

2023
Nazareth University
Annual Security & Fire Safety Report

Welcome,

At Nazareth University, the safety and security of our campus community are paramount. Students, faculty, staff, guests, and visitors have the right to expect our campus to be a safe environment to live, learn, teach, and work. Campus Safety at Nazareth University is committed to bringing safety and security awareness to the forefront of your day-to-day activities because a safe and secure environment requires resolve and response by all community members at all times.

Consistent with our mission and vision, the Campus Safety team at Nazareth is committed to promoting campus-wide safety in a participatory manner that advances community cooperation and support. Together, in fervent partnership with the community we serve, we can minimize and (in many instances) remove the number of opportunities for crime to occur.

In this context, we are pleased to introduce the Annual Security and Fire Safety report, a comprehensive overview of our efforts and achievements in ensuring campus safety. Please commit to the sizeable responsibility that you share for your personal safety and the safety of those around you by finding time to review the safety and security information contained in this publication.

On behalf of your Campus Safety team, we look forward to serving you and working alongside you toward making a difference. Be ready and be safe!

Ray Cruz, Director of Campus Safety
Nazareth University

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Appendix 1: 2023 – 2024 Nazareth University Title IX Policy

Overview of Campus Safety

Campus Safety is always operational, 24/7, year-round, including evenings, weekends, holidays, and occasions when the University is closed. The Campus Safety Office is located in room 021 of the Shults Center and is staffed by a professional staff member at all times. Campus Safety can be reached at (585) 389-2850, through the Safe@Naz mobile app, or through email at Campussafety@naz.edu.

The Campus Safety team is responsible for campus safety and security; emergency management; incident investigation; and crime prevention education, programming and outreach. Other service areas under Campus Safety's purview include environmental health & safety; fire safety and prevention; parking and transportation; ID cards and card access; special event management; safety escorts; threat assessment and management, repository for lost and found; motor vehicle assistance; and (on campus) vehicular and traffic control.

Campus Safety members are a well-trained team comprised of uniformed campus security officers who are licensed, registered, certified and trained in accordance with regulatory requirements of the New York State Division of Criminal Justice Services. Additionally, Campus Safety employs a large contingency of student auxiliary paraprofessionals that significantly augment our safety and security services. Campus Safety provides continuous patrols of campus properties and grounds and responds to emergency and non-emergency calls for service by foot and vehicle. Campus Safety partners closely with local police, fire and emergency medical services for response on and immediately adjacent to the campus.

For more detailed information on Campus Safety resources and services, visit our website at www2.naz.edu/campus-safety/

Contact Campus Safety:

Otto A. Shults Community Center (Shults), Room 021

- On Campus Emergency or Non-Emergency Assistance: (585) 389-2850
- Off Campus: dial 911 for Monroe County Sheriff's Office
- Campus Blue Lights: two-way call boxes strategically located throughout campus
- Safe@Naz is the official safety app for Nazareth University. This app provides students an immediate connection to resources in an emergency, becomes the primary communication tool with Nazareth Campus Safety, and provides quick and easy access to safety resources (on and off campus) and departments (on campus). Safe@Naz is free to students, staff, faculty, and community members. All students at Nazareth University are strongly encouraged to download this app on their cell phones.

Campus Safety and Security – Your right to know.

The Higher Education Act (HEA) specifies campus safety reporting and disclosure requirements. Nazareth University meets these requirements by way of the Annual Security and Fire Safety Report. In compliance with federal requirements mandated by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act [20 USC 1092(f)], the Campus Safety Department is responsible for preparing, publishing, and distributing the Annual Security and Fire Safety Report by October 1 of each year for the purpose of disclosing and disseminating certain information regarding campus safety and security; crime reporting, disclosure and statistics; fire protection systems and fire statistics; emergency management; and, campus safety and security policies and procedures. Information mandated by this act includes statements about fire safety prevention, education, and programming; emergency readiness, response and evacuation procedures; emergency communications and notifications procedures; missing student notification; crime prevention education, training and programs; alcohol and drug policies; sexual harassment and sexual assault response, education, prevention and programming; and procedures for reporting and responding to sexual assault.

To view the publication electronically, go to the Campus Safety website and select Annual Security and Fire Safety Report from the side menu. You may also request a hard copy by contacting Campus Safety by phone at (585) 389-2850, or by visiting our office located in room 021 of the Shults Center. The crime statistics for Nazareth University are contained in the Annual Security and Fire Safety Report and are submitted to the U.S. Department of Education through a web-based data collection system which can be viewed at the following web address: ope.ed.gov/security. Additionally, beginning in 2022 Campus Safety posts direct links to the most recent published crime statistics for the sake of transparency and ease of consumption.

This federal law is applicable to public and private institutions of higher education that participate in federal student financial aid programs (under Title IV of the Higher Education Act of 1965) and is enforced by the U.S. Department of Education. The act has undergone several legislative amendments since its inception, mainly resulting in expanded reporting requirements, which are addressed by way of this publication.

“Clery Act” Snapshot

The “Clery Act” originally known as the Crime Awareness and Campus Security Act of 1990 is named in memory of Jeanne Ann Clery, a 19-year-old freshman who was raped and murdered at Lehigh University while asleep in her residence hall room on April 5, 1986. The intention of the Clery Act legislation (renamed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in 1998) is to provide students and their families with accurate, complete, and timely information about crime and safety on and near campus. If you would like to know more about the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, visit clerycenter.org.

Campus Law Enforcement Authority, Jurisdiction, and Interagency Cooperation

Campus Safety employs uniformed, non-sworn, security guards who are employees of Nazareth University and are licensed, registered, certified, and trained in accordance with regulatory requirements administered by the New York State Division of Criminal Justice Services. Additionally, and as first responders, Campus Safety Officers receive ongoing training and certifications in key areas such as critical incident management, fire safety, CPR, first aid, NarCan administration (opioid-overdose), administering emergency oxygen, Automated External Defibrillators (AEDs), mental health first aid, alcohol and other drugs, sexual assault investigations, and more.

Campus Safety coordinates and facilitates on campus emergency response with local police, fire, and emergency medical services as needed. Campus Safety Officers are authorized to investigate violations or suspected violations of University Policy and coordinate closely with local law enforcement to investigate violations of criminal law. Campus Safety Officers are unarmed and have the authority to make an arrest within their geographical area of jurisdiction (on campus grounds and premises) for any offense that occurs in their presence, pursuant to the provisions of New York State Criminal Procedure Law PL §140.30(1).

Under a Memorandum of Understanding (MOU) between Nazareth University and the Monroe County Sheriff's Office (MCSO), the University, and MCSO set forth their understanding of their respective duties, obligations, and legal requirements concerning the coordination of law enforcement efforts. MCSO has jurisdiction on campus properties owned, leased and controlled by the University and provides police services on said properties. Under the agreement, MCSO agrees to inform Campus Safety of any emergencies that may affect the safety of our students, faculty or staff. Conversely, Campus Safety is required to notify MCSO of any serious criminal incident or situation that occurs on university owned, leased and controlled properties, including missing students and violent felony offenses. As a result, criminal activity becomes a matter of public record and is subject to investigation and action (including arrest) by MCSO. Victims of sexual assault have the right to decide whether or not to report sexual assault to local law enforcement and the University works closely with victims to facilitate notification and resources while protecting confidentiality and disclosure to the greatest extent possible. The two agencies coordinate closely and share information throughout the course of respective investigations. Campus Safety strongly encourages victims of crime to report to MCSO and provides assistance in facilitating reporting if the victim chooses.

The University receives crime statistical data from MCSO (as well as other local and state law enforcement agencies) for inclusion in our Annual Security and Fire Safety Report. Regular meetings with these agencies are held on both a formal and informal basis, and crime-related reports, activity, patterns, and trends are shared as appropriate.

As a proprietary security department, Campus Safety Officers maintain two-way radio communication with the Campus Safety Dispatcher and are responsible for reporting and responding to violations of law, campus rules and regulations, emergency conditions, and other safety and security hazards and risks. Campus Safety Dispatchers are responsible for monitoring radio communications and prioritizing and dispatching (emergency and non-emergency) calls for service received by phone and walk-in. Campus Safety Dispatchers also monitor panic/duress, intrusion, detection, and fire safety systems and alarms for a number of areas and locations across campus. Campus Safety dispatch has immediate and direct contact with the Monroe County Sheriff's Office 9-

1-1 Center for matters requiring police, fire and emergency medical services, and partners closely with same for an expeditious, orderly, and coordinated response to emergency conditions on campus.

Campus Safety responds to calls for service received and will promptly investigate and document incidents/cases and conditions for corrective action, and timely notification and referral to appropriate offices and officials. Campus Safety is also an active member of a number of campus multidisciplinary, assessment teams for early warning and intervention, including the University's behavioral intervention teams (BIT) and Nazcares, as well as Monroe County's Rochester Threat Advisory Committee (ROCTAC).

Quantifying Service to our community – Campus Safety’s Fiscal year report

We are proud to introduce Campus Safety's fiscal year report, a comprehensive reflection of our unwavering commitment to ensuring the safety and well-being of our university community. At Campus Safety, we prioritize a systematic approach that hinges on process refinement, adherence to robust policies, and data-driven decision-making. This report serves as a testament to our dedication to measuring not just the quantity of work we undertake but, more importantly, the quality of impact we generate throughout the year. Through meticulously collected data and insightful analysis, we aim to provide a clear picture of how our department's actions positively influence the safety and security of our university, reinforcing our pledge to create a secure environment for all.

	7/1/22 - 9/30/22 Q3 - 2022	10/1/22 - 12/31/22 Q4 - 2022	1/1/23 - 3/31/23 Q1 - 2023	4/1/23 - 6/30/23 Q2 - 2023	TOTAL 2022/2023	2021/2022	
Parking & Transportation							
Parking Permits Issued	1857	157	518	73	2605	2224	17.13%
Patrol and Security							
Building Patrols	7890	6564	5945	7056	27455	25343	8.33%
Parking Lot Patrols	3284	2768	4431	6818	17301	10001	72.99%
Phone Calls Answered by Dispatch	4993	4222	4880	4485	18580	19627	-5.33%
Lock/Unlock Buildings	1137	894	979	1166	4176	4043	3.29%
Mechanical Checks	872	702	851	1138	3563	3144	13.33%
Cooler/Freezer Kitchen Checks	1014	1074	1358	1983	5429	4274	27.02%
Departmental Overtime	1596.75	1505.75	1335.25	849.5	5287.25	5964.25	-11.35%
Calls for Service							
Personal Assists	197	167	158	109	631	978	-35.48%
Escorts/Transports	73	114	156	77	420	322	30.43%
Medical Escorts	30	26	23	21	100	81	23.46%
Unlock Requests	884	1144	707	491	3226	3996	-19.27%
Incident Reports	135	223	170	126	654	660	-0.91%
Follow-Up Reports	167	320	307	158	952	552	72.46%
Safe@Naz Chat sessions	87	57	60	35	239	0	100.00%
Safe@Naz Report Submissions	12	17	3	2	34	0	100.00%
Safe@Naz Social escape use	50	10	7	3	70	0	100.00%
Safe@Naz User Registrations	739	84	83	28	934	0	100.00%
Safe@Naz Virtual Bluelights	103	30	19	10	162	0	100.00%
Safe@Naz Friend Walks	60	17	11	2	90	0	100.00%
TOTAL					7512	6589	14.01%
Training							
Bloodborne Pathogens	783	56	152	92	1083	1092	-0.82%
Crowd Manager	16	27	4	33	80	84	-4.76%
Campus Security Authority Training	0	225	10	2	237	0	100.00%
Campus Security Authority Survey	0	0	213	139	352	0	100.00%
Approved Drivers	29	32	19	9	89	43	106.98%
CPR/AED/First Aid	208	4	15	36	263	133	97.74%
Tabletop Scenarios	0	0	0	2	2	0	100.00%
Active Shooter training	0	20	15	30	65	18	261.11%
Laboratory safety	20	0	12	0	32	50	-36.00%
Residential Life Fire Safety	50	0	0	0	50	50	0.00%
TOTAL					2253	1470	53.27%
Departmental Policy Review							
	2	2	2	17	23	4	475.00%

Commendations (Employee Recognition) and Complaints (Allegations of Employee Misconduct)

Consistent with our mission and vision, it is our desire that your encounters with Campus Safety members personify behaviors that are consistent with quality, caring, and value-driven service, as demonstrated by our actions and our words.

Commending a Campus Safety Member: If you would like to commend an officer, supervisor, student, or another department member for outstanding service and professionalism in the performance of their duties, you may contact the Director of Campus Safety at (585) 389-2847 or rcruz81251@naz.edu. Be prepared to provide the name of the department member, the action you would like to commend, and the date and approximate time that the action occurred. Upon receipt, information received will be forwarded to the department member. Written commendations are welcome and encouraged.

Allegations of Misconduct: The University has an established formal complaint process with procedures for addressing allegations of employee misconduct. These internal policies and guidelines provide for corrective action as appropriate, while at the same time protecting employees from unwarranted criticism when duties are properly performed. In general, the process involves reporting the alleged misconduct to Campus Safety who will collaborate with the Office of Human Resources on complaints regarding the misconduct of a Campus Safety member. Campus Safety ensures complaints are promptly investigated and handled in a just manner and takes into consideration the rights of the accused, the rights of the complainant, and the safety and needs of the University community while the investigation is being conducted.

Complainants are encouraged to submit complaints as soon as possible (immediately following the incident), to ensure accurate and detailed information is captured. Complainants are strongly encouraged to submit complaints in writing, although it is not necessary to submit a written complaint in order for it to be investigated. As an option, complainants may report in person (Shults, Room 021) or by phone at (585) 389-2850. A supervisor is on duty at all times and complainants reporting in person or by phone should ask to speak with the on-duty supervisor. Complainants should be prepared to provide (at minimum) the date, time, location, and summary of the incident. Should the complaint involve a supervisor, complainants may opt to contact the Director of Campus Safety at (585) 389-2847 or by email at rcruz81251@naz.edu.

Irrespective of the method selected to file a complaint, contact will occur for follow-up, as part of the investigation. After a prompt and thorough investigation, Campus Safety will inform the complainant of the findings and disposition. Please note that any disciplinary action taken will not be disclosed to the complainant, consistent with university policy regarding personnel matters.

After the investigation and complainant's notification of disposition, if the complainant has further questions or concerns, the complainant may contact the Director of Campus Safety. Complainants may also contact the Vice President for Finance and Administration at (585) 389- 2020, or kkuppin9@naz.edu. Campus Safety reports directly to the Vice President for Finance and Administration.

Reporting Criminal Incidents and Other Emergencies

Reporting Emergencies

Timely information sharing is critical to our success in protecting our community. For emergency conditions occurring on and immediately adjacent to campus, Campus Safety is the best point of contact because we can respond quickest, are intimately familiar with the campus, and are available 24/7, year-round. When you contact Campus Safety at 585-389-2850, the dispatcher will contact appropriate authorities and/or emergency care providers as needed, including police, fire, and/or emergency medical responders.

Immediately report crime, dangerous conditions, safety hazards, and unusual/suspicious persons, vehicles, activity, or packages to Campus Safety:

- On-campus phone: Extension 2850 or 585-389-2850
- SAFE@NAZ - Safe@Naz is the official safety app for Nazareth University. This app provides students an immediate connection to resources in an emergency, becomes the primary communication tool with Nazareth Campus Safety, and provides quick and easy access to safety resources (on and off campus) and departments (on campus). Safe@Naz is free to students, staff, faculty, and community members. All students at Nazareth University are strongly encouraged to download this app on their cell phones. Within the app there are multiple ways for users to communicate with Campus Safety for urgent and non-urgent situations.
- Blue light phones: Strategically located throughout campus, including the tunnels, and can be used for assistance or for any emergency situation. Blue-light phones put callers in direct two-way contact with Campus Safety dispatch.

Note: Dialing “9-1-1” from a cellular phone will put you in direct contact with Monroe County’s Emergency Communications Department (point of central reception). In general, for activity occurring on the Nazareth campus, the county 9-1-1 center will then contact and relay information to Nazareth Campus Safety. As a redundancy, Campus Safety is alerted to all calls to 911 that come from an on campus, network connected phone.

Campus Safety is responsible for acting on information received, whether criminal or noncriminal in nature, including responding and investigating, based on the information provided. In addition, the Monroe County Sheriff’s Office will be notified of serious criminal incidents or situations that occur on university owned, leased and controlled properties, including missing students, violent felony offenses and hate crimes, as defined by New York State Law. For additional reporting mechanisms, options, and disclosure information specific to Sexual Misconduct, refer to the section titled Sexual Misconduct (Sexual Harassment and Sexual Assault).

If You See Something, Say Something

It takes a community to protect a community. Because only you know what is ordinary in your everyday routine, if you see something unusual that you know shouldn’t be there — or someone’s behavior doesn’t seem quite right — say something. Public safety is everyone’s responsibility. Report suspicious activity to Campus Safety (on campus), local law enforcement (off campus), or a person of authority. When reporting, focus on observable behavior and key descriptors versus assumptions based on appearance. If You See Something, Say Something is a national campaign sponsored by the U.S. Department of Homeland Security.

Crime Reporting, Crime Statistics, and Campus Security Authorities

In accordance with the “Clery Act,” Nazareth University discloses statistics concerning the occurrence of certain criminal offenses reported to Campus Safety, local law enforcement agencies, and any official of the institution identified as a “Campus Security Authority.” A Campus Security Authority (CSA) is a campus security official with significant responsibility for campus and student activities. At Nazareth University, CSAs include all Campus Safety staff, including student auxiliary staff; Residential Life staff, including Residential Advisors and Area Coordinators; Faculty and Staff Advisors to student groups; Athletic Department Staff; Title IX Coordinators; and anyone who has been identified by the University as offices or officials to whom students and employees should report criminal offenses.

CSA’s must report the following Clery reportable crimes to Campus Safety (defined in accordance with the FBI’s Uniform Crime Reporting Handbook; and, for sex offenses only, in accordance with definitions from the FBI’s National Incident-Based Reporting System); definitions to each are contained in a later section titled Definitions of Reportable Crimes: Criminal Homicide: murder and non-negligent manslaughter; Criminal Homicide: negligent manslaughter; Sexual Assault: rape, fondling, statutory rape, and incest; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; Arson; Liquor Law, Drug Law, and Weapon Law Violations (not University policies and regulations); Hate Crime: Larceny-Theft, Simple Assault, Intimidation, Destruction/Damages/Vandalism of Property, and Criminal Offense (as categorized above); and, Other Crime: Domestic Violence, Dating (Intimate Partner) Violence, and Stalking.

-Reporting Criminal Offenses

In addition to the CSA’s listed above all members of the Nazareth University Community including students and employees may report criminal offenses to the below for the purpose of making timely warning reports and the annual statistical disclosure.

Pastoral and professional counselors may, if, and when they deem it appropriate, inform the persons they are counseling that of their ability to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Name	Title	Office Location	Email	Phone
Vicky Gebel	Director of Residential Life	Kearney Hall	vgebel14@naz.edu	389-2840
Heather Sourwine	Title IX Coordinator	Shults 100A	hsourwi8@naz.edu	389-2877
Ray Cruz	Director of Campus Safety	Shults 100C	reruz81251@naz.edu	389-2847
Kim Harvey	Dean of Students	Shults 100D	kharvey8@naz.edu	389-2023

Additionally, the school is required to disclose statistics for Clery offenses that occur on campus, in or on non-campus buildings or property owned or controlled by our school, and public property within or immediately adjacent to our campus. Moreover, the University has a responsibility to notify the campus community about certain crimes and conditions that pose an immediate or ongoing threat to the campus community, as outlined in the section titled Emergency Notifications and Communications.

Every institution wants its campus community to report crime to campus law enforcement; although, we are keenly aware that this does not always occur, for various reasons. We strongly encourage victims to immediately report crime and have it investigated. However, we do so with the understanding that an investigation will occur only if the victim chooses, and with the victim's understanding of our reporting obligations in accordance with our MOU with the Monroe County Sheriff's Office. Victims of a crime on campus can make a voluntary, confidential report to Campus Safety about the crime and choose not to have it further investigated. The purpose of a confidential report is to comply with the victim's wish to keep the matter confidential, while taking steps to ensure the future safety of the victim and others. With such information, the University can keep accurate records of the number of incidents; determine whether there is a pattern of crime with regard to a particular location, method, or perpetrator; and alert the campus community to potential danger and safety measures. Reports filed in this manner are counted and disclosed in the annual crime statistics for the University.

Nazareth University is committed to transparency and compliance with federal regulations. Upon written request, the institution will disclose to the alleged victim of a crime of violence (as defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the outcome of any disciplinary proceeding conducted by the university against a student who is the alleged perpetrator of such crime or offense. In the unfortunate event that the alleged victim is deceased as a result of such crime or offense, the next of kin of the victim will be treated as the alleged victim for the purposes of this disclosure.

Section 16 of Title 18, United State Code defines various offenses related to crimes of violence and the use of force in the commission of crimes. It provides legal definitions and classifications for offenses that involve violent or forceful acts, which can have implications for criminal prosecution and legal proceedings.

Some of the crimes and offenses defined or classified under Section 16 of Title 18 include offenses like assault, homicide, manslaughter, robbery, and other violent crimes where force or the threat of force is a key element. The definitions and classifications in this section are important for legal clarity and consistency in the prosecution and handling of such cases within the federal jurisdiction of the United States.

Campus Security Authorities General Order



NAZARETH UNIVERSITY

Campus Safety Department

General Order (GO) No: 2.35	Supersedes: N/A
Effective Date: 8/23/2023	Relates/Refers to GO: CSA Moodle Course, CSA in-person training presentation, CSA crime reporting form, CSA List
Subject: Campus Security Authorities	Distribution: Department Administration
Revised: 8/24/2023 & 9/20/2023	Is GO on the website: Yes
Is GO in the ASR: Yes	Is GO in Report Exec: No
Revision Note: 2023 Moodle course link updated. Added to ASR and website.	
Revision Distribution: No, not substantive.	

Purpose

In order for the University to meet its obligations to the Clery Act the University is required to identify, train, and obtain statistics for reported crimes to Campus Security Authorities (hereafter CSA). When CSA's report information about alleged criminal activity that occurs on or near campus, it helps Nazareth take steps to ensure campus safety and to fully and accurately comply with its reporting obligations.

Background

"Campus security authority" is a *Clery Act*-specific term that encompasses four groups of individuals and organizations associated with an institution.

- A campus police department or a campus security department of an institution. If your institution has a campus police or security department, all individuals who work for that department are campus security authorities. A security department can be as small as one person.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property). Include individuals such as those who provide security at a campus parking kiosk, monitor access into a campus facility, act as event security, such as for sporting events or large, registered parties, or escort students around campus after dark (including other students).
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An

official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

Specific examples of individuals who meet the criteria described in the fourth bullet are listed below. Note that these examples are taken directly from [The Handbook for Campus Safety and Security Reporting: 2016 Edition](#)

- a dean of students who oversees student housing, a student center or student extracurricular activities;
- a director of athletics, all athletic coaches (including part-time employees and graduate assistants);
- a faculty advisor to a student group;
- a student resident advisor or assistant;
- a student who monitors access to dormitories or buildings that are owned by recognized student organizations;
- a coordinator of Greek affairs;
- a Title IX coordinator;
- an ombudsperson (including student ombudspersons);
- the director of a campus health or counseling center;
- victim advocates or others who are responsible for providing victims with advocacy services, such as assisting with housing relocation, disciplinary action or court cases, etc.;
- members of a sexual assault response team (SART) or other sexual assault advocates; and
- Officers from local law enforcement who are contracted by the institution to provide campus safety-related services.

Scope & Compliance

This General Order applies to Nazareth University Campus Safety Department Administration and serves to document the business process related to Campus Security Authorities.

Instructions

Identification of CSAs

Campus Safety is responsible for identifying CSA's and may collaborate with the relevant supervisor, Dean, Department Head, or Human Resources as needed to determine if an individual's responsibilities meet the definition of a CSA.

Considerations

Campus Safety may consider the individual's or office's function at Nazareth as well as if the individual or office is listed in the 2016 Handbooks description of CSA's. Campus Safety may also consider the individuals role at Nazareth, and whether:

- Their official job responsibilities involve significant interaction with students and/or campus activities.
- They serve as informal or unofficial mentors to students.
- They serve as a member in an office or of a committee to whom students are instructed and informed to report or discuss crimes, allegations of crimes, and other troubling situations and/or
- They have oversight for disciplinary procedures.

Title, pay, being a student, and whether the individual or office does not wish to be a CSA will not be considered.

CSA exemptions

As stated in the 2016 Handbook Pastoral Counselors and Professional Counselors functioning within the scope of their license or certification will not be identified as CSA's. Additionally, Faculty members who are not advisors of students groups (i.e., no responsibility for student or campus activities beyond the classroom), and most support staff (Facilities, Food Service, Clerical, etc....) will not be identified as CSAs.

Notification of CSAs

CSA's will be notified of their responsibilities in official correspondence from the Director of Campus Safety or designee. (Attached)

Training CSAs

Once CSAs have been identified they will be trained annually in their responsibilities. This training may be accomplished via electronic delivery of a Moodle course, though some training may be conducted face-to-face. Specifically, when training large groups of CSA's in a single Department or field it may be prudent for Campus Safety to schedule time at various all-hands meetings including with Campus Safety, Residential Life, Athletics, and Campus Operations. The link to the Moodle course will be sent directly to the CSA.

Obtaining statistics for reported Crimes

After CSAs have been identified and trained, they will be required to positively confirm or deny that any crimes have been reported to them. Campus Safety will send a reminder to CSA's twice per year, generally in January and May with information on how to report crimes.

Responsibilities

The Clery Act requires schools to annually disclose Clery crime reports received by a Campus Security Authority or local law enforcement. These statistics are disclosed to its employees, students, and the public in an [Annual Security Report \(ASR\)](#).

In order for the University to meet its obligations to the Clery Act the University is required to identify, train, and obtain statistics for reported crimes to Campus Security Authorities. CSA crime reports are used by the school to fulfill its responsibility to annually disclose accurate crime statistics; and to issue or facilitate the issuance of timely warnings or emergency notifications for crimes that pose a serious or continuing threat to the campus community. If a crime is reported to a CSA, but goes no further than that, the school won't have fulfilled its obligation under the law, and campus community members might not have the information they need to stay safe on campus. It is thus imperative that CSA's collect and document relevant information regarding crime reports brought to their attention and relay reports of criminal activity to Campus Safety without delay.

Timeline

This GO is effective immediately upon approval.

Reporting

CSA reports to Campus Safety

Information Campus Security Authorities are required to report:

- The date/time the crime was reported to the CSA
- The date/time the crime occurred
- Information about the crime and the surrounding circumstances including where the crime occurred.

If a CSA is unsure of whether an incident is a *Clery Act* crime, or even if it's criminal in nature, they should report it to Campus Safety.

CSA crime reports should include personally identifying information if available. This is important for law enforcement purposes and to avoid double counting crimes. Even if the Reporting Party does not want to formally report the incident to campus officials or police the Clery Act requires that CSA's report the disclosure of a crime to the officials responsible for cataloging Clery Act crime statistics (Campus Safety).

If an individual reporting an incident needs assistance, a CSA should explain how to get help. Let a victim know that help is available even if he or she does not want an investigation conducted. The decision to act on this option is the victims. In the midst of an emergency situation, such as a physical assault, however, a CSA should contact Campus Safety or call 911 off campus as appropriate.

How CSAs should report to Campus Safety:

Nazareth University requires all CSAs to report crime to the Campus Safety Department without delay after the crime is reported to them. CSA's may report the crime in a number of ways:

- Using the "Report" function of the University's Safe@Naz mobile application.
- By phoning 585-389-2850
- By emailing campussafety@naz.edu
- In person in the Campus Safety Office – Shults 021

What Shouldn't a Campus Security Authority Do?

A campus security authority is not responsible for determining authoritatively whether a crime took place—that is the function of Campus Safety. A campus security authority should not try to apprehend the alleged perpetrator of the crime or investigate the crime. That too is the responsibility of Campus Safety. It's also not a CSA's responsibility to try and convince a victim to contact law enforcement if the victim chooses not to do so.

Contacts

The Director of Campus Safety serves as Nazareth's Clery Compliance Officer.

Recordkeeping

Campus Safety will be responsible for keeping a list of CSAs to include name, title, department, email, function as relates to being a CSA as well as records that support when the individual was notified of their responsibility, trained, and when they were asked to submit reports of criminal activity that they may have received.

Amendments and Revisions

This GO may be amended or revised as needed to ensure its alignment with applicable laws, regulations, and best practices. Any proposed amendments or revisions should be communicated to the Assistant Director of Campus Safety for review and approval. This GO has been reviewed and approved by the undersigned. Any changes to this GO require the same level of review and approval before implementation.

Campus Reporting Options for Sexual Misconduct

The University is committed to providing a variety of welcoming and accessible means of (inclusive of sexual harassment and sexual assault). To enable the University to respond to all reports of sexual misconduct in a prompt and equitable manner, the University encourages all individuals to directly report any incident to any of the following individuals:

Name	Title	Office Location	Email	Phone
Vicky Gebel	Director of Residential Life	Kearney Hall	vgebel4@naz.edu	389-2840
Heather Sourwine	Title IX Coordinator	Shults 100A	hsourwi8@naz.edu	389-2877
Ray Cruz	Director of Campus Safety	Shults 100C	reruz81251@naz.edu	389-2847
Kim Harvey	Dean of Students	Shults 100D	kharvey8@naz.edu	389-2023

With the exception of those employees specified as “Confidential Resources”, all University employees, including faculty, staff, administrators, and students who are Resident Assistants, are required to share with the Title IX Coordinator any report of sexual assault or harassment they receive or of which they become aware. For a more comprehensive and detailed description of confidential resources for reporting sexual misconduct (inclusive of sexual harassment and sexual assault), refer to the section titled Sexual Misconduct (Sexual Harassment and Sexual Assault) or the Sexual Misconduct Policy Manual.

Monitoring and Recording Off-Campus Criminal Activity

When a Nazareth University student is involved in an off-campus offense, Campus Safety Officers may be requested to assist with the investigation in cooperation with local, state, and/or federal law enforcement. Monroe County Sheriff’s Office, Rochester Police, and New York State Police routinely work and communicate with Campus Safety on serious incidents occurring on campus or in the immediate neighborhood and business areas surrounding campus. Nazareth University operates no off-campus housing or off-campus student organization facilities; however, undergraduate and graduate students live in the neighborhoods surrounding the University. Officers from Campus Safety have primary jurisdiction in all areas on campus but do not have jurisdiction in off-campus areas. Nazareth University officers may respond to student-related incidents that occur near the campus.

Security and Access to Campus Facilities and Residence Halls

Members of the campus community, as well as guests and visitors, have access to most campus buildings and facilities during normal business hours, Monday through Friday, and for limited hours on Saturdays and Sundays when the University is in session (excluding most holidays). All exterior doors to the residence halls are locked 24 hours a day and are equipped with a card access system. Students living in each residence hall must access their building using their University ID. Guests and visitors need to meet the student they are visiting at the entry to gain access to the building.

Campus Security and Residential Life conduct routine rounds and patrols of all residential facilities and immediately report door and security hardware problems for repair and maintenance. Members of the University community are strongly encouraged to immediately report faulty hardware and mechanisms to Facilities or to Campus Safety after hours. The propping of exterior doors is prohibited, and violations of university policy are referred to Student Conduct for appropriate action.

Exterior lighting is an important part of the University's commitment to safety and security. Parking lots, pedestrian walkways, and building exteriors are well lit and further augmented by blue light emergency/assistance call boxes strategically located across campus. Members of the campus community are encouraged to immediately report any exterior lighting problems or inefficiencies to Facilities or after hours to Campus Safety. Exterior doors of campus academic facilities are patrolled, locked and secured each evening by members of the Campus Safety Department, as scheduled. Shrubbery, trees, and other vegetation are landscaped on a regular basis for unobstructed view, and exterior lighting is surveyed annually for potential enhancements.

-Missing Persons Notification Policy and Procedures

If a student, employee, or other individual has reason to believe that a student who resides on campus is missing, they should immediately notify Campus Safety at (585) 389-2850. Missing persons may also be reported to the below. In the event that a missing person is reported to any of the below they will refer the matter to Campus Safety immediately.

