instincts. 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.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- 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.

### ***Adjudication of Violations***

Whether or not criminal charges are filed, a person may file a complaint with Medaille College alleging that a student or employee violated Medaille College policy on sexual harassment and/or assault. Describes each type of disciplinary proceeding used by the institution to include (answer these specific questions for each type of proceeding that you list here):

Medaille College will not tolerate the discrimination against or the harassment (sexual or otherwise) of students or employees by College students, faculty, administrators, staff members and other persons acting in official College capacities. 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:

#### **Complainant Appropriate Administrator**

Faculty Members .....Director of Human Resources

Staff Members (including Administrative Staff) .....Director of Human Resources

Students .....Dean of Students

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.

Official allegations of harassment or discrimination are to be made to the appropriate administrator in writing as soon as possible. The complaint must include the following information: name, address, and telephone number of the complainant; the nature of the complaint; date(s) and location(s) of the alleged occurrences(s); evidence on which the complaint is based; and the redress sought by the complainant. The appropriate administrator shall have 20 calendar days in which to conduct an investigation of a written complaint. The appropriate administrator may act as investigator or may arrange for another individual to act as investigator in the matter. The investigator 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. The investigator's report will be provided to a College officer or supervisor with the requisite authority to impose such sanctions.

The purpose of the investigation is to establish: (1) whether there is a reasonable basis for believing that the alleged violation of the policy has occurred; (2) the factual circumstances surrounding the claim; and (3) the appropriate sanction to be imposed on an individual found to have engaged in prohibited conduct. The investigator shall promptly provide the person against whom the complaint is made with a copy of the formal complaint and shall notify the appropriate College officer or supervisor of the nature of the complaint and of the identity of the parties.

In conducting the investigation, the investigator may interview the complainant, the person against whom the complaint is made, and any other persons believed to have relevant factual knowledge. At all times, the investigator 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.

Upon the expiration of the 20 calendar day period the investigator shall have an additional 10 calendar days to produce a written report summarizing the findings of fact and providing recommendations as to the appropriate administrative action to be taken. This report will be provided to the parties, to the appropriate College officer or supervisor. If sanctions are imposed, this report will become a part of the personnel file of the individual against whom the complaint was made.

Recommended sanctions may include, but are not limited to, written reprimand of the person against whom the complaint is made, suspension or dismissal of the person against whom the complaint is made, a change of grade or other academic record, a change of course section, a change of reporting line for an employee, or any other appropriate sanction(s) under the circumstances. Sanctions will be imposed in accordance with the provisions set forth in Volume IV (Faculty Policies), Volume V (Administrative and Staff Policies), and Volume VII, (Student Life and Development Policies), as applicable.

A complaint may also be brought by a person outside the College community if the alleged offense occurred with regard to application for admission as a student, to inquiry or application for employment, to bidding for contracts by individuals or company representatives, or to any other official action by a member of the College community. The appropriate administrative official to whom such a complaint should be directed will be determined by the position the individual was attempting to obtain at the College.

Reports of all domestic violence, dating violence, sexual assault and stalking made to Campus Public Safety will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

The Medaille College disciplinary process is consistent with the institution's policy and will include a prompt, fair, and impartial investigation and resolution process transparent to the accuser and the accused. Usually, the resolution of complaints of sexual misconduct are completed within 60 days of the report, however the proceedings timeframe allows for extensions for good cause with notice to the accuser and the accused of the delay and the reason for the delay. Investigators and hearing board members are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability.

The accuser and the accused student each have the opportunity to attend a hearing before a properly trained hearing official that protects the safety of victims and promotes accountability;

The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;

The institution will allow for timely access to the accuser, the accused and appropriate officials to any information that will be used after the fact-finding investigation but during formal and informal disciplinary meeting and hearings;

The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;



The institution provides the accuser and accused the same opportunities to have others present during an institutional disciplinary proceeding. The accuser and the accused student each have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or proceeding. An advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting or hearing;

A student conduct decision is based on the preponderance of evidence standard, i.e. “more likely than not to have occurred” standard. In other words, the conduct process asks: “is it more likely than not that the accused student violated the Medaille College Student Conduct Code?”

The accuser and the accused will be notified simultaneously in writing of the result of any disciplinary proceeding, as well as any changes to those result or disciplinary actions prior to the time that such results become final; and

The accuser and the accused each have the right to appeal the outcome of the hearing by and will be notified simultaneously in writing, of any change to the result prior to the time that it becomes final and of the final result after the appeal is resolved.

A person alleging sexual assault, domestic violence, dating violence, or stalking may also utilize the complaint and investigatory procedures set forth in the Medaille College policy against Sexual Harassment <http://www.medaille.edu/policy-handbooks> in order to remedy any hostile environment. All conduct proceedings against students, however, will be resolved through the College Student Judicial System.

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, Medaille College’s ability to respond to the complaint may be limited.

### ***Confidentiality***

Medaille College will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law and as previously mentioned in this document.

Medaille College maintains as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentially would not impair the ability of the institution to provide the accommodations or protective measures.

### ***Sanctions and Protective Measures***

In all cases, investigations that result in a finding of more likely than not that a violation of college policy occurred will lead to the initiation of disciplinary procedures against the

accused individual. Medaille College sanctions including, for students, sexual assault, domestic violence, dating violence, and stalking are violations of the Student Conduct Code. Employees who violate this policy will be subject to discipline, up to and including termination of employment. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law may be imposed upon those determined to have violated this policy. Medaille College may implement protective measures following the report of domestic violence, dating violence, sexual assault and/or stalking.

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 order of no contact, 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

Medaille College will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

### ***Counseling Services***

Counseling services are available both on and off campus for any victim of sexual assault and/or harassment. On campus counseling services are available through the Medaille College Wellness Center, which is located at 117 Humboldt Parkway. Off campus counseling services may accessed by contacting Crisis Services – Victims Advocate Program, at 716.834.3131.

### ***Sex Offender Registry***

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that

State at which the person is employed, carries on a vocation, volunteers services or is a student.

In New York State, convicted sex offenders must register with the New York State Division of Criminal Justice. You can link to this information, which appears on the New York State Division of Criminal Justice Services website, by accessing the Sex Offender Registry at <http://www.criminaljustice.ny.gov/nsor/> or from an independent website [www.parentsformeganslaw.com](http://www.parentsformeganslaw.com)

***Policy Prohibiting Sexual Harassment and Other Unlawful Harassment***

Medaille College will not tolerate the discrimination against or the harassment (sexual or otherwise) of students or employees by College students, faculty, administrators, staff members and other persons acting in official College capacities. 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:

*Complainant Appropriate Administrator*

Faculty Members .....Director of Human Resources

Staff Members (including Administrative Staff) .....Director of Human Resources

Students .....Dean of Students and 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.

Official allegations of harassment or discrimination are to be made to the appropriate administrator in writing as soon as possible. The complaint must include the following information: name, address, and telephone number of the complainant; the nature of the complaint; date(s) and location(s) of the alleged occurrences(s); evidence on which the complaint is based; and the redress sought by the complainant. The appropriate administrator shall have 20 calendar days in which to conduct an investigation of a written complaint. The appropriate administrator may act as investigator or may arrange for another individual to act as investigator in the matter. The investigator 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. The investigator's report

will be provided to a College officer or supervisor with the requisite authority to impose such sanctions.

The purpose of the investigation is to establish: (1) whether there is a reasonable basis for believing that the alleged violation of the policy has occurred; (2) the factual circumstances surrounding the claim; and (3) the appropriate sanction to be imposed on an individual found to have engaged in prohibited conduct. The investigator shall promptly provide the person against whom the complaint is made with a copy of the formal complaint and shall notify the appropriate College officer or supervisor of the nature of the complaint and of the identity of the parties.

In conducting the investigation, the investigator may interview the complainant, the person against whom the complaint is made, and any other persons believed to have relevant factual knowledge. At all times, the investigator 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.

Upon the expiration of the 20 calendar day period the investigator shall have an additional 10 calendar days to produce a written report summarizing the findings of fact and providing recommendations as to the appropriate administrative action to be taken. This report will be provided to the parties, to the appropriate College officer or supervisor. If sanctions are imposed, this report will become a part of the personnel file of the individual against whom the complaint was made.

Recommended sanctions may include, but are not limited to, written reprimand of the person against whom the complaint is made, suspension or dismissal of the person against whom the complaint is made, a change of grade or other academic record, a change of course section, a change of reporting line for an employee, or any other appropriate sanction(s) under the circumstances. Sanctions will be imposed in accordance with the provisions set forth in Volume IV (Faculty Policies), Volume V (Administrative and Staff Policies), and Volume VII, (Student Life and Development Policies), as applicable. A complaint may also be brought by a person outside the College community if the alleged offense occurred with regard to application for admission as a student, to inquiry or application for employment, to bidding for contracts by individuals or company representatives, or to any other official action by a member of the College community. The appropriate administrative official to whom such a complaint should be directed will be determined by the position the individual was attempting to obtain at the College.

### ***Other Unlawful Harassment***

Unlawful harassment is defined as verbal or physical conduct which denigrates or shows hostility or aversion to an individual because of his/her race, color, gender, sexual orientation, age, religion, national origin, marital status, veteran status, disability, genetic predisposition, carrier status or status as a victim of domestic violence, or that of his/her relatives, friends, or associates, and which:

- Has the purpose or effect of creating an intimidating, hostile, or offensive working or educational environment.
- Has the purpose or effect of unreasonably interfering with an individual's performance.
- Otherwise adversely affects an individual's educational or employment opportunities.

Any harassment of Medaille College employees, students or applicants in violation of these rules is absolutely prohibited and will not be tolerated. Interim protective measures may be made while a complaint is investigated. Both complainant and alleged offender shall be treated equitably throughout the investigation.

### ***Title IX Statement: Nondiscrimination & Equal Opportunity Policy***

Medaille College is committed to compliance with its obligations under Title IX of the Educational Amendments of 1972, Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Age Discrimination in Employment Act, Executive Orders, the New York State Human Rights Law and other applicable anti-discrimination laws.

It is the policy of the college to provide all students, applicants and employees equal access to all programs, facilities and employment opportunities without regard to race, color, sex, sexual orientation, age, religion, national origin, marital status, veteran status, disability, genetic predispositions, carrier status, or status as a victim of domestic violence.

Furthermore, the college will not discriminate against any individual with respect to the application of college policies, terms and conditions of employment, or the criteria for the successful completion of any course or program on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status, veteran status, disability, genetic predisposition, carrier status, or status as a victim of domestic violence. To the extent required by law, the college will also take affirmative action to ensure that qualified women, minorities, veterans, and persons with disabilities are provided full employment opportunities. This includes administrators, faculty, staff, students, contractors and vendors. Title IX training is mandatory for all students, faculty and staff through the Education Law 129B and New York State Enough is Enough Legislation.

Any questions concerning this policy and any complaints of discrimination should be communicated to the appropriate Title IX Coordinator [nr327@medaille.edu](mailto:nr327@medaille.edu) or 716.880.2119.

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

New York Office for Civil Rights  
U.S. Department of Education 32 Old Slip, 26th Floor  
New York, NY 10005-2500  
Telephone: 646.428.3900  
FAX: 646.428.3843; TDD: 877.521.2172  
Email: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

## ***Student Code of Conduct and Judicial Procedures***

### *Introduction*

The Board of Trustees shall bear full responsibility for the College as a corporate entity. It shall determine the general educational policies of the College. The President shall be the Chief Executive Officer of the College, and shall have the general responsibility for administering the policies approved by the Board of Trustees. Responsibility for regulations and standards in the area of student life is in turn, delegated to the Chief Student Affairs Officer or a designee. While exercising these powers, the Board of Trustees and College Administration acknowledge and affirm the rights and responsibilities of students as defined herein, as well as rights and responsibilities which are inherent in the educational process.

### **7.1.1 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.
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.



### **7.1.2 Student Code of Conduct**

The Student Code of Conduct is the product of the combined efforts of the administration, faculty, and students and is approved by the Board of Trustees.

The purpose of this Code is to delineate non-academic standards of conduct appropriate to the College in consonance with the educational goals of the College.

All students are expected to familiarize themselves with the provisions of the Code and their individual responsibility within it.

The Student Code of Conduct shall apply to all undergraduates, graduate and professional students attending Medaille College. Additionally, all students are responsible for complying with the rules, regulations, policies, and procedures contained in other official College publications such as program handbooks and announcements which may be issued from time to time.

The following shall be meaning of terms as used herein:

1. “Student” means any person matriculated, registered or enrolled in a College course or a program of study program or pursuing a course of study at Medaille College.
2. “College Official” means any person employed by the College who is assigned administrative or professional responsibilities, or a public safety officer.
3. “Member of the College Community” means any student, faculty member, or College Office or employee of the College.
4. “Offense” means conduct and/or attempts to engage in conduct inappropriate to the College Community for which disciplinary action may be instituted.
5. “College Property” means all property owned, leased, or controlled by the College.

Students are expected to conduct themselves as responsible members of the College community. Those students whose conduct demonstrates a disrespect for law, the rights of others, or the health, welfare and safety of members of the College community will be subject to disciplinary action by the College, only if such conduct, or attempts to engage in such conduct, takes place on College property or in the course of a College-sponsored or supervised activity, or if such conduct results directly from membership in the College community.

#### **7.1.2.1 Offenses Related to Property**

An Offense related to property is committed when a student:

1. Knowingly and without consent or authorization has in the student’s possession College property or the property of another person.



2. Knowingly and without consent or authorization removes, uses, misappropriates, or sells College property or the property of another person.
3. Intentionally or negligently damages or destroys College property or property owned or in the possession of another person or the College.
4. Obtains College property or the property of another person by misrepresentation or fraudulent means.
5. Enters or uses facilities or property of the College or another person without consent or authorization.