Name	Title	Office Location	Email	Phone
Vicky Gebel	Director of Residential Life	Kearney Hall	vgebel4@naz.edu	389-2840
Heather Sourwine	Title IX Coordinator	Shults 100A	hsourwi8@naz.edu	389-2877
Ray Cruz	Director of Campus Safety	Shults 100C	rcruz81251@naz.edu	389-2847
Kim Harvey	Dean of Students	Shults 100D	kharvey8@naz.edu	389-2023

In compliance with HEA Title IV, Section 485(j) the following notification policy and procedures for students residing in on-campus housing are adhered to by Nazareth University and Campus Safety concerning missing persons:

1. Students may, but are not required to, identify an individual or individuals who shall be contacted by Nazareth University not later than 24 hours after the time the student is determined missing by Campus Safety. Students who wish to provide a confidential contact can do so by emailing the information to emergencycontact@naz.edu. Confidential contact information will be accessible only to authorized campus officials, and it may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.
2. All students, including those who are under 18 years of age and not emancipated are advised that a custodial parent or guardian (and any additional contact person(s) designated by the student) will be notified within 24 hours after the student is determined missing in accordance with the procedures herein.
3. When the University receives a missing person report from any member of the University community on a student who resides in on-campus housing, the report will be forwarded to Campus Safety without delay.
4. If Campus Safety receives a report of a missing student and upon investigation determines that a student has been missing for more than 24 hours, then Campus Safety will:
 - o Notify all individuals identified by the student to be contacted in this circumstance;
 - o If the student is under 18 years of age and not emancipated, notify a custodial parent or guardian (and any additional contact person(s) designated by the student); and,
 - o Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, inform the law enforcement agency that has jurisdiction.

“Suzanne’s Law” (Missing Persons)

Signed into law by President George W. Bush as part of the national “Amber Alert” bill, this federal law requires law enforcement to notify the National Crime Information Center (NCIC) any time a person under age 21 is reported missing. Previously police were only required to report missing persons under the age of 18. The law is named after Suzanne Lyall, a 19-year-old State University of New York at Albany student who went missing in March 1998. The law is intended to impel police to initiate prompt investigations of young persons who have gone missing. Campus Safety at Nazareth University complies with this law.

Crime Prevention, Fire Safety, and Early Intervention

One of the goals of Campus Safety is to prevent crimes rather than simply respond to them. The University's comprehensive crime prevention programs are designed to eliminate and minimize opportunities for crime to occur, whenever possible, and to encourage students and employees to take responsibility for their personal safety while looking out for others. Campus Safety sponsors a variety of programs and presentations throughout the year to inform students and employees about emergency management, fire safety, and campus safety and security programs, procedures, crime prevention, and practices.

Ongoing safety and security programming includes orientation and classroom presentations for staff, students, and orientation leaders, including Residential Life professional and student staff; sexual assault prevention, response and education; fire safety presentations and demonstrations; emergency readiness and response presentations; alcohol and other drugs; Student Conduct Code policies and procedures; and various other forums and discussion panels as scheduled or upon request. Training opportunities provided by Campus Safety include the following:

- Cardio-Pulmonary Resuscitation and Automated External Defibrillators: Nazareth University has partnered with CPRCertified to provide training to students, faculty and staff in life-saving CPR and AED use.
- First Aid: Nazareth University has partnered with CPRCertified to provide training to students, faculty and staff in lifesaving first aid.
- Bloodborne Pathogen Prevention: Reviews important information about Bloodborne Pathogens including how diseases are spread and how to prevent infection.
- Driver Training: Series of training courses to certify drivers (students, staff, and faculty) for use of University -owned vehicles. Includes defensive driving training and vehicle orientation.
- Active Shooter Preparedness: Active hands-on and classroom training on how to respond to an active shooter or other violent event. Incorporates the federal (Department of Homeland Security) RUN-HIDE-FIGHT guidelines.
- Fire Safety and Prevention: Variable length training on the characteristics of fire, fire prevention techniques, and what to do in a fire emergency.
- Fire Extinguishers: Hands-on training centered on why and how to use fire extinguishers to combat a fire.
- New Student Orientations: Provide basic safety information to new students, as well as the services provided by Campus Safety.
- New Employee Orientations: Provide fundamental safety, security, and emergency preparedness and response information to new staff and faculty members, including services provided by Campus Safety.
- Department/Area Specific Safety Training: Campus Safety partners with various departments and areas to train students, faculty and staff about safety and security, crime and crime reporting, injury/accident prevention, fire safety, emergency procedures, and other hazards/risks and preventive measures specific to their area/location and responsibilities.
- Safe Chemical/Lab Safety Handling Training: Program designed to teach proper use, storage, and disposal of chemicals in an academic environment.

Employee, and Student Orientation Presentations

A presentation is made to all new students during orientation. Together with the Offices of Residential Life, Title IX, and Counseling and Health Services, Campus Safety provides an overview of campus safety and security services and resources; crime and fire safety prevention; emergency readiness and response systems, communications, and guidelines for action; and instruction on how and whom to report crime and other emergencies. The same information is presented to staff and faculty during new employee orientation, and as needed, or upon request.

Residence Hall Presentations

Crime prevention and fire safety presentations are conducted regularly for residential students, as scheduled and upon request.

Presentation Requests

A number of crime prevention and fire safety presentations are available to campus groups or organizations through Campus Safety. If you have an interest in having an officer present on a specific or specialized topic, contact a Campus Safety administrator during normal business hours at (585) 389-2850.

NazCares

The University has established the NazCares Team to assist in addressing situations in which students are displaying behaviors that are concerning, disruptive, or threatening in nature and that potentially impede their own or others' ability to function successfully or safely. For more information go to <https://www2.naz.edu/student-experience-division/nazcares/>

Behavioral Intervention Team – Threat Assessment at Nazareth University

The Nazareth University Behavioral Intervention Team (BIT) is a proactive and well-trained team committed to ensuring the overall safety of the campus community. The team accomplishes this charge through a coordinated, objective approach to prevention, identification, assessment, intervention, and management of situations that pose, or may reasonably pose, an elevated threat to the safety and well-being of the campus community.

The core team is comprised of a cross-section of Nazareth employees, including two faculty members and staff from the following offices: Campus Safety, Retention and Student Success, Enrollment and Student Experience, Health and Counseling, Human Resources, and Residential Life. Beyond its core membership, the team consults with other offices and officials of the University, and external entities, on an as-needed basis. The group meets monthly and participates in specialized, on-going training.

The BIT convenes whenever there is a reported situation that constitutes an elevated threat to the safety and well-being of the campus community. A formal meeting will have at least three members in attendance. The Director of Campus Safety (or designee) is authorized to activate the team. The Director of Campus Safety (or designee) is authorized to make decisions deemed necessary with or without convening the team and is responsible for making timely notification to the University's Crisis Action Team, as appropriate.

Whenever the BIT convenes, its members will assess the circumstances and decide what steps will be taken to de-escalate the situation to address the safety issues presented. If needed, the team will gather additional information. The chair of the team (or designee) will communicate the group's action plan to the appropriate (internal and/or external) resources needed to implement the plan. The team will continue to monitor the situation and/or revise the action plan until the elevated safety concern is sufficiently reduced or removed. The work of the BIT is focused solely on assessing and addressing serious threats to the Nazareth University campus and community and does not supersede or replace the University's Crisis Action Plan, Student Conduct process, or Human Resources employment processes, practices, and procedures. In any situation that poses an immediate threat to life or safety, contact Campus Safety (24/7 year-round) at (585) 389-2850. For emergencies occurring off campus call 911.

University Advisory Committee on Campus Safety and Security (All-University Standing Committee)

This committee is responsible for promoting a safe and secure campus environment through information sharing and providing a platform for safety and security matters to be heard and evaluated. The committee makes policy recommendations to the Senior Vice President for Finance & Administration and other appropriate persons regarding campus safety and security.

As required by New York State law, the University Advisory Committee on Campus Safety and Security shall review current campus security policies and procedures and make recommendations for their improvement. It shall specifically review the current policies and procedures: (1) for educating the campus community, including security personnel and those persons who advise or supervise students, about sexual assault, domestic violence, and stalking offenses pursuant to the New York State Education Law 6432 (2) for educating the campus community about personal safety and crime prevention, (3) for reporting sexual assaults, domestic violence and stalking incidents and assisting victims during investigations, (4) for referring complaints to appropriate authorities, (5) for counseling victims, and (6) for responding to inquiries from concerned persons.

The committee shall report its findings and recommendations each academic year in writing to the Vice President for Finance & Administration. A copy of the report of the University Advisory Committee on Campus Safety and Security is available upon request. Additionally, the committee will provide (upon request) all campus crime statistics as reported to the United States Department of Education.

The committee reports to the Vice President for Finance & Administration. The group meets regularly throughout the year.

-Bias related and Hate Crimes Reporting

In compliance with amended New York State legislation, in September 2023 Campus Safety took the following steps:

- Posted incidents of hate crime offenses as a separate, clearly designated category on the campus safety website.
- Added information regarding hate crimes to the University's onboarding process. Specifically, the PowerPoint Campus Safety uses for all orientations.
- Added language to the Annual Security & Fire Safety Report regarding a plan for investigating hate crimes in the same way that violent felonies are investigated, as described on page 5.

Campus Safety Escorts

Nazareth University is committed to maintaining a safe and secure environment for all students, faculty, staff, and visitors. Safety escorts are provided as a proactive measure to ensure the personal safety of individuals who may feel vulnerable or require assistance while moving across campus, especially during evening hours or in secluded areas.

Campus Safety Officers are available to accompany any member of the campus community to and from any on-campus location. To obtain a security escort, contact Campus Safety at (585) 389-2850, or use any blue-light (two-way) call box located strategically throughout campus.

The Nazareth University Campus Safety Department, as of approximately 2020, no longer operates a shuttle service except for certain special events.

Blue-Light Emergency Call Box

The campus exterior is equipped with multiple “blue-light” telephones that when activated, connect callers directly to Campus Safety. There are over 70 blue-light telephones situated at strategic locations near roadways, sidewalks, and pathways, throughout campus. These telephones are mounted on poles that have a bright blue light at the top so that they can be seen from a distance. Blue-light telephones provide, at the touch of a button, direct and immediate voice contact with Campus Safety. While the dispatcher is receiving information from the caller, the location of the caller is identified, and a Campus Safety Officer is immediately dispatched to assist the caller. While these phones serve as another means for reporting emergency conditions, the campus community is invited to use these devices to call Campus Safety for non-emergency assistance or service.

Safe@Naz

Safe@Naz is the official safety app for Nazareth University. This app provides students an immediate connection to resources in an emergency, becomes the primary communication tool with Nazareth Campus Safety, and provides quick and easy access to safety resources (on and off campus) and departments (on campus). Safe@Naz is free to students, staff, faculty, and community members. All students at Nazareth University are strongly encouraged to download this app on their cell phones. Within the app there are multiple ways for users to communicate with Campus Safety for urgent and non-urgent situations.

Emergency Communications and Notifications

NazAlert – Mass Emergency Notification System (ENS) Nazareth University partners with Rave Mobile Safety to provide a centralized, easy-to-use emergency notification system (ENS) called “NazAlert” that is capable of delivering mass notifications to reach all students, faculty, and staff with time sensitive information during unforeseen events or emergencies. The system is part of the University’s multi-layered approach to emergency management and uses voice, email, and text messaging to allow Nazareth University officials to provide pertinent details and instructions in an emergency.

NazAlert is used when it is imperative to contact students, faculty, and staff as quickly as possible requiring members to take action to mitigate risk and safeguard persons and properties. This can include, but is not limited to: severe weather conditions, a dangerous or unsafe condition, situations or circumstances necessitating evacuation or sheltering in place, or a criminal incident that poses an imminent and ongoing threat to the campus community.

NazAlert is an opt-out system. Your Nazareth email address and primary cell phone number on file have been automatically added to the system. Be sure to verify/update your cell phone number as part of your campus record.

- Go to mynaznetss.naz.edu and login using your MyNaz credentials.
- Click on your username in the upper right-hand corner then choose User Profile.
- In the Phone Numbers section, click on the pencil icon next to the cell phone number you wish to edit. Update your cell phone number using these steps anytime it changes while you are attending Nazareth.

NazAlert Tests

The NazAlert mass communication system is a vital tool for ensuring the safety and security of the Nazareth University campus community. Regular testing of the system is essential to verify its functionality and to identify any potential issues that could hinder its performance during emergencies.

The Campus Safety Administration team is responsible for coordinating and overseeing the testing of the NazAlert system including creating the content of the message and reviewing the performance of the system.

Campus Safety has a policy that establishes guidelines and procedures for the regular testing of NazAlert. This policy ensures the system's reliability and effectiveness in promptly disseminating important information to the campus community during emergencies and critical situations.

1. Scheduling the NazAlert test:

- The NazAlert test shall be planned to take advantage of the “free period” at Nazareth when few classes are in session. NazAlert tests shall be executed on a Tuesday or Thursday at 12:15 pm. A review of campus events shall be performed before setting the test date. Dates of major and high-profile events on campus shall be avoided.

2. Announcement of Test:

- At least one week prior to the NazAlert test, a communication is to be sent to all of campus. The communication shall describe what the NazAlert test entails and announce the date and time of

the test. This announcement is the responsibility of Campus Safety and shall be distributed through normal University communications (Naz@Work for faculty/staff and This Week@Naz for students).

3. Test Message Distribution:

- The test message will be distributed to the entire community (i.e. “all users” in NazAlert)
- The distribution of a test message generally results in 10-15 minutes of calls to the Campus Safety office (585-389-2850). Additional support staff (at least 2 people in total) shall staff the Campus Safety Office during the planned/scheduled test.

4. Content:

- The test message will clearly indicate that it is a test and not an actual emergency. The message will inform recipients that they do not need to take any action in response to the test message. Additionally, the message may serve as an opportunity to make the community aware of other safety tools that are available. A recent example is attached to this GO.

5. Verification/Review:

- After each test, Campus Safety Administrators will review the results and attend to any issues that arise.
- After each test Administrators will review the results and attend to any issues that arise.

For questions or concerns regarding the testing of the NazAlert mass communication system, contact the Campus Safety Administration team.

Campus Safety Alerts

(Timely Warnings, Emergency Notifications, and Severe Weather)

The University has very specific requirements for issuing communications intended to keep our campus community informed about certain crime and potential threats to health and safety, while at the same time providing protective safety information.

-Timely Warnings

The purpose of a Timely Warning is to alert the campus community of potential threats, thereby enabling the community to protect itself and assist in preventing similar crimes.

When will a Timely Warning be Issued:

Campus Safety will issue a timely warning for any *Clery Act* crime committed on Nazareth University’s *Clery Act* geography that is reported to a Campus Security Authority or a local law enforcement agency, and that is considered by the Director of Campus Safety (or designee) to represent a serious or continuing threat to members of the Nazareth community.

Who is responsible for developing and issuing Timely Warnings:

Campus Safety is responsible for developing and ultimately sending timely warnings and the following Campus Safety officials are authorized to issue timely warnings: Director, Assistant Director, Fire and Life Safety Officer.

As a guideline, Campus Safety will coordinate with Marketing and Communications in crafting and reviewing Timely Warnings before issuance and make appropriate notifications of intent to issue a Timely Warning.

When time and circumstances permit, the Campus Safety Department may consult with appropriate offices/officials for timely warnings. When the specifics of an event indicate that there may be a threat to the life or safety of the community, Campus Safety may draft and disseminate a Timely Warning with little or no consultation.

Making the decision to issue a timely warning:

- The issuance of a timely warning is decided on a case-by-case basis in light of all the facts surrounding a crime, including factors such as (a.) the nature of the crime; (b.) the serious or continuing threat to the campus community; (c.) the possible risk of compromising law enforcement efforts, and (d.) the timeliness of the report.
- Because the intent of issuing a Timely Warning is to alert members of the campus community of serious or continuing threats for the purpose of enabling them to protect themselves, Campus Safety will issue timely warnings as soon as pertinent information is received, with limited exceptions, as defined by *Clery* and as outlined in this policy.
- When considering issuing a Timely Warning following a report of a Sexual Assault(s) Campus Safety and members of the Crisis Action team may refer to the **Timely Warning Decision Matrix for Incidents of Report Sexual Assaults**.
- As a guideline, and in the interest of maintaining heightened interest and attention to timely warnings when issued, Campus Safety will exercise discretion in issuing timely warnings related to common occurrences such as theft/larceny, when the facts and circumstances surrounding a single, isolated, or random incident do not appear to pose a serious or continuing danger to the community (e.g., personal property gone missing from an area upon being left unattended or unsecured, *and* when other suspicious or unusual factors do not exist, such as forced entry in a residential or private office area). **Note:** reported thefts/larcenies that by *Clery* standards are often classified as burglaries will continue to be classified and disclosed pursuant to *Clery* requirements (i.e., daily crime log and tallied with end of year crime statistics).
- The University is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

What information will a Timely Warning contain:

Campus Safety will issue a **NazAlert: Timely Warning** in a timely manner upon receiving pertinent information concerning a report of a potentially dangerous criminal situation; the alert will begin with “**NazAlert**” and include the following information:

- The nature/description of the crime;
 - The campus community must understand what crime reportedly occurred in order to take appropriate precautions to prevent becoming a victim of a similar crime.
- The date the crime was reported;
- The date and time the crime occurred;
- The location of the crime (the location may be generalized so as to protect the identity of the victim(s));
- The current status of the complaint;
- Suspect description, when available and appropriate;
 - As a guideline subject description will consist of the exact wording reported to Campus Safety if possible.
- Investigating agency or agencies;
- Relevant crime prevention information that will advise community members of the steps they can take to aid in the prevention of similar occurrence to promote safety; and
- When where and how to report crime and information specifically related to the timely warning, including methods for reporting anonymously.

- Note that as of January 1, 2022, NazAlerts must contain the word Emergency, Urgent, or Critical.

When issuing a timely warning Campus Safety may withhold information in some cases when releasing information would:

- Compromise efforts to assist a victim;
- Compromise efforts to contain, respond to, or otherwise mitigate the emergency.
- Jeopardize an ongoing investigation;
- Jeopardize the safety of an individual;
- Cause a suspect to flee or evade detection;
- Result in the destruction of evidence

Note that possibly compromising law enforcement efforts is a factor to consider in deciding *what* to tell the campus community rather than *whether* to tell them anything at all.

The individual making the judgment to withhold information will do so in consultation with the Director for Campus Safety (or designee) and will document the reason for doing so in the **Timely Warning Publication Determination Form**. When time allows Campus Safety may also collaborate with the agency having jurisdiction in order to ensure that a Timely Warning does not compromise law enforcement efforts.

Personally identifiable information is generally precluded from disclosure but may be released in an emergency situation. The Family Educational Rights and Privacy Act (FERPA) recognizes that information can, in case of an emergency, be released without consent when needed to protect the health and safety of others. In addition, if the University utilizes information from the records of a campus law enforcement unit to issue a timely warning, FERPA is not implicated as those records are not protected by FERPA. Timely Warnings will withhold as confidential the names and other identifying information of victims.

Nazareth University will not distribute Timely Warnings for off campus crimes, or on campus crimes that are not Clery crimes. The University may choose to inform the community where appropriate in the form of a “Campus Safety Advisory.” As a guideline, Campus Safety, in consultation and coordination with Marketing and Communications, may opt to use alternate communication methods such as a press release and/or social media, for the purpose of alerting the community to a crime that *does not* represent a serious or continuing threat. An example of this occurrence is the immediate apprehension of a perpetrator(s), thereby removing the threat of ongoing danger to the community, as determined by Campus Safety.

What Means will be used to Distribute Timely Warnings:

Campus Safety is responsible for facilitating the distribution of timely warnings through a combination of dissemination methods that may include:

- NAZALERT – email, voice, and text message(s)
- The University’s Social media accounts
- The University’s website homepage, naz.edu
- Word of mouth
- Physically posted messages (e.g., flyers)
- The Office of Residential Life may provide assistance in the dissemination of timely warnings upon issuance. Marketing and Communications may provide assistance in the dissemination of timely warnings upon issuance.

- As a guideline, and dependent upon the circumstances, posted timely warnings (e.g., flyers) will be removed from public and common areas after a period of four (4) weeks. Campus Safety may coordinate efforts with the Office of Residential Life in removing postings upon notification by issuing authorities to residential life officials.

Who will Timely Warnings be Distributed to:

As required by the *Clery Act* Nazareth University will send Timely Warnings to all members of the Nazareth Community, Timely Warnings will not be segmented.

-Emergency Notifications

Emergency Notifications are designed to inform the campus community about potential threats, allowing them to take protective actions and help prevent similar incidents.

When will an Emergency Notification be Issued:

The campus will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on campus. This includes Emergency Notifications, which are triggered by a significant event occurring that potentially poses an imminent threat to the campus and are issued upon confirmation of a dangerous or unsafe condition. While Timely Warnings are specific to certain (Clery) crimes and conditions, Emergency Notifications have a much broader scope — wide-ranging situations or circumstances that involve an immediate threat to health or safety.

Nazareth University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgement of the Director of Campus Safety, the Assistant Director of Campus Safety, or the Fire and Life Safety Officer, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Examples of incidents that may cause an immediate threat include:

- Active intruder, Riot / Civil Unrest, Fire / explosion, Tornado, Structural damage, biological threat, Suspicious package with device confirmed, etc...

Confirmation of Emergency:

The University will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on campus. Confirmation will be made by Campus Safety administration, specifically, the Director of Campus Safety, the Assistant Director of Campus Safety, or the Fire and Life Safety Officer upon a review of the information available at the time. Nazareth will endeavor to confirm conditions warranting an Emergency Notification via multiple sources where time permits. Sources may include local news outlets, Campus Officials, law enforcement, etc.

Who is responsible for initiating, developing, and issuing Emergency Notifications:

Campus Safety is responsible for initiating, developing, and ultimately sending Emergency Notifications and the following Campus Safety officials are authorized to issue Emergency Notifications: Director, Assistant Director, Fire and Life Safety Officer.

As a guideline, Campus Safety will coordinate with Marketing and Communications in crafting and reviewing Emergency Notifications before issuance and make appropriate notifications of intent to issue an Emergency Notification.

When time and circumstances permit, the Campus Safety Department may consult with appropriate offices/officials for Emergency Notifications. When the specifics of an event indicate that there may be a threat to the life or safety of the community Campus Safety may draft and disseminate an Emergency Notification with little or no consultation/reviewal/approval.

Making the decision to issue an Emergency Notification:

- The issuance of an Emergency Notification is decided on a case-by-case basis with consideration for all of the facts surrounding the situation including:
 - The nature of the event/emergency;
 - The serious or continuing threat to the campus community;
 - The possible risk of compromising law enforcement efforts, and
 - The timeliness of the report.
- Because the intent of issuing an Emergency Notification is to alert members of the campus community of serious or continuing threats for the purpose of enabling them to protect themselves, Campus Safety will issue Emergency Notifications as soon as pertinent information is received, with limited exceptions, as defined by *Clery* and as outlined in this policy.

What information will an Emergency Notification contain:

Campus Safety will issue a **NazAlert: Emergency Notification** in a timely manner upon receiving pertinent information concerning a report a significant event occurring that potentially poses an imminent threat to the campus; the alert will begin with “**NazAlert**” and include the following information:

- The type/nature of emergency;
 - The campus community must understand what reportedly occurred in order to take appropriate precautions.
- The location of the event/emergency
- The current status of the emergency;
- Investigating agency or agencies if applicable;
- Relevant prevention information that will advise community members of the steps they can take to protect themselves; and
- The notification will not include identifying information about victims.
- Note that as of January 1, 2022, NazAlerts must contain the word Emergency, Urgent, or Critical.

The following campus officials are authorized to determine the content of emergency notifications (within the scope of this policy: Campus Safety Director, Assistant Director, Fire and Life Safety Officer, Chief Public Relations Officer, Director of Communications.

When issuing an Emergency Notification Campus Safety may withhold information in some cases when releasing information would:

- Compromise efforts to assist a victim;
- Compromise efforts to contain, respond to, or otherwise mitigate the emergency.
- Jeopardize an ongoing investigation;
- Jeopardize the safety of an individual;
- Cause a suspect to flee or evade detection;
- Result in the destruction of evidence

Note that possibly compromising law enforcement efforts is a factor to consider in deciding *what* to tell the campus community rather than *whether* to tell them anything at all.

The individual making the judgment to withhold information will do so in consultation with the Director for Campus Safety (or designee) and will document the reason for doing so in the associated Incident Report maintained by Campus Safety. When time allows Campus Safety may also collaborate with the agency having jurisdiction in order to ensure that an Emergency Notification does not compromise law enforcement efforts.

Personally identifiable information is generally precluded from disclosure but may be released in an emergency situation. The Family Educational Rights and Privacy Act (FERPA) recognizes that information can, in case of an emergency, be released without consent when needed to protect the health and safety of others. In addition, if the University utilizes information from the records of a campus law enforcement unit to issue an Emergency Notification, FERPA is not implicated as those records are not protected by FERPA. Emergency Notifications will withhold as confidential the names and other identifying information of victims.

Nazareth University will not distribute Emergency Notifications for off campus emergencies, except in cases where it is determined the off-campus incident poses an imminent threat to the campus community. Where possible this determination will be made in consultation with local emergency responders. The University may also choose to inform the community where appropriate in the form of a “Campus Safety Advisory.” As a guideline, Campus Safety, in consultation and coordination with Marketing and Communications, may opt to use alternate communication methods such as a press release and/or social media, for the purpose of alerting the community to a crime that *does not* represent a serious or continuing threat.

What Means will be used to Distribute Emergency Notifications:

Campus Safety is responsible for facilitating the distribution of Emergency Notifications through a combination of dissemination methods that may include:

- NAZALERT – email, voice, and text message(s)
- The University’s Social media accounts
- The University’s website homepage, naz.edu
- Word of mouth
- Physically posted messages (e.g., flyers)
- The Office of Residential Life may provide assistance in the dissemination of Emergency Notifications upon issuance. Marketing and Communications may provide assistance in the dissemination of Emergency Notifications upon issuance.

- As a guideline, and dependent upon the circumstances, posted Emergency Notifications (e.g., flyers) will be removed from public and common areas after a period of four (4) weeks. Campus Safety may coordinate efforts with the Office of Residential Life in removing postings upon notification by issuing authorities to residential life officials.

Who will Emergency Notifications be Distributed to:

Nazareth University will send Emergency Notifications to all members of the Nazareth Community, Emergency Notifications will not be segmented.

Documentation:

In order to maintain an audit trail Campus Safety will complete use the associated Incident Report to serve as an audit trail. Campus Safety will maintain this Incident Report for a period of seven years.

Overlap between Timely Warnings and Emergency Notifications:

In the event of an immediate threat to the health or safety of students or employees occurring on campus, Nazareth will activate its emergency notification procedures. If the institution follows its emergency notification procedures for a specific circumstance, it will not be obligated to issue a separate timely warning for the same situation. However, it remains the Nazareth's responsibility to ensure the provision of sufficient follow-up information to the community as required to keep them informed.

Follow-up Information:

In the event of an immediate threat to health or safety occurring on campus, the University will provide follow-up information to the community as needed using the same means of distribution described in this policy.

Severe Weather Procedures:

The University has procedures in place related to inclement weather and changes in operating status. Additional information is contained in the CAP Appendices. Any change in the University's operating status due to severe weather will be announced via:

- NazAlert
- Social media
- Local news and media outlets

Emergency Readiness and Response

Be our Partner in Preparedness: Campus Safety is committed to bringing safety and security awareness to the forefront of your day-to-day activities because a safe and secure environment requires resolve and response by all community members at all times.

As part of the University's overall "all hazards approach" to emergency planning and as a member of the Crisis Action Team at Nazareth University, Campus Safety publishes the Emergency Readiness and Response Guide (and abbreviated Quick Reaction Guide) which contains important information on what to do and where to go for instruction and guidance in an emergency. The publication includes policies and protocols related to emergency management, including the following: reporting emergencies; mass Emergency Notification System (ENS); timely warning notifications, emergency communications and notifications; severe weather conditions, communications, and precautionary measures; and definitions and guidelines for action specific to emergency conditions, evacuation, and sheltering in place; and, how and where to sign up for the University's ENS.

Every member of our campus community has a role in an emergency; foremost is knowing what to do and where to go for instruction and guidance. To ensure the best-coordinated response, we must recognize our individual and collective readiness responsibility and be ready to collaborate. As such, the University's Emergency Readiness and Response Guide advances a participatory approach to emergency preparedness and response. Visit the Campus Safety website to view or download a copy of the guide or contact Campus Safety to request a hard copy. Please commit to the sizeable responsibility you share for your personal safety and the safety of those around you by familiarizing yourself with the information in this guide. Be ready! Be Safe!

-Campus Exercise

Date: May 16, 2023

Time: 1 pm - 4 pm

Attending: Crisis Action Team (Both CORE team and EXTENDED Team)

Summary: This tabletop exercise was designed to simulate an event of targeted violence on the campus of Nazareth University. The event centered on a fictional shooting event that occurred in an on-campus student housing facility. The scenario involved four students shot in room 340. One victim was killed in the attack and three others transported to a local hospital (one in guarded condition and two in stable condition). The suspects escape campus prior to local authorities arriving. After a police and EMS response, an abandoned vehicle is found near the exit to campus. No suspects were arrested nor any additional threats to campus found. The scenario covered the time period from the shooting to five days after.

Nazareth Crisis Action Plan and Crisis Action Team

Nazareth University is committed to the health, safety, and well-being of its students, faculty, staff, guests, and visitors. The University maintains an emergency response plan that was developed in accordance with applicable rules and regulations, as well as with principles and best practices specific to university campuses.

- **Crisis Action Plan:** The University's comprehensive Crisis Action Plan follows the National Incident Management System's guidelines created by the Federal Emergency Management Agency (FEMA). The Plan applies an "all hazards approach" to event readiness, response, and recovery, and is referenced whenever a natural or induced situation occurs that threatens the health, safety, or reputation of the University, its students, faculty, or staff. The Plan is flexible to accommodate situations of all types, magnitudes, and durations, including but not limited to severe weather conditions, fire or hazardous materials, bomb threats, active shooter situations, suspicious letters and packages, and more. Maintaining a safe and secure environment is always at the forefront and the University stands ready to respond.
- **Crisis Action Team:** The University's Crisis Action Team is an appointed, inclusive, core group of university administrators and staff representing a multitude of experiences and disciplines. The Team is responsible for making decisions regarding crisis situations that affect Nazareth University and its community members. The team is trained in response (specialized roles and responsibilities) and meets regularly to plan and participate in crisis simulations. Debrief meetings after all incidents evaluate the campus's response, and response plans and procedures are regularly updated to reflect the latest and best industry practices.

Daily Crime and Fire Log

In compliance with federal law, Campus Safety maintains a daily crime and fire log, listing all crimes and fires reported to Campus Safety that occurred on campus, in or on non-campus buildings or property, or on public property immediately adjacent to and accessible from the campus or within the patrol jurisdiction of Campus Safety. The daily crime log and daily fire log are combined into one document titled "Daily Crime and Fire Log." The log lists the date and time the crime/fire was reported, the date and time the crime/fire occurred, the nature of the crime/fire, the general location and the disposition of the complaint, if this information is known at the time the log is created. If there is clear and convincing evidence that the release of such information would compromise an ongoing criminal investigation or the safety of an individual, or cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld only until such time as the risk is no longer likely to occur from the release of such information. The daily crime and fire log is available for public inspection upon request in the Campus Safety office.

Alcohol and Substance Abuse Information

Nazareth University policies and federal and state laws pertaining to drugs and alcohol are outlined below. Also included is information pertaining to health risks associated with the use of drugs and alcohol and information on university and community resources for counseling and treatment. The University encourages all members of the campus community to familiarize themselves with this information.

Nazareth University of Rochester is committed to maintaining a drug-free environment. In accordance with the Drug-Free Workplace Act of 1988, the University prohibits the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance (drugs) in and on Nazareth University of Rochester owned or controlled property. To reaffirm this commitment and to comply with the Drug-Free Schools and Communities Act Amendments of 1989, the University is providing you with this important notice:

The Unlawful Possession, Use or Distribution of Illicit Drugs or Alcohol is Prohibited. Such activities violate the University's standards of conduct and the violation is subject to disciplinary action.

Severe Sanctions: Violators risk disciplinary actions up to and including expulsion or termination from Nazareth University and referral for prosecution by Federal, State and local law enforcement agencies.

Federal, State and Local Laws Make Illegal Use of Alcohol and Drugs Serious Crimes. Conviction can lead to fines, imprisonment, assigned community services and permanent criminal records.

Drug and Alcohol Counseling, Treatment and Rehabilitation Programs. If you think you have a substance or alcohol abuse problem, you may contact:

Students: Nazareth Health and Counseling Services, Mental Health/Alcohol and Other Drug Counselor or Prevention Specialist Counseling Services (ext. 2500)

Faculty & Staff: LifeWorks (800-433-7916), (TDD: 800-772-0997)

All: Westfall Associates (585-473-1500) or Unity Chemical Dependency (585-723-7723) Please refer to Health and Counseling Services page for a full list of services and policies.