### **7.1.2.2 Offenses Related to Persons**

An Offense related to a person is committed when a student:

1. Intentionally or knowingly and without authority or consent limits or restricts the freedom of a person to move about in a lawful manner.
2. Threatens by any means, intimidates, coerces, or uses physical force in a manner which endangers the health or safety of a person or which would or should be expected to cause a person to be fearful of physical or emotional harm.
3. Physically abuses or injures another person.
4. Intentionally slanders or libels another person.
5. Obstructs, interferes, or denies another student the rights and privileges affirmed by the Board Trustees.

### **7.1.2.3 Offenses Related to the Operation of the College**

An Offense related to the operation of the College is committed when a student:

1. Abuses or damages College Property by using it in a manner inconsistent with its obvious or designated purpose.
2. Forges, alters, takes possession, duplicates, or uses documents, records, keys, or identification without the consent or authorization of appropriate College Officials.
3. Falsifies information or records submitted to a College official or Office.
4. Fails to comply with the lawful direction of a College official acting in the legitimate performance of his or her duties and authority.
5. Refuses to respond to a legitimate oral or written request to report to a College Official exercising official authority.
6. Fails to present College identification upon request by a College Official.
7. Purports to represent the College or person in the College Community improperly and without authorization.
8. Engages in solicitation of any type in or on College Property unless approved by an appropriate College Official.

9. Intentionally obstructs the operation and functions of the College by failing to comply with the policies and procedures of the College.
10. Obstructs or interferes with the reprimand, discipline or apprehension of another person who is involved in the commission of an Offense under the Student Code of Conduct or other College regulations or rules.

#### **7.1.2.4 Offenses Related to Welfare, Health or Safety**

An offense related to welfare, health, or safety is committed when a student:

1. Uses, possesses, or manufactures without authorization firearms, explosives, weapons, or other dangerous articles or substances injurious to persons or property.
2. Falsely reports a fire, or activates emergency warning equipment or communicates false information regarding existence of explosives on College property or property used by the College for a duly designated College function.
3. Abuses misuses, remove, or damages fire or safety equipment.
4. Refuses to vacate buildings, street walks, driveways, or other facilities of the College when directed to do so by College Official.
5. Uses, possesses, distributes, sells, is under the influence or in the presence of narcotics, hallucinogens, dangerous drugs, or controlled substances except as permitted by law.
6. Possesses or consumes, or is in the presence of alcoholic beverages on campus or at a College sponsored function off-campus if under the age permitted by the State of New York.
7. Engages in games of chance or money or other gain in violation of the law.

#### **7.1.2.5 Offenses Related to the College Student Judicial System (CSJS)**

An offense related to the CSJS is committed when a student:

1. Attempts to intimidate coerce, or influence a person by any means in an effort to discourage or prevent that person's use of, or participation in, any judicial process or proceedings.
2. Attempts to influence the impartiality of any member of the judicial body prior to or during the course of a judicial proceeding.
3. Fails to respond to written notification of a judicial proceeding.
4. Knowingly falsifies, distorts, or misrepresents information before the student body.
5. Disrupts or interferes with the orderly conduct of a judicial proceeding.
6. Knowingly institutes a judicial proceeding without proper cause.

### **7.1.3 Judicial System Administration**

In accordance with the provisions of the College By-laws, and the actions of the Board of Trustees, the President, who is the Chief Executive Officer of the College, delegates the supervision of student conduct to the Dean of Students, hereafter called the C.S.A.O. All disciplinary actions remain subject to final review by the President of Medaille College.

#### **7.1.3.1 The Role of the Chief Student Affairs Officer (CSAO)**

The supervision of student conduct is the responsibility of the Chief Student Affairs Officer (C.S.A.O.). All disciplinary actions remain subject to final review by the President of Medaille College.

The C.S.A.O. shall serve as the liaison with students who have been placed on disciplinary probation or separated from the College; the Office of Student Affairs shall be responsible for informing students of the procedure for reinstatement. The C.S.A.O. has authority to carry out or direct Interim Suspension of students as authorized by the President of the College. The C.S.A.O. also has authority either to recommend or to place a hold from further registration on the student's records with appropriate legal and procedural safeguards to the rights of students. The C.S.A.O. may release information concerning the status of the discipline case to persons involved in the case. These may include the accuser, the witness, the Student Affairs staff, and other appropriate College officials.

The C.S.A.O. shall have responsibility for receiving complaints against student(s) from any member of the College community, from local and state agencies and from the general citizenry. Complaints, which appear to be substantially indicative of a violation of College regulation, shall be reasons for C.S.A.O. to charge the student(s). The C.S.A.O. shall notify the student in writing of the specific rights, together with a statement of the hearing procedures and sanctions. The standard protocol will be to dispose of the charges informally by mutual consent without the initiation of a formal hearing. The normal disposition of a student conduct incident report will be for the case to be resolved by the C.S.A.O./designate and the student. With this option, the C.S.A.O./designee's disposition of the case and disciplinary sanctions are final and binding. If there appears to be a conflict of interest with the C.S.A.O. hearing the case, the C.S.A.O. shall attempt to name a hearing officer who is mutually acceptable to the parties involved.

### **7.1.4 Rights of Students in Disciplinary Proceedings**

In preserving the rights of the individual student, the College shall have the obligation:

1. To describe its standards clearly.
2. To make known its standard in a form readily available to its students, which will provide fair notice of what is expected and what is forbidden.
3. To apply rules and regulations equally, fair, and impartially to all students.

4. To make appropriate minutes of the hearing, which shall be made available to the parties involved upon request.
5. For any disciplinary action for which sanctions may be imposed, students have the right:
6. To be considered innocent until found guilty of a violation of the Student Code of Conduct.
7. To be informed of their rights.
8. To receive written, timely, and complete notice of the specific charges to be resolved.
9. To seek the advice of any person within the College. Such rights shall not include the right to be represented at a hearing by any third party.
10. To have a fair disposition of all matters as promptly as possible under circumstances.
11. To hold unaltered student status pending a final adjudication and disposition of all matters except for compelling reasons relating to the safety and well-being of members of the College Community, or College Property, or for compelling reasons relating to the student's own physical or emotional safety or well-being.
12. To have a preliminary conference with the C.S.A.O. or their appointed representatives prior to a full hearing.
13. To be informed of the maximum and minimum sanctions which may be imposed.
14. To be informed of the general nature of the evidence to be presented.
15. To present a factual defense through personal testimony and other relevant evidence.
16. To decline to testify against oneself.
17. To request attendance of witnesses upon a showing of relevance and necessity.
18. To receive a record of the hearing upon request.
19. To be informed of all decisions as soon as possible.
20. To request a review of a decision and be informed of the criteria and procedures which were followed.
21. Alleged victims of crimes of violence or non-forcible sexual offenses may request in writing the results of the disciplinary hearing for students who were charged by the College with violations of the Student Code of Conduct. The request must be submitted to the Dean of Student Affairs.

#### **7.1.4.1 Sanctions**

Sanctions imposed upon students must be proportionate to the gravity of the offense. Sanctions, which may be imposed, are:

1. Disciplinary Warning – a written statement to a student that the student is violating or has violated institutional regulations, and that the continuation of such conduct will not be tolerated. The fact that a student has received one or more disciplinary warnings in the past may affect the severity of a sanction in subsequent disciplinary proceedings.
2. Disciplinary Reprimand – a written statement from the C.S.A.O or their representative, expressing disapproval of conduct. A record of a disciplinary reprimand shall be maintained in the Office of the C.S.A.O. for the period it is in effect. During that same period a record may be introduced in subsequent disciplinary proceedings.
3. Disciplinary Probation – a conditional retention of a student’s status for a specified period of time. During the probationary period a student is excluded from participation in extra-curricular College activities nor may the student hold any appointed or elected position within the College Community. A record of disciplinary probation will be maintained in the Office of the C.S.A.O. for the period it is in effect and during the period the record may be introduced in subsequent disciplinary proceedings.
4. Residence Hall Probation – a conditional retention of a student’s status for a specified period of time. A record of Residence Hall Probation shall be maintained in the Office of the C.S.A.O. for the period it is in effect and during that period it may be introduced in subsequent disciplinary proceedings.
5. Restitution – a written direction to replace, repair, or make specific compensation for property of the College or another person, which was damaged, destroyed, or misused. A record of a direction to make restitution shall be maintained in the Office of the C.S.A.O. until full restitution is made, and during that period the record may be introduced in subsequent disciplinary proceedings.
6. Interim Suspension – an immediate exclusion from classes and all other College privileges or activities that is imposed by the President or C.S.A.O. (or their representative) of the College, pending a hearing before the appropriate judicial body. Interim suspension will be imposed only to ensure the safety and well being of members of the College community, or College property, or to ensure the student’s own physical or emotional safety and well being.
7. Residence Hall Suspension – a loss of the privilege of living in college sponsored housing for a specified period of time. A record of Residence Hall Suspension shall be maintained in the Office of the C.S.A.O. for the period it is in effect and during that period it may be introduced in subsequent disciplinary proceedings.
8. Disciplinary Suspension – a termination of registration as a student for a specified period of time. During the period of suspension a student is excluded from classes and all other College privileges or activities. A record of disciplinary suspension is maintained as a permanent record in the Office of the C.S.A.O. and a copy shall be placed in the student personnel file.
9. Residence Hall Dismissal – a permanent termination of the privilege of living in college sponsored housing. A record of Residence Hall Dismissal shall be

maintained in the Office of the C.S.A.O. and may be introduced in subsequent disciplinary proceedings.

10. Disciplinary Dismissal – a termination of registration of a student. If the student applies for readmission, the student will not be allowed to return to the College. A record of a disciplinary dismissal is maintained as a permanent record in the Office of the C.S.A.O. and a copy shall be placed in a student's personnel file.
11. Substituted Sanction – a constructive undertaking by a student, which shall be maintained in the Office of the C.S.A.O. until the undertaking is completed. If the substituted sanction is not satisfactorily completed, the C.S.A.O. shall reinstitute the original sanction.
12. Persona Non Grata – an exclusion from College property/buildings for a specific or indefinite period of time.

## **Appeals**

The accused student(s) may appeal a decision made by the Assistant Dean of Student Affairs or his/her designee. A request for an appeal must be submitted in writing to the Dean of Students (or his/her designee) within two business days (48 hours) of the decision. Generally, the Dean of Students will hear appeals of all matters for which he/she did not render the decision. In cases involving sexual harassment and our assault/violence, the Dean of Students may choose to review appeals with the Title IX Coordinator and whomever else he/she deems appropriate before rendering a decision. The President of the College will hear all appeals for which the Dean of Students rendered the initial decision.

The written request for any appeal must be based upon one or more of the following reasons, which must be specifically specified in the appeal:

1. Violation of College conduct review procedures;
2. New evidence not reasonably available at the time of the hearing;
3. Improper or excessive sanction(s);
4. Decision not supported by a preponderance of evidence.

Upon receipt of the appeal, the appropriate college official will do one of the following:

1. Accept to hear the case at his/her discretion;
2. Refuse to hear the case for lack of sufficient reason for appeal;
3. Request that another hearing be conducted;
4. Investigate and amend the decision and/or sanction.

In appeals by the accused involving claims of improper or excessive sanctions, decisions following appeal cannot result in more severe sanctions for the accused student. The decision and sanction(s) resulting from any appeal will be sent to the respondent, complainant, president of the College and/or persons and offices notified of the original sanction(s).

# **EMERGENCY RESPONSE AND EVACUATION POLICY**

## ***Emergency Management Plan***

This document outlines the college's general emergency procedures and crisis management procedures. It is recommended that each member of the campus community familiarize themselves with this important information. The plan may be accessed on the college's website at <http://www.medaille.edu/alert/plan> and hard copies are available upon request via the Director of Public Safety.

## ***Emergency Evacuation Procedures***

In the event of an incident presenting immediate or risk of immediate threat to human safety, an evacuation order should be given by any person in authority nearest the site of an incident. Public Safety should be contacted immediately, 716.880.2911 and alerted as to the location of the incident. Emergency Evacuation maps are posted on every floor in each academic building and in the residence halls.

## ***Immediate Notification***

If the appropriate college officials determine there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the college community, some or all of the systems described in the Timely Warning section of this document will be used to communicate the threat or danger to the Medaille community.

## ***Missing Student Policies***

The following policy and procedure has been established to assist in locating Medaille College students living in college on-campus housing who, based on the facts and circumstances known to the college are determined to be missing. This policy has been established as required by the Higher Education Opportunity Act (HEOA) and the Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act, referred to as the Clery Act.

## ***Designation of a Contact Person(s)***

Each year every resident has the option to identify a contact person(s) whom the college shall notify within 24 hours of determination that the student is missing. The contact person can be anyone and, if the student elects, may be someone other than the person that the student has designated as his/her emergency contact person for other purposes.

This contact information is considered confidential and will be maintained separately by the Residence Life Office and will only be shared with the appropriate college officials involved in a missing person investigation. This is including, but not limited to, the Dean for Student

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Affairs, the Assistant Dean for Student Affairs, and the Director of Public Safety and/or Public Safety Designee.

A resident student who is less than 18 years of age and not officially emancipated by his/her parents or guardian may designate a contact person; however, the student's custodial parent or guardian will also be notified within 24 hours of a determination that the student is missing.

### ***Notification Procedures for Missing Resident Students***

Anyone who suspects that a residential student is missing should immediately contact the Assistant Dean for Student Affairs or appropriate designee (i.e. Resident Director of Residence Life) in the event the director is off campus at the time the report is being made. The Assistant Dean for Student Affairs will immediately notify the Director of Public Safety. Once such notice is received, the Offices of Public Safety and Residence Life will begin an investigation to include, but not limited to, the following:

- Call the student's cell phone and have the Resident Advisor check the student's room.
- Contact the student's roommate(s) if applicable.
- Access student's vehicle information to locate and distribute to local authorities if necessary.
- Access student's class schedule and seek information in regards to the last sighting or other contact information.
- Access reports to determine the last time the student used a meal card or accessed the residence hall.
- Security may use the student's ID photograph to assist in identifying the missing student.