Serious Health Risks: Alcohol and drug abuse interferes with a person's physical health, emotional health and social functioning. Some of the health consequences of substance and alcohol abuse may be found at following link: <https://d14rmgtrwzf5a.cloudfront.net/drugs-abuse>

Note: During a period of enrollment for which the student was receiving federal financial aid program funds, a conviction for any offense under any state or federal law involving the possession or sale of illegal drugs will result in the loss of eligibility of any federal student grant loan, or work study assistance (HEA Sec.484(r)(1); (20U.S.C.1091(r)(1)). Please review the Financial Aid Policies website

(<https://www2.naz.edu/tuitionaid/policies/>) for more information regarding drug conviction penalties.

If you should need further information, please contact the following:

Students: Heather Sourwine – Title IX Coordinator (585) 389-2877, hsourwi8@naz.edu

Faculty & Staff: Damika Arnold – Senior People Officer for HR (585) 389-2066 darnold8@naz.edu

Good Samaritan Policy

Nazareth University strongly encourages students to report life threatening situations due to alcohol and/or other drugs that require an immediate response from emergency services personnel. In all instances, the University

wants those in need to receive prompt medical attention. While the University cannot guarantee absolute immunity from sanctions associated with violations of the Student Conduct Code or state and federal laws, efforts will be made to mitigate sanctions associated with alcohol and other drug offenses for “Good Samaritans.” These considerations apply only to the individual(s) who summon aid who may have contributed to or participated in the use of alcohol or other drugs.

Amnesty for Personal Use of Alcohol or Other Drugs

Nazareth strongly encourages students to report domestic violence, dating violence, stalking, sexual assault, and any other form of sexual misconduct to university officials. The University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence (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.

A reporting individual acting in good faith or a bystander acting in good faith that discloses any incident of domestic violence, dating violence, stalking, sexual assault or any other form of sexual misconduct to the University’s officials or law enforcement will not be subject to action under Nazareth’s code of conduct 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, sexual assault or other act of sexual misconduct.

Alcohol Policy (2023-2024 Student Code of Conduct: Section 10)

a. Good Samaritan Protocol

i. Student health and safety is a primary concern for the campus community. Students are expected to contact Residential Life or Campus Safety whenever they believe an individual needs medical attention due to the use of alcohol or other drugs including prescription and, over the counter drugs. The Good Samaritan Protocol is designed to provide education rather than discipline when a student voluntarily contacts University personnel or outside emergency services for medical assistance related to the use of alcohol or other drugs. Individuals covered by the Good Samaritan Protocol are the caller, the person in need of assistance, the host student organization, and any witnesses named in the incident report.

b. Amnesty for Personal Use of Alcohol or Other Drugs

i. Nazareth University strongly encourages students to report domestic violence, dating violence, stalking, sexual assault, and any other form of sexual misconduct to institution officials. The University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence (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 use of substances

ii. Reporting individuals and bystanders acting in good faith who disclose any incident of domestic violence, dating violence, stalking, sexual assault or any other form of sexual misconduct to the University’s officials or law enforcement will not be subject to action under Nazareth University ’s code of conduct 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, sexual assault or other act of sexual misconduct.

c. Alcohol Rules

- i. Possession and consumption of alcoholic beverages is prohibited on campus grounds and in buildings, except in a student's own residence hall room by persons 21 years and older under the conditions described below. Consumption of alcohol may be inferred based upon the number, location, and condition of empty or partially empty cans and bottles.
- ii. The sale and/or distribution (including giving away) of alcoholic beverages to persons under age 21 is prohibited.
- iii. Procedures for obtaining University approval to use campus facilities for events where alcoholic beverages will be served are available at the Information Desk, Shults Center, and the office of Sodexo Dining Services.
- iv. Alcoholic beverages in serving containers greater than 32 ounces (beer kegs, etc.) are prohibited, except at Sodexo catered events and at the discretion of university officials.
- v. The University recognizes Sodexo as the sole possessor of a catering/liquor license at Nazareth University. Therefore, the public selling and/or dispensing of alcoholic beverages anywhere on campus is restricted to Sodexo personnel only.
- vi. Open containers of alcoholic beverages are prohibited in all corridors, lounges, stairwells, lobbies, parking lots, grounds, vehicles, and any public areas of the campus unless University approval was previously received.
- vii. Student fees collected by the University and/or student organizations and distributed through the Undergraduate Association cannot be used for the purchase of alcoholic beverages.
- viii. Non-alcoholic beverages and food items must be made equally available at any program or event where alcohol beverages are sold, distributed, or consumed.
- ix. During all University- or student-sponsored events on campus, alcoholic beverages may only be served in the specific location designated for that approved event.
- x. Campus events involving only persons 21 and older are catered for by Sodexo personnel and require prior approval from university officials.
- xi. Students are prohibited from presenting themselves as another person through the misuse of identification. It is considered a misrepresentation of identity for any student to possess, alter, deface, manufacture, obtain, conspire to obtain, or falsify IDs.
- xii. Items/substances/games used to dispense alcohol in a rapid manner, (e.g., beer bongs, funnels, "Beer Pong," etc.) or the use of any other tools that promotes binge drinking.
- xiii. An incident in which a student, regardless of age, is transported to the hospital or when medical professionals are called to campus to evaluate the student for an alcohol or drug related condition (i.e., intoxication, alcohol poisoning) will be treated as a violation of the Student Conduct Code, unless the Good Samaritan Protocol applies.
- xiv. Nazareth University students found in violation of New York State law and/or campus policy pertaining to the sale, distribution, possession, or consumption of alcoholic beverages or drugs may be subject to parental notification, student conduct action, and/or criminal prosecution.
- xv. The alcohol policy applies to residential and non-residential student conduct and to on- and off-campus behavior.

Controlled Substance Policy

The possession, use, sale, distribution (including giving away), manufacture, or being in the presence of illegal drugs, controlled substances, and/or paraphernalia that are prohibited by law, are violations of university policy and prohibited. Use and/or being in the presence of illegal drugs and/or controlled substances may be inferred by the presence of substance odor.

The University is committed to maintaining a drug-free environment. In accordance with the Drug-Free Workplace Act of 1988, the University prohibits the unlawful manufacture, distribution, dispensation, possession, sale or use of a controlled substance (drugs) in and on Nazareth University owned or controlled property.

Guidelines

- A. Sanctions for Non-compliance: The University will impose action in accordance with its conduct policy and/or require satisfactory participation in a drug rehabilitation program by any faculty member, staff member, or student employee who has violated any provision of this policy.
- B. Compliance as a Condition of Employment: Compliance with the provisions of this policy shall be a condition of employment at Nazareth University.
- C. Employee Obligation for Notification of Conviction: In order to comply with federal law, any faculty member, staff member, or student employee convicted of any criminal drug statute violation occurring in or on the workplace premises is required to notify the employer within five (5) calendar days following such conviction.
- D. Employer Obligation for Notification: The University is obligated to notify the appropriate federal granting agency within ten (10) calendar days of having received notice of an employee conviction as described in C above.
- E. Maintenance of a Drug-Free Workplace: Good faith efforts on the part of the University to establish and maintain a drug-free workplace will include providing ongoing drug awareness educational programs and dissemination of drug awareness information for all members of the University community, as well as implementation and strict enforcement of this policy.

Procedures

- A. The University will notify each faculty member, staff member, and student employee of this policy, as well as those newly hired, emphasizing the obligation for compliance as a condition of employment.
- B. Any faculty or staff member convicted of any criminal drug statute violation that has occurred in or on the workplace premises will provide the appropriate academic officer or supervisor with notification, preferably written, of such conviction indicating any resultant conditions, within five (5) calendar days of the conviction. Student employees shall notify the Vice President for Enrollment & Student Experience or designee.

C. An academic officer, supervisor, or student employment official having knowledge or receiving notification of a conviction, as described in B above, shall immediately provide, in writing, notice to the Senior People Officer in Human Resources or designee.

D. The Nazareth Substance Abuse Education Committee, in conjunction with the human resources department, will offer on-going drug education and awareness programs for the University community, as well as provide drug informational materials. Faculty, staff, and students are expected to avail themselves of these programs.

E. This policy will be maintained as a permanent part of the Staff Personnel Policy Manual, Faculty Policy Manual and Student Handbook.

F. Questions concerning this policy should be referred to the Human Resources department.

Student employees should refer questions to the Vice President for Enrollment and Student experience or designee. Additional policy information specific to the Student Conduct Code can be found in the Student Handbook: <https://www2.naz.edu/student-handbook/>

Additional policy information cited above can be found in the Staff Employee Handbook: <https://www2.naz.edu/human-resources/employee-handbook/>

Federal, State, and Local Alcohol and Drug Laws

The following information is intended to provide an overview of state, federal, and local laws regarding the possession, use, and distribution of illicit drugs and alcohol. It must be noted that this is not an exhaustive or definitive list of such laws but is intended to indicate the kinds of conduct that are illegal and the range of sanctions that may be imposed for such conduct.

Alcohol:

New York State Alcoholic Beverage Control Law

In New York State it is illegal (except in limited circumstances as expressly provided under the law) for anyone under the age of 21 to possess any alcoholic beverage with the intent to consume such beverage. A fine of up to \$50 and/or an appropriate amount of community service not to exceed 30 hours and/or completion of an alcohol awareness program may be imposed for a violation.

If a person presents written evidence of age that is false or fraudulent or not actually his or her own for the purpose of purchasing or attempting to purchase any alcoholic beverage, a fine of not more than \$100 and/or an appropriate amount of community service not to exceed 30 hours and/or completion of an alcohol awareness program may be imposed if it is a first violation. Increasingly severe penalties may be imposed for second, third, and subsequent violations.

It is illegal to sell, deliver, or give away alcoholic beverages to a person, actually or apparently, under the age of 21 or to a visibly intoxicated person. A conviction may result in a fine of up to \$200 and/or five days in jail.

New York State General Obligations Law

If a person is injured by someone under the age of 21 who is intoxicated or whose ability is impaired, the injured person has a right of action against the person who caused such impairment and has a right to recover damages.

If a person is injured by someone who is intoxicated or by reason of that person's intoxication, the injured person has a right of action against the person who unlawfully caused or contributed to such intoxication and has a right to recover damages.

City of Rochester Alcoholic Beverage Ordinance

§ 44-9 Consumption and possession of open containers of alcoholic beverages in public

[Added 2-22-1983 by Ord. No. 83-58[1]; amended 8-13-1991 by Ord. No. 91-357]

A. Definitions. Whenever the following words and phrases are used in this section, they shall have the following meanings:

ALCOHOLIC BEVERAGE

Every liquid containing alcohol, including but not limited to beer, liquor, spirits, wine and hard cider, as more specifically described in the New York State Alcoholic Beverage Control Law.

OPEN CONTAINER

Any bottle, can, carton, cup, glass or other receptacle usable for holding liquid, which is uncapped, uncorked, unscrewed, unsealed or otherwise open in such a way as to permit direct consumption of its contents.

PERSON

Any individual 21 years of age or older.

PUBLIC PLACE

Any area or building owned, operated or controlled by or on behalf of any government, municipality or public authority or corporation within the boundaries of the City of Rochester, or portion of such place, which is generally accessible to the public, including but not limited to streets, sidewalks, skywalks, parking garages and lots, parks, playgrounds, recreation areas, cemeteries, places of employment or operations and schools and school grounds.

B. Consumption prohibited. No person shall consume any alcoholic beverage in a public place.

C. Possession prohibited. No person shall possess an open container of any alcoholic beverage in a public place with the intent to consume the beverage in a public place.

D. Exceptions. The provisions of Subsections B and C hereof shall not apply to consumption and possession of open containers of alcoholic beverages in public places:

(1) In conjunction with activities or events for which:

(a) A permit to consume alcoholic beverages has been issued by an authorized agency or officer of the City of Rochester or any person or organization authorized to operate a city-owned park in whole or in part pursuant to a written agreement or lease with the City of Rochester.

(b) A license to sell or distribute alcoholic beverages has been issued by the Alcoholic Beverage Control Board.

(2) Within the conduct of a religious service.

E. Presumptions.

(1) Possession by a person of an open container of an alcoholic beverage in a public place shall create a rebuttable presumption that such person intends to consume the beverage in such place.

(2) A manufacturer's label on an open container stating that the beverage in the container is an alcoholic beverage shall create a rebuttable presumption that the beverage in the container is an alcoholic beverage.

F. Opinion testimony. In any action or proceeding to enforce this section, a police officer who is experienced in the handling or use of alcoholic beverages and who has smelled or tasted the beverage in the open container that is in issue in the action or proceeding may testify as to his or her opinion whether such beverage was alcoholic.

G. Penalties. A violation of this section shall be a "violation" as that term is defined in the Penal Law. A person convicted of violating this section shall be fined not less than \$25 nor more than \$250, and, in addition, for a second conviction within 12 months of a preceding conviction, may be imprisoned for a term not longer than 15 days. In lieu of a fine, the court may impose an appropriate alternative sentence; provided, however, that an alternative sentence shall not be an unconditional discharge.

H. Severability. If any provision of this section is declared invalid or unconstitutional for any reason, the remaining provisions shall be severable and shall continue in full force and effect.

I. Legislative findings. In considering the regulation of alcoholic beverages in public places, the Council of the City of Rochester makes the following findings:

[Added 9-11-1991 by Ord. No. 91-401]

(1) The consumption of alcoholic beverages in public places, except under certain licensed circumstances, is detrimental to the health, safety and welfare of the residents of the city and visitors.

(2) The consumption of alcoholic beverages in public places contributes to the development of unsanitary conditions and the creation of nuisances, including but not limited to littering and raucous or other disorderly behavior, which can cause a hazard for individuals using or attempting to use those public places.

(3) Based upon facts presented by citizens, community groups and law enforcement personnel, the possession of open containers of alcoholic beverages with intent to consume such beverages in public places and the actual consumption of such beverages in public places is a serious, substantial and significant cause of persons, including those persons who are under the legal age for possessing alcohol, becoming unruly, disruptive, disorderly and creating a condition detrimental to the health, safety and welfare of the community.

(4) There is a significant relationship between possession of open containers of alcoholic beverages in public places and the general health, safety and welfare of the community.

(5) There is a significant relationship between the possession of open containers of alcoholic beverages in public places with the intent to consume the same and the consumption of alcoholic beverages in public places.

Editor's Note: This ordinance also repealed former § 44-9, Intoxication.

§ 44-15 Penalties for offenses.

[Added 1-12-1965; amended 1-26-1965; 7-22-1969 by Ord. No. 69-329; 8-13-1991 by Ord. No. 91-357; 5-18-2004 by Ord. No. 2004-142[1]]

A violation of this chapter, except §§ 44-4 and 44-9, is punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment, or by a penalty of not less than \$5 nor more than \$1,000, to be recovered by the City of Rochester in a civil action.

Illicit Drugs:

New York State Penal Law

Unlawful possession of marijuana is a violation punishable by a fine of up to \$100. Subsequent violations may result in fines of up to \$250 and/or imprisonment for up to 15 days. Selling more than 16 ounces of marijuana is a Class C felony, punishable by up to 15 years in prison.

Unlawful possession of small amounts of a controlled substance (e.g., cocaine, LSD, PCP, or other hallucinogenic substances; stimulants; or narcotics) is a Class A misdemeanor and may result in a \$1,000 fine and/or up to one year in jail. Violations of all other possession and sale laws involving controlled substances are felonies and may result in punishments of up to life in prison. A driver of any age who is impaired by the use of a drug and causes someone's death in an accident may be charged with vehicular manslaughter in the second degree and fined up to \$5,000 and/or sentenced to up to seven years in prison.

Federal Laws

For a first conviction of illegal possession of a controlled substance, a person may be imprisoned for up to one year and/or fined at least \$1,000 but not more than \$100,000. After two or more prior convictions the penalty increases to at least 90 days in jail but not more than three years and/or a fine of at least \$5,000 but not more than \$250,000. Other penalties may apply, such as forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance, denial of certain federal benefits, and revocation of certain federal licenses.

Federal trafficking penalties for marijuana range from less than five years in prison and/or a fine of less than \$250,000 to life imprisonment and/or a fine of up to \$8 million. Federal trafficking penalties for controlled substances such as heroin, cocaine, PCP, and LSD range from five years to life imprisonment and/or fines of up to \$8 million.

The negative, physical and mental effects of the use of alcohol and other drugs are well documented. Use of these drugs may cause blackouts, poisoning, overdose and death; physical and psychological dependence; damage to vital organs such as the brain, heart, and liver; inability to learn and remember information; and psychological problems including depression, psychosis, and severe anxiety.

Impaired judgment and coordination resulting from the use of alcohol and other drugs are associated with DUI/DWI arrests; hazing; falls, drowning and other injuries; contracting sexually transmitted infections including AIDS; and unwanted or unplanned sexual experiences and pregnancy.

The substance abuse of family members and friends may also be of concern to individuals. Patterns of risk-taking behavior and dependency not only interfere in the lives of the abusers but can also have a negative impact on the affected students' academic work, emotional well-being and adjustment to University life.

Students who are thinking about making changes to their use, or who are concerned about the use of a friend or family member can speak with the AOD Counselor at Health & Counseling Services by calling 585-389-2500. If you are a student in need of help with a drug or alcohol problem, there are a variety of programs on the Nazareth University campus that can help. Health & Counseling Services provides support for individuals with issues related to substance abuse. This may include individual counseling, group counseling, or a referral to a community resource. The counseling center keeps an up-to-date list of all resources in the community, including 12-step programs, private therapists, and outpatient counseling. Call the counseling center at 585-389-2500 for more information.

For employees, the Office of Human Resources is available for consultation and support for all employee concerns, including substance abuse. Call 585-389-2065 for additional information.

Health and Counseling Services

585-389-2500

naz.edu/health-and-counseling

Human Resources

585-389-2065

naz.edu/human-resources

Community Resources

- Westfall Associates (outpatient services) 585-473-1500
- Evelyn Brandon (outpatient services) 585-368-6900
- Strong Recovery (outpatient services) 585-236-8653
- Alcoholics Anonymous www.rochester-ny-aa.org
- SMART Recovery www.smartrecovery.org
- Al-Anon www.aisrochester.org

Hotline Assistance

- National Clearinghouse for Drug and Alcohol Information — 800-729-6686

Staffed 24/7 year-round. Operated by the U.S. Department of Health and Human Services. Specialists provide information and referrals.

- New York State's OASAS Drug Abuse Information Line — 800-522-5353

Staffed every day from 8:00 a.m. - 10:00 p.m. Helps with all aspects of alcohol and drug abuse, including referrals and confidential counseling for substance abusers and their family members.

Sexual Misconduct: Sexual Harassment and Sexual Assault

New York State criminalizes a wide range of conduct constituting "sexual abuse," which is generally defined as subjecting another person to sexual contact without the latter's consent. Sexual misconduct is also a wide range of conduct that encompasses unwelcome behavior of a sexual nature that is committed without consent, or by force, intimidation, coercion, or manipulation. Sexual misconduct can be committed by a person of any gender, and it can occur between people of the same or different gender; it has no boundaries with regard to race, ethnicity, gender, gender expression, gender identity, age, religion, disability, sexual orientation, or socioeconomic status.

What is Sexual Assault? Sexual assault is a crime and takes on many different forms. Sexual assault is about power, anger, and control. Unfortunately, and for various reasons, many victims of sexual assault, domestic violence, dating violence, and stalking remain silent, not seeking help from family, friends, or authorities. Moreover, survivors often blame themselves for behaving in a way that may be perceived as encouraging to the perpetrator. However, it's important to remember that the victim is never to blame for the actions of a perpetrator.

What Should I Do if I am Sexually Assaulted? Whatever choices a survivor makes for reporting an incident, it is important to immediately connect with trained health and wellness professionals and take the following actions, which may significantly aid in the successful criminal prosecution of the responsible party:

- Seek immediate medical assistance (within 72 hours of the assault) and get counseling as soon as possible.
- Preserve physical evidence (such as clothing and bed coverings).
- Do not douche, bathe, shower, brush your teeth, wash your hands, eat or drink anything, smoke, or change clothes before seeking medical treatment.
- Report the sexual assault to authorities.

Nazareth University Sexual Harassment Policy

*In response to the updated Title IX requirements, and to ensure compliance with state and federal laws the Title IX Coordinator at Nazareth University identified a working group to review the University's current policies and procedures relating to sex and gender-based harassment. Review of policy and procedure is ongoing. * For additional information see the 2023 – 2024 Nazareth University Title IX Policy attached as Appendix 1 to this document.

Nazareth University prohibits and will not tolerate sex discrimination and harassment, sexual harassment, sexual violence, stalking, domestic violence, dating violence, and sex- and gender-based harassment that does not involve conduct of a sexual nature, in every setting and in every program organized, sponsored, and hosted by the University. Such conduct is detrimental to the University community and the productive, harassment-free living and working environment that the University wishes to foster and maintain.

Nazareth University prohibits and addresses all forms of sex discrimination and harassment, sexual harassment, sexual violence, stalking, domestic violence, dating violence, and sex- or gender-based harassment that does not involve conduct of a sexual nature against Nazareth community members of any sex, gender, gender identity,

gender expression or sexual orientation not covered by the Title IX Sex Discrimination Policy. Please refer to the Prohibited Conduct and Related Definitions sections for a complete list of terms and prohibited acts. University Policy covers conduct that takes place on Nazareth's campus. This includes any building or property owned or controlled by the University and used in direct support of, or in a manner related to, the school's educational purposes, including residence halls, dining halls, and public property within or immediately adjacent to and accessible from campus. This also includes any building or property owned or controlled by a student organization that is officially recognized by the University and any building or property not within the same reasonably contiguous geographic area of the University that supports or relates to the school's educational purposes and is frequently used by students. This Policy also covers conduct that takes place off campus that may have a nexus to the University community, such as during a study abroad program or an off-campus program or activity.

Prohibited conduct includes all sex and gender-based conduct prohibited by state or federal law and the following:

Sexual Harassment

Any unwelcome sexual advance, request for sexual favors or other unwelcome verbal or physical conduct of a sexual nature when:

- submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work or participation in any aspect of a University's program or activity; or
- submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e., it is sufficiently serious, pervasive or persistent as to create an intimidating, hostile, humiliating, demeaning or sexually offensive working, academic, residential or social environment under both a subjective and objective standard.

The first two types of conduct described above constitute quid pro quo, or "this for that", harassment (for example: "I'll give you this if you give me that" or "Because you won't do this, I am denying you that"), and the third constitutes harassment that creates a hostile environment. A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical.

Sexual harassment also includes gender-based harassment, which may include acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex or sex stereotyping, even if those acts do not involve conduct of a sexual nature.

Sexual harassment:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.

- Does not have to include intent to harm, be directed at a specific target or involve repeated incidents.
 - May be committed by anyone, regardless of gender, age, position or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational or employment relationships, harassment can occur in any context.
 - May be committed by a stranger, an acquaintance or someone with whom the Complainant has an intimate or sexual relationship.
 - May be committed by or against an individual or may be a result of the actions of an organization or group.
 - May occur by or against an individual of any sex, gender identity, gender expression or sexual orientation.
 - May occur in the classroom, in the workplace, in residential settings or in any other setting.
 - May be a one-time event or can be part of a pattern of behavior.
 - May be committed in the presence of others or when the parties are alone.
 - May affect the Complainant and/or third parties who witness or observe harassment and are affected by it.
- Examples of conduct that may constitute sexual harassment as defined above may include a severe, persistent or pervasive pattern of unwelcome conduct that includes one or more of the following:

Physical conduct:

- unwelcome touching, sexual/physical assault, impeding, restraining or blocking movements
- unwanted sexual advances within the employment context

Verbal conduct:

- making or using derogatory comments, epithets, slurs or humor
- verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations
- objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes

Visual conduct:

- leering, making sexual gestures, displaying of suggestive objects or pictures, cartoon or posters in a public space or forum
- severe, persistent or pervasive visual displays of suggestive, erotic or degrading sexually oriented images that are not pedagogically appropriate

Written conduct:

- letters, notes or electronic communications containing comments, words or images described above

Quid pro quo (“this for that”) conduct:

- direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists
- offering employment benefits in exchange for sexual favors
- making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose of making or threatening reprisals after a negative response to sexual advances

Education and Prevention Programs

The University is committed to educating and promoting community awareness about the prevention of sex discrimination and harassment, sexual harassment, sexual violence, stalking, intimate partner violence, and sex- and gender-based harassment that does not involve conduct of a sexual nature. The University will offer programs to promote awareness and prevention of such issues throughout the year, including an overview of the University's policies and procedures, relevant definitions (including prohibited conduct, discussion of the impact of alcohol and illegal drug use, effective consent, safe and positive options for bystander intervention), and information about bystander intervention and risk reduction.

The Title IX Coordinator, Deputy Title IX Coordinators, and those involved in implementing the resolution procedures established in this Policy are trained annually on handling complaints of sexual harassment, the provisions of this Policy, and applicable confidentiality requirements.

The Title IX Coordinator, Deputy Title IX Coordinators, and others designated by the Title IX Coordinator oversee the development and implementation of the University's education and prevention programs, which are based on campus needs and climate. Incoming first-year students and new employees will receive primary prevention and awareness programming as part of their orientation. Returning students and employees will receive ongoing training on a periodic basis. All educational programs include a review of resources and reporting options.

-University Responsibilities for Orders of Protection

Nazareth University recognizes the importance of protecting the rights of victims and acknowledges its responsibilities regarding orders of protection, "no contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court, as well as those issued by the institution itself when applicable. We are committed to upholding and enforcing such orders to ensure the safety and well-being of all individuals within our community.

A Description of Educational Programs and Campaigns to Promote Awareness

January 2022

- Athlete training via Moodle course
- Prevention and Safety Presentation: all new students
- RA training
- Everfi Modules for all students

March 2022

- StepUP train the trainer
- Library display: Sexual Assault Awareness Month

April 2022

- Sexual Assault Awareness Month- Bulletin Board Display
- Flag display for Sexual Assault Awareness Month
- Take Back the Night
- Mailboxes of Hope
- Denim Day
- Title IX 50 anniversary celebration
- Build a buddy, support a buddy
- Wellness Wednesday

July 2022

- SAAP training

August 2022

- StepUP program: New athletes
- StepUP program: All new students
- Panel presentation (Health and Counseling, Campus Safety, Residential Life, Title IX)
- RA training
- Student Leader Training
- StepUP train the trainer: Peer Educator
- New Faculty Training
- Health and Counseling Title IX Training
- GRD Training
- Everfi Modules for all students

October 2022

- Flag display: Domestic Violence Awareness Month

November 2022

- RA programming request: Consent and Title IX
- New Faculty Training

December 2022

- BOT Training

Sexual Misconduct Definitions

Nazareth University is committed to educating the campus community about the common circumstances that can lead to sexual assault and rape, possible prevention strategies, and available victim support services. Staff from the campus safety department and student development division are instrumental in providing these important training programs and support services to the Nazareth University community. In dealing with sexual assault or rape on campus, Nazareth University strongly encourages the full prosecution of all local, state, and federal laws.

In New York State it is a crime to engage in sexual intercourse or “sexual contact” with any person without that person’s consent. Sexual contact is commonly referred to as “inappropriate touching.” State laws require that both individuals involved in sexual relations must give consent, and that neither individual be defined as having any “mental or physical incapacity” that would impair judgment.

Sexual Assault

Sexual Assault: Any conduct that would constitute a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sexual Assault includes the following Prohibited Conduct:

1. Rape (Except Statutory Rape) - the carnal knowledge of a person, without the Consent of the person, including instances where the person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity. “Carnal knowledge” means contact between the penis and the vulva or the penis and the anus, including penetration of any sort, however slight.
2. Sodomy - oral or anal sexual intercourse with another person, without the Consent of the person, including instances where the person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity.
3. Sexual Assault with An Object - to use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the Consent of the person, including instances where the person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity.
4. Fondling - touching of the private body parts of another person for the purpose of sexual gratification without the Consent of the person, including instances where the person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity.
5. Incest - nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
6. Statutory Rape - nonforcible sexual intercourse with a person who is under the statutory age of consent.

Title IX requires that Nazareth University use this definition, from 20 U.S.C. 1092 (f)(6)(A)(v).

Dating Violence

Dating Violence: Violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined by (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

Title IX requires that Nazareth University use this definition, from 34 U.S.C. 12291(a)(10).

Domestic Violence

Domestic Violence: 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 spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state, 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 state. Title IX requires that Nazareth University use this definition, from 34 U.S.C. 12291(a)(8).

Stalking

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for their safety or the safety of others; or (b) suffer emotional distress. Title IX requires that Nazareth University use this definition, from 34 U.S.C. 12291(a)(30).

In relation to the University's Policies on Sexual Assault, the below listed terms are defined as follows:

Programs to prevent: The term “programs to prevent” refers to comprehensive educational and training programs intended to prevent violence that incorporate diverse approaches that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and consider risk and protective factors as they occur on the individual, relationship, community and societal levels.

Primary prevention: The term “primary prevention” refers to programming, initiatives and strategies intended to stop domestic violence, dating violence, sexual assault, or stalking before it occurs to prevent initial perpetration or victimization through the promotion of positive and healthy behaviors and beliefs. Efforts to change behavior and social norms, and promote healthy relationships, healthy sexuality and egalitarian gender roles, or efforts to understand risk factors and protective factors for bystander inaction and change social norms around bystander inaction are all examples of primary prevention.

Awareness programs: The term “awareness programs” refers to programs, campaigns, or initiatives that increase audience knowledge of the issues of sexual assault, domestic violence, dating violence and stalking and share information and resources to prevent interpersonal violence, promote safety, and reduce perpetration. These efforts can include campus community-wide mobilizations as well as targeted audience specific programming (including both students and employees).

Bystander intervention: The term “bystander intervention” refers to 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. This includes recognizing situations of potential harm and understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene.

Risk reduction: The term “risk reduction” refers to approaches that seek to mitigate risk factors that may increase the likelihood of perpetration, victimization, or bystander inaction. Risk reduction focuses on helping individuals and communities address the institutional structures or cultural conditions that facilitate SA, DV & stalking to increase safety. Examples of risk reduction may include but are not limited to general crime prevention education, campus escort programs, programs that educate on how to create individual and community safety plans and strategies, and bystander intervention programs that educate the campus on how to recognize and interrupt situations of harm, or implementing a communications system that can notify the entire campus community of immediate threats to security.

Ongoing awareness and prevention campaigns: The term ongoing awareness and prevention campaigns refers to campaigns that are sustained over time focusing on increasing awareness or understanding of topics relevant to SA, DV and stalking prevention. These programs will occur at different levels throughout the institution (i.e., faculty, athletics, incoming students) and will utilize a range of strategies. Ongoing awareness and prevention campaigns may include information about what constitutes sexual assault, dating violence/intimate partner abuse, and stalking, changing social norms, promoting recognition of perpetrator tactics, enhancing understanding of consent, and advancing prosocial behaviors of individuals and communities. Effective ongoing awareness and prevention campaigns will include developmentally appropriate content for the specific audience

and their knowledge and awareness level and provide positive and concrete ways for individuals to get involved.

Proceeding: A series of activities, events or happenings that does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

Result: Consequence, effect, or outcome.

Students Bill of Rights

All students who report conduct allegedly in violation of this Policy or invoke the processes described in this Policy have the right to:

- make a report to local law enforcement and/or state police;
- have disclosure of domestic violence, dating violence, stalking, and sexual assault treated seriously;
- make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
- participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
- be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- be protected from retaliation by the University, any student, the accused and/or the Respondent, and/or their friends, family, and acquaintances within the jurisdiction of the University;
- access to at least one level of appeal of a determination;
- be accompanied by an advisor of choice who may assist and advise a reporting individual, accused or Respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
- exercise civil rights and practice of religion without interference by the investigative, criminal justice or judicial or conduct process of the institution.
- discuss and share information related to the complaint with others that may support them or assist them in presenting their case.

Affirmative Consent

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

- Consent to any sexual act or prior consensual sexual activity between or with any Party does not necessarily constitute Consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot Consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to Consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When Consent is withdrawn or can no longer be given, sexual activity must stop. This definition is required by New York State Education Law Article 129B.

Initial Assessment

The Title IX Coordinator takes necessary action to address any risk of harm identified by the Title IX Coordinator, including implementation of Supportive Measures for either or both Parties, as appropriate, and actions designed to protect the larger campus community. Supportive Measures are described in Section VIII(D). Any decision to remove a Respondent from campus pending the Grievance Process will follow the process discussed in the Emergency Removal section of this Policy (Section VIII(E)). At the Title IX Coordinator's discretion, one or more other Campus Officials, including but not limited to the Director of Campus Safety, the Associate Vice President for Student & Campus Life/Dean of Students, and the Senior People Officer, may also be included in the initial assessment or in evaluating information gathered in the initial assessment.

Supportive Measures

Promptly after receipt of a Report, the Title IX Coordinator will contact the Complainant and Respondent (if identified or identifiable based upon the Report) to discuss the availability of Supportive Measures. Supportive Measures are available with or without the filing of a Formal Complaint. In evaluating the Supportive Measures to be provided, the Title IX Coordinator will make an individualized determination, considering Complainant's wishes and other relevant factors, of the non-disciplinary, non-punitive measures that will be provided to the Complainant and Respondent to restore or preserve equal access to Nazareth University's Education programs or Activities, to protect the safety of the Parties, and/or to deter Title IX Sex Discrimination.

All Supportive Measures will be provided without fee or charge and without unreasonably burdening the other Party. Supportive Measures will be maintained as confidential by Nazareth University to the extent that confidentiality will not impair the ability to provide the Supportive Measures.

Examples of Supportive Measures that may be implemented by Nazareth University include but are not limited to:

- Academic extensions or adjustments
- Campus escort services
- Changes in housing
- Counseling
- Increased security or monitoring of certain areas of the campus
- Modifications of class or work schedules
- Mutual restrictions on contact between the Parties. Appropriate Supportive Measures are also available to Employees.

All Employees who have experienced Title IX Sex Discrimination, who have provided a Report alleging Title IX Sex Discrimination, or have been alleged to have engaged in Title IX Sex Discrimination can seek confidential assistance through the Employee Assistance Program:

Lifeworks

<https://nazareth-college.lifeworks.com/>

1-800-433-7916

TTY-800-772-0997

Emergency Removal of a Respondent

Nazareth University may implement emergency removal of a Respondent, whether or not a Formal Complaint has been submitted, if there is an immediate threat to the physical health or safety of any student or other individual that arises from allegations of conduct that could constitute a violation of this Policy.

Prior to implementing an emergency removal, Nazareth University will first gather information to undertake an individualized safety and risk analysis. The analysis will be conducted by an individual or group of individuals who are free from bias or conflict of interest; who has relevant knowledge and experience; and who will not be involved in any later Grievance Process related to the student who is being evaluated for potential removal.

(1) Factors to be Considered

The emergency removal analysis will focus on the specific Respondent at issue and examine the specific circumstances arising from the allegations of Title IX Sex Discrimination that potentially pose an immediate threat to a person's physical health or safety.

To evaluate the presence of an "immediate threat," Nazareth University will consider a Complainant's stated subjective fear and will also apply an objective reasonable person standard. Nazareth University will consider the Respondent's propensity, opportunity, and ability to carry out a stated or potential threat. The analysis will evaluate whether Supportive Measures are a more appropriate and less restrictive means to negate or sufficiently minimize the likelihood of a threat being carried out. As part of its analysis, Nazareth University

may rely on objective evidence and current medical knowledge and may consult with a licensed evaluator to analyze the information gathered. Nazareth University shall also consider Respondent's rights, if any, under applicable federal and/or state disability laws.

In addition, the relationship between a threat and the physical health or physical safety of any student or other individual will also be carefully evaluated. In some but not all cases, threatening speech or virtual interactions without an associated action may rise to the level of a threat to physical health or physical safety. If the threat a Respondent poses is in the nature of potential emotional impact only, Nazareth University will instead focus on identifying appropriate Supportive Measures.

Nazareth University will also closely examine whether the emergency created by the immediate threat arises from the allegations of conduct that could constitute Title IX Sex Discrimination under this Policy. As an example, an immediate threat to Complainant's physical safety is likely present when a Respondent threatens physical violence against the Complainant in response to the Complainant's allegations of verbal harassment by the Respondent. Threats of physical self-harm will be addressed under separate, applicable policies. If the individualized safety and risk analysis results in a determination that a Respondent's actions pose an immediate and identified threat, but do not arise from allegations of Title IX Sex Discrimination, Nazareth University will respond pursuant to other applicable policies and/or procedures.

Nazareth University's assessment of the appropriateness of emergency removal will account for its multiple potential impacts, including whether providing the Complainant Support Measures will be sufficient to ensure equal educational access; the adverse impacts of separating a Respondent from educational opportunities and benefits; and the protection of the health and safety of Nazareth University's community. When assessing an emergency removal, Nazareth University will also consider the anticipated timeline of an investigation and hearing. Given these evaluations are necessarily fact specific, in some cases Nazareth University may determine that restricting a Respondent's participation in specific programs or activities will adequately address the situation.

(2) Emergency Removal is Not Discipline nor a Determination of Responsibility

At all stages of the process, Nazareth University will ensure that the emergency removal will not impose a premature sanction on the Respondent or circumvent the Grievance Process. An emergency removal does not equate to a Determination of Responsibility for a Policy violation and will not result in a presumption of responsibility in any subsequent Grievance Process.

(3) Ongoing Evaluation

Nazareth University will continually evaluate whether the presence of an immediate threat to physical health or safety of a student or another individual has remained the same or changed such that the removed Respondent can be safely returned to programs or activities in a partial or complete manner.

(4) Notice of Emergency Removal and Opportunity to Request Review

In the event Nazareth University determines that emergency removal of a Respondent is appropriate, the Respondent will be notified in writing within two (2) Business Days of the removal decision. This written notice will include details about the specifically identified emergency threat of physical safety or harm

underlying the decision, as well as information about the Respondent's immediate opportunity to request review of the Emergency Removal decision.

(F) Placement of Employee on Administrative Leave

In the event a Formal Complaint alleges conduct that could constitute Title IX Sex Discrimination and identifies an Employee as Respondent, Nazareth University may decide to place the Respondent on administrative leave, in emergency and non-emergency situations. The purpose of such an administrative leave is to allow a temporary separation of the Employee while the Grievance Process is ongoing. Nazareth University will determine the terms and conditions of the leave on a case-by-case basis. The decision process for placing an Employee-Respondent on leave will respect their rights under Title VII, Americans with Disabilities Act, and all other applicable employment laws.

Nazareth University may place a student-employee on administrative leave from on-campus employment in a non-emergency situation in order to provide Supportive Measures to a Complainant. Nazareth University will make its best efforts not to unreasonably burden the Respondent with placement on leave and will fully evaluate whether there are alternative and less restrictive measures that would be more appropriate. In most situations, a student-employee placed on administrative leave from on-campus employment as a Supportive Measure will continue to receive pay until the conclusion of the Grievance Process.

-Written Notifications

Nazareth University is dedicated to supporting victims by providing written notification to both students and employees about the full range of available services, including counseling, health services, mental health support, victim advocacy, legal assistance, visa and immigration support, student financial aid, and other relevant resources. These services are accessible within the institution and throughout the broader community, ensuring comprehensive support for victims. Additionally, the university is committed to informing victims about their options for requesting changes to academic, living, transportation, and working situations, as well as protective measures. Regardless of whether the victim chooses to report the crime to campus police or local law enforcement, Nazareth University will make reasonable efforts to accommodate such requests to promote the well-being and safety of victims.

Nazareth University is dedicated to ensuring the rights and well-being of our students and employees. In the unfortunate event that a student or employee reports being a victim of dating violence, domestic violence, sexual assault, or stalking, regardless of whether the incident occurred on or off-campus, the institution is committed to providing the affected individual with a comprehensive written explanation of their rights and available options. Our aim is to empower victims with the knowledge and support they need to make informed decisions during difficult times.

Grievance Process for formal Complaints

All rights established in this section apply equally to both Parties. This process applies when a Formal Complaint is signed and submitted, whether by a Complainant or the Title IX Coordinator on behalf of Nazareth University. This process is grounded in a presumption that a Respondent is not responsible unless and until a Determination of Responsibility at the conclusion of this process. The standard of review for determinations regarding responsibility at the conclusion of this process is clear and convincing evidence. The clear and convincing standard of proof is met when the evidence demonstrates that an allegation is substantially more likely than not to be true. The evidence must be clear, unequivocal, satisfactory, and convincing.

Formal Complaints are resolved either through Live Hearing or Informal Resolution, briefly described as follows:

- **Live Hearing:** The Live Hearing process, and the investigation process that precedes the Live Hearing, are described in Sections IX(I) and IX(K) titled Investigation and Live Hearing. The standard of review for determinations regarding responsibility at the conclusion of this process is clear and convincing evidence.
- **Informal Resolution:** a voluntary process for resolution of Formal Complaints. The Title IX Coordinator or any Party may propose or request consideration of Informal Resolution. During the Informal Resolution process, a Facilitator(s) will attempt to help the Parties come to an agreement about how to resolve a Formal Complaint. The Informal Resolution process is available to the Parties any time after a Formal Complaint is filed and before the Written Determination is issued by the Hearing Board, except in matters in which a student Complainant alleges Title IX Sex Discrimination by an Employee. Participation in the Informal Resolution process is entirely voluntary, and all Parties must agree to participate. The Informal Resolution process is more fully described below in Section IX(F)(2).

Privacy of Process

Nazareth University will keep confidential the identity of any individual who has made a Report or Formal Complaint, and the identity of any Complainant, Respondent, and Witness except as permitted by FERPA, required by law, or as necessary for the Institution to take action under this Policy.

Investigation

Nazareth University's investigation process is designed to (1) allow for the thorough, impartial, and reliable gathering of information and (2) result in a comprehensive investigation report summarizing relevant, admissible evidence. Nazareth University strives to assemble and share with the Parties all inculpatory and exculpatory information gathered during the investigation that is directly related to the allegations of the Formal Complaint (see Section IX(I)(3) below) within one hundred and twenty-five (125) Business Days of receipt of Notice of Investigation, understanding that numerous issues arise during investigations that may justify a good cause extension of the timeline as described in Section IX(B) above.

Assignment of Investigator

The Title IX Coordinator will supervise the investigation, starting with determining who will serve as Investigator. The Investigator may be a Nazareth University Employee or Employees; an external Investigator

or Investigators; or a team of Investigators that pairs an external Investigator with a Nazareth University Employee.

Investigation Report

After considering the Parties' responses and conducting any additional investigation indicated by those responses, the Investigator will prepare a report summarizing all of the relevant, admissible information obtained during the investigation, including Inculpatory Evidence and Exculpatory Evidence. The Investigator will incorporate the Parties' responses to the report, as well as an explanation of any additional steps taken after receipt of Party responses and include any related materials. All of these written submissions and all relevant, admissible information gathered during the investigation will collectively be considered in the investigation report.

To the extent that the investigation report includes an assessment of Party and Witness Credibility, Credibility determinations may not be based upon a person's status as a Complainant, Respondent or Witness.

(5) Parties' Review of and Response to Investigation Report

Nazareth University will share the investigation report with the Parties and their Advisors either in hard copy or an electronic format, and each Party will have at least ten (10) days to review and respond to the investigation report in writing. Upon receipt of the Parties' responses after review of the investigation report and a determination by the Title IX Coordinator (in consultation with the Investigator) that the investigation is complete, Nazareth University will notify all Parties that the investigation is complete and provide information about next steps in the process.

Determination after Investigation

At the conclusion of the investigation, the Title IX Coordinator will review the investigation report to determine whether the conduct, if proved, falls within this Policy.

(1) Proceed to Live Hearing

When the alleged conduct, if proved, falls within this Policy, the Title IX Coordinator will prepare a Notice of Live Hearing based on information contained in the investigation report. (See Section IX(K)(1) below.)

(2) Dismissal of Formal Complaint

If the conduct, even if proved, does not fall within this Policy because it would not constitute Title IX Sex Discrimination, the conduct did not occur within Nazareth University's Education Program or Activity or did not occur within the United States, Nazareth University must dismiss the Formal Complaint. Nazareth University may also dismiss a Formal Complaint if the Title IX Coordinator determines that there is not sufficient cause to believe the alleged conduct may have occurred; the Respondent is no longer enrolled or employed by Nazareth University; or specific circumstances prevent Nazareth University from gathering sufficient evidence to reach a Determination of Responsibility or No Responsibility.

In either instance, the Title IX Coordinator will issue a Notice of Dismissal, including the reasons for the dismissal, to the Parties simultaneously within five (5) Business Days of the Title IX Coordinator's determination. If the alleged conduct would potentially violate a different Nazareth University Policy, the Notice of Dismissal will include information about the referral and immediate next steps.

The Parties have a right to submit an Appeal from a dismissal of a Formal Complaint on the same grounds and using the same process described in Section VIII(B)(b) above.

Notice of Live Hearing

The Live Hearing process begins with the issuance of a Notice of Live Hearing. The Notice of Live Hearing will be sent to the Parties simultaneously within 10 Business Days of the conclusion of the investigation and at least five (5) Business Days before the scheduled hearing date. The Notice of Live Hearing will include the following information:

- the date, time, and location of the Live Hearing;
- a brief factual summary of the conduct alleged to have violated the Policy, including date, time, and location;
- the specific Policy provision(s) at issue;
- possible sanctions associated with a finding of responsibility for the alleged Policy violation(s);
- the composition of the Hearing Board empaneled by the Title IX Coordinator;
- the Parties' right to be accompanied by an Advisor at the Live Hearing and the obligation to notify the Title IX Coordinator within two (2) days of receipt of the Notice of Live Hearing of: (1) the name, title, and contact information for their Advisors, (2) whether they will continue to be advised by the same Advisor as during the investigation (if applicable) or (3) that they do not intend to select an advisor;
- a statement that there is a presumption of No Responsibility on the part of the Respondent until a determination regarding responsibility is made at the conclusion of the Grievance Process; and
- information regarding the Informal Resolution process (as applicable).

Hearings

Hearings are convened by the Title IX Coordinator. The Title IX Coordinator oversees all hearings. In rare circumstances when the Title IX Coordinator is unavailable or ineligible to do so, the Title IX Coordinator will appoint a delegate to convene and oversee the Hearing Board process. The Title IX Coordinator will be the **non-voting** chair of all Hearing Boards during Live Hearings, serving as a process and policy advisor to the Hearing Board. In this role, the Title IX Coordinator may be referred to as the Hearing Officer.

The Title IX Coordinator is never a Decision-maker, whether in connection with a Live Hearing or an Appeal, but may be an Investigator.

(1) Hearing Board

Prior to the Live Hearing, the Hearing Board will have read all of the information in the file. The Parties will have the same information as the Hearing Board.

(a) Gathering Information

The Hearing Board will focus its questions on those areas where it needs clarification or more information. The Hearing Board will not necessarily need or want Parties or Witnesses to repeat everything they shared during the investigation, but as the Decision-maker(s), the Hearing Board is obligated to come to its own Findings of Fact.

The Hearing Board has the right and responsibility to ask questions and elicit information from Parties and

Witnesses on the Hearing Board's own initiative to aid the Hearing Board in obtaining relevant information, both inculpatory and exculpatory.

Only members of the Hearing Board may ask questions of any person testifying, except in connection with Cross-examination Questions asked by Advisors. (See Section IX(K)(9).) The Hearing Board is responsible for ensuring that it has sought and probed all information necessary to make an informed decision. At times, the Hearing Board will need to ask difficult or sensitive questions in order to understand the allegations, related information, and to gain a full understanding of the context.

If at any time a Party does not understand a question or why the Hearing Board is asking a question, the Party should let the Hearing Board know. The Hearing Board will explain and modify its question at its discretion.

The Parties have equal rights to present information in front of the Hearing Board, which ensures that the Hearing Board has the benefit of each Party's perspectives about the evidence.

Parties have no right to self-representation and may not ask questions directly of the other Party or Witnesses.

(b) Evaluating Information

The Hearing Board must objectively evaluate all admissible, relevant evidence for weight or Credibility, including both Inculpatory Evidence and Exculpatory Evidence. The Hearing Board must focus on evidence pertinent to proving whether facts material to the allegations under investigation are more or less likely to be true. Determinations of Credibility must be based on objective evaluation of relevant evidence, not on a person's status as a Complainant, Respondent or Witness or inferences from Party or Witness status. Factors related to Credibility are set forth in the definition of Credibility. Credibility determinations are based on a number of factors, including demeanor (but **never** only demeanor); opportunity and capacity to observe the event; contradiction or consistency with other evidence; availability of corroboration (where it should logically exist, noting that corroborating evidence is not required); level of detail in Statement or testimony; motive to be untruthful; and inherent plausibility or implausibility.² The evaluation of Credibility also takes into account the normal fallibility of human memory.

A Party's answers to Cross-examination Questions will be evaluated by the Hearing Board in context, taking into account that a Party may experience stress while answering Cross-examination Questions. Parties will not be unfairly judged if they are unable to recount every specific detail in sequence, whether such inability is due to trauma, the effects of drugs or alcohol

² U.S. Equal Employment Opportunity Commission: Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors (June 18, 1999). <https://www.eeoc.gov/laws/guidance/enforcement-guidance-vicarious-liability-unlawful-harassment-supervisors>

or simple fallibility of human memory. These factors will also be considered as part of the Credibility assessment.

(2) *Role and Obligations of Advisors During Hearings*

The Advisor's role and consequences for exceeding that role are set forth at Section IX(E) above with the following important additions relevant to the Live Hearing:

- (a) Advisors may not speak during the hearing process, except in connection with Cross-examination Questions, described in Section IX(K)(9). Therefore, in all instances other than Cross-examination Questions, Advisors may not speak to the Hearing Board, make statements or arguments or answer questions on behalf of a Party.
- (b) Advisors conducting Cross-examination must be capable of understanding the purpose or scope of Cross-examination. Equal competency between the Parties' Advisors is not required.
- (c) When conducting Cross-examination, Advisors need not be advocates for Parties, but simply may be individuals who ask questions.
- (d) Advisors cannot direct the Party how to answer a question. Parties should provide their own responses to questions, not the responses their Advisor believes would be best.

(3) *Location of the Live Hearing*

Live Hearings are to be conducted with all Parties and Witnesses appearing virtually at the Live Hearing, with the Parties being able to see and hear each other and Witnesses live via technology.

(4) *Scope of the Live Hearing*

The Live Hearing will relate solely to charges set forth in the Notice of Live Hearing received by the Parties. If the Parties or any Witnesses share information that goes beyond these charges, the Hearing Board will redirect the speaker to the charges at hand.

Parties may be accountable for additional violations discovered through the Grievance Process even if they do not appear in the Notice of Live Hearing. In this instance, a separate Grievance Process under this Policy or under other applicable policies will commence.

(5) *Attendance at the Hearing*

The Live Hearing is closed, meaning it is not open to the public. Witnesses may be present only for their individual meeting with the Hearing Board. Advisors and Parties may be present throughout the proceeding. If a Party, after having been given notice, does not appear at the Live Hearing, the Live Hearing will be conducted in their absence, and the Party's Advisor may appear and conduct Cross-examination. In the event neither a Party nor their Advisor appear at the hearing, Nazareth University will provide an Advisor to appear on behalf of the non-appearing Party.

(6) *Expectation of Honesty*

Parties and other individuals who offer information at a Live Hearing are expected to respond honestly and to the best of their knowledge. The Hearing Board reserves the right to recall any Party or Witness for further questions and to seek additional information as it deems necessary. A Party or Witness who intentionally provides false or misleading information may be subject to discipline under this Policy or other applicable policies.

(7) *Cross-examination Questions and Effect of Failure to Submit to Cross-examination*

(a) *Advisors Conduct Cross-examination*

Advisors are allowed, on behalf of the Party they are advising, to cross-examine the other Party and Witnesses by asking relevant questions and follow-up questions, including questions challenging Credibility.

(b) *Relevance Determination Before Answering*

Before a Party or Witness answers a Cross-examination question, the Hearing Board must determine if the question is relevant. If a question is deemed irrelevant, the Hearing Board must explain why. The requirement of relevancy (see definition of Relevance at Section XVI) applies throughout the hearing, including during Cross-examination, and will be determined by the Hearing Board. Parties should understand that the process of Cross-examination may be difficult and may feel uncomfortable because its purpose is to promote the perspective of the other Party. Cross-examination Questions may not be submitted in writing in advance of the Live Hearing or during the Live Hearing for purposes of seeking an evaluation of Relevance.

(c) *Effect of Not Submitting to Cross-examination*

If a Party or Witness does not submit to Cross-examination by Advisors at the Live Hearing, the Hearing Board can still rely on any Statement or Evidence submitted by that Party or Witness in reaching a determination regarding responsibility so long as the Statement or Evidence is determined to be relevant.

- i. "Submit to Cross-examination" means answering those Cross-examination Questions that are relevant, as determined by the Hearing Board in real time during the Live Hearing. If a Party or Witness disagrees with the Hearing Board's Relevance determination, they may either (a) abide by the Hearing Board's determination and answer the question or (b) refuse to answer the question.

(8) *Breaks*

The Hearing Board may need to take breaks during testimony to ensure that it can confer regarding the

information that has been offered and can determine whether further questions are necessary. The Hearing Board will take as few breaks as possible, but breaks are needed and help to avoid having to call individuals back to meet with the Hearing Board at a later date. At any time, a Party may request a break to talk with their Advisor or for another reason. In almost all instances, a break will be allowed.

(9) *Rape Shield Protections*

All questions and evidence about Complainant's sexual predisposition are irrelevant. All questions and evidence about Complainant's prior sexual behavior are irrelevant unless offered to prove that someone other than the Respondent committed the alleged misconduct or offered to prove Consent.

(10) *Order of the Live Hearing*

- (a) The Chair calls the Live Hearing to order and explains the hearing process, which includes a reading of the charge(s) at issue and provides an opportunity for all Parties to ask procedural questions prior to opening statements.
- (b) The Parties are informed that the hearing is being recorded. The recording is the sole official verbatim record of the Live Hearing and is the property of the University.
- (c) The Complainant may present a five (5) minute opening statement related to the charges.
- (d) The Respondent may present a five (5) minute opening statement related to the charges.
- (e) The Hearing Board asks the Complainant questions relevant to the charges.
- (f) The Respondent's Advisor may ask Complainant relevant questions and follow-up questions, including those challenging Credibility (Cross-examination Questions).
- (g) The Hearing Board asks the Respondent questions relevant to the charges.
- (h) The Complainant's Advisor asks Respondent relevant questions and follow up questions, including those challenging Credibility (Cross-examination Questions).
- (i) The Hearing Board may call Witnesses to provide relevant information to the Hearing Board.
- (j) At the conclusion of each Witness, Complainant and Respondent's Advisors may ask each Witness relevant questions and follow up questions, including those challenging Credibility (Cross-examination Questions). The Parties may never ask questions directly of the Witnesses.
- (k) First, Complainant's Advisor asks questions of each Witness and then Respondent's Advisor asks questions of each Witness. Complainant's Advisor then has one more opportunity to ask questions of each Witness and Respondent's Advisor has one more opportunity to ask questions of each Witness.
- (l) Before a Witness answers a Cross-examination Question from an Advisor, the Hearing Board must first determine whether the question is relevant.
- (m) At the conclusion of the testimony of the Parties and the Witnesses, the Parties may make a five (5) minute closing statement, with the Complainant going first and the Respondent going next.
- (n) The Parties are asked any final questions by the Hearing Board, if applicable.
- (o) The Chair announces that the Live Hearing is concluded.

(11) *Hearing Board Deliberations and Written Determination*

(a) Deliberations

When the Live Hearing concludes, the Hearing Board privately deliberates and makes its decision in accordance with the clear and convincing Standard of Evidence.

(b) Delivery and Contents of Written Determination

The Hearing Board issues a Written Determination, which is sent to the Parties simultaneously within 14 Business Days of the conclusion of the Live Hearing. The Written Determination includes:

- i. Procedural History
- ii. Summary of allegations in Notice of Live Hearing
- iii. Policy provisions at issue
- iv. Findings of Fact related to each allegation potentially constituting Title IX Sex Discrimination, made using the clear and convincing evidence standard
- v. Rationale (or evidentiary basis) for the Findings of Fact related to each allegation, which should include an evaluation of the weight or Credibility of admissible, relevant evidence
- vi. A determination of whether the conduct found to have occurred violates this Policy (Determination of Responsibility) or not (Determination of No Responsibility)
- vii. Rationale (or evidentiary basis) for the Determination of Responsibility or No Responsibility
- viii. A statement of any disciplinary sanctions imposed on the Respondent and the rationale for the sanctions
- ix. Whether Remedies will be provided to the Complainant, using the phrase: “Remedies designed to restore or preserve equal access to Nazareth University’s Education Program or Activity will be provided by Nazareth University to the Complainant, and include [Remedies to be filled in here].”
 1. The nature of such Remedies will not appear in the Written Determination
 2. Remedies that do not directly affect the Respondent must not be disclosed to the Respondent
- x. Information about how to file an Appeal and how to access the recording before the time to file an Appeal lapses.

(12) *Implementation of Remedies in Written Determination*

The Title IX Coordinator is responsible for the effective implementation of Remedies.

Sanctions

The following sanctions and/or conditions may be imposed following a Determination of Responsibility for a violation of this Policy. Title IX requires that Nazareth University provide notice of a range of sanctions; the list below is intended as notice of possible Remedies and disciplinary sanctions and does not reflect the probability that any particular outcome will occur.

(a) Students

- Expulsion (permanent separation)
- Suspension
- Deferred Suspension
- Disciplinary Probation
- Disciplinary Probation with deferred removal from the residence halls
- Loss of housing contract
- Conduct warning
- Title IX Sex Discrimination education or other relevant education
- Parent or guardian notification (subject to privacy restrictions)
- Financial restitution
- Organizational sanctions including probation and rescinding recognition or other organizational restrictions
- Fine
- Community restoration and/or community service
- Loss of campus privileges
- Loss of campus employment and/or opportunities for campus employment
- Withholding records or degree
- Revocation of admission and/or degree
- Bar against registration
- Discretionary action
- Substance abuse education and/or evaluation

(b) Employees

- Termination of employment
- Suspension
- Demotion
- Progressive discipline
- Warning
- Loss of pay or other pay adjustments
- Job transfer
- Change or restrictions in work location and/or job responsibilities
- Title IX Sex Discrimination education
- Restrictions on the Employee's communications
- Limitations on the Employee's movement in or on Nazareth University's campus, programs, and activities

(2) Factors in Determining Sanctions

In considering the appropriate sanction within the recommended outcomes, the Hearing Board may consider the following factors:

- Respondent's prior discipline history;
- how Nazareth University has sanctioned similar incidents in the past;
- the nature of the conduct at issue, including whether there was violence or other use of force;
- the impact of the conduct on the Complainant;
- the impact of the conduct on Nazareth University's community, its members or Nazareth University's property;
- whether the Respondent accepted responsibility;
- whether the Respondent is reasonably likely to engage in the conduct in the future;
- any other mitigating or aggravating circumstances, including Nazareth University's values; and
- Nazareth University's obligation to eliminate Prohibited Conduct, prevent its recurrence, remedy its effects, and to maintain an environment free from Title IX Sex Discrimination.

Respondent's lack of comprehension that conduct constituting Title IX Sex Discrimination violates the bodily or emotional autonomy and dignity of a victim does not excuse the misconduct, though genuine lack of understanding may, in Nazareth University's discretion, factor into the sanction decision.

(3) Remedial Action

The Hearing Board may consider other remedial actions that may be taken to address and resolve any incident of Title IX Sex Discrimination and to prevent its recurrence, including: strategies to protect the Complainant and any Witnesses from retaliation; provide counseling for the Complainant; other steps to address any impact on the Complainant, any Witnesses, and the broader campus community, and any other necessary steps reasonably calculated to prevent future occurrences of harassment.

(4) Failure to Comply with Sanctions

Failure to comply with the sanctions or conditions imposed by the Hearing Board will result in action under Nazareth University's Student Code of Conduct or Faculty Manual or Staff Handbooks, as applicable.

Grievance Process Timeframes

Nazareth University strives to meet the following timeframes for the Grievance Process. All days are measured in Business Days with the Grievance Process commencing as of date of acceptance of a signed Formal Complaint.

- (A) Notice of Investigation: Within five (5) Business Days of acceptance of signed Formal Complaint.
- (B) Investigation: The investigation process will typically be completed within one-hundred-and-twenty-five (125) business days of issuance of the Notice of Investigation.
- (C) Opportunity to Review/Respond to Information Gathered During Investigation and Directly Related to Allegations of the Formal Complaint: The information gathered during investigation and directly related to the allegations of the Formal Complaint will be provided to the parties in hard copy or electronic format within one-hundred-and-twenty-five (125) Business Days of issuance of the Notice of Investigation. Parties and their Advisors have ten (10) days to review and respond.
- (D) Opportunity to Review/Respond to Investigation Report: Parties and their Advisors have ten (10) Business Days from the delivery of the Investigation Report to review and respond to the Investigation Report.
- (E) Notice of Live Hearing: As applicable, a Notice of Live Hearing will be sent the Parties simultaneously within ten (10) Business Days of the conclusion of the investigation, which occurs after receipt of the Parties'

response to the Investigation Report and when Nazareth University determines no further investigation is warranted.

(F) Challenge to Hearing Board Member: Within two (2) Business Days of receipt of the Notice of Live Hearing, Parties have the right to make a written request that the Title IX Coordinator remove a member of the Hearing Board based on reasonable and articulated grounds of bias, conflict of interest or an inability to be fair and impartial.

(G) Live Hearing: The Live Hearing will begin no sooner than fourteen (14) Business Days and no more than twenty-one (21) Business Days of issuance of the Notice of Live Hearing.

(H) Written Determination following a Live Hearing: Following a Live Hearing, the Written Determination will be sent to the Parties simultaneously within fourteen (14) Business Days of the conclusion of the Live Hearing. A Live Hearing is not concluded until Hearing Board deliberations have ended.

(I) Appeals:

1. Parties must file an Appeal within seven (7) Business Days of receipt of the Written Determination.
2. Within five (5) Business Days of the receipt of the Appeal by the Title IX Coordinator, the Appellant and non-appealing Party/ies will receive written notice that an Appeal has been submitted and the identity of the Appeal Decision-maker.
3. The Parties will have two (2) days after notice of receipt of the Appeal to request that the Title IX Coordinator remove a member of the Appeal Decision-maker based on reasonable and articulated grounds of bias, conflict of interest or an inability to be fair and impartial.
4. Within seven (7) Business Days of the receipt of the Appeal, the Appeal Decision-maker will send written notice to the Parties either accepting or rejecting the Appeal.
5. The Appeal Decision-maker will issue its written decision on the Appeal within fourteen (14) Business Days of the notice to the Parties that the Appeal was accepted.

Appeals

(A) Filing an Appeal from a Written Determination

The Parties have equal rights to file an Appeal. Appeals must be submitted to the individual identified in the Written Determination on or before the date specified in the Written Determination, which shall be seven (7) Business Days after the delivery of the Written Determination.

(B) Appeal Grounds

An Appeal is not intended to be a rehearing of the information presented at the Live Hearing. An Appeal may only be based upon one or more of the following grounds:

1. Procedural Irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or,
3. Conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter
4. The sanctions imposed were substantially disproportionate to the violation committed

(C) Actions upon Receipt of Appeal

1. When an Appeal is received by the individual identified in the Written Determination, the Appeal is provided to the Appeal Decision-maker.
2. Within five (5) Business Days of the receipt of the Appeal, the Appellant is given notice of the receipt of the Appeal, which also serves as notice to the non-appealing Party of the Appeal, and notice to the Parties of the Appeal Decision-maker.
3. The Parties have two (2) days after notice of receipt of the Appeal to request that the Title IX Coordinator remove the Appeal Decision-maker based on reasonable and articulated grounds of bias, conflict of interest or an inability to be fair and impartial. The Title IX Coordinator determine whether to remove the Appeal Decision-maker. If the Appeal Decision-maker is not removed, the Title IX Coordinator notifies the requesting Party of the decision. If the Appeal Decision-maker is removed and replaced, the Parties are sent simultaneous written notification of the name of the new Appeal Decision-maker.
4. When the time to request removal of the Appeal Decision-maker has run, the Appeal Decision-maker is provided with the entire file provided to the Hearing Board who made the determination, together with the Written Determination.
5. The Appeal Decision-maker first determines whether the Appeal will be accepted, based upon whether one or more of the Appeal Grounds set forth above has been properly alleged by the Appellant. Within seven (7) Business Days of the receipt of the Appeal, the Appeal Decision-maker sends written notice to the Parties simultaneously:
 - (a) That the Appeal has been rejected due to insufficient grounds, with the Appeal Decision-maker's rationale, or
 - (b) That the Appeal has been accepted.
6. The non-appealing Party/ies are entitled to submit a response to the Appeal, which must be sent to the individual identified in the written notice described in Section 5 above within five (5) Business Days of receipt of notice that the Appeal was accepted.
7. The Appeal Decision-maker then analyzes all of the materials related to the Appeal and will take one of the following actions:
 - (a) Uphold the original decision
 - (b) Send the matter back to the Hearing Board for further consideration
 - (c) Refer the matter to the Title IX Coordinator for further investigation or a new hearing with a new Hearing Board
8. The written Appeal decision, which includes the Appeal Decision-maker's rationale, is sent to the Parties simultaneously.
9. The Appeal Decision-maker issue its written decision on Appeal within fourteen (14) Business Days of the notice to the Parties that the Appeal was accepted (step 5 (b) above).