### ***Actions Regarding a Missing Student***

If the above investigatory steps are unsuccessful in locating a student who has been missing for 24 hours or it is apparent sooner that the student may be endangered, the college will take the following actions within 24 hours:

The local police department and other law enforcement agencies as necessary will be contacted and report that the student is a missing person. The Director of Public Safety will assist external authorities with investigations as requested.



The Dean for Student Affairs or the Resident Director of Residence Life will notify the designated contact person and the student's parent/guardian will be notified for an un-emancipated student.

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

Notifications to the campus community will be coordinated by the Director of Public Safety and the Dean for Student Affairs. Media communications will be coordinated by the college's Director of Communication of appointed designee. Information will not be released unless authorized by the Dean for Student Affairs. 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.

## **ALCOHOL AND OTHER DRUG POLICIES**

### ***Medaille College Drug and Alcohol Abuse Prevention Policy***

Medaille College complies with federal, state and local laws regarding the possession, use and sale of alcoholic beverages and controlled substances. The college's policies pertain to students and employees and include the following PROHIBITED actions:

- Distribution, possession or use of any illegal drug or controlled substance or drug paraphernalia.
- The misuse and/or sharing of prescription drugs and other products being used other than as intended.
- Providing alcoholic beverages to individuals under the age of 21.
- Possession or consumption of alcoholic beverages by individuals under the age of 21.
- Illegal possession of an open container of an alcoholic beverage.
- Unauthorized consumption of alcoholic beverages in public space.
- Public intoxication.

The use of alcohol, illegal drugs, and/or controlled substances on any property that the College owns, leases, or uses for curricular, co-curricular, and/or extra-curricular activities is subject to Federal, New York State laws and Medaille College policies. Refer to the Medaille

College Student Life and Residence Policy Handbook for specific policies and regulations pertaining to the possession and consumption of alcohol in the residence halls.

(This information is also published in Volume VII)

### ***7.3 Student Alcohol and Drug Policies and Programs***

#### *7.3.1 Alcohol Policy*

Alcohol consumption as a fact of student life has come under increasingly stringent scrutiny recently, especially as state and federal governments have adopted stronger drinking age and driving-while-intoxicated laws. Medaille College supports the efforts of governmental agencies to control abuse of alcohol and the unhappiness such abuse causes, and seeks to uphold the spirit, as well as the letter of the law through its policies. The philosophical foundations of Medaille's Alcohol Policy are:

1. In an effort to develop independent and self-reliant individuals, the College considers the use or non-use of alcohol to be a personal decision, as long as that decision does not interfere with the rights of others. The College is responsible for developing policies and regulations that emphasize moderate and thoughtful use of alcohol and prevent abuse.
2. The College recognizes that the development of policies and procedures will not solve the problems of alcohol abuse. Educational programs that stress positive attitudes and behaviors and emphasize the dangers of alcohol consumption are equally important.
3. While the College has limited control over individual drinking habits, it does have the responsibility and obligation to monitor the College social environment and to comply with State and Federal laws pertaining to alcohol use. Medaille's policies and regulations reflect the importance of an appropriate environment during social events where alcohol is served and monitor the general use of alcohol and the quantity served. These regulations apply for both on and off-campus events sponsored by student organizations of the College.

##### *7.3.1.1 Campus Regulations*

Alcoholic beverages are not permitted on campus, except in conjunction with events properly registered and approved with the Student Affairs Office.

1. The provision of alcohol must conform to federal, state, and local laws. A summary of pertinent legal information is appended to this policy. The sponsoring group will be held responsible to see that these laws are followed. Failure to do so may result in loss of the privilege of sponsoring an event.

2. Intoxication will not be accepted as an excuse for misconduct at any College sponsored event.
3. Members of the College community will be held personally responsible for inappropriate behavior.
4. Non-alcoholic beverages must comprise a minimum of one-half of the total available amount of beverage.
5. Food must be provided in a sufficient quantity to accommodate the number of persons in attendance.
6. The ordering of alcoholic beverages shall occur after consultation with the Dean of Students, who reserves the right to limit the amount of alcohol served at any function.
7. No alcohol related student events shall be sponsored by any campus organization, on or off-campus, within five calendar days prior to semester examinations.
8. The College cannot condone activities that serve alcohol alone. Events will not be scheduled whose sole purpose is the consumption of alcohol. Advertisements and promotional literature should not create the impression that drinking is the sole purpose of the event.
9. Individuals should not be coerced into drinking alcoholic beverages at any time.
10. A system of checking ID's and age information must be enforced. This will protect the organizers from unknowingly serving alcohol to underage persons. Campus Public Safety must be consulted and utilized for checking IDs.
11. On-campus parties will be limited to three hours duration. Off-campus events must close by 12:00 a.m.
12. Continued unacceptable alcohol related behavior might be grounds for limitation of social privileges or dismissal from the College.
13. Alcohol consumption must be a legal possibility for a majority of the persons attending, to justify its inclusion in an event.
14. Enforcement of these regulations is the responsibility of the group sponsoring the event in conjunction with the Student Affairs Office.
15. As a general practice, use of alcohol will not approved at on campus functions where there is a presence of students who are under the age of 21.

#### *7.3.1.1.1 Residence Hall Policy*

Medaille College follows the laws of the State of New York in its alcoholic beverage policy.

1. Consumption of alcoholic beverages on campus is prohibited for those under the age of 21, and they are prohibited by College policy to be in the presence of alcohol in

any College owned housing unit. If all residents of a house or apartment are of the legal drinking age of 21 years, they may consume alcoholic beverages in their designated common areas. If the residents in a particular room are of the legal drinking age of 21 years (whether in the residence halls or houses), they may consume alcoholic beverages in their living space provided that no underage persons are present.

2. Resident students who are of the legal drinking age of 21 years may be in possession of no more than the equivalent of six (6) 12-ounce cans of beer, or one (1) 750ml bottle of wine or one (1) 750ml bottle of alcohol. If a student who is 21 years of age resides with a resident who is under the legal drinking age, all alcoholic beverages must be stored in a separate area that is not shared (e.g. a separate personal refrigerator).
3. Resident students are not allowed to display or collect empty alcohol beverage containers or paraphernalia.
4. Drinking alcoholic beverages out of doors, in residence hall common areas, or in any other campus buildings is strictly prohibited unless special permission is granted through the Student Affairs Office.
5. Alcohol is one of the most dangerous drugs abused by contemporary college students. To that effect, utmost care and consideration is required regarding the abuse of alcohol. It is an individual's responsibility to act in a mature manner at all times. Any adverse behavior resulting from the consumption of alcoholic beverages will be considered a violation of the code. This includes any incidence of intoxication that manifests itself to the campus community at College-sponsored functions off campus.

#### *7.3.1.2 Summary of the Current New York State Laws on Alcohol*

From *Toward the Implementation of the 21 Alcohol Beverage Law in New York State*, SUNY Rockefeller Institute of Government and the Institute for Traffic Safety, Management and Research, p. 1. Six provisions of New York law regulate the purchase and sale of alcoholic beverages by persons under the age of 21. Collectively, they establish in New York a minimum drinking age of 21:

1. **ALCOHOL BEVERAGE CONTROL LAW, §65**, makes it unlawful for a licensed establishment to sell, deliver or give away an alcoholic beverage to any person actually or apparently under the age of 21.
2. **ALCOHOL BEVERAGE CONTROL LAW, §65a**, makes it an offense for any person to misrepresent the age of a person under the age of 21 for the purpose of inducing the sale of any alcoholic beverage to such person.

3. **ALCOHOL BEVERAGE CONTROL LAW, §65b**, makes it unlawful for one under the age of 21 years to purchase or attempt to purchase an alcoholic beverage through fraudulent means.
4. **GENERAL OBLIGATIONS LAW, §11-100(1)** provides that any person who is injured by reason of the intoxication of any person under 21 may sue for damages against any person who knowingly caused such intoxication by unlawfully furnishing or procuring alcoholic beverages for such person with knowledge that such person was under the age of 21.
5. **PENAL LAW, §260.20(4)**, makes it a misdemeanor for a person to sell or cause to be given or sold any alcoholic beverage to a person less than 21, except that this provision does not apply to the parent or guardian of such person.
6. **GENERAL OBLIGATIONS LAW, §11-101**, commonly referred to as the “Dram Shop Act,” provides for a right of action and recovery for injuries caused by the illegal sale of intoxicating liquor to any intoxicated person.
7. **OPEN CONTAINER AND PUBLIC CONSUMPTION LAW**, The city of Buffalo prohibits the possession of any open alcoholic container and/or drinking in a public space or vehicle.
8. **OTHER DRUGS**, Federal and New York State laws prohibit the possession, distribution, and inappropriate use of controlled substances and illicit drugs.
9. **SANCTIONS**, Violation of laws relating to drugs and alcohol may result in probation, fines, imprisonment, civil seizure and forfeiture of property, and a permanent criminal record.

#### *7.3.1.3 Parental Notification Policy*

In accordance with the Federal Higher Education Amendment of 1998, Medaille College reserves the right to notify parents or guardians of students under the legal drinking age who have violated campus alcohol and other drug prevention policies, whether on or off campus, where there exists a nexus between the violation and the interests of the College.

In all cases, students will be accorded appropriate consideration under the Student Code of Conduct and Judicial Procedures, Section 7.6. The Dean of Student Affairs or the Assistant Dean of Student Affairs will provide notification when necessary.

#### *7.3.1.4 Containers*

The use of any containers in College housing to store/transport alcohol is strictly prohibited.

#### *7.3.2 Drug Policy*

The possession or use of any compounds or substance, which are illegal under the federal, state, or local laws, is incompatible with the College's expectations for student responsibility. Persons, who possess or use such compounds or substances contrary to law, are subject to immediate disciplinary action, including, but not limited to, suspension or dismissal from Medaille College.

The use of drugs and alcohol is generally habit forming and experimentation should be considered not only illegal but also a significant health risk. Counseling on drug and alcohol issues is available through both the Counseling Office and the Student Health Center. Please take advantage of these services.

#### *7.3.2.1 Residence Hall Policy*

On-campus sale or use of any other controlled substances which include for example, prescription drugs, marijuana, ecstasy, LSD, mescaline, cocaine, etc. is prohibited. Students who are found to be selling and or using these substances may be required to vacate College housing and are also subject to permanent disciplinary action from the College.

#### *7.3.3 Substance Abuse Prevention Program*

The Office of Student Affairs, in conjunction with the Health and Counseling Staff, will provide counseling and information on support services and medical facilities. Health and Counseling Services are located in the Wellness Center at 117 Humboldt Parkway on the Buffalo Campus.

Education and awareness will be the focal points of programming throughout the school year. In addition, Medaille participates annually in the National Collegiate Alcohol Awareness Week by offering a variety of activities aimed at preventing the abuse of alcohol. Online resources addressing both education and screening for substance abuse can be found via the Counseling Website. Prevention and treatment resources can be located at [www.oasas.state.ny.us](http://www.oasas.state.ny.us). Individuals can access resources in their particular county via this site.

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

##### *7.3.3.1.1 Illicit Drugs*

The use of illicit drugs can lead to physical and psychological dependence, behavioral changes, physical and psychological damage, and possible death. Effects from the use of illegal narcotics may include euphoria, drowsiness, respiratory depression, constricted pupils, and nausea. Narcotic overdoses can produce slow and shallow breathing, clammy skin, convulsions, coma, and possible death. Withdrawal symptoms can include tremors, panic, cramps, nausea, chills, and sweating. Women who use drugs during pregnancy may give birth to infants with physical abnormalities and mental defects.

The illicit use of depressants can cause slurred speech, disorientation, and drunken behavior. Overdoses can cause a weak and rapid pulse, coma, and possible death. Withdrawal syndrome can include tremors, delirium, convulsions, and possible death. The illicit use of stimulants can cause excitation, euphoria, increased pulse and blood pressure, insomnia, and loss of appetite. Agitation, increase in body temperature, hallucinations, convulsions, and possible death are the effects of stimulant overdose. Withdrawal syndrome can include apathy, long periods of sleep, irritability, depression, and disorientation. The possible effects of the use of hallucinogens include hallucinations and altered perceptions of time and distance. Overdoses can produce longer, more intense effects, psychosis, and possible death.

The use of marijuana can produce euphoria, relaxed inhibitions, increased appetite, and disoriented behaviors. Overdoses can result in fatigue, paranoia, and possible psychosis. Marijuana withdrawal can occasionally produce insomnia, hyperactivity, and decreased appetite.

#### *7.3.3.1.2 Alcohol*

Alcohol consumption causes a number of changes in behavior. Even small amounts significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate amounts of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high intake of alcohol can cause impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high amounts cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower amounts of alcohol will produce the same effects.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol can also lead to permanent damage to vital organs such as the brain and liver.

Women who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental defects. In addition, research indicates that children of alcoholic parents are at a greater risk than other children of becoming alcoholics.

#### *Drugs*

One of the College's primary objectives has always been to provide a safe, healthy and pleasant environment for College employees, students and visitors. Among other things, this means that all College employees must be in suitable mental and physical condition at all

times while on premises or doing College work. The work environment must be kept completely free of substance abuse and its harmful and dangerous effects.

The sale, possession, manufacturer, transfer or purchase of illegal drugs on College property or while performing College business is strictly prohibited. Such action will be reported to the appropriate law enforcement officials. The use, manufacture, sale or possession of an illegal drug, alcohol or controlled substance while on duty is cause for disciplinary action up to and including termination. No prescription drug may be brought on College property by any person other than the one for whom it is prescribed.

If any employee has a drug or alcohol problem, which could put the employee in conflict with College rules, the employee must do whatever is necessary to see that this does not happen. The College does not wish to dictate its employees' private life-style choices, but it cannot permit anyone's involvement with drugs or alcohol to affect the work environment.

The College recognizes drug and alcohol dependency is an illness and a major health problem, and it will provide information about this issue to try to help employees avoid the problem or seek professional treatment if needed. In the last analysis, however, it is the responsibility of the individual employee to obtain whatever assistance may be needed to control a substance abuse problem and keep drugs and alcohol out of the work environment. Every employee must ensure that personal activities do not result in a violation of College rules, and/or any federal, state or local law or regulation.