(D) Appeal Decisions are Final

A decision denying the entitlement to an Appeal and all decisions made by the Appeal Decision-maker are final.

(E) When an Appeal is not Filed

The Parties are notified if the time to file an Appeal has expired without any Appeal having been submitted.

Resources

Any individual affected by sexual violence or harassment—a Complainant, a Respondent, and/or a third party—will have equal access to support and counseling services through the University. The University understands that deciding whether to make a report and choosing how to proceed can be difficult decisions, and thus encourages any individual who has questions or concerns to seek the support of campus and community resources. Professionals on campus can provide important initial responsive care, as well as information about available resources and procedural options. On-campus professionals can assist any party with a report under this Policy. The University strongly encourages individuals to use all available resources, regardless of when or where the incident occurred.

Confidential Resources and Support

The University hopes that individuals who have experienced sexual violence will report what happened in order to enable the University to respond appropriately. However, at a minimum, the University strongly encourages individuals who have experienced sexual violence to talk to someone about what happened to get needed support even if that individual is not yet ready to report an incident. There are many options available for students to speak with someone about what happened while maintaining confidentiality.

As discussed in the Sexual Misconduct Policy. Different members of the campus community have different abilities to maintain confidentiality when acting in the scope of their role that confers confidentiality.

- Some are required to maintain near complete confidentiality, and thus talking to these individuals is sometimes called a “privileged communication.”
- Other employees are designated as having limited confidentiality, meaning that they may talk to a Complainant in confidence and generally may report only nature, date, time, and general location of the incident without revealing any personally identifying information. Disclosures to these employees will not trigger an investigation against the Complainant’s wishes.
- Finally, some employees are required to report all the details of an incident (including the identities of both the Complainant and Respondent) to the Title IX Coordinator. A report to these employees— “responsible employees”—constitutes a report to the University and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

Below is a more detailed description of confidential and non-confidential resources available at Nazareth.

On Campus Confidential Resources

Unless any of these individuals serve in a Title IX/Deputy Title IX Coordinator role, professional, licensed counselors² who provide mental health counseling to members of the campus community (and including those who act in that role under the supervision of a licensed counselor), health care providers, and athletic trainers are not required to report any information about an incident to the Title IX Coordinator without the permission of the individual seeking support. However, these counselors can inform individuals of their options for on- and off-campus reporting of the sexual violence incident triggering the report.

The University’s Health and Counseling Services offer students completely confidential counseling services. They are located between Peckham Hall and the Wellness & Rehabilitation Institute. The phone number during

normal business hours (8:30 a.m. to 4:30 p.m.) is 585.389.2500. Sandra Masterton, the Secretary in the University's Health and Counseling Services, can also interact with Reporting Parties without any obligation to report any information to the Title IX Coordinator. Sandy's contact information is 585.389.2500 or smaster3@naz.edu.

For after-hours on-campus emergencies when school is in session, emergency mental health services are accessible 24 hours a day, 7 days a week. A student can access a nurse by calling 585-389-2850.

For after-hours emergencies off campus or when school is not in session, please:

- call Life Line at 585.275.5151; or
- call 911; or
- go to the Psychiatric Emergency Department at University of Rochester Medical Center (601 Elmwood Avenue in Rochester / 585.275.4501); or
- call Restore Sexual Assault Service's 24 hour/day, confidential rape crisis hotline at
 - o 585.546.2777 (Monroe County)
 - o 800.527.1757 (Genesee, Livingston, Orleans & Wyoming Counties); or
- call Willow Domestic Violence Center's 24 hour/day confidential hotline (585.232.7353) for victims of domestic violence proceed directly to the Emergency Department at Strong Memorial Hospital (601 Elmwood Avenue in Rochester / 585.275.4551), which has a Sexual Assault Forensic Examination (SAFE) Center; or
- call 585.922.4000 to access a Sexual Assault Nurse Examiner at Rochester General Hospital (1425 Portland Avenue in Rochester).

Non-professional Counselors — Limited Confidentiality

Unless any of these individuals serve in a Title IX/Deputy Title IX Coordinator role, counselors in and affiliates of the Center for Spirituality can talk to a Complainant without any obligation to reveal to the University any personally identifying information about an incident. A Complainant can seek assistance and support from these individuals without triggering an investigation that could reveal the reporting student's identity or that the student has disclosed the incident.

The Center for Spirituality is located in Golisano Academic Center 153 and/or by calling 585.389.2303.

Students can reach the Center's staff and/or affiliates directly by using the following contact information:

- Jamie Fazio: Director, jfazio1@naz.edu or 585.389.2308

Catholic Chaplain

- Muhammed Shafiq: mshafiq5@naz.edu or 585.389.2963

While maintaining a Complainant's confidentiality, these individuals and all other staff in the Center for Spirituality must report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report—which will include no information that would directly or indirectly identify the reporting student—helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so that s/he can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the Complainant to ensure that no personally identifying details are shared with the Title IX Coordinator.

Off Campus Confidential Resources

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the University unless the Complainant requests the disclosure and signs a consent or waiver form.

a. Counselors and Advocates

Members of the University's community may contact any of the following local resources for confidential support:

- Restore Sexual Assault Services maintains a 24 hour/day, confidential rape crisis hotline:
 - 585.546.2777 (Monroe County)
 - 800.527.1757 (Genesee, Livingston, Orleans & Wyoming Counties).
 - Willow Domestic Violence Center maintains a 24 hour/day confidential hotline (585.232.7353) for victims of domestic violence, and offers a shelter, counseling, support groups, children's services, court advocacy, Latina services, dating violence education, and transition program.
 - Safe Journey (585.425.1580) serves women and children in transition from domestic violence, who need individual or group counseling, advocacy or community referrals as they heal from abuse.
- Employees can access free, confidential assistance through the University's Employee Assistance Program 24 hours a day, 7 days a week:
- 1-800-433-7916

b. Health Care

Individuals who have experienced sexual violence should visit a local Emergency Department or the local medical provider⁴ of their choice for confidential emergency care.

Options include:

- Call 911.
- Proceed directly to the Emergency Department at Strong Memorial Hospital (601 Elmwood Avenue in Rochester / 585.275.4551), which has a Sexual Assault Forensic Examination (SAFE) Center.
- Call 585.922.4000 to access a Sexual Assault Forensic Examiner at Rochester General Hospital (1425 Portland Avenue in Rochester).

More about Confidential Resources

A Complainant who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement or the New York State Police, which would likely result in investigation by local law enforcement or State Police. These on-campus counselors and health care providers will assist the Complainant with further or formal action on or off campus.

Limitations

An individual who speaks to an on-campus professional or non-professional counselor or health care provider must understand that, if the individual wants to maintain confidentiality, the University may be unable to

conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator. Even so, these on-campus counselors and health care providers will still assist the Complainant in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules.

Exceptions

Please note that, while these on-campus professional and non-professional counselors and health care providers may maintain a Complainant's confidentiality with respect to further reporting to the University, their ability to maintain confidentiality may be limited in the following circumstances:

- If a counselor or health care provider believes that the individual seeking resources or support or someone else is in clear and imminent danger of harm, the counselor is legally obligated to inform proper authorities and others in order to help prevent the harm from occurring; in such cases the counselor or health care provider may also decide that it is in the individual's best interest to contact the individual's family and University officials.
- If an individual provides information indicating that a minor (someone under 18 years old) is being abused or has been sexually assaulted, the counselor or health care provider is legally required to notify proper authorities.
- In addition to mandated reporting requirements, there may be other circumstances in which a counselor or health care provider may decide it is necessary and/or appropriate to notify the minor's parents.
- In rare cases, a court may order a counselor or health care provider to disclose information.

-Clery Act Reporting and Disclosures

The Title IX Coordinator is responsible for publicly available recordkeeping including Clery Act reporting and disclosures without inclusion of personally identifying information about the reporting party.

-Confidentiality of accommodations or protective measures

Nazareth University is committed to maintaining the confidentiality of any accommodations or protective measures provided to victims. We will do so to the fullest extent possible, ensuring that such confidentiality is upheld without compromising our ability to effectively provide these necessary accommodations or protective measures to support victims and their well-being.

Reporting Potential Violations of this Policy, Including Formal Complaints

The Title IX Coordinator coordinates Nazareth University's efforts to comply with Title IX, including overseeing this Policy and the publication and dissemination of information required by Title IX. The Title IX Coordinator's responsibilities include: (1) receiving and responding to Reports of conduct that may constitute a violation of this Policy; (2) coordinating the effective implementation of Supportive Measures; (3) designating Investigators, Facilitators, and Decision-makers to act pursuant to the Grievance Process; (4) ensuring that the technology needed to conduct and record hearings is available; (5) implementing effectively any Remedies or discipline imposed by a Decision-maker upon a finding of a violation of this Policy; and, (6) complying with the record-keeping requirements of this Policy.

The Deputy Title IX Coordinator supports the Title IX Coordinator in fulfilling their role and responsibilities and may serve as the Title IX Coordinator's designee to carry out any response, action, initiative, project or other responsibility outlined in this Policy.

Nazareth University strongly encourages everyone who has information about a potential violation of this Policy, including Retaliation, to report to the Title IX Coordinator or another Campus Official. Any person may make a Report of a potential violation to the Title IX Coordinator in person, by mail, by telephone or by email. Reports by mail, telephone or email may be made at any time, including outside of regular business hours. A Report does not constitute a Formal Complaint. Members of Nazareth University's community can find a Formal Complaint form at naz.edu/titleix. A completed Formal Complaint with an individual's physical or electronic signature can be submitted to the Title IX Coordinator through the form or by email or mail. An individual can also prepare a document with the required contents of a Formal Complaint and submit it to the Title IX Coordinator through email, mail or an in-person meeting. An individual may speak with the Title IX Coordinator prior to submitting a Formal Complaint, and the Title IX Coordinator can assist in filling out a Formal Complaint with the understanding that the Formal Complaint cannot be accepted without the Complainant's signature.

Any Campus Official who receives information or who otherwise has information about a potential violation of this Policy is required to share the information received, in full, with the Title IX Coordinator.

On Campus Reporting Options Title IX Office
585-389-2877
100 Shults Center

Residential Life
585-389-2480
Kearney Hall

Campus Safety 585-389-2850
Shults 021

Human Resources 585-389-2066
Smyth 045

Health and Counseling Services (Confidential Resource) 585-389-2500
Between Peckham and York Wellness and Rehabilitation Institute

Reporting to Law Enforcement

The University encourages Complainants to pursue criminal action for incidents of sexual assault or harassment that may also be crimes under New York State criminal statutes. The University will assist a Complainant, at the Complainant's request, in contacting local law enforcement. If a Complainant decides to pursue the criminal process, Nazareth will cooperate with law enforcement agencies to the extent permitted by law.

The University will generally respect a Complainant's choice whether or not to report an incident to local law enforcement, unless the University determines that there is an overriding issue with respect to the safety or welfare of the Nazareth community. Where a report involves suspected abuse of a minor less than 18, certain individuals at the University may be required by state law to notify law enforcement and/or the New York Statewide Central Register of Child Abuse and Maltreatment, as discussed further in Section X of the Sexual Misconduct Policy.

Neither law enforcement's determination whether or not to prosecute a complaint, nor the outcome of any criminal prosecution of such a complaint, creates any presumption regarding whether sexual assault or misconduct has or has not occurred under this Policy. Proceedings under this Policy may be carried out prior to, simultaneously with or following civil or criminal proceedings off campus.

Students who wish to pursue a formal complaint with local law enforcement can enlist the help of the Title IX Coordinator, Campus Safety or call the Monroe County Sheriff's Office (MCSO) directly by dialing 911.

1. Victim Assistance Programs

The Monroe County Sheriff's Office has a victim assistance program available to individuals who file a report with law enforcement. Victim assistance programs provide individual counseling, transportation to court, accompaniment to court, assistance in filing with the Crime Victims Board for compensation for crime-related out-of-pocket costs, property release, restitution assistance, referral, public awareness, and an explanation of the criminal justice system.

- Monroe County Sheriff's Department Victim Assistance Program: 585.753.4389 (<http://www.monroecountysheriff.info/>)

The following other agencies also provide assistance to individuals who pursue criminal complaints:

- Willow Domestic Violence Center: 585.232.5200 (<http://www.willowcenterny.org/>)
- Monroe County District Attorney Victim/Witness Assistance Bureau: 585.753.4573 (<http://www.monroecounty.gov/da-assistance.php>)
- Planned Parenthood of the Rochester/Syracuse Region: 585.546.2595 (<http://www.pprsr.org/>)
- Society for the Protection and Care of Children - Family Violence Program: 585.325.6101 (<http://www.spcc-roch.org/>)
- The Legal Aid Society of Rochester, NY, Inc.: 585.232.4090 (<http://www.lasroc.org/>)

To learn more about these programs, visit the website for the New York State Office of Victim Services (<http://www.ovs.ny.gov/>), which funds local victim assistance programs.

2. Sharing of Information between the University and Law Enforcement in Parallel Investigations.

The MCSO and the University's Campus Safety Department will timely share information in parallel investigations except that the MCSO may manage sharing of information so as not to impede the MCSO's ongoing law enforcement investigation. The University will work similarly with other law enforcement agencies as necessary. In addition, the University's ability to share information related to its own investigation and/or adjudication of certain offenses involving a student or students will be governed by the Family Educational Rights and Privacy Act, which prohibits disclosure of student education records containing personally identifiable information except under certain circumstances.

Responsible Employees

The University recognizes that a student or employee may choose to report sexual assault or harassment to any employee of the University. For example, a student may choose to talk with a dean, a resident assistant, a faculty member or a coach. An employee may choose to tell a supervisor or colleague.

In general, conversations with most employees are not completely confidential under the law. Under Title IX, University s are required to take immediate, corrective action if a "responsible employee" knew or, in the exercise of reasonable care, should have known about sexual or gender-based harassment that creates a hostile environment. The Office for Civil Rights defines a "responsible employee" as any employee who:

- has the authority to take action to redress the harassment;
- has the duty to report to appropriate school official's sexual harassment or any other misconduct by students or employees; or
- a student could reasonably believe has the authority or responsibility to take action.

With the exception of those employees specified in the section explaining Confidential Resources, all University employees, including faculty, staff, administrators, and students who are Resident Assistants, are required to share with the Title IX Coordinator any report of sexual assault or harassment they receive or of which they become aware. These individuals are required to share with the Title IX Coordinator all information of which they are aware, including the identities of the parties involved in the sexual misconduct, if known.

Anonymous Reporting

Any individual may report an incident without disclosing one's name, identifying the Complainant or Respondent or requesting any action. Depending on the level of information available about the incident or the individuals involved, anonymous reporting may impact the University's ability to respond or take further action.

All anonymous reports will go to Campus Safety and the Title IX Coordinator for review and appropriate response and action. Where there is sufficient information, the University will ensure that anonymous reports are reviewed and included for compliance with federal law (the Clery Act).

Reporting Considerations

Timeliness of Report, Location of Incident

While the University does not limit the timeframe for reporting, individuals are encouraged to report sexual assault and harassment as soon as possible in order to maximize the University's ability to respond promptly and effectively. If the Respondent is no longer a student or employee, the University may not be able to take action against the Respondent, but it will still seek to take steps to end the harassment, prevent its recurrence, and address its effects.

An incident does not have to occur on campus to be reported to the University. Off-campus conduct that is likely to have a substantial adverse effect on any member of the University community or the University may be covered under this Policy.

Amnesty for Personal Use of Alcohol or Other Drugs

The health and safety of every student at the University is the utmost importance. The University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence 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. The University strongly encourages students to report domestic violence, dating violence, stalking, sexual assault, and any other form of sexual misconduct 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, sexual assault or any other form of sexual misconduct to the University's officials or law enforcement will not be subject to action under Nazareth's code of conduct 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, sexual assault or other act of sexual misconduct.

Statement against Retaliation

As emphasized above, retaliation is a violation of university policy. The University understands that retaliation can take many forms, may be committed by or against an individual or a group, and that a Respondent or third party may also be the subject of retaliation by another individual, including the Complainant.

An individual reporting sexual assault or harassment is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is not later substantiated.

False Reporting

Given that a charge of sexual assault or harassment may have severe consequences, the University takes very seriously the truthfulness of information provided in support of an allegation of sexual misconduct.

A Complainant who is later found to have made a report that was intentionally false or made maliciously without regard for truth may be subject to disciplinary action. To be clear: this provision does not apply to

reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation or do not result in a finding of responsibility.

Similarly, a Respondent or witness who is later proven to have intentionally given false information during the course of an investigation or judicial action may be subject to disciplinary action.

Reports Involving Minors

The University's Protection of Minors Policy imposes an obligation on all members of the University community—regardless of mandated reporter status—to report upon reasonable cause to suspect that a minor (a person under the age of 18) is a victim of child abuse, neglect or sexual harassment based on:

- information shared by the minor or any other individual; or
- personal observations or knowledge.

The duty to report is triggered by reasonable suspicion or belief. There is no requirement that there be actual evidence of abuse, nor should any individual seek to investigate the matter before reporting. The source of abuse does not need to be known in order to file a report. Any doubt as to whether or not to report should be resolved in favor of making the report to ensure that the appropriate professionals in child protective services can assess the report and evaluate the safety of the minor. Please see the Protection of Minors Policy for reporting options and procedures.

Take Back the Night and Other Public Awareness Events

Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which students disclose incidents of sexual violence are not considered notice to the University for purposes of triggering its obligation to investigate any particular incident(s) of sexual violence. Such events may, however, inform the need for campus-wide education and prevention efforts, and the University will provide information about students' Title IX rights at these events.

Broader Remedial Action Based on Reported Sexual Misconduct

Because the University is under a continuing obligation to address the issue of sexual misconduct campus-wide, reports of sexual misconduct (including non-identifying reports) will prompt the University to consider broader remedial action, such as: increased monitoring, supervision, and/or security at locations where the reported sexual misconduct occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

Emergency Health Care

Students who have experienced sexual violence can also call the University's Health and Counseling Services or any local medical provider¹ of their choice for confidential emergency care.

Health and Counseling Services offer students free, confidential health care services. This means that the Health and Counseling Services staff cannot disclose any information without your permission. Health and Counseling Services are located between Peckham Hall and the Wellness & Rehabilitation Institute. The phone number during normal business hours (8:30 a.m. to 4:30 p.m.) is 585.389.2500.

For emergencies that occur while Health and Counseling Services are closed, students should call Campus Safety or 585.389.2850; or use the Send Help button in the Safe@Naz app; or

- call 911; or
- proceed directly to the Emergency Department at Strong Memorial Hospital (601 Elmwood Avenue in Rochester / 585.275.4551), which has a Sexual Assault Forensic Examination (SAFE) Center; or
- call 585.922.4000 to access a Sexual Assault Forensic Examiner at Rochester General Hospital (1425 Portland Avenue in Rochester).

It is important for an individual considering campus and/or law enforcement options against a Respondent to visit a Sexual Assault Forensic Examiner Nurse (sometimes referred to as a Sexual Assault Nurse Examiner). SAFE nurses provide free medical care for victims of sexual assault and are specially trained in conducting sexual assault exams and collecting and preserving forensic evidence of the assault for possible prosecution of the assailant.

SAFE Nurse: Strong Memorial Hospital
601 Elmwood Avenue
Rochester, New York
585.275.4551

Rochester General Hospital
1425 Portland Avenue
Rochester, New York
585.922.4000

This medical exam (commonly referred to as a "rape kit") has two goals: (1) to diagnose and treat the full extent of any injury or physical effect and (2) to properly collect and preserve evidence. The exam may include testing and prophylactic treatment for HIV/AIDS, STIs, and pregnancy; a vaginal examination; collecting fingernail scrapings and/or clippings; examining for injuries; and drawing blood. There is a limited window of time (typically 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Gathering such evidence does not commit an individual to pursue legal action against the assailant but does preserve that option. Although it may be difficult following a sexual assault, individuals who are considering or may consider legal action should try not to shower, rinse mouth, brush teeth or change clothes to allow for the maximum possible collection of evidence by a SAFE nurse or other health care provider. Hospitals are not required to report any non-identifying information to the University or to anyone else. However, hospitals providing care to individuals reporting sexual assault are required to:

- collect and maintain the chain of custody of sexual assault evidence for not less than 30 days unless the patient signs a statement directing the hospital not to collect it;
- advise the individual seeking medical treatment related to sexual assault of the availability of the services of a local rape crisis or victim assistance organization to accompany the individual through the sexual offense examination;
- contact a rape crisis or victim assistance organization providing assistance to the geographic area served by that hospital to establish the coordination of non-medical services to individuals reporting sexual assault who request such coordination and services; and provide emergency contraception upon the patient's request.

Even if an individual who has experienced sexual violence does not have injuries requiring emergency attention, the University encourages that individual to seek medical care as soon as possible, whether at Health and Counseling Services or another health care provider or hospital.

Please know that, in most instances, any health care provider will likely encourage an individual reporting sexual assault to authorize collection of evidence. For individuals who seek initial medical treatment at Health and Counseling Services and agree to evidence collection, the individual will be escorted to the nearest hospital by Campus Safety or will be escorted to a taxi (the University will provide a voucher) to be transported to the chosen medical provider. An individual can receive follow-up health care at Health and Counseling Services or the chosen health care provider or hospital.

Peer Harassment Statement

The Nazareth University community is dedicated not only to learning but also to the development of sensitive and responsible persons. Because the University prepares individuals for participation in an increasingly diverse world and its institutions, the climate of university life must be one in which academic freedom prevails along with respect for and tolerance of cultural, ethnic, and racial differences; religious preferences; sexual orientation; variations in age; and people with disabilities.

Nazareth University seeks to achieve these goals through educational programs and policies. Harassment based on these differences is clearly in conflict with the general mission of the University and is strictly prohibited. In addition, some forms of harassment may violate New York's criminal statutes and, depending on the situation, may violate other state and federal laws as well.

Peer harassment includes verbal, physical, or written abuse directed toward an individual or group on the basis of race, color, creed, national origin, religious preference, sexual orientation, age, or disability. This includes using remarks, language, illustrations, or electronic messages that deprecate or offend a person based on his or her ethnic background, race, religion, sexual orientation, age, or disability. All are damaging.

While some examples of harassment (such as physical and verbal assaults) are easily identified, more frequent and generalized instances such as blatant and subtle graffiti and insensitive use of language (including epithets and humor) often go unacknowledged. All types of harassment based on individual differences are unacceptable and will be subject to disciplinary sanctions.

Any member of the University community who feels he or she has been harassed should contact the Director of Human Resources, the Vice President for Enrollment & Student Experience, or any of the University's advisors for concerns of discrimination and victimization.

Other forms of Harassment

Discriminatory Harassment

Harassment or intimidation of another person, limiting another person's right to equal opportunity or otherwise denying another person equal treatment because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, national or ethnic origin, marital or veteran status, disability, carrier status, genetic predisposition or any other protected status is prohibited.

Grievance Procedures for Discrimination and Harassment Complaints

Faculty, staff, and students who want further information or assistance in discussing or filing a complaint of harassment or discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, national or ethnic origin, age, marital or veteran status, disability, carrier status, genetic predisposition, or any other protected status should contact any of the advisors for concerns of discrimination and victimization. These advisors will assist in trying to resolve the problem informally and/or explain the steps of the formal grievance procedure. You may also contact the Director of Human Resources for assistance.

Sex Offender Registration Information

In accordance with the Federal Campus Sex Crimes Prevention Act of 2000, Campus Safety is providing a link to the New York State Sex Offender Registry. This law 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, or is a student.

Chapter 192 of the laws of 1995 was signed into law by Governor George E. Pataki on July 25, 1995. The Sex Offender Registration Act-Correction Law Article 6-C (SORA) established a sex offender registry within the New York State Division of Criminal Justice Services.

The SORA was enacted to assist local law enforcement agencies to protect communities by:

- Requiring sex offenders to register with the state and,
- Providing information to the public about certain sex offenders living in their communities.

The SORA took effect and became operational on January 21, 1996. While modeled upon the provisions of the federal Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the SORA recognizes concerns unique to the State of New York. An individual is designated a sex offender based on conviction for a New York State offense or an attempt to commit an offense that correlates with the Wetterling requirements. The SORA also requires registration of those individuals convicted in another jurisdiction if the offense is equivalent to a New York State registerable offense. Individuals convicted of certain enumerated sex offenses or sexually violent offenses on or after the effective date of the act must register with the Division of Criminal Justice Services. Additionally, any person convicted of a qualifying offense that was incarcerated or under parole or probation supervision on that date is included in the sex offender registry.

The following websites give direct information relative to advising the Nazareth University community where law enforcement agency information provided by New York State concerning registered sex offenders may be obtained:

- NYS Division of Criminal Justice Services: criminaljustice.ny.gov/nsor/
- New York State Sex Offender Registry: Information about the New York State Sex Offender
- Registration Act: http://www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp
Search: Subdirectory of High-Risk (Level 3) Sex Offenders Legal information: Sex Offender

Registration Act (SORA) FAQ (Frequently Asked Questions) Database searches: Sex Offender Registry Information Line 1-800-262-3257

New York State Laws Pertaining to VAWA Crimes

The following information is intended to provide an overview of state laws regarding sexual offenses and their penalties. Please note that this is not an exhaustive or definitive list of such laws but rather is meant to indicate the kinds of conduct that are illegal and the range of penalties that may be imposed for such conduct.

Sexual Misconduct--Sexual misconduct is defined as engaging in sexual intercourse with another person without such person's consent or engaging in oral sexual conduct or anal sexual conduct with another person without that person's consent. Penalties--The maximum penalty is a \$1,000 fine and/or one year in jail.

Rape--Rape is defined as engaging in sexual intercourse by forcible compulsion or by engaging in oral sexual conduct or anal intercourse with a person who is incapable of consent. Penalties--The rape statutes are classified as felonies with penalties of up to 25 years' imprisonment and/or a fine of up to \$5,000.

Criminal Sexual Act--Criminal sexual act is defined as engaging in oral sexual conduct or anal sexual conduct by forcible compulsion or by engaging in such action with a person who is incapable of consent. Penalties--The criminal act statutes are classified as felonies with penalties of up to 25 years' imprisonment and/or a fine of up to \$5,000.

Sexual Abuse and Aggravated Sexual Abuse--Sexual abuse and aggravated sexual abuse are defined as subjecting another person to sexual contact by forcible compulsion or subjecting another person who is incapable of consent to sexual contact. The use of a foreign object or finger inserted in the vagina, urethra, penis, or rectum constitutes aggravated sexual abuse. Penalties--The penalty for a sexual abuse offense may range from three months' imprisonment and/or a \$500 fine to 25 years imprisonment and/or a \$5,000 fine. Some types of sexual abuse may be classified as felonies.

Family Offense -- Occurs when certain acts of designated crimes, such as assault, sexual misconduct, and stalking, are committed by a family member, such as a spouse, former spouse, parent, child or other member of the same family or household, or a person who is or has been in an intimate relationship. (This definition is provided as it generally corresponds to how domestic, and violence are defined under federal law.)

Stalking – Stalking is defined as engaging in a course of conduct directed at a specific person, where the actor knows or reasonably should know that such conduct is likely to cause fear for the person's safety or the safety of others, or cause material harm to the person's mental or emotional health.

“Lack of Consent” – is defined as resulting from forcible compulsion, incapacity to consent, or any circumstances in which the victim does not expressly or impliedly acquiesce in the actor's conduct or where the victim clearly expresses that he or she does not consent.

“Incapacity to consent” refers to a person who is mentally defective, mentally incapacitated (by a narcotic or intoxicating substance taken or administered without consent), physically helpless, or under 17 years of age.

Preparation and Disclosure of Crime Statistics

Campus Safety reports its crime statistics in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. All offenses are classified in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Guidelines. All Clery Act crime categories reported to Campus Safety are recorded in the University's crime statistics. Crime statistics are also requested from local law enforcement agencies for crimes that occur on campus property, non-campus property, or public property as defined in this publication. Statistics received in response to such requests are recorded in the University's crime statistics.

Upon request the University will provide all campus crime statistics as reported to the United States Department of Education at ope.ed.gov/security/Search.asp. Further information related to the campus crime statistics may be obtained by contacting the Director of Campus Safety at 585-389-2850.

Definitions of Reportable Crimes

Murder and Non-Negligent Manslaughter - The willful (non-negligent) killing of one human being by another.

Negligent Manslaughter - The killing of another person through gross negligence.

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. This category includes the following:

Domestic Violence – Includes felony or misdemeanor crimes of violence committed by a current or former spouse 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, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the applicable jurisdiction, 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.

Dating (Intimate Partner) Violence – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and, where the existence of such a relationship shall be determined based on the following factors:

- o The length of the relationship
- o The type of relationship
- o The frequency of interaction between the persons involved in the relationship

Stalking– Unwanted or obsessive attention by an individual or group toward another person. Stalking behaviors are related to harassment and intimidation and may include following the victim in person or monitoring him or her, including use of social media or other technology.

VAWA (Violence Against Women Act) & Sex offenses:

Rape - The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

Fondling - 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. This offense includes the rape of both males and females.

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

Statutory rape - Sexual intercourse with a person who is under the statutory age of consent

Robbery - The taking or attempt 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 putting the victim in fear.

Aggravated Assault

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. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Burglary

The unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle.

Arson

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle, aircraft, personal property of another, etc.

Hate Crimes

A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this definition, categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

Simple Assault — An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation — To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property — To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Larceny-Theft is the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR.) Constructive possession is the condition in which a person does not have physical custody or possession,

Illegal Weapons Possession Violations - 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.

Drug Abuse Violations

The violation of laws 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 drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Liquor Law Violations

The violation of 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.

Unfounded - If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is “unfounded”. Only sworn or commissioned law enforcement personnel are authorized to make an “unfounded” (crime) disposition.

Definitions of Geographical Categories

Campus

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls.

Any building or property that is within or reasonably contiguous to the area identified in the first bullet point under the definition of "Campus," that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Student Housing

On-campus dormitories or other residential facilities for students. Please note that statistics reported in this category are a subset of those reported in the "campus" category.

Non-Campus

Any building or property owned or controlled by a student organization that is officially recognized by the institution.

Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property

All public property, including parks, thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to, and accessible from, the campus.

ON CAMPUS

CRIMINAL OFFENSES	2020	2021	2022
Murder/Non-Negligent Homicide	0	0	0
Negligent Manslaughter	0	0	0
Rape	2	0	9
Fondling	4	3	3
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	1
Burglary	2	6	14
Motor Vehicle Theft	0	0	1
Arson	0	0	0

HATE CRIMES	2020	2021	2022
Murder/Non-Negligent Homicide	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Larceny - Theft	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	0
Destruction/Damage/Vandalism	0	0	0

VAWA OFFENSES	2020	2021	2022
Domestic Violence	0	0	0
Dating Violence	5	0	0
Stalking	1	3	2

ARRESTS	2020	2021	2022
Illegal Weapons Possession	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

DISCIPLINARY ACTION	2020	2021	2022
Illegal Weapons Possession	0	0	0
Drug Abuse Violations	8	8	7
Liquor Law Violations	60	25	57

All statistics represented here include those obtained from local law enforcement.
On Campus Student Housing is a sub-set of "On Campus" properties.

ON CAMPUS STUDENT HOUSING

CRIMINAL OFFENSES	2020	2021	2022
Murder/Non-Negligent Homicide	0	0	0
Negligent Manslaughter	0	0	0
Rape	2	0	9
Fondling	4	3	1
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	1
Burglary	0	2	1
Motor Vehicle Theft	0	0	0
Arson	0	0	0

HATE CRIMES	2020	2021	2022
Murder/Non-Negligent Homicide	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Larceny - Theft	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	0
Destruction/Damage/Vandalism	0	0	0

VAWA OFFENSES	2020	2021	2022
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	1	0

ARRESTS	2020	2021	2022
Illegal Weapons Possession	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

DISCIPLINARY ACTION	2020	2021	2022
Illegal Weapons Possession	0	0	0
Drug Abuse Violations	8	8	6
Liquor Law Violations	58	25	54

All statistics represented here include those obtained from local law enforcement.
On Campus Student Housing is a sub-set of "On Campus" properties.

NON CAMPUS

CRIMINAL OFFENSES	2020	2021	2022
Murder/Non-Negligent Homicide	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0

HATE CRIMES			
Murder/Non-Negligent Homicide	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Larceny - Theft	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	0
Destruction/Damage/Vandalism	0	0	0

VAWA OFFENSES			
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

ARRESTS			
Illegal Weapons Possession	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

DISCIPLINARY ACTION			
Illegal Weapons Possession	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

All statistics represented here include those obtained from local law enforcement.
On Campus Student Housing is a sub-set of "On Campus" properties.

PUBLIC PROPERTY

CRIMINAL OFFENSES	2020	2021	2022
Murder/Non-Negligent Homicide	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0

HATE CRIMES	2020	2021	2022
Murder/Non-Negligent Homicide	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Larceny - Theft	0	0	0
Simple Assault	0	0	0
Intimidation	0	0	0
Destruction/Damage/Vandalism	0	0	0

VAWA OFFENSES	2020	2021	2022
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

ARRESTS	2020	2021	2022
Illegal Weapons Possession	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

DISCIPLINARY ACTION	2020	2021	2022
Illegal Weapons Possession	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

All statistics represented here include those obtained from local law enforcement.
On Campus Student Housing is a sub-set of "On Campus" properties.

Fire Safety Report

The Higher Education Opportunity Act includes various provisions related to fire safety and requires institutions with on-campus housing to publish annually a fire safety report that provides fire statistics, and certain information on fire safety, fire prevention and detection systems, and fire safety policies and procedures specific to residential student housing. The report must detail such information as the number of fires, deaths, injuries, fire drills, fire-related property damage, and the type of fire detection systems in each building. In addition, the law requires each institute must maintain a log of all campus student housing fires, including the nature, date, time, and general location of each fire. The following information is made available in accordance with regulatory requirements under the (Clery) Act.

Number of Fires, By Building *(Updated Sept 2023)*

Building	Building Type	2020	2021	2022
Alumni/Guest House	Residence Hall	0	0	0
Breen Hall	Residence Hall	0	0	0
Clocktower Commons	Residence Hall	0	0	0
Founders Hall	Residence Hall/ Academic	0	0	0
French House	Residence Hall	0	0	0
George Hall	Residence Hall	0	0	0
Kearney Hall	Residence Hall	0	0	0
Lourdes Hall	Residence Hall	0	0	0
Lyons Hall	Residence Hall	0	0	0
Medaille Hall	Residence Hall	0	0	0
O'Connor I	Residence Hall	0	0	1
O'Connor II	Residence Hall	0	0	0
O'Connor III	Residence Hall	0	0	0
Portka Hall	Residence Hall	0	0	0
Admissions Center	Academic Center	0	0	0
Arts Center	Academic Center	0	0	0
Casa Hispania	Academic Center	0	0	0
Casa Italiana	Academic Center	0	0	0
Glazer Music Performing Hall	Academic Center	0	0	0
Golisano Academic Center	Academic Center	0	0	0
Golisano Training Center	Academic Center	0	0	0
Lorette Wilmot Library	Academic Center	0	0	0
Music House	Academic Center	0	0	0
Otto A. Shults Center	Academic Center	0	0	0
Peckham Hall	Academic Center	0	0	0
Smyth Hall	Academic Center	0	0	0
Stadium	Academic Center	0	0	0
Student Health Center	Academic Center	0	0	0
York Wellness/Rehab. Inst.	Academic Center	0	0	1
Wilmot Music Hall	Academic Center	0	0	0
Boiler House	Auxiliary	0	0	0
Grounds Garage	Auxiliary	0	0	0
Pavilion	Auxiliary	0	0	0
Total Fires		0	0	2
Fire Injuries		0	0	0
Fire Deaths		0	0	0

All buildings are at 4245 East Ave., Pittsford NY 14618, except for Alumni/Guest House (4375 East Ave), Admissions Center (4141 East Ave) and Music House (4247 East Ave)

Detailed information about fires

Building	Date	Cause	Injuries	Deaths	Damage (\$)
O'Connor 1	11/22/2022	Unintentional Clothes Dryer Fire	0	0	1800
Follow up actions	1) Malfunctioning dryer was removed from campus and replaced with new unit and 2) Dryer exhaust ducts cleaned and inspected.				
YWRI (Grounds outside)	03/17/2022	Unintentional Smoldering Mulch Fire	0	0	0
Follow up action	Mulch on Nazareth grounds was inspected. No other areas of concern found.				

Fire Safety Overview

Nazareth University provides a comprehensive program to ensure fire prevention and fire safety across campus. This program includes fire detection systems, integrated fire control building infrastructure, fire prevention activities, training, and practice drills. The fire prevention activities are directed by the campus safety department but are only possible through a campus-wide collaboration and commitment from all faculty, staff, and students.

In the event of an emergency, immediately contact campus safety at ext. 2850 (on-campus) or 585-389-2850 (cell phone). All fires or smoke conditions shall immediately be reported to Campus Safety for immediate response and investigation. In order to be prepared for an emergency, please follow these tips:

- Program the campus safety number (585-389-2850) into your cell phone and download the Safe@Naz personal safety app.
- Be familiar with multiple exit paths from areas you frequent in the campus buildings. Human nature guides us back to the entrance where we entered the building, however, in an emergency, this exit path may be blocked or off limits.
- Read and adhere to the fire prevention policies (listed below). These precautions were created for your protection and are based on fire code and recent incidents from around the county.
- Be familiar with the location and operation of emergency equipment, such as pull stations and fire extinguishers.
- Consistent with “See Something, Say Something” - If you see anything suspicious, out of the ordinary or concerning, immediately report it to campus safety.

Fire Safety Training

Campus Safety works in close partnership with Residential Life staff on emergency readiness and response and fire safety training and fundamentals which include proper use of fire extinguishers, evacuation and shelter planning and procedures, fire behavior, malicious activation of fire alarms, and assessing living areas for health and safety. Periodic student training in fire prevention and emergency procedures is accomplished through events, programming, and various mediums, throughout the year.

Daily Campus Student Housing Fire Log

In compliance with federal law, Campus Safety maintains a daily campus student housing fire log listing all campus student housing fires, including the nature, date, time and general location of each fire that occurred within any of the University owned/operated student residential facilities. The daily crime log and daily fire log are combined into one document titled daily crime and fire log. The daily crime and fire log is available for public inspection during normal business hours at Campus Safety, located at 21 Shults Center.

Building Evacuation Procedures

When the fire alarm is activated, a complete and immediate building evacuation is required by law. This includes fire drills and emergencies. Failure to properly evacuate a building may result in disciplinary actions. If a fire alarm is activated, immediately follow these steps:

- Alert your roommate(s), suitemate(s), or officemate(s) to the emergency situation.

- Without opening, feel the surface of the door.
 - If the door is hot, do not open it and shelter in place (see next steps below)
 - If the door is cool, open it slowly. If there is little or no smoke, proceed out of the building by the nearest exit. Use the stairs (the elevators will be off-line).
- Remain outside the building, at least 50 feet from the building, until directed to re-enter by Campus Safety.

If the door is hot or you are unable to leave a room because of fire, heat, smoke, or physical limitation, remain calm, shelter in place and follow these procedures:

- Keep your door closed but unlocked.
- Place wet towels (if available) at the bottom of the door to prevent smoke from entering the room.
- If you are on the first floor, remember that windows are potential exits during an emergency situation.
- If possible, contact campus safety and advise them of your location and any special needs.
 - Call Campus Safety at 585-389-3333.
 - Activate the Send Help feature in the Safe@Naz app.
 - Chat with Campus Safety via the Safe@Naz app.
- Remain inside your room until instructed by Campus Safety or the responding Fire Department.
- Campus safety or the responding Fire Department will come to you and assist in evacuation if the person is in danger within the building.

Evacuation Response Plan for Individuals with Limited Physical Mobility

During a fire emergency the elevators will be unavailable for use. If you can't exit the building due to physical limitations, stay in your room and immediately contact campus safety to advise them of your situation; otherwise, activate the Send Help feature in the Safe@Naz app. Campus safety or other emergency personnel will come to you. In order to prepare for an emergency, discuss your specific needs with campus safety in advance.

Campus Fire Detection and Protection Systems

FIRE DETECTION AND SUPPRESSION EQUIPMENT, BY BUILDING <i>(updated Sept 2023)</i>				
BUILDING	MAKE	MODEL	DEVICE TYPES	SPRINKLERS
Admissions Center	Simplex	4100ES	Smoke-Heat	Yes
Alumni/Guest House	Simplex	4100	Smoke-Heat	No
Arts Center	Simplex	4100ES	Smoke-Heat-Duct	Yes
Boiler House	Simplex	4100ES	Smoke-Heat	No
Breen Hall	Simplex	4100ES	Smoke-Heat-Duct-CO	Yes
Casa Hispania	Simplex	4002	Smoke-Heat	No
Casa Italiana	Simplex	4100ES	Smoke-Heat	No
Clock Tower Commons	Simplex	4100ES	Smoke-Heat-Duct	Yes
Founders Hall	Simplex	4100ES	Smoke-Heat-Duct	Partial
French House	Simplex	4100	Smoke-Heat	Yes
George Hall	Simplex	4100	Smoke-Heat	Yes
Glazer Music Performance Hall	Simplex	4100ES	Smoke-Heat-Duct	Yes
Golisano Academic Center	Simplex	4100	Smoke-Heat-Duct	Yes
Golisano Training Center	Simplex	4100ES	Smoke-Heat-Duct-CO	Yes
Grounds Garage	Simplex	4010	Smoke-Heat	No
Kearney Hall	Simplex	4100ES	Smoke-Heat	No
Lorette Wilmot Library	Simplex	4100	Smoke-Heat	Partial
Lourdes Hall	Simplex	4100ES	Smoke-Heat-Duct	No
Lyons Hall	Simplex	4100ES	Smoke-Heat-Duct-CO	Yes
Medaille Hall	Simplex	4100ES	Smoke-Heat-Duct	Yes
Music House	Simplex	4100	Smoke-Heat	No
O'Connor Complex	Simplex	4100ES	Smoke-Heat-Duct	No
Otto A. Shults Center	Simplex	4100	Smoke-Heat-Duct	No
Pavillion	Simplex	4020	Smoke-Heat	No
Peckham Hall	Simplex	4100ES	Smoke-Heat-Duct	Yes
Portka Hall	Simplex	4020	Smoke-Heat-Duct	Yes
Smyth Hall	Simplex	4100ES	Smoke-Heat	Partial
Stadium	Simplex	4100	Smoke-Heat-Duct	Yes
Student Health Center	Simplex	4100ES	Smoke-Heat-Duct	No
York Wellness/Rehab. Inst.	Simplex	4100ES	Smoke-Heat-Duct	Yes
Wilmot Music Hall	Simplex	4100ES	Smoke-Heat-Duct	No

All fire protection systems are continuously monitored and have system trouble/alarms activate directly into the Campus Safety main office (as a proprietary supervisory station), for immediate response by Campus Safety Officers and the fire department. Refer to the Fire Detection and Suppression Equipment chart for a description of specific systems by building.

Nazareth University has a sophisticated and comprehensive fire protection system in all buildings on campus. Information specific to fire safety/detection systems and sprinkler systems for on-campus housing facilities is as follows:

- All campus buildings have active fire heat/detectors and alerting devices (horns, strobes, speakers) installed in accordance with federal and state regulations. This fire system is automatically activated upon a fire or smoke situation and is continuously monitored by the Campus Safety department for response. The fire system is not directly connected to the local fire department and any fire alarm activation is immediately communicated to the fire department (by Campus Safety) for a coordinated response, as needed.
- Some buildings are protected by active sprinkler systems that are activated by heat within the building. These systems are installed in accordance with federal and state regulations. Activation of the sprinkler system will cause a full building alarm which will generate a full evacuation and a Campus Safety response.
- Residential buildings with an internal Carbon Monoxide (CO) source are also protected by automatic CO detection. These systems are installed in accordance with state and federal regulations. A CO alarm activation will cause a full building alarm which will generate a full evacuation and a Campus Safety response.
- Portable fire extinguishers are provided throughout all campus buildings in accordance with state fire regulations. The type of extinguisher is matched to the hazards present at that location.
- Fire doors and fire resistance infrastructure are integrated into the building design to slow the spread of smoke and fire in accordance with state and federal regulations.

The fire protection systems are frequently tested and inspected to verify that it functions as designed in accordance with federal, state, and local regulations. The different aspects of the system are tested as described below:

- The entire campus is comprehensively inspected by the New York State Office of Fire Prevention and Control annually. This generally occurs in February.
- All smoke detectors, heat detectors, strobes, and horns are tested annually for functionality by an outside contractor. These systems are continuously electronically monitored through the fire detection system. Any malfunctions are immediately reported to Campus Safety.
- All sprinkler systems are tested and inspected quarterly by an outside contractor. Additionally, all monitored components of the sprinkler system are electronically monitored through the fire detection system. Any malfunctions are immediately reported to Campus Safety.
- Fire extinguishers are checked monthly and fully inspected annually.
- Daily general building patrols are performed identifying fire safety concerns.

Fire evacuations are practiced through fire drills. All buildings on campus have at least three drills per year. All residence halls have fire drills performed four times per year with at least one occurring after sunset. For calendar year 2022 there were 117 fire drills completed at Nazareth University.

Safety and Fire Prevention Policies

The Student Handbook is comprehensive, providing detailed information, definitions, and policy information on various fire safety rules and regulations specific to residential life. The following are excerpts of university policy pertaining to fire safety:

Prohibited appliances and items: In order to provide a safe living and learning environment for all students, staff, faculty, and guests, the following regulations have been established for all residence halls. Any item found in violation of these regulations will be removed and the student will be subject to disciplinary action and/or fines. Please refer any questions regarding safety to your floor RA, Residential Life, or Campus Safety.

1. Personal electronics of appropriate size, in good condition, and used according to the manufacturer's instructions are permitted. All appliances except refrigerators must be unplugged during vacation periods.
2. Coffee makers are allowed but only when equipped with an automatic shutoff and an internal heating element.
3. Light strings are allowed with the following limitations:
 - a. The light strings are in good repair
 - b. The light strings are mounted at least 18 inches from the ceiling
 - c. The light strings are not wrapped around pipes or fire detection equipment
 - d. The light strings are plugged directly into a wall outlet (no extension cords used)
 - e. No other items are plugged into the light strings
4. Wall hangings are allowed if the following conditions are met:
 - a. Any wall hanging must be mounted such that the top is at least 18 inches from the ceiling.
 - b. No item shall be mounted to the ceiling or hung from the ceiling, exposed pipes, fire detection equipment, or sprinkler heads in any area at any time.
 - c. Posters and other hanging decorations (non-fabric) are allowed but must not cover more than 25 percent of any wall.
 - d. Hallway decorations and postings are allowed on bulletin boards at the discretion of campus safety and residential life.
 - e. Hallway and stairwell fire doors and stairwell walls must be kept free of postings (papers, fliers, etc.). Postings on these safety items will be removed.
5. Fabric tapestries and other fabric hangings larger than 3 feet x 5 feet are prohibited except curtains which must fit the window they are installed in. Smaller tapestries, fabric hangings, and standard curtains are prohibited on any walls or windows unless they have been treated to be flame resistant. The following documentation is required:
 - a. Items may be labeled as flame resistant (FR) by the manufacturer. The original packaging must be available for inspection.
 - b. Items (smaller than 3 feet x 5 feet) and curtains that fit the window may be treated with flame resistant fabric spray through Residential Life within the current academic year. The resulting certification tag must be connected via safety pin to the fabric item at all times. Fabric items must be retreated to be flame resistant annually.
6. The following items are prohibited in the residence halls at all times:
 - a. Space heaters, portable heaters, and personal air conditioners, except when University - owned and approved. If heating is a problem, contact residential life.
 - b. Candles, incense, and any items that produce an open flame.
 - c. Hot plates and items with exposed heating elements.

- d. All live Christmas trees without permission from campus safety. Artificial trees of reasonable size are allowed in student's rooms at the discretion of campus safety and residential life.
 - e. Fog machines and similar devices.
 - f. Multi-headed lamps with more than three bulbs.
 - g. Halogen floor lamps (torchiere).
 - h. Lofts/loft-able beds, unless University -owned.
 - i. Bed risers (manufacturer risers, cinder blocks, etc.).
 - j. Hazardous chemicals and substances.
 - k. Hoverboards and self-balancing scooters.
 - l. Water pipes (including but not limited to hookahs, glass pipes, bowls, bong, etc.)
7. All extension cords and multi-plug adapters are prohibited.
- a. Fuse-protected power strips are allowed as an alternative to extension cords. Each power strip must be plugged directly into a wall outlet and cannot be "daisy chained" from one power strip to another.
 - b. Any item that draws a large amount of energy (such as a refrigerator) must be plugged directly into a wall outlet.
 - c. No electrical cords shall run under carpeting or across high traffic areas.
8. Smoking tobacco or vape products are prohibited on all University grounds; University -owned or leased properties; and University -owned, leased or rented vehicles, regardless of their location. This includes but is not limited to all University sidewalks, parking lots, paths, landscaped areas, fields, stadiums, and recreational areas. Smoking is prohibited in all enclosed areas, including but not limited to offices, classrooms, hallways, waiting rooms, restrooms, meeting rooms, community areas, performance venues, private residential space within university housing, (including residence halls and student group housing located on University property), and during lectures, conferences, meetings, and social and cultural events held at the University.
- a. Definitions
 - i. For the purposes of this policy, "tobacco or vape" is defined to include any lighted or unlighted cigarette (e.g., clove, bidis, kreteks, etc.), e-cigarettes, cigars, cigarillos, pipes, vaping and vapor devices, hookah products and any other smoking product; and any smokeless, spit or spitless, dissolvable, or inhaled tobacco products, including but not limited to dip, chew, snuff or snus, in any form (e.g., orbs, sticks, strips, pellet, etc.).
 - ii. "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette or pipe, or any other lighted or heated tobacco or vape product intended for inhalation, whether natural or synthetic, in any manner or any form.
9. Cooking is permitted only in approved kitchen areas in residence halls. All cooking (stovetop, oven, microwave, etc.) must be attended at all times. Unattended cooking will be turned off or removed.
- a. Personal microwaves are not allowed in any area including student rooms, common areas, kitchens, and kitchenettes unless provided by the University.
 - b. Toaster ovens, toasters, electric skillets, and George Foreman-style grills are only allowed in the kitchens of the apartment buildings (Portka, Lyons, and Breen). These items are not allowed in any bedrooms, hallways, or anywhere in non-apartment buildings.

- c. Personal grills are prohibited. Only grills that are installed by Nazareth University or operated by dining services are permitted. No flammable materials (such as starter fluid) may be stored in the residence halls unless inside an approved flame-resistant container.
10. Incandescent and fluorescent lamps are permitted when UL/FM-approved and used according to manufacturer's instructions.
- a. All lamps must be equipped with a bulb that is at or below the manufacturer's recommendations (e.g.: a 60-watt or smaller bulb must be used with a light with a maximum manufacturer rating of 60-watts)
 - b. Halogen floor lamps (torchiere) are prohibited in residence halls.
 - c. Multi-headed lights (more than three bulbs) are prohibited in residence halls.
 - d. For safety purposes, overhead lights must be left on at all times in common bathrooms and hallways.
11. All exit pathways must be kept clear of obstructions at all times.
- a. Doorways, windows, and emergency evacuation paths must be kept free from objects and obstacles (including furniture) at all times.
 - b. Stairways and hallways must be maintained free of objects and obstacles at all times.
 - c. No items are to be placed or stored in these areas.
 - d. No decorations or materials are permitted to cover a door or otherwise make it indistinguishable as a door. "Wrapped" doors are not permitted at any time. An individual room door may have a maximum of 50% of the door covered with decorations.
 - e. No material shall hang outside of a window (full or any part).
 - f. Bicycles are not permitted to be stored in stairwells or hallways. There is a bike storage room in the basement of Medaille Hall and external bike racks are located throughout campus.
12. Fireplaces in residence halls are not to be used.

Tampering with Fire Safety Equipment

Tampering with, covering, taping, or hanging objects from smoke detectors is prohibited by New York State law and will result in disciplinary action for each offense. As a lifesaving sensitive device, the room's smoke detector is essential for everyone's protection. Tampering with or expelling a fire extinguisher in a non-emergency situation is also prohibited by NYS law. Either of these situations is considered criminal mischief, which could lead to disciplinary action or an arrest.

Pulling a fire alarm box or intentionally setting off a smoke detector without cause is prohibited and is a crime under New York state penal law as falsely reporting an incident. Responsible parties will also be responsible for the payment of any town fine incurred due to such action. This could lead to a fine or imprisonment and could cause injury to those attempting to evacuate the building.

Tampering with smoke detectors, fire extinguishers or alarm boxes, burning incense or candles, or failing to evacuate the building during an alarm may result in serious disciplinary action. If you have any questions or concerns about fire safety, please speak to your RA or contact Campus Safety at 585-389-2850.

Fire Safety Guidelines for students Living Off-Campus

The dangers of fire are not limited or unique to university campuses. Most fire-related injuries occur off campus. Living in rented apartments requires a different type of safety investigation. Here are some items you should look for in your rented apartment or house:

- Evacuation paths: How do you get out of the house/apartment? What if the main path is blocked? Could I evacuate without electricity (i.e., lights)?
- Smoke detectors: Are there smoke detectors in the house/apartment? Is there at least one on every floor?
- Smoke detector test: Press the “test” button at least once per month to verify the detector is working.
- Fire extinguisher: Is there a fire extinguisher located in the house or apartment? Could you get to it in an emergency? The best place is near the kitchen.
- Carbon Monoxide (CO) detectors: It is now New York state law that all apartments have CO detectors in place. CO is a potentially deadly gas that is caused by burning fossil fuels (natural gas, oil, coal). It is colorless and odorless. CO detectors are the only way to find the deadly gas. These should be tested monthly. Look for the small “test” button.

Plans for Future Development

The fire safety and prevention program is constantly improving. Policies and procedures are updated based on guidelines from local, state and federal agencies, integration of best and promising practices, and response to on-campus events. Enhancements in diversifying and building on existing training opportunities and exercises for all members of the campus community (students, staff, and faculty) remain a primary focus.

APPENDIX 1

2023 – 2024 Nazareth University Title IX Policy

I. NOTICE OF NON-DISCRIMINATION

Nazareth University is an equal employment opportunity employer. The University does not permit discrimination or harassment in its programs and activities on the basis of race (including traits historically associated with race), color, creed, national origin, ancestry, sex, gender, gender identity, gender expression, sexual orientation, age, religion, disability, medical condition, reproductive health decision making, pregnancy-related condition, genetic information or predisposing characteristic, military or veteran status, political affiliation or belief, arrest or conviction record, domestic violence victim status, marital status, familial status, or any other protected status under applicable law. The University does not discriminate on the basis of sex or gender in its educational, extracurricular, athletic or other programs or in the context of employment.

II. STATEMENT OF POLICY AGAINST TITLE IX SEX DISCRIMINATION¹ AND RETALIATION

In compliance with Title IX, a federal law, Nazareth University does not discriminate on the basis of sex in the education programs or activities that it operates. Title IX of the Education Amendments of 1972 (20 U.S.C. §1681, *et seq.*) and its implementing regulations (34 C.F.R. Part 106) prohibit discrimination on the basis of sex in education programs and activities.

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any Education Program or Activity receiving Federal financial assistance.

Title IX requires that colleges and universities maintain an environment free from Title IX Sex Discrimination for all faculty, staff, and students. Under Title IX, discrimination on the basis of sex is Title IX Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. Title IX also prohibits Retaliation.

Title IX Sexual Harassment is also prohibited by Title VII of the Civil Rights Act of 1964 and by the New York State Human Rights Law.

Inquiries about this Policy and/or the application of Title IX and its regulations may be referred to:

Title IX Coordinator	Heather Sourwine	Deputy Title IX Coordinator	Phil Steckley
Office Address:	100 Shults Center	Office Address:	Stadium 106
Email:	hsourwi8@naz.edu	Email:	psteckl4@naz.edu
Telephone Number:	585-389-2877	Telephone Number:	585-389-5138
Title IX Web page:	naz.edu/titleix		

Assistant Secretary for Civil Rights
U.S. Department of Education,
Office for Civil Rights
ocr@ed.gov
1-800-421-3481

III. SCOPE OF THIS POLICY

This Policy on Title IX (Policy) applies to all Employees (faculty, staff, all other employees) and students. This Policy only addresses Title IX Sex Discrimination (Discrimination), as defined in this Policy. All other protected status allegations (including non-Title IX sex discrimination and non-Title IX sexual harassment) are addressed in other Nazareth University policies, including other applicable discrimination policies and procedures, such as the Student Code of Conduct, Sexual Misconduct Policy and Faculty Manual, and Staff Handbook.

Title IX Sex Discrimination is defined as conduct:

- (1) On the basis of sex,
- (2) That occurs within Nazareth University's Education Program or Activity,
- (3) Within the United States, and
- (4) Involves
 - (a) a Nazareth University Employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
 - (b) unwelcome conduct that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Nazareth University's Education Program or Activity;
 - (c) Sexual Assault;
 - (d) Dating Violence;
 - (e) Domestic Violence; or
 - (f) Stalking.

All allegations of Title IX Sex Discrimination will be addressed according to this Policy.

Nazareth University may take action against third Parties who engage in conduct prohibited by this Policy in connection with a Nazareth University Education Program or Activity. In such circumstances, Nazareth University will determine whether to apply this Policy or another policy or procedure.

This Policy applies when any Employee of the University is alleged to have engaged in Title IX Sex Discrimination as defined by this Policy. To the extent this Policy is inconsistent with any provisions of any faculty or Employee handbook, policy or procedure, because this Policy on Title IX Sex Discrimination is mandated by federal law, this Policy shall prevail. Federal law requires Nazareth University to use the same Standard of Evidence in all matters alleging Title IX Sex Discrimination, which, therefore, fall within this Policy. Nazareth University has no discretion to do otherwise.

IV. DEFINED TERMS

This Policy uses many defined terms, indicated by the capitalization of the first letter(s) in the term. All defined terms are included in a Glossary at the end of the Policy. The definitions in the Glossary are important to a complete understanding of this Policy.

V. RESPONSIBILITIES OF THE TITLE IX COORDINATOR AND DEPUTY TITLE IX COORDINATOR

The Title IX Coordinator coordinates Nazareth University's efforts to comply with Title IX, including overseeing this Policy and the publication and dissemination of information required by Title IX. The Title IX Coordinator's responsibilities include: (1) receiving and responding to Reports of conduct that may constitute a violation of this Policy; (2) coordinating the effective implementation of Supportive Measures; (3) designating Investigators, Facilitators, and Decision-makers to act pursuant to the Grievance Process; (4) ensuring that the technology needed to conduct and record hearings is available; (5) implementing effectively any Remedies or discipline imposed by a Decision-maker upon a finding of a violation of this Policy; and, (6) complying with the record-keeping requirements of this Policy.

The Deputy Title IX Coordinator supports the Title IX Coordinator in fulfilling their role and responsibilities and may serve as the Title IX Coordinator's designee to carry out any response, action, initiative, project or other responsibility outlined in this Policy.

VI. REPORTING POTENTIAL VIOLATIONS OF THIS POLICY, INCLUDING FORMAL COMPLAINTS

Nazareth University strongly encourages everyone who has information about a potential violation of this Policy, including Retaliation, to report to the Title IX Coordinator or another Campus Official. Any person may make a Report of a potential violation to the Title IX Coordinator in person, by mail, by telephone or by email. Reports by mail, telephone or email may be made at any time, including outside of regular business hours.

A Report does not constitute a Formal Complaint. Members of Nazareth University's community can find a Formal Complaint form at naz.edu/titleix. A completed Formal Complaint with an individual's physical or electronic signature can be submitted to the Title IX Coordinator through the form or by email or mail. An individual can also prepare a document with the required contents of a Formal Complaint and submit it to the Title IX Coordinator through email, mail or an in-person meeting. An individual may speak with the Title IX Coordinator prior to submitting a Formal Complaint, and the Title IX Coordinator can assist in filling out a Formal Complaint with the understanding that the Formal Complaint cannot be accepted without the Complainant's signature.

Any Campus Official who receives information or who otherwise has information about a potential violation of this Policy is required to share the information received, in full, with the Title IX Coordinator.

On Campus Reporting Options Title IX

Office
585-389-2877

100 Shults Center

Residential Life
585-389-2480
Kearney Hall

Campus Safety 585-389-
2850
Shults 021

Human Resources 585-389-
2066
Smyth 045

Health and Counseling Services (Confidential Resource) 585-389-
2500
Between Peckham and York Wellness and Rehabilitation Institute

Center for Spirituality (Confidential Resource) 585-389-
2303
Golisano Academic Center 153

Amnesty for Personal Use of Alcohol or Other Drugs

Nazareth strongly encourages everyone to report Title IX Sex Discrimination to the Title IX Coordinator or Campus Officials. The University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time discrimination occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct.

A reporting individual acting in good faith or a bystander acting in good faith that discloses any incident of Title IX Sex Discrimination to the University's officials or law enforcement will not be subject to action under Nazareth's Code of Conduct for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the Title IX Sex Discrimination.

I. OPPORTUNITIES FOR REVIEW OR APPEAL

This Policy provides individuals with opportunities to seek review of or appeal from a decision of Nazareth University. Information regarding review of an Emergency Removal can be found in Section VIII(E). Information regarding appealing the dismissal of a Formal Complaint can be found in Section VII(B)(b), VII(B)(c), and IX(J)(2). Finally, information related to appealing a Written Determination can be found in Section X.

VII. RESPONSE TO POTENTIAL VIOLATIONS OF THIS POLICY

When the Title IX Coordinator or a Campus Official receives a Report, Nazareth University will respond by: (A) equitably offering Supportive Measures, whether or not a Formal Complaint is filed; and (B) refraining from imposing upon Respondent disciplinary sanctions or other actions that are not Supportive Measures unless

and until the Respondent is found responsible for a violation of this Policy through a completed Grievance Process. Notwithstanding the foregoing, Nazareth University may impose an Emergency Removal or Administrative Leave as provided in Sections VIII(E) and VIII(F) below.

(A) First Steps

(1) Purpose

When the Title IX Coordinator receives a Report of alleged Title IX Sex Discrimination or a Formal Complaint alleging Title IX Sex Discrimination, the Title IX Coordinator will seek to gather additional information regarding the alleged Title IX Sex Discrimination, to evaluate any risk of harm to individuals or to the campus community, and to address the immediate physical safety and emotional well-being of the Complainant.

(2) Initial Assessment: Evaluating Risk of Harm

The Title IX Coordinator takes necessary action to address any risk of harm identified by the Title IX Coordinator, including implementation of Supportive Measures for either or both Parties, as appropriate, and actions designed to protect the larger campus community. Supportive Measures are described in Section VIII(D). Any decision to remove a Respondent from campus pending the Grievance Process will follow the process discussed in the Emergency Removal section of this Policy (Section VIII(E)). At the Title IX Coordinator's discretion, one or more other Campus Officials, including but not limited to the Director of Campus Safety, the Associate Vice President for Student & Campus Life/Dean of Students, and the Senior People Officer, may also be included in the initial assessment or in evaluating information gathered in the initial assessment.

(3) Notifications

The Title IX Coordinator contacts the Complainant and notifies them:

- of the right to contact law enforcement (or not) and seek medical treatment;
- of the importance of preservation of evidence;
- that the institution can provide assistance in initiating legal proceedings in family court or civil court;
- of the range of Supportive Measures available with or without filing a Formal Complaint;

and to explain

- the procedural options;
- University's policy prohibiting retaliation;
- the on- and off-campus resources that may assist them.

(B) Determination of Next Step

After assessing the information gathered, the Title IX Coordinator will take one of the following steps regarding the Grievance Process:

(a) Initiate Grievance Process

If the Title IX Coordinator determines that the alleged misconduct falls within this Policy and a Formal Complaint has already been submitted, the Title IX Coordinator will proceed with one of the options described in Section IX(F) below.

If a Formal Complaint has not yet been submitted, the Title IX Coordinator will advise the Complainant that a Formal Complaint is required to initiate an investigation. The Title IX Coordinator will provide the Complainant a Formal Complaint form (or link to a website where one can obtain and submit a Formal Complaint through the web, by email or by mail) for the Complainant's completion and signature. Once a signed Formal Complaint is submitted, the Title IX Coordinator will proceed with one of the options described in Section IX(F) below.

The Title IX Coordinator may initiate the Grievance Process without a Formal Complaint signed by the Complainant under the circumstances described in Section VIII(C) below and under any other circumstances that, in the Title IX Coordinator's discretion, require the institution to investigate the allegations underlying a Report.

(b) Dismiss Formal Complaint

A Notice of Dismissal will be issued to the Complainant if a Formal Complaint has been submitted but the Title IX Coordinator determines the alleged misconduct does not fall within this Policy because:

- the Complainant is not participating in or attempting to participate in a Nazareth University Education Program or Activity;
- the conduct did not occur within Nazareth University's Education Program or Activity;
- the conduct did not occur within the United States; or
- the Respondent is no longer enrolled or employed by Nazareth University.

The Notice of Dismissal, which will be issued to the Complainant within five (5) Business Days of the Title IX Coordinator's determination, includes the reasons for the dismissal. The Complainant has the right to Appeal the dismissal of a Formal Complaint on any of the following grounds:

- Procedural Irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding dismissal was made, that could affect the outcome of the matter; and/or,
- Conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter

Appeals from a Notice of Dismissal must be submitted in writing to the Title IX Coordinator within five (5) business days from delivery of the Notice of Dismissal and in the method described in the Notice of Dismissal.

(c) Refer for Action Pursuant to Different Nazareth University Policy

With or without a Formal Complaint, when the Title IX Assessment concludes with a determination that the alleged conduct does not fall within the scope of this Policy but involves conduct that, if found to have occurred, violates another Nazareth University policy, the matter will be referred for further action. When a Formal Complaint has been submitted, this information will be included in the Notice of Dismissal. The Parties have the right to submit an Appeal from dismissal of a Formal Complaint on the same grounds and in the same manner explained in (b) above.

(c) Weighing a Complainant's Request Not to Proceed with the Grievance Process

(1) General Description of Process

If a Complainant requests that Nazareth University refrain from proceeding with the Grievance Process, the Title IX Coordinator may still decide that proceeding with the Grievance Process is necessary. The Title IX Coordinator must weigh such a request against Nazareth University's obligation to provide a safe, non-discriminatory environment for all community members and will confer with the Complainant when reaching a determination whether to proceed.

(2) Decision to Proceed

If Nazareth University determines that it must proceed with the Grievance Process, the Title IX Coordinator will notify both Parties prior to commencing any investigation (as described further below in Section IX titled Grievance Process for Formal Complaints). In the event the Title IX Coordinator decides to proceed, the Complainant will still be treated as a Party within the Grievance Process. Even a non-participating Complainant will be offered Supportive Measures, which will be reviewed and evaluated on an ongoing basis, and will be provided information regarding their right to report a crime to campus or local law enforcement and with assistance if they wish to do so.

(d) Supportive Measures

Promptly after receipt of a Report, the Title IX Coordinator will contact the Complainant and Respondent (if identified or identifiable based upon the Report) to discuss the availability of Supportive Measures. Supportive Measures are available with or without the filing of a Formal Complaint. In evaluating the Supportive Measures to be provided, the Title IX Coordinator will make an individualized determination, considering Complainant's wishes and other relevant factors, of the non-disciplinary, non-punitive measures that will be provided to the Complainant and Respondent to restore or preserve equal access to Nazareth University's Education programs or Activities, to protect the safety of the Parties, and/or to deter Title IX Sex Discrimination.

All Supportive Measures will be provided without fee or charge and without unreasonably burdening the other Party. Supportive Measures will be maintained as confidential by Nazareth University to the extent that confidentiality will not impair the ability to provide the Supportive Measures.

Examples of Supportive Measures that may be implemented by Nazareth University include but are not limited to:

- Academic extensions or adjustments
- Campus escort services
- Changes in housing
- Counseling
- Increased security or monitoring of certain areas of the campus
- Modifications of class or work schedules
- Mutual restrictions on contact between the Parties Appropriate

Supportive Measures are also available to Employees.

All Employees who have experienced Title IX Sex Discrimination, who have provided a Report alleging Title IX Sex Discrimination, or have been alleged to have engaged in Title IX Sex Discrimination can seek confidential assistance through the Employee Assistance Program:

Lifeworks

<https://nazareth-college.lifeworks.com/> 1-

800-433-7916

TTY-800-772-0997

(E) Emergency Removal of a Respondent

Nazareth University may implement emergency removal of a Respondent, whether or not a Formal Complaint has been submitted, if there is an immediate threat to the physical health or safety of any student or other individual that arises from allegations of conduct that could constitute a violation of this Policy.

Prior to implementing an emergency removal, Nazareth University will first gather information to undertake an individualized safety and risk analysis. The analysis will be conducted by an individual or group of individuals who are free from bias or conflict of interest; who has relevant knowledge and experience; and who will not be involved in any later Grievance Process related to the student who is being evaluated for potential removal.

(1) *Factors to be Considered*

The emergency removal analysis will focus on the specific Respondent at issue and examine the specific circumstances arising from the allegations of Title IX Sex Discrimination that potentially pose an immediate threat to a person's physical health or safety.

To evaluate the presence of an "immediate threat," Nazareth University will consider a Complainant's stated subjective fear and will also apply an objective reasonable person standard. Nazareth University will consider the Respondent's propensity, opportunity, and ability to carry out a stated or potential threat. The analysis will evaluate whether Supportive Measures are a more appropriate and less restrictive means to negate or sufficiently minimize the likelihood of a threat being carried out. As part of its analysis, Nazareth University may rely on objective evidence and current medical knowledge, and may consult with a licensed evaluator to analyze the information gathered. Nazareth University shall also consider Respondent's rights, if any, under applicable federal and/or state disability laws.

In addition, the relationship between a threat and the physical health or physical safety of any student or other individual will also be carefully evaluated. In some but not all cases, threatening speech or virtual interactions without an associated action may rise to the level of a threat to physical health or physical safety. If the threat a Respondent poses is in the nature of potential emotional impact only, Nazareth University will instead focus on identifying appropriate Supportive Measures.

Nazareth University will also closely examine whether the emergency created by the immediate threat arises from the allegations of conduct that could constitute Title IX Sex Discrimination under this Policy. As an example, an immediate threat to Complainant's physical safety is likely present when a Respondent threatens physical violence against the Complainant in response to the Complainant's allegations of verbal harassment

by the Respondent. Threats of physical self-harm will be addressed under separate, applicable policies. If the individualized safety and risk analysis results in a determination that a Respondent's actions pose an immediate and identified threat, but do not arise from allegations of Title IX Sex Discrimination, Nazareth University will respond pursuant to other applicable policies and/or procedures.

Nazareth University's assessment of the appropriateness of emergency removal will account for its multiple potential impacts, including: whether providing the Complainant Support Measures will be sufficient to ensure equal educational access; the adverse impacts of separating a Respondent from educational opportunities and benefits; and the protection of the health and safety of Nazareth University's community. When assessing an emergency removal, Nazareth University will also consider the anticipated timeline of an investigation and hearing. Given these evaluations are necessarily fact specific, in some cases Nazareth University may determine that restricting a Respondent's participation in specific programs or activities will adequately address the situation.

(2) *Emergency Removal is Not Discipline nor a Determination of Responsibility*

At all stages of the process, Nazareth University will ensure that the emergency removal will not impose a premature sanction on the Respondent or circumvent the Grievance Process. An emergency removal does not equate to a Determination of Responsibility for a Policy violation and will not result in a presumption of responsibility in any subsequent Grievance Process.

(3) *Ongoing Evaluation*

Nazareth University will continually evaluate whether the presence of an immediate threat to physical health or safety of a student or another individual has remained the same or changed such that the removed Respondent can be safely returned to programs or activities in a partial or complete manner.

(4) *Notice of Emergency Removal and Opportunity to Request Review*

In the event Nazareth University determines that emergency removal of a Respondent is appropriate, the Respondent will be notified in writing within two (2) Business Days of the removal decision. This written notice will include details about the specifically identified emergency threat of physical safety or harm underlying the decision, as well as information about the Respondent's immediate opportunity to request review of the Emergency Removal decision.

(F) **Placement of Employee on Administrative Leave**

In the event a Formal Complaint alleges conduct that could constitute Title IX Sex Discrimination and identifies an Employee as Respondent, Nazareth University may decide to place the Respondent on administrative leave, in emergency and non-emergency situations. The purpose of such an administrative leave is to allow a temporary separation of the Employee while the Grievance Process is ongoing. Nazareth University will determine the terms and conditions of the leave on a case-by-case basis. The decision process for placing an Employee-Respondent on leave will respect their rights under Title VII, Americans with Disabilities Act, and all other applicable employment laws.

Nazareth University may place a student-employee on administrative leave from on-campus employment in a non-emergency situation in order to provide Supportive Measures to a Complainant. Nazareth University will make its best efforts not to unreasonably burden the Respondent with placement on leave and will fully

evaluate whether there are alternative and less restrictive measures that would be more appropriate. In most situations, a student- employee placed on administrative leave from on-campus employment as a Supportive Measure will continue to receive pay until the conclusion of the Grievance Process.

II. GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

(B) Overview

All rights established in this section apply equally to both Parties. This process applies when a Formal Complaint is signed and submitted, whether by a Complainant or the Title IX Coordinator on behalf of Nazareth University. This process is grounded in a presumption that a Respondent is not responsible unless and until a Determination of Responsibility at the conclusion of this process. The standard of review for determinations regarding responsibility at the conclusion of this process is clear and convincing evidence. The clear and convincing standard of proof is met when the evidence demonstrates that an allegation is substantially more likely than not to be true. The evidence must be clear, unequivocal, satisfactory, and convincing.

Formal Complaints are resolved either through Live Hearing or Informal Resolution, briefly described as follows:

Live Hearing: The Live Hearing process, and the investigation process that precedes the Live Hearing, are described in Sections IX(I) and IX(K) titled Investigation and Live Hearing. The standard of review for determinations regarding responsibility at the conclusion of this process is clear and convincing evidence.

Informal Resolution: a *voluntary process* for resolution of Formal Complaints. The Title IX Coordinator or any Party may propose or request consideration of Informal Resolution. During the Informal Resolution process, a Facilitator(s) will attempt to help the Parties come to an agreement about how to resolve a Formal Complaint. The Informal Resolution process is available to the Parties any time after a Formal Complaint is filed and before the Written Determination is issued by the Hearing Board, except in matters in which a student Complainant alleges Title IX Sex Discrimination by an Employee. Participation in the Informal Resolution process is entirely voluntary and all Parties must agree to participate. The Informal Resolution process is more fully described below in Section IX(F)(2).

(C) Length of Process

Nazareth University seeks to resolve all Reports of Title IX Sex Discrimination promptly, thoroughly, fairly, and equitably. The timeframes which Nazareth University strives to meet can be found in Section XII titled Grievance Process Timeframes. Nazareth University will inform the Parties at regular intervals of the status of the Grievance Process. Circumstances may arise that require the extension of anticipated time frames. Such circumstances may include the complexity of the allegations, the number of Witnesses involved, the availability of the Parties, Witnesses, or others involved, the effect of a concurrent criminal investigation, breaks or other closures of campus, faculty sabbatical, approved employee leave or unforeseen circumstances. In the event timelines are modified, Nazareth University will provide written notification to

the Parties.

(D) Privacy of Process

Nazareth University will keep confidential the identity of any individual who has made a Report or Formal Complaint, and the identity of any Complainant, Respondent, and Witness except as permitted by FERPA, required by law, or as necessary for the Institution to take action under this Policy.

(E) Participation in Grievance Process is Voluntary

Neither Parties nor Witnesses are required to participate in the Grievance Process. Nazareth University may not threaten, coerce or intimidate a Party or Witness into participating, nor may Nazareth University retaliate against a Party or Witness for declining to participate in any part of the Grievance Process.

(F) Right to an Advisor and Advisor Role

Each Party has the right to choose an Advisor to assist and advise them (at the Party's own expense, if the Advisor is paid). Each Party has the right to be accompanied by their Advisor throughout the Grievance Process, including during all related meetings and hearings. Parties are encouraged to identify an Advisor as soon as practical, as Advisors play an important role. Advisors:

1. provide support to the Party but do not serve as a proxy voice for the Party;
2. can confer quietly with their advisee as needed, but if there is a need for an extended discussion, the Party should ask for a break in the meeting, interview or Live Hearing;
3. may not make statements or arguments or answer questions on behalf of Parties during meetings, interviews or during the Live Hearing;
4. may not speak during the hearing process, except in connection with Cross-examination Questions, described in Section IX(K)(9);
5. cannot direct the Party how to answer a question; and
6. must conduct themselves quietly and professionally, must not disrupt any meeting, interview or proceeding, and must comply with any rules of decorum imposed by Nazareth University.

An Advisor who does not follow the guidelines above may be removed from the meeting, interview or Live Hearing.

Each Party must notify the Title IX Coordinator promptly of the name, title, and contact information for their Advisors and any change in their Advisor. If a Party does not select an Advisor an Advisor will be appointed by Nazareth University for the purpose of the Live Hearing, at no fee to the Party.

(G) After a Formal Complaint is Accepted

Once a Formal Complaint is signed, submitted, and approved to proceed by the Title IX Coordinator, Nazareth University will take one of the following actions:

(1) *Initiate an Investigation*

In these circumstances, the Title IX Coordinator will issue a Notice of Investigation to known Parties sufficiently in advance of any request to meet with the Investigator. This Notice of Investigation will include:

- (a) Notice of these grievance procedures, including the Informal Resolution process, and a copy of this Policy.
- (b) The conduct alleged to violate this Policy, and the date and location of the alleged incident, if known.
- (c) Known Parties involved in the alleged incident.
- (d) A statement that the Respondent is presumed not responsible for the alleged misconduct and that a Determination of Responsibility will be made at the conclusion of the process.
- (e) Notice of the Parties' right to an Advisor of choice, who will be permitted to accompany them to investigation meetings, interviews, and any hearing and to review materials provided to their advisee throughout the process. The role of Advisors during the Grievance Process is explained in Sections IX(E), IX(K)(4), and IX(K)(9) of this Policy.
- (f) Notice of and citation to Nazareth University's prohibition on knowingly making false Statements or submitting false information during a Nazareth University process.
- (g) The name(s) and title(s) of the Investigator(s).

If during the course of an investigation new or additional allegations arise that require investigation, Nazareth University will send the Parties an updated Notice of Investigation revising the scope of the Investigation. Any objection to a named Investigator must be submitted as provided in Section XIII(B) below.

(2) *Informal Resolution*

The Informal Resolution process will be followed when a signed Formal Complaint has been accepted and: (a) the Title IX Coordinator suggests that an Informal Resolution may be an appropriate course of action and the Parties agree to that approach, or (b) a Party requests that the Title IX Coordinator consider allowing an attempted resolution of the Formal Complaint through the Informal Resolution process, the Title IX Coordinator finds the matter appropriate for Informal Resolution, and the Parties agree to proceed in that manner. The Informal Resolution process is available to the Parties any time after a Formal Complaint is filed and before the Written Determination is issued by the Hearing Board. Participation in the Informal Resolution process is entirely voluntary and all Parties must agree to participate. Informal Resolution is not available when a Formal Complaint alleges that a Nazareth University employee engaged in Title IX Sex Discrimination toward a student.

(a) Notice

Prior to beginning the Informal Resolution process, Nazareth University will provide the Parties notice of the allegations of the Formal Complaint and will direct the Parties' attention to this provision of the Policy for an understanding of the requirements of this process and the consequences of participating in this process. The notice will also advise of the requirement that each Party must sign the "Consent to Informal Resolution Process" form and submit it to the Title IX Coordinator before the Informal Resolution process can begin.

(b) Commencement of Informal Resolution Process and Its Effect on the Grievance Process

When all Parties to a Formal Complaint have submitted the consent forms, Nazareth University will pause the Grievance Process, including any ongoing investigation or hearing, for a period of ten business days (unless a

shorter or longer time is set by the Title IX Coordinator), to allow the Parties to proceed with the Informal Resolution Process. The time period during which the Grievance Process is paused for the Informal Resolution process shall not count toward the time periods set forth in Section XII below.

(c) The Process

The Facilitator(s) will decide the process and procedures to be used in the Informal Resolution process but shall not take actions inconsistent with this Policy. The Facilitator(s) will treat the Parties fairly and equitably. Each Party may be accompanied by their Advisor during the Informal Resolution process. The Facilitator(s) may meet with the Parties separately, may share information obtained during the course of any investigation with the Parties, may make suggestions about the terms of an Informal Resolution, and may take other reasonable steps to assist the Parties in determining if they can reach an Informal Resolution.

The Facilitator(s) shall not require the Parties to meet together, in person; the Parties will meet together only if they choose to do so. The Facilitator(s) may not be called to serve as a Witness in the Grievance Process.

(d) Informal Resolution Agreements

If the Parties reach an agreement, the Facilitator(s) shall create a written agreement that lists the terms of the Informal Resolution for the Parties to sign.

A Party may withdraw from the Informal Resolution process at any time before they sign a written document agreeing to an Informal Resolution of a Formal Complaint.

(e) Title IX Coordinator Approval of Agreement

The Title IX Coordinator will defer to the Parties' agreement unless the Title IX Coordinator determines that it is impractical, unduly burdensome or inconsistent with Nazareth University's obligations under this Policy, Title IX or another applicable law or policy. If the Title IX Coordinator declines to approve the Parties' written agreement on one of these bases, with the assistance of the Facilitator(s), the Parties may agree to modify and resubmit the agreement. If they do not agree to do so and/or do not submit a modified written agreement, Nazareth University shall resume the Grievance Process.

(f) Recordkeeping

When a Formal Complaint is resolved through an approved written agreement after Informal Resolution, Nazareth University shall retain the Formal Complaint, any documents prepared in the course of the Grievance Process, any documents prepared in the course of the Informal Resolution process, the final approved written agreement documenting the Informal Resolution, and any documentation of the implementation of the Informal Resolution. Those documents shall be retained in accordance with the Recordkeeping requirements set forth in this Policy at Section XIV.

(H) Concurrent Law Enforcement Activity

When Nazareth University receives a Report or Formal Complaint alleging Title IX Sex Discrimination to which it has determined it must respond through its Grievance Process, Nazareth University's process continues regardless of whether a Complainant has made or decides to make a report to law enforcement. The filing of a report with law enforcement, or an ongoing law enforcement investigation or proceeding, does not relieve

Nazareth University of its obligation to address the Complaint through its Grievance Process. At Nazareth University's discretion, Nazareth University may temporarily pause its investigation at the request of law enforcement. In that circumstance, the Title IX Coordinator will send written notice to both Parties explaining the reason for pausing the investigation. Extension of timelines at the request of law enforcement typically will not exceed ten (10) days unless law enforcement specifically requests and justifies a longer extension. Nazareth University and law enforcement may coordinate their investigations, including sharing information to the extent it is prudent and feasible.

(I) Consolidation of Certain Formal Complaints

Nazareth University may consolidate its processing of Formal Complaints in appropriate circumstances, such as when allegations arise out of the same facts or circumstances and multiple Complainants allege misconduct by one Respondent, multiple Complainants allege misconduct by more than one Respondent, one Complainant makes multiple allegations against one Respondent or a Respondent makes a cross-complaint against the Complainant. All parties will be notified in writing of a decision to consolidate Formal Complaints through the Notice of Investigation.

(J) Investigation

Nazareth University's investigation process is designed to (1) allow for the thorough, impartial, and reliable gathering of information and (2) result in a comprehensive investigation report summarizing relevant, admissible evidence. Nazareth University strives to assemble and share with the Parties all inculpatory and exculpatory information gathered during the investigation that is directly related to the allegations of the Formal Complaint (see Section IX(I)(3) below) within one hundred and twenty-five (125) Business Days of receipt of Notice of Investigation, understanding that numerous issues arise during investigations that may justify a good cause extension of the timeline as described in Section IX(B) above.

(1) Assignment of Investigator

The Title IX Coordinator will supervise the investigation, starting with determining who will serve as Investigator. The Investigator may be: a Nazareth University Employee or Employees; an external Investigator or Investigators; or a team of Investigators that pairs an external Investigator with a Nazareth University Employee.

(2) Process Overview

All Investigators will conduct the investigation with a presumption that the Respondent is not responsible and will investigate free of bias or any conflict of interest. The Investigator(s) will conduct the investigation in a manner appropriate in light of the circumstances of the case, which will typically include interviews with the Complainant, the Respondent, and any Witnesses. The Investigator(s) will provide advance written notice to Parties of the date, time, location, participants, and purpose of any requested meeting(s).

Interviews will be supplemented by the gathering of any physical, documentary, and other evidence, as appropriate and available. The burden of gathering relevant, admissible information rests on Nazareth University. The Parties will have an equal opportunity to submit evidence and suggest Witnesses (including

fact and expert Witnesses). Investigation interviews will be conducted in a thorough, impartial, and fair manner; all involved individuals will be treated with appropriate sensitivity and respect.

The Investigator(s) will decide which individuals to interview based on the information the Investigator(s) gathers as part of the investigation and, with respect to Witnesses offered by a Party, the Investigator may ask the Witnesses to describe the information the Party expects the Witness to provide. The Title IX Coordinator may also direct that additional interviews be conducted.

The Investigator(s) will not ask questions or gather information or documents protected by a legally recognized privilege, including treatment records of a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in a professional capacity, without written consent to use such documents in the Grievance Process from the person protected by the privilege. Further, the Investigator(s) will not seek information about a Complainant's sexual predisposition and will only allow submission of or pursue information about a Complainant's prior sexual behavior if such questions and evidence: (1) are offered to prove that someone other than the Respondent committed the alleged misconduct or (2) concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to establish Consent.

(a) Confidentiality Cannot be Promised

The investigation will be conducted in a manner that is respectful of individual privacy concerns. To be clear, however, confidentiality cannot be promised during an investigation because, for example, the Investigator may need to speak with Witnesses and others to gather evidence.

(b) Parties' Rights to Discuss the Allegations and Consequences for Providing False or Manipulated Information

The Parties are not restricted from discussing the allegations under investigation or from gathering and presenting relevant evidence. However, where the investigation reveals intentional efforts by a Party to fabricate or alter information they submit or to influence the information a Witness provides to the Investigator, conduct charges may result.

(3) *Parties' Review of and Response to Information Gathered as Part of Investigation*

At the conclusion of the investigation, the Investigator will assemble all inculpatory and exculpatory information gathered during the investigation that is directly related to the allegations of the Formal Complaint, including information upon which Nazareth University does not intend to rely in reaching a determination regarding responsibility. The Investigator or Title IX Coordinator will redact information that is unrelated to the allegations of the Formal Complaint or otherwise not admissible in the Grievance Process (i.e., (a) because it is subject to an unwaived legally recognized privilege, (b) it relates to Complainant's sexual predisposition or (c) constitutes prior sexual history not offered to establish: (i) Consent or (ii) that Respondent did not engage in the alleged misconduct). Nazareth University will create a list describing information it has redacted or removed as irrelevant, inadmissible or not directly related to the allegations of the Formal Complaint, which it may allow the Parties to inspect.

The assembled information will then be shared with the Parties and their Advisors in hard copy or an electronic format with at least ten (10) Business Days to review and submit a written response. Depending on the nature of the information shared, Nazareth University may require Parties and their Advisors to agree to

restrictions or sign a non-disclosure agreement prohibiting dissemination of any of the information provided for inspection and review or use of such evidence for any purpose unrelated to this Grievance Process. The Investigator will review the Parties' responses to evaluate whether further investigation may be required to ensure the investigation is thorough and complete. In consultation with the Title IX Coordinator, the Investigator will determine any further action indicated by the Parties' responses and develop a plan to complete the investigation.

(4) Investigation Report

After considering the Parties' responses and conducting any additional investigation indicated by those responses, the Investigator will prepare a report summarizing all of the relevant, admissible information obtained during the investigation, including Inculpatory Evidence and Exculpatory Evidence. The Investigator will incorporate the Parties' responses to the report, as well as an explanation of any additional steps taken after receipt of Party responses, and include any related materials. All of these written submissions and all relevant, admissible information gathered during the investigation will collectively be considered the investigation report.

To the extent that the investigation report includes an assessment of Party and Witness Credibility, Credibility determinations may not be based upon a person's status as a Complainant, Respondent or Witness.

(5) Parties' Review of and Response to Investigation Report

Nazareth University will share the investigation report with the Parties and their Advisors either in hard copy or an electronic format, and each Party will have at least ten (10) days to review and respond to the investigation report in writing. Upon receipt of the Parties' responses after review of the investigation report and a determination by the Title IX Coordinator (in consultation with the Investigator) that the investigation is complete, Nazareth University will notify all Parties that the investigation is complete and provide information about next steps in the process.

(K) Determination After Investigation

At the conclusion of the investigation, the Title IX Coordinator will review the investigation report to determine whether the conduct, if proved, falls within this Policy.

(1) Proceed to Live Hearing

When the alleged conduct, if proved, falls within this Policy, the Title IX Coordinator, will prepare a Notice of Live Hearing based on information contained in the investigation report. (See Section IX(K)(1) below.)

(2) Dismissal of Formal Complaint

If the conduct, even if proved, does not fall within this Policy because it would not constitute Title IX Sex Discrimination, the conduct did not occur within Nazareth University's Education Program or Activity or did not occur within the United States, Nazareth University must dismiss the Formal Complaint. Nazareth University may also dismiss a Formal Complaint if the Title IX Coordinator determines: that there is not sufficient cause to believe the alleged conduct may have occurred;

the Respondent is no longer enrolled or employed by Nazareth University; or specific circumstances prevent Nazareth University from gathering sufficient evidence to reach a Determination of Responsibility or No Responsibility.

In either instance, the Title IX Coordinator will issue a Notice of Dismissal, including the reasons for the dismissal, to the Parties simultaneously within five (5) Business Days of the Title IX Coordinator's determination. If the alleged conduct would potentially violate a different Nazareth University Policy, the Notice of Dismissal will include information about the referral and immediate next steps.

The Parties have a right to submit an Appeal from a dismissal of a Formal Complaint on the same grounds and using the same process described in Section VIII(B)(b) above.

Students should review Section XI of this Policy to understand the consequences of withdrawing with conduct charges pending.

(L) Live Hearings

(1) Notice of Live Hearing

The Live Hearing process begins with the issuance of a Notice of Live Hearing. The Notice of Live Hearing will be sent to the Parties simultaneously within 10 Business Days of the conclusion of the investigation and at least five (5) Business Days before the scheduled hearing date. The Notice of Live Hearing will include the following information:

- the date, time, and location of the Live Hearing;
- a brief factual summary of the conduct alleged to have violated the Policy, including date, time, and location;
- the specific Policy provision(s) at issue;
- possible sanctions associated with a finding of responsibility for the alleged Policy violation(s);
- the composition of the Hearing Board empaneled by the Title IX Coordinator;
- the Parties' right to be accompanied by an Advisor at the Live Hearing and the obligation to notify the Title IX Coordinator within two (2) days of receipt of the Notice of Live Hearing of: (1) the name, title, and contact information for their Advisors, (2) whether they will continue to be advised by the same Advisor as during the investigation (if applicable) or (3) that they do not intend to select an advisor;
- a statement that there is a presumption of No Responsibility on the part of the Respondent until a determination regarding responsibility is made at the conclusion of the Grievance Process; and
- information regarding the Informal Resolution process (as applicable).

In addition, the Notice of Live Hearing will attach a copy of this Policy or include a web link to this Policy.

(2) Title IX Coordinator as Hearing Board Chair

Hearings are convened by the Title IX Coordinator. The Title IX Coordinator oversees all hearings. In rare circumstances when the Title IX Coordinator is unavailable or ineligible to so, the Title IX Coordinator will appoint a delegate to convene and oversee the Hearing Board process. The Title IX Coordinator will be the **non-voting** chair of all Hearing Boards during Live Hearings, serving as a process and policy advisor to the

Hearing Board. In this role, the Title IX Coordinator may be referred to as the Hearing Officer. The Title IX Coordinator is never a Decision-maker, whether in connection with a Live Hearing or an Appeal, but may be an Investigator.

(3) *Hearing Board*

Prior to the Live Hearing, the Hearing Board will have read all of the information in the file. The Parties will have the same information as the Hearing Board.

(a) *Gathering Information*

The Hearing Board will focus its questions on those areas where it needs clarification or more information. The Hearing Board will not necessarily need or want Parties or Witnesses to repeat everything they shared during the investigation, but as the Decision-maker(s), the Hearing Board is obligated to come to its own Findings of Fact.

The Hearing Board has the right and responsibility to ask questions and elicit information from Parties and Witnesses on the Hearing Board's own initiative to aid the Hearing Board in obtaining relevant information, both inculpatory and exculpatory.

Only members of the Hearing Board may ask questions of any person testifying, except in connection with Cross-examination Questions asked by Advisors. (See Section IX(K)(9).) The Hearing Board is responsible for ensuring that it has sought and probed all information necessary to make an informed decision. At times, the Hearing Board will need to ask difficult or sensitive questions in order to understand the allegations, related information, and to gain a full understanding of the context.

If at any time a Party does not understand a question or why the Hearing Board is asking a question, the Party should let the Hearing Board know. The Hearing Board will explain and modify its question at its discretion. The Parties have equal rights to present information in front of the Hearing Board, which ensures that the Hearing Board has the benefit of each Party's perspectives about the evidence.

Parties have no right to self-representation and may not ask questions directly of the other Party or Witnesses.

(b) *Evaluating Information*

The Hearing Board must objectively evaluate all admissible, relevant evidence for weight or Credibility, including both Inculpatory Evidence and Exculpatory Evidence. The Hearing Board must focus on evidence pertinent to proving whether facts material to the allegations under investigation are more or less likely to be true. Determinations of Credibility must be based on objective evaluation of relevant evidence, not on a person's status as a Complainant, Respondent or Witness or inferences from Party or Witness status. Factors related to Credibility are set forth in the definition of Credibility. Credibility determinations are based on a number of factors, including demeanor (but *never* only demeanor); opportunity and capacity to observe the event; contradiction or consistency with other evidence; availability of corroboration (where it should logically exist, noting that corroborating evidence is not required); level of detail in Statement or testimony; motive to be untruthful; and inherent plausibility or implausibility.² The evaluation of Credibility also takes into account the normal fallibility of human memory.

A Party's answers to Cross-examination Questions will be evaluated by the Hearing Board in context, taking into account that a Party may experience stress while answering Cross-examination Questions. Parties will

not be unfairly judged if they are unable to recount every specific detail in sequence, whether such inability is due to trauma, the effects of drugs or alcohol or simple fallibility of human memory. These factors will also be considered as part of the Credibility assessment.

(4) *Role and Obligations of Advisors During Hearings*

The Advisor's role and consequences for exceeding that role are set forth at Section IX(E) above with the following important additions relevant to the Live Hearing:

- (a) Advisors may not speak during the hearing process, except in connection with Cross-examination Questions, described in Section IX(K)(9). Therefore, in all instances other than Cross-examination Questions, Advisors may not speak to the Hearing Board, make statements or arguments or answer questions on behalf of a Party.
- (b) Advisors conducting Cross-examination must be capable of understanding the purpose or scope of Cross-examination. Equal competency between the Parties' Advisors is not required.
- (c) When conducting Cross-examination, Advisors need not be advocates for Parties, but simply may be individuals who ask questions.
- (d) Advisors cannot direct the Party how to answer a question. Parties should provide their own responses to questions, not the responses their Advisor believes would be best.

(5) *Location of the Live Hearing*

Live Hearings are to be conducted with all Parties and Witnesses appearing virtually at the Live Hearing, with the Parties being able to see and hear each other and Witnesses live via technology.

(6) *Scope of the Live Hearing*

The Live Hearing will relate solely to charges set forth in the Notice of Live Hearing received by the Parties. If the Parties or any Witnesses share information that goes beyond these charges, the Hearing Board will redirect the speaker to the charges at hand.

Parties may be accountable for additional violations discovered through the Grievance Process even if they do not appear in the Notice of Live Hearing. In this instance, a separate Grievance Process under this Policy or under other applicable policies will commence.

(7) *Attendance at the Hearing*

The Live Hearing is closed, meaning it is not open to the public. Witnesses may be present only for their individual meeting with the Hearing Board. Advisors and Parties may be present throughout the proceeding. If a Party, after having been given notice, does not appear at the Live Hearing, the Live Hearing will be conducted in their absence, and the Party's Advisor may appear and conduct Cross-examination. In the event neither a Party nor their Advisor appear at the hearing, Nazareth University will provide an Advisor to appear on behalf of the non-appearing Party.

(8) *Expectation of Honesty*

Parties and other individuals who offer information at a Live Hearing are expected to respond honestly and

to the best of their knowledge. The Hearing Board reserves the right to recall any Party or Witness for further questions and to seek additional information as it deems necessary. A Party or Witness who intentionally provides false or misleading information may be subject to discipline under this Policy or other applicable policies.

(9) *Cross-examination Questions and Effect of Failure to Submit to Cross-examination*

(a) *Advisors Conduct Cross-examination*

Advisors are allowed, on behalf of the Party they are advising, to cross-examine the other Party and Witnesses by asking relevant questions and follow-up questions, including questions challenging Credibility.

(b) *Relevance Determination Before Answering*

Before a Party or Witness answers a Cross-examination question, the Hearing Board must determine if the question is relevant. If a question is deemed irrelevant, the Hearing Board must explain why. The requirement of relevancy (see definition of Relevance at Section XVI) applies throughout the hearing, including during Cross-examination, and will be determined by the Hearing Board. Parties should understand that the process of Cross-examination may be difficult and may feel uncomfortable because its purpose is to promote the perspective of the other Party. Cross-examination Questions may not be submitted in writing in advance of the Live Hearing or during the Live Hearing for purposes of seeking an evaluation of Relevance.

(c) *Effect of Not Submitting to Cross-examination*

If a Party or Witness does not submit to Cross-examination by Advisors at the Live Hearing, the Hearing Board can still rely on any Statement or Evidence submitted by that Party or Witness in reaching a determination regarding responsibility so long as the Statement or Evidence is determined to be relevant.

- i. "Submit to Cross-examination" means answering those Cross-examination Questions that are relevant, as determined by the Hearing Board in real time during the Live Hearing. If a Party or Witness disagrees with the Hearing Board's Relevance determination, they may either (a) abide by the Hearing Board's determination and answer the question or (b) refuse to answer the question.

(10) *Breaks*

The Hearing Board may need to take breaks during testimony to ensure that it can confer regarding the information that has been offered and can determine whether further questions are necessary. The Hearing Board will take as few breaks as possible, but breaks are needed and help to avoid having to call individuals back to meet with the Hearing Board at a later date. At any time, a Party may request a break to talk with their Advisor or for another reason. In almost all instances, a break will be allowed.

(11) *Rape Shield Protections*

All questions and evidence about Complainant's sexual predisposition are irrelevant. All questions and evidence about Complainant's prior sexual behavior are irrelevant unless offered to prove that someone other than the Respondent committed the alleged misconduct or offered to prove Consent.

(12) *Order of the Live Hearing*

- (a) The Chair calls the Live Hearing to order and explains the hearing process, which

includes a reading of the charge(s) at issue and provides an opportunity for all Parties to ask procedural questions prior to opening statements.

- (b) The Parties are informed that the hearing is being recorded. The recording is the sole official verbatim record of the Live Hearing and is the property of the University.
- (c) The Complainant may present a five (5) minute opening statement related to the charges.
- (d) The Respondent may present a five (5) minute opening statement related to the charges.
- (e) The Hearing Board asks the Complainant questions relevant to the charges.
- (f) The Respondent's Advisor may ask Complainant relevant questions and follow-up questions, including those challenging Credibility (Cross-examination Questions).
- (g) The Hearing Board asks the Respondent questions relevant to the charges.
- (h) The Complainant's Advisor asks Respondent relevant questions and follow up questions, including those challenging Credibility (Cross-examination Questions).
- (i) The Hearing Board may call Witnesses to provide relevant information to the Hearing Board.
- (j) At the conclusion of each Witness, Complainant and Respondent's Advisors may ask each Witness relevant questions and follow up questions, including those challenging Credibility (Cross-examination Questions). The Parties may never ask questions directly of the Witnesses.
- (k) First, Complainant's Advisor asks questions of each Witness and then Respondent's Advisor asks questions of each Witness. Complainant's Advisor then has one more opportunity to ask questions of each Witness and Respondent's Advisor has one more opportunity to ask questions of each Witness.
- (l) Before a Witness answers a Cross-examination Question from an Advisor, the Hearing Board must first determine whether the question is relevant.
- (m) At the conclusion of the testimony of the Parties and the Witnesses, the Parties may make a five (5) minute closing statement, with the Complainant going first and the Respondent going next.
- (n) The Parties are asked any final questions by the Hearing Board, if applicable.
- (o) The Chair announces that the Live Hearing is concluded.

(13) Hearing Board Deliberations and Written Determination

(a) Deliberations

When the Live Hearing concludes, the Hearing Board privately deliberates and makes its decision in accordance with the clear and convincing Standard of Evidence.

(b) Delivery and Contents of Written Determination

The Hearing Board issues a Written Determination, which is sent to the Parties simultaneously within 14

Business Days of the conclusion of the Live Hearing. The Written Determination includes:

- i. Procedural History
- ii. Summary of allegations in Notice of Live Hearing
- iii. Policy provisions at issue
- iv. Findings of Fact related to each allegation potentially constituting Title IX Sex Discrimination, made using the clear and convincing evidence standard
- v. Rationale (or evidentiary basis) for the Findings of Fact related to each allegation, which should include an evaluation of the weight or Credibility of admissible, relevant evidence
- vi. A determination of whether the conduct found to have occurred violates this Policy (Determination of Responsibility) or not (Determination of No Responsibility)
- vii. Rationale (or evidentiary basis) for the Determination of Responsibility or No Responsibility
- viii. A statement of any disciplinary sanctions imposed on the Respondent and the rationale for the sanctions
- ix. Whether Remedies will be provided to the Complainant, using the phrase: "Remedies designed to restore or preserve equal access to Nazareth University's Education Program or Activity will be provided by Nazareth University to the Complainant, and include [Remedies to be filled in here]."
 1. The nature of such Remedies will not appear in the Written Determination
 2. Remedies that do not directly affect the Respondent must not be disclosed to the Respondent
- x. Information about how to file an Appeal and how to access the recording before the time to file an Appeal lapses.

(14) Implementation of Remedies in Written Determination

The Title IX Coordinator is responsible for the effective implementation of Remedies.

(M) Sanctions

(1) Possible Sanctions

The following sanctions and/or conditions may be imposed following a Determination of Responsibility for a violation of this Policy. Title IX requires that Nazareth University provide notice of a range of sanctions; the list below is intended as notice of possible Remedies and disciplinary sanctions and does not reflect the probability that any particular outcome will occur.

(a) Students

- Expulsion (permanent separation)
- Suspension
- Deferred Suspension
- Disciplinary Probation
- Disciplinary Probation with deferred removal from the residence halls
- Loss of housing contract
- Conduct warning
- Title IX Sex Discrimination education or other relevant education
- Parent or guardian notification (subject to privacy restrictions)
- Financial restitution
- Organizational sanctions including probation and rescinding recognition or other organizational restrictions
- Fine
- Community restoration and/or community service
- Loss of campus privileges
- Loss of campus employment and/or opportunities for campus employment
- Withholding records or degree
- Revocation of admission and/or degree
- Bar against registration
- Discretionary action
- Substance abuse education and/or evaluation

(b) Employees

- Termination of employment
- Suspension
- Demotion
- Progressive discipline
- Warning
- Loss of pay or other pay adjustments
- Job transfer
- Change or restrictions in work location and/or job responsibilities
- Title IX Sex Discrimination education
- Restrictions on the Employee's communications
- Limitations on the Employee's movement in or on Nazareth University's campus, programs, and activities

(2) *Factors in Determining Sanctions*

In considering the appropriate sanction within the recommended outcomes, the Hearing Board may consider the following factors:

- Respondent's prior discipline history;
- how Nazareth University has sanctioned similar incidents in the past;
- the nature of the conduct at issue, including whether there was violence or other use of force;
- the impact of the conduct on the Complainant;
- the impact of the conduct on Nazareth University's community, its members or Nazareth

University's property;

- whether the Respondent accepted responsibility;
- whether the Respondent is reasonably likely to engage in the conduct in the future;
- any other mitigating or aggravating circumstances, including Nazareth University's values; and
- Nazareth University's obligation to eliminate Prohibited Conduct, prevent its recurrence, remedy its effects, and to maintain an environment free from Title IX Sex Discrimination.

Respondent's lack of comprehension that conduct constituting Title IX Sex Discrimination violates the bodily or emotional autonomy and dignity of a victim does not excuse the misconduct, though genuine lack of understanding may, in Nazareth University's discretion, factor into the sanction decision.

(3) *Remedial Action*

The Hearing Board may consider other remedial actions that may be taken to address and resolve any incident of Title IX Sex Discrimination and to prevent its recurrence, including: strategies to protect the Complainant and any Witnesses from retaliation; provide counseling for the Complainant; other steps to address any impact on the Complainant, any Witnesses, and the broader campus community, and any other necessary steps reasonably calculated to prevent future occurrences of harassment.

(4) *Failure to Comply with Sanctions*

Failure to comply with the sanctions or conditions imposed by the Hearing Board will result in action under Nazareth University's Student Code of Conduct or Faculty Manual or Staff Handbooks, as applicable.

(N) **Effective Date of the Written Determination and Possible Notice to Parents**

The Written Determination becomes final only after the time period to file an Appeal has expired (See Section X(E) below) or after the Appeal decision has been sent to the Parties. The Written Determination identifies to whom any Appeal must be addressed.

Nazareth University reserves the right to notify parents of dependent students when student conduct has resulted in serious disciplinary sanctions.

III. **APPEALS**

(A) **Filing an Appeal from a Written Determination**

The Parties have equal rights to file an Appeal. Appeals must be submitted to the individual identified in the Written Determination on or before the date specified in the Written Determination, which shall be seven (7) Business Days after the delivery of the Written Determination.

(B) **Appeal Grounds**

An Appeal is not intended to be a rehearing of the information presented at the Live Hearing. An Appeal may only be based upon one or more of the following grounds:

1. Procedural Irregularity that affected the outcome of the matter;

2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or,
3. Conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter
4. The sanctions imposed were substantially disproportionate to the violation committed

(c) Actions upon Receipt of Appeal

1. When an Appeal is received by the individual identified in the Written Determination, the Appeal is provided to the Appeal Decision-maker.

2. Within five (5) Business Days of the receipt of the Appeal, the Appellant is given notice of the receipt of the Appeal, which also serves as notice to the non-appealing Party of the Appeal, and notice to the Parties of the Appeal Decision-maker.

3. The Parties have two (2) days after notice of receipt of the Appeal to request that the Title IX Coordinator remove the Appeal Decision-maker based on reasonable and articulated grounds of bias, conflict of interest or an inability to be fair and impartial. The Title IX Coordinator determine whether to remove the Appeal Decision-maker. If the Appeal Decision-maker is not removed, the Title IX Coordinator notifies the requesting Party of the decision. If the Appeal Decision-maker is removed and replaced, the Parties are sent simultaneous written notification of the name of the new Appeal Decision-maker.

4. When the time to request removal of the Appeal Decision-maker has run, the Appeal Decision-maker is provided with the entire file provided to the Hearing Board who made the determination, together with the Written Determination.

5. The Appeal Decision-maker first determines whether the Appeal will be accepted, based upon whether one or more of the Appeal Grounds set forth above has been properly alleged by the Appellant. Within seven (7) Business Days of the receipt of the Appeal, the Appeal Decision-maker sends written notice to the Parties simultaneously:

- (a) That the Appeal has been rejected due to insufficient grounds, with the Appeal Decision-maker's rationale, or
- (b) That the Appeal has been accepted.

6. The non-appealing Party/ies are entitled to submit a response to the Appeal, which must be sent to the individual identified in the written notice described in Section 5 above within five (5) Business Days of receipt of notice that the Appeal was accepted.

7. The Appeal Decision-maker then analyzes all of the materials related to the Appeal and will take one of the following actions:

- (a) Uphold the original decision
- (b) Send the matter back to the Hearing Board for further consideration
- (c) Refer the matter to the Title IX Coordinator for further investigation or a new hearing with a new Hearing Board

8. The written Appeal decision, which includes the Appeal Decision-maker's rationale, is sent to the Parties simultaneously.

9. The Appeal Decision-maker issue its written decision on Appeal within fourteen (14) Business Days of the notice to the Parties that the Appeal was accepted (step 5 (b) above).

(D) Appeal Decisions are Final

A decision denying the entitlement to an Appeal and all decisions made by the Appeal Decision- maker are final.

(E) When an Appeal is not Filed

The Parties are notified if the time to file an Appeal has expired without any Appeal having been submitted.

IV. TRANSCRIPT NOTATIONS

New York law requires Nazareth University to make specific notations on the transcripts of student Respondents found responsible for the following conduct prohibited by this Policy: Sexual Assault, Dating Violence, Domestic Violence, and Stalking.

- Students suspended after a finding of responsibility will receive the following notation on their transcript: “suspended after a finding of responsibility for a code of conduct violation.” Such notations will remain for at least one year after the conclusion of the suspension, at which point a suspended student can seek removal of the notation by appealing to the Associate Vice President for Student & Campus Life/Dean of Students. Students seeking removal of the notation should contact the Office of the Associate Vice President for Student & Campus Life/Dean of Students for Appeal procedures.
- Students expelled after a finding of responsibility will receive the following notation on their transcript: “expelled after a finding of responsibility for a code of conduct violation.” Such notation shall not be eligible for removal.
- Students who withdraw pending resolution of alleged violations of this Policy will receive the following notation on their transcript: “withdrew with conduct charges pending.” Such notation shall not be eligible for removal.
- If Nazareth University vacates a finding of responsibility for any reason, any such transcript notation shall be removed.

V. GRIEVANCE PROCESS TIMEFRAMES

Nazareth University strives to meet the following timeframes for the Grievance Process. All days are measured in Business Days with the Grievance Process commencing as of date of acceptance of a signed Formal Complaint.

(A) Notice of Investigation: Within five (5) Business Days of acceptance of signed Formal Complaint.

(B) Investigation: The investigation process will typically be completed within one-hundred-and-twenty-five (125) business days of issuance of the Notice of Investigation.

(C) Opportunity to Review/Respond to Information Gathered During Investigation and Directly

Related to Allegations of the Formal Complaint: The information gathered during investigation and directly related to the allegations of the Formal Complaint will be provided to the parties in hard copy or electronic format within one-hundred-and-twenty-five (125) Business Days of issuance of the Notice of Investigation. Parties and their Advisors have ten (10) days to review and respond.

(D) Opportunity to Review/Respond to Investigation Report: Parties and their Advisors have ten (10) Business Days from the delivery of the Investigation Report to review and respond to the Investigation Report.

(E) Notice of Live Hearing: As applicable, a Notice of Live Hearing will be sent the Parties simultaneously within ten (10) Business Days of the conclusion of the investigation, which occurs after receipt of the Parties' response to the Investigation Report and when Nazareth University determines no further investigation is warranted.

(F) Challenge to Hearing Board Member: Within two (2) Business Days of receipt of the Notice of Live Hearing, Parties have the right to make a written request that the Title IX Coordinator remove a member of the Hearing Board based on reasonable and articulated grounds of bias, conflict of interest or an inability to be fair and impartial.

(G) Live Hearing: The Live Hearing will begin no sooner than fourteen (14) Business Days and no more than twenty-one (21) Business Days of issuance of the Notice of Live Hearing.

(H) Written Determination following a Live Hearing: Following a Live Hearing, the Written Determination will be sent to the Parties simultaneously within fourteen (14) Business Days of the conclusion of the Live Hearing. A Live Hearing is not concluded until Hearing Board deliberations have ended.

(I) Appeals:

1. Parties must file an Appeal within seven (7) Business Days of receipt of the Written Determination.

2. Within five (5) Business Days of the receipt of the Appeal by the Title IX Coordinator, the Appellant and non-appealing Party/ies will receive written notice that an Appeal has been submitted and the identity of the Appeal Decision-maker.

3. The Parties will have two (2) days after notice of receipt of the Appeal to request that the Title IX Coordinator remove a member of the Appeal Decision-maker based on reasonable and articulated grounds of bias, conflict of interest or an inability to be fair and impartial.

4. Within seven (7) Business Days of the receipt of the Appeal, the Appeal Decision-maker will send written notice to the Parties either accepting or rejecting the Appeal.

5. The Appeal Decision-maker will issue its written decision on the Appeal within fourteen (14) Business Days of the notice to the Parties that the Appeal was accepted.

VI. REQUEST TO REMOVE TITLE IX COORDINATOR, AN INVESTIGATOR OR HEARING BOARD MEMBER

Parties have the right to request that someone other than the Title IX Coordinator oversee the Grievance Process or that the Title IX Coordinator remove an Investigator or member of the Hearing Board. Such requests must be based on reasonable and articulated grounds of bias, conflict of interest or an inability to

be fair and impartial.

(A) Request to Remove the Title IX Coordinator

A request to remove the Title IX Coordinator should be submitted in writing to the person to whom the Title IX Coordinator reports, which is the Vice President for Culture, Community & Belonging, and as soon as a Party becomes aware of any such grounds for removal. The Vice President for Culture, Community & Belonging will determine whether to delegate the Title IX Coordinator duties to someone else.

(B) Challenge to an Investigator

A challenge to an Investigator must be raised in writing within two (2) Business Days of receipt of the Notice of Investigation. The Title IX Coordinator will determine whether to remove the Investigator. If the Investigator is not removed, the Title IX Coordinator will notify the requesting Party of the decision. If an Investigator is removed and replaced, the Title IX Coordinator will send written notification to the Parties of the name of the new Investigator.

(C) Request to Remove a Hearing Board Member

A challenge to a member of the Hearing Board must be raised in writing within two (2) Business Days of receipt of the Notice of Live Hearing. The Title IX Coordinator will determine whether to remove the Hearing Board member. If the Hearing Board member is not removed, the Title IX Coordinator will notify the requesting Party of the decision. If a Hearing Board member is removed and replaced, the Title IX Coordinator will send written notification to the Parties of the name of the new Hearing Board member.

VII. RECORDKEEPING

Nazareth University will maintain the records identified in this section of this Policy for a period of seven (7) years. Records of instances where Respondents were suspended, expelled, or terminated will be maintained indefinitely. The records maintained shall be kept confidential and not disclosed, except as permitted or required by law. The records may be maintained in paper or digital files.

In connection with each Report and each Formal Complaint, Nazareth University will maintain the following records, to the extent they exist:

1. documentation of any Report of alleged Title IX Sex Discrimination;
2. documentation of any Supportive Measures or if no Supportive Measures are provided, the reasons why and an explanation of how Nazareth University's response was not clearly unreasonable;
3. the Formal Complaint;
4. Notice of Dismissal of Formal Complaint and any associated documents;
5. documentary evidence gathered in the course of an investigation and photographs or descriptions of nondocumentary evidence gathered in the course of an investigation;
6. written responses of the parties provided prior to the finalization of the Investigation Report;
7. the Investigation Report;

8. the audio recording, audiovisual recording, or transcript of any Live Hearing;
 9. the Written Determination;
 10. any Appeal and Written Appeal Decision;
 11. records of the sanctions and/or remedies;
 12. records of any other steps taken to restore or preserve equal access to Nazareth University's Education Program or Activity,
 13. any written agreement of an Informal Resolution; and
 14. a statement documenting the basis for Nazareth University's conclusion that its response to a report or formal complaint was not deliberately indifferent.
- Nazareth University shall also maintain all materials used to train its Title IX Coordinators, Investigators, Decision-makers, and Facilitators and a copy of each version of its Title IX Policy on Sex Discrimination.

VIII. MODIFICATIONS TO THIS POLICY

This Policy may be modified from time-to-time, during an academic year or otherwise, in Nazareth University's discretion and as may be required by law.

IX. GLOSSARY OF DEFINED TERMS

- **Advisor:** A person selected by a Complainant or Respondent to assist them during the Grievance Process; or appointed by Nazareth University to support Complainant or Respondent pursuant to this Policy.
- **Administrative Leave:** Temporary separation from a person's job, with or without pay and benefits intact, as determined by Nazareth University and any relevant obligations binding Nazareth University.
- **Appeal:** An objective review of the prior process (including Dismissal of a Formal Complaint) and outcome, unless new evidence must be considered.
- **Appeal Decision-maker:** A group of people that makes decisions when Parties submit an Appeal. An Appeal Decision-maker cannot be the Investigator, the Title IX Coordinator or members of the Hearing Board.
- **Appellant:** A person who files an Appeal.
- **Business Days:** Any day, excluding Saturday, Sunday, and federal and state holidays.
- **Campus Official:** An Employee of Nazareth University who has authority to institute corrective measures on behalf of Nazareth University.
- **Clear and Convincing Standard of Evidence:** Evidence demonstrating that an allegation is substantially more likely than not to be true. Clear and convincing evidence must be clear, unequivocal, satisfactory, and convincing.
- **Community restoration:** The student is required to perform a certain service to the University or community. The nature and amount of such service will be described in the notice of disciplinary action. Failure to complete the service assignment satisfactorily may result in further disciplinary action.
- **Complainant:** An individual who is alleged to have been the target of conduct that could constitute Title IX Sex Discrimination under this Policy, whether or not the individual has filed a Formal Complaint.
- **Conduct Warning:** Written notice to a student that continued or further violations of any University policy, rule, or regulation within a specified period of time may result in more severe disciplinary action.
- **Consent:** Affirmative Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate Consent. The definition of Consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.
 - Consent to any sexual act or prior consensual sexual activity between or with any Party does not necessarily constitute Consent to any other sexual act.
 - Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
 - Consent may be initially given but withdrawn at any time.
 - Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot Consent. Depending on the degree of intoxication, someone who is under the influence of alcohol,

drugs, or other intoxicants may be incapacitated and therefore unable to Consent.

- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When Consent is withdrawn or can no longer be given, sexual activity must stop. This

definition is required by New York State Education Law Article 129B.

- **Credibility:** The worthiness of belief of information shared by a Party or a Witness.
- **Cross-examination Questions:** Relevant questions and follow-up questions, including questions challenging Credibility. Cross-examination Questions are intended to give both Parties equal opportunity to meaningfully challenge the plausibility, reliability, Credibility, and consistency of the information provided by the other Party and Witnesses so that the outcome of each individual case is more likely to be factually accurate.
- **Dating Violence:** Violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and, (b) where the existence of such a relationship shall be determined by (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Title IX requires that Nazareth University use this definition, from 34 U.S.C. 12291(a)(10).
- **Decision-maker:** A person or persons designated to conduct Live Hearings, to decide whether or not a violation of this Policy has or has not occurred, to determine disciplinary sanctions and Remedies when a violation has occurred, and/or to decide Appeals. Decision-makers may or may not be Employees of Nazareth University. Decision-makers are trained on the definition of Title IX Sex Discrimination, the scope of Nazareth University's program or activity, the Grievance Process, Relevance, the technology to be used at a hearing, how to conduct hearings and Appeals, and how to serve impartially.
- **Deferred Suspension:** The student is expected to refrain from all further campus violations for a designated period of time. Further violations of University policy or the student code of conduct may result in the student being suspended. The University may impose conditions during the deferral period.
- **Determination of Responsibility or No Responsibility:** A determination by the Hearing Board regarding whether or not the Respondent violated this Policy.
- **Disciplinary Probation:** The student is expected to refrain from all further campus violations for a designated period of time. Further violations may result in suspension or expulsion from Nazareth University.
- **Disciplinary probation with deferred removal from the residence halls:** The student is expected to refrain from all further campus violations for a designated period of time. Further violations of University policy or the code of conduct may result in immediate removal from on- campus housing.
- **Domestic Violence:** 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 spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state, 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 state. Title IX requires that Nazareth University use this definition, from 34 U.S.C. 12291(a)(8).
- **Education Program or Activity:** Locations, events or circumstances over which Nazareth University exercised substantial control over the Respondent and the context in which the conduct allegedly

constituting Title IX Sex Discrimination occurred. Education program or Activity includes any building owned or controlled by Nazareth University and/or by a student organization that is officially recognized by Nazareth University.

- **Emergency Removal:** A decision to remove a Respondent after an individualized analysis concluding that there is an immediate threat to the physical health or safety of any student or other individual arising from allegations of Title IX Sex Discrimination. Respondents can request review of an Emergency Removal.
- **Employee:** Faculty, staff, administrator, and any other individual employed by Nazareth University in any capacity or role, except an Employee does not include a Nazareth University Employee who is also enrolled as a full-time student of Nazareth University.
- **Exculpatory Evidence:** Evidence that shows or suggests that a Respondent did not engage in the alleged Title IX Sex Discrimination.
- **Expulsion:** The student's status in the University is terminated, and the student is declared ineligible to reapply for admission. In the event of an expulsion, no refund will be granted to the student. This includes tuition, room, board and fees. When a student is expelled, "W" grades will be given in the courses in which the student is enrolled.
- **Facilitator:** A person or persons designated to facilitate an Informal Resolution of a Formal Complaint. Facilitators may or may not be Employees of Nazareth University. Facilitators are trained on the definition of Title IX Sex Discrimination, the scope of Nazareth University's program or activity, how to conduct an Informal Resolution process, and how to serve impartially.
- **Financial Restitution:** The student is required to reimburse the University and/or identified parties for replacement or repair of damaged property. Notification of the amount due and the expected date of payment will be provided in writing. Failure to make timely restitution may result in further disciplinary action, including a hold on the student's account.
- **Findings of Fact:** A Hearing Board's decision regarding what occurred.
- **Fine:** The student is sanctioned by the imposition of a fine, payable within a specified period of time. Failure to comply may result in further disciplinary action including a hold on the student's account.
- **Formal Complaint:** A document signed by a Complainant or a Title IX Coordinator alleging Title IX Sex Discrimination against a Respondent(s) and requesting that the allegation(s) be investigated.
- **Grievance Process:** The process for investigating and resolving a Formal Complaint.
- **Hearing Board:** A single Decision-maker or group of Decision-makers who conduct the Live Hearing. Regardless of a Hearing Board's composition, the Decision-makers will be referred to as the Hearing Board. The Hearing Board cannot be the same person(s) as the Title IX Coordinator or the Investigator.
- **Inculpatory Evidence:** Evidence that shows or suggests that a Respondent engaged in the alleged Title IX Sex Discrimination.
- **Informal Resolution:** A voluntary process that allows the Parties and Nazareth University to engage in discussions in an attempt to come to an agreement to resolve a Formal Complaint that does not involve

a full investigation and/or hearing and adjudication. This process is not available when a Formal Complaint alleges that an Employee has engaged in Title IX Sex Discrimination toward a student.

- **Investigator:** A person or persons, internal or external to Nazareth University, designated by Nazareth University to investigate the allegations of a Formal Complaint. An Investigator may also be the Title IX Coordinator, but may not be a member of the Hearing Board or the Appeal Decision-maker for any Formal Complaint they investigated. Investigators are trained on the definition of Title IX Sex Discrimination, the scope of Nazareth University's program or activity, the Grievance Process, Relevance, how to conduct an investigation, how to create an investigation report, and how to serve impartially.
- **Live Hearing:** A hearing where all Parties can see and hear each other in real time, whether in the same location or connected via technology.
- **Loss of campus privileges:** The student (or student organization) is required to forfeit certain privileges, or participation in University sponsored activities (including membership in student government or on athletic teams) for a specific period of time.
- **Loss of housing contract:** The housing contract, which provides resident student room and board privileges, is revoked for a specified period of time. Renewal is at the discretion of the office of residential life.
- **Notice of Dismissal:** written notice of the Title IX Coordinator's decision to dismiss a Formal Complaint, including the basis of the decision. A Party may submit an Appeal of a dismissal of a Formal Complaint.
- **Notice of Informal Resolution:** As applicable, a Notice of Informal Resolution will be sent to the Parties simultaneously following receipt of each Party's completed Consent to Informal Resolution form.
- **Notice of Investigation:** A written notice to the Parties commencing the Grievance Process.
- **Notice of Live Hearing:** The letter sent to the Parties detailing and providing notice of the allegations falling within the scope of this Policy that will proceed to a Live Hearing.
- **Party or Parties:** Individuals who are Complainants and Respondents in a Grievance Process. When referencing the Complainant, the Respondent may be referred to as the "other Party" and when referencing the Respondent, the Complainant may be referred to as the "other Party."
- **Procedural History:** A section of the Written Determination describing the procedural steps taken from the receipt of the Formal Complaint through the determination, including notifications to the Parties; the date Respondent received the Notice of Investigation; the investigation process; and hearings held.
 - Regarding the description of the investigation process, the Procedural History section should include: which Parties and Witnesses were interviewed and when; site visits; methods used to gather evidence; what type of evidence was reviewed; and the process undertaken to inspect and review the evidence and to disseminate the investigation report, including timelines. The Written Determination should include any actual or perceived procedural issues. For example, if a process was delayed for good cause, that delay should be explained in the Written Determination. Likewise, if the Parties requested that the Investigator follow certain "leads" that the Investigator was not reasonably able to pursue based on a lack of time, resources, or the unavailability of Witnesses, that should be addressed in the timeline.
- **Procedural Irregularity:** A failure to follow Nazareth University's own procedures.

- **Prohibited Conduct:** Five types of Title IX Sex Discrimination that violate Title IX and this Policy: (1) Title IX Sexual Harassment; (2) Sexual Assault; (3) Dating Violence; (4) Domestic Violence; and (5) Stalking.
- **Rape Shield Protections:** Protects Complainants from questions about or submission of evidence regarding the Complainant's sexual predisposition or, except in very limited circumstances, Complainant's prior sexual behavior.
- **Relevance:** Information that is relevant directly relates to the allegations in dispute, and, therefore, is probative of a material fact concerning the allegations. Information that is not relevant includes: information protected by a legally recognized privilege; evidence about a Complainant's prior sexual predisposition; evidence about a Complainant's prior sexual behavior unless offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant or offered to prove Consent, where Consent is at issue (and it concerns specific instances of sexual behavior with Respondent); any Party's medical, psychological, and similar records unless the Party has given voluntary, written consent; Party or Witness Statements that have not been subjected to Cross-examination at a Live Hearing; and evidence duplicative of other evidence.
- **Remedies:** Measures taken by Nazareth University following a Determination of Responsibility on the part of Respondent designed to restore or preserve equal access to Nazareth University's Education Program or Activity. Remedies may be disciplinary or punitive and may burden the Respondent; such Remedies are referred to as Sanctions.
- **Report:** The submission of information to the Title IX Coordinator or a Campus Official regarding a potential violation of this Policy. A Report is not a Formal Complaint and, therefore, does not trigger the Grievance Process.
- **Respondent:** Any individual who has been alleged to have engaged in conduct that could violate this Policy.
- **Retaliation:** Intimidation, threats, coercion or discrimination, including charges against an individual for code of conduct violations that do not involve Title IX Sex Discrimination, but arise out of the same facts or circumstances as a Report or Formal Complaint of Title IX Sex Discrimination, for the purpose of interfering with any right or privilege secured by Title IX or this Policy.
- **Revocation of admission and/or degree:** Admission to, or a degree awarded from, the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for serious violations committed by a student prior to graduation.
- **Sanctions:** Disciplinary or punitive measures imposed on a Respondent by Nazareth University following a Determination of Responsibility on the part of Respondent.
- **Sexual Assault:** Any conduct that would constitute a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sexual Assault includes the following Prohibited Conduct:
 1. **Rape (Except Statutory Rape)** - the carnal knowledge of a person, without the Consent of the person, including instances where the person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity. "Carnal knowledge" means contact between the penis and the vulva or the penis and the anus, including penetration of any sort, however slight.

2. **Sodomy** - oral or anal sexual intercourse with another person, without the Consent of the person, including instances where the person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity.
3. **Sexual Assault with An Object** - to use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the Consent of the person, including instances where the person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity.
4. **Fondling** - touching of the private body parts of another person for the purpose of sexual gratification without the Consent of the person, including instances where the person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity.
5. **Incest** - nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
6. **Statutory Rape** - nonforcible sexual intercourse with a person who is under the statutory age of consent.

Title IX requires that Nazareth University use this definition, from 20 U.S.C. 1092 (f)(6)(A)(v).

- **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for their safety or the safety of others; or (b) suffer emotional distress. Title IX requires that Nazareth University use this definition, from 34 U.S.C. 12291(a)(30).
- **Standard of Evidence:** The Standard of Evidence reflects the degree of confidence that a Decision-maker has in the correctness of the factual conclusions reached. Nazareth University will apply the Clear and Convincing Standard of Evidence to matters falling under the Policy.
- **Statement:** Evidence that constitutes a person's intent to make factual assertions.
- **Supportive Measures:** Non-disciplinary and non-punitive services that are offered, without fee or charge, by Nazareth University on an individualized basis to a Complainant or Respondent that are designed to restore or preserve equal access to Nazareth University's Education Program or Activity without unreasonably burdening the other Party.
- **Suspension:** The student's status in the University is terminated, and the student is not permitted to register at Nazareth University for a designated period of time. At the end of the suspension period, the student must submit a written request for reinstatement to the Vice President of Enrollment and Student Experience. Any specific requirements identified at the time of suspension or at the time of the request for reinstatement must be fulfilled before reinstatement will be considered. In the event of a suspension, no refund will be granted to the student. This includes tuition, room, board and fees. When a student is suspended, "W" grades will be given in the courses in which the student is enrolled.
- **Title IX Coordinator:** The person or persons designated by Nazareth University as a Title IX Coordinator, including any persons designated as an "acting," "deputy" or "interim" Title IX Coordinator. In the event that special circumstances require the Title IX Coordinator to delegate responsibilities, the term also includes the Title IX Coordinator's delegate.
- **Title IX Sex Discrimination or Discrimination:** Discrimination on the basis of sex prohibited by Title IX (20 USC 1681, *et seq.*), Title 34 CFR Part 106, and this Policy in the form of (1) Title IX Sexual Harassment; (2)

Sexual Assault; (3) Dating Violence; (4) Domestic Violence; and (5) Stalking. See also Prohibited Conduct.

- **Title IX