## **CRIME STATISTICS**

In accordance with the Clery Act, a copy of the Crime Statistics Report is available to all members of the campus community. The procedures for preparing the annual disclosure of crime statistics include collecting statistics from the Medaille College Public Safety Office, Campus Security Authorities and local police municipalities. Medaille College submits the annual crime statistics to the Department of Education (Dept. of ED) and is available to the public through the Dept. of ED website ([www.ed.gov](http://www.ed.gov)). The college also sends an email to every enrolled student and current employee on an annual basis. The email also includes the address for the Medaille College website where the Annual Security and Fire Safety Report may be found online. A physical copy of the report may be obtained by making a request to the college's Public Safety Office. For the 2015 reporting year, Supervisors Lisa Reda and David Rice were responsible for collecting, maintaining, and reporting Crime Statistics.



### ***Definitions of Reportable Crimes in the Clery Act***

1. **Murder and Non-Negligent Manslaughter** is defined as the willful killing of one human being by another.
2. **Negligent Manslaughter** is defined as the killing of another person through gross negligence.
3. **Sex Offenses-Forcible** is defined as any sexual act directed against another person forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.
4. **Sex Offenses-Non-forcible** is defined as incidents of unlawful, non-forcible sexual intercourse. Only two types of offenses are included in this definition.
5. **Robbery** is defined as the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
6. **Aggravated Assault** is defined as an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
7. **Burglary** is defined as the unlawful entry of a structure to commit a felony or a theft. The UCR classifies offenses locally known as Burglary (any degree); unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking and all attempts at these offenses as Burglary.
8. **Motor Vehicle Theft** is defined as the theft or attempted theft of a motor vehicle.
9. **Arson** is defined as any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
10. **Arrest**, for Clery Act purposes, is defined as persons processed by arrest, citation or summons.
11. **Illegal Weapons Possession** is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Included in this classification: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc.

of silencers; furnishing deadly weapons to minors; aliens who are in possession of deadly weapons; and attempts to commit any of the above.

12. **Drug Law Violations** are defined as the violation of laws or ordinances prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use possession, transportation or importation of any controlled and/or synthetic drug or narcotic substance. Arrests may be made for violations of federal, state and local laws; specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of such drugs.

13. **Liquor Law Violations** are defined as the violation of federal, state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Included in this classification: the manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor, maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on a public conveyance; and attempts to commit any of the above.

More detailed definitions and examples:

<http://www.2.ed.gov/admins/lead/safety/handbook.pdf>

### ***Bias Related Crimes/Hate Crimes***

In compliance with the New York State Education Law, section 6436, Bias Related Crime Act of 2000, the following information is designed to outline to the Medaille College Community the applicable laws on bias related crimes and the penalties for the commission of bias related crimes, the procedures for reporting crimes and the nature of and common circumstances relating to bias related crimes.

### ***Reporting a Bias Related Crime***

If you are a victim of a bias related crime, or you know, or suspect, that a member of the college community is a victim of a bias related crime, the following resources are available to you to report the crime:

- Medaille College Public Safety 716.880.2911
- Buffalo Police 716.851.4403 or 911
- Counselors, Public Safety Officers and members of Student Affairs staff are available to assist you.

***Applicable Laws, Ordinances and Regulations on Bias Related Crimes: New York State Penal Law, Article 485 Hate Crimes: 485.00 Legislative findings.***

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

***New York State Penal Law; 485.05, Hate Crimes:***

A person commits a hate crime when he/she commits a specified offense and either intentionally selects the person against whom the offense is committed or intentionally commits the act or acts constituting the offense in whole, or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person regardless of whether the belief or perception is correct. A specified offense is an offense as defined by any of the following provisions of the New York State Penal Law:

- Assault in the third, second or first degree.
- Aggravated assault upon a person less than eleven years old.
- Menacing in the first, second or third degree.
- Reckless endangerment in the second or first degree.
- Manslaughter in the second or first degree.
- Murder in the second degree; stalking in the fourth, third second or first degree.
- Rape in the first degree.
- Criminal sexual act in the first degree.
- Sexual abuse in the first degree.
- Aggravated sexual abuse in the second or first degree.
- Unlawful imprisonment in the second or first degree.
- Kidnapping in the second or first degree.

- Coercion in the second or first degree.
- Criminal trespass in the third, second or first degree.
- Burglary in the third, second or first degree.
- Criminal mischief in the fourth, third, second or first degree.
- Arson in the fourth, third, second or first degree.
- Petit larceny.
- Grand larceny in the fourth, third, second or first degree.
- Robbery in the third, second or first degree.
- Harassment in the first degree.
- Aggravated harassment in the second degree.
- Any attempt or conspiracy to commit any of the foregoing offenses.

***Penalties for Commission of Bias Related Crimes: New York State Penal Law 485.10 Sentencing***

- When a person is convicted of a hate crime pursuant to this article and the specified is a violent felony offense, as defined in section 70.02 of the NYPL, the hate crime shall be deemed a violent felony offense.
- When a person is convicted of a hate crime pursuant to this article and the specified offense is a misdemeanor or a Class C, D or E felony, the hate crime shall be deemed to be one category higher than the specified offense that the defendant committed, or one category higher than the offense level applicable to the defendant's conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.
- Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class B felony:
- The maximum term of the indeterminate sentence must be at least six years if the defendant is sentenced pursuant to section 70.00 of the NYPL.
- The term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to section 70.02 of the NYPL.

- The term of the determinate sentence must be at least twelve years if the defendant is sentenced pursuant to section 70.04 of the NYPL.
- The max term of the indeterminate sentence or term of the defendant sentence must be at least ten years if the defendant is sentenced pursuant to section 70.06 of the NYPL.
- Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a Class A-1 felony, the minimum period of the indeterminate sentence shall not be less than twenty years.
- Students who commit a bias related crime will also be subject to disciplinary action by the college.

## APPENDICES

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### **The Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act for Medaille College**

<i>The Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act for Medaille College</i>					
CATEGORY	VENUE	2012	2013	2014	2015
CRIMINAL HOMICIDE:	On Campus ***	0	0	0	0
Murder & Non-Negligent					
	In dormitories or other residential facilities	0	0	N/A	N/A
Manslaughter					
	In or on a non-campus building or property	0	0	0	0

	On public property	0	0	0	0
Negligent Manslaughter					
	On Campus	0	0	0	0
	In dormitories or other residential facilities	0	0	N/A	N/A
	In or on a non-campus building or property	0	0	0	0
	On public property	0	0	0	0
SEX OFFENSES:	On Campus ***	1	1	0	0
Forcible					
	In dormitories or other residential facilities	0	0	N/A	N/A
	In or on a non-campus building or property	0	0	0	0
Nonforcible	On public property	0	0	0	0
	On Campus ***	0	0	0	0

	In dormitories or other residential facilities	0	0	N/A	N/A
	In or on a non-campus building or property	0	0	0	0
	On public property	0	0	0	0
ROBBERY	On Campus ***	0	0	0	0
	In dormitories or other residential facilities	0	0	N/A	N/A
	In or on a non-campus building or property	0	0	0	0
	On public property	0	0	0	0
AGGRAVATED	On Campus ***	0	0	0	0
ASSAULT					
	In dormitories or other residential facilities	0	0	N/A	N/A
	In or on a non-campus building or property	0	0	0	0

	On public property	0	0	0	0
BURGLARY	On Campus ***	0	0	0	0
	In dormitories or other residential facilities	0	0	N/A	N/A
	In or on a non-campus building or property	0	0	0	0
	On public property	0	0	0	0

<b><i>The Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act for Medaille College</i></b>					
CATEGORY	VENUE	2012	2013	2014	2015
ARSON	On Campus ***	0	0	0	0
	In dormitories or other residential facilities	0	0	N/A	N/A
	In or on a non-campus building or property	0	0	0	0
	On public property	0	0	0	0
LARCENY	On Campus ***	0	0	0	0



	In dormitories or other residential facilities	0	0	0	0
	In or on a non-campus building or property	0	0	N/A	N/A
	On public property	0	0	0	0
MOTOR VEHICLE THEFT	On Campus ***	0	0	0	0
	In dormitories or other residential facilities	0	0	N/A	N/A
	In or on a non-campus building or property	0	0	0	0
	On public property	0	0	0	0
ARREST FOR:	On Campus ***	0	0	0	0
Liquor law violations					
	In dormitories or other residential facilities	0	0	N/A	N/A
	In or on a non-campus building or property	0	0	0	0

	On public property	0	0	0	0
ARREST FOR:	On Campus	0	0	0	0
Drug related violations					
	In dormitories or other residential facilities	0	0	N/A	N/A
	In or on a non-campus building or property	0	0	0	0
	On public property	0	0	0	0
ARREST FOR:	On Campus ***	0	0	0	0
Weapons possession					
	In dormitories or other residential facilities	0	0	N/A	N/A
	In or on a non-campus building or property	0	0	0	0
	On public property	0	0	0	0
DISCIPLINARY	On Campus ***	0	0	0	0
REFERRALS: Liquor law					
	In dormitories or other residential	0	0	N/A	N/A

violations	facilities				
	In or on a non-campus building or property	0	0	0	0
	On public property	0	0	0	0

***The Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act for Medaille College***

CATEGORY	VENUE	2012	2013	2014	2015
DISCIPLINARY	On Campus ***	0	0	0	0
REFERRALS:					
	In dormitories or other residential facilities	0	0	N/A	N/A
Drug Related violations					
	In or on a non-campus building or property	0	0	0	0
	On public property	0	0	0	0
DISCIPLINARY	On Campus ***	0	0	0	0
REFERRALS:					
	In dormitories or other residential facilities	0	0	N/A	N/A
Weapons possession					
	In or on a non-campus building or property	0	0	0	0
	On public property	0	0	0	0

# CAMPUS SAFETY DISCLOSURE

## *PUBLIC LAW 110-315: HATE CRIMES*

The Higher Education Opportunity Act (Public Law 110-315) requires all colleges and universities to report separately on all hate crimes in the following categories.

CATEGORY	VENUE	2012	2013	2014	2015
CRIMINAL	On Campus ***	0	0	0	0
HOMICIDE:					
Murder & Non-Negligent	In dormitories or other residential facilities	0	0	N/A	N/A
	In or on a noncampus building or property	0	0	0	0
Manslaughter					
	On public property	0	0	0	0
Negligent Manslaughter	On Campus	0	0	0	0
	In dormitories or other residential facilities	0	0	N/A	N/A
	In or on a noncampus building or property	0	0	0	0
	On public property	0	0	0	0
SEX OFFENSES:	On Campus ***	0	0	0	0

Forcible					
	In dormitories or other residential facilities	0	0	N/A	N/A
	In or on a noncampus building or property	0	0	0	0
	On public property	0	0	0	0
Nonforcible	On Campus ***	0	0	0	0
	In dormitories or other residential facilities	0	0	N/A	N/A
	In or on a noncampus building or property	0	0	0	0
	On public property	0	0	0	0
ROBBERY	On Campus ***	0	0	0	0
	In dormitories or other residential facilities	0	0	N/A	N/A
	In or on a noncampus building or property	0	0	0	0
	On public property	0	0	0	0

AGGRAVATED	On Campus ***	0	0	0	0
ASSAULT					
	In dormitories or other residential facilities	0	0	N/A	N/A
	In or on a noncampus building or property	0	0	0	0
	On public property	0	0	0	0
BURGLARY	On Campus ***	0	0	0	0
	In dormitories or other residential facilities	0	0	N/A	N/A
	In or on a noncampus building or property	0	0	0	0
	On public property	0	0	0	0
ARSON	On Campus ***	0	0	0	0
	In dormitories or other residential facilities	0	0	0	0
	In or on a noncampus building or property	0	0	0	0

	On public property	0	0	0	0



# CAMPUS SAFETY DISCLOSURE

## *PUBLIC LAW 110-315: HATE CRIMES*

CATEGORY	VENUE	2012	2013	2014	2015
LARCENY-THEFT	On Campus***	0	0	0	0
	In dormitories or other residential facilities	0	0	N/A	N/A
	In or on a non-campus building or property	0	0	0	0
	On public property	0	0	0	0
BODILY INJURY	On Campus***	0	0	0	0
	In dormitories or other residential facilities	0	0	N/A	N/A
	In or on a non-campus building or property	0	0	0	0
	On public property	0	0	0	0
SIMPLE ASSAULT	On Campus***	0	0	0	0
	In dormitories or other residential facilities	0	0	N/A	N/A
	In or on a non-campus building or property	0	0	0	0
	On public property	0	0	0	0

INTIMIDATION	On Campus***	0	0	0	0
(HARASSMENT)					
	In dormitories or other residential facilities	0	0	N/A	N/A
	In or on a non-campus building or property	0	0	0	0
	On public property	0	0	0	0
VANDALISM	On Campus***	0	0	0	0
	In dormitories or other residential facilities	0	0	N/A	N/A
	In or on a non-campus building or property	0	0	0	0
	On public property	0	0	0	0

## **Judicial Review Board**

The Judicial Review Board (JRB) of Medaille College is designed to assure the student due process when his/her rights as a student at Medaille College are affected.

The Judicial Review Board shall have appellate jurisdiction over a decision rendered at the appropriate administrative level, as prescribed by the organizational chart of the college, and those of the Student Conduct Committee. The JRB is composed of members of the Medaille College community and includes students, faculty and administrators and operates under the preponderance of evidence standard. The bylaws for the JRB are located in the office of the Dean of Students in Office of Student Affairs.

## **Student Conduct Committee**

The Student Conduct Committee (SCC) exists as part of the college's judicial system. The SCC hears complaints of alleged violations of nonacademic policies. An administrator, faculty member, other employee of the college or any student within the Medaille community may initiate such complaints. Complaints will be processed through the college adjudication officer. The SCC is composed of members of the Medaille community and includes students, faculty and administrators, and operates under the preponderance of evidence standard. The bylaws for the SCC are located in the office of the Dean of Students in Office of Student Affairs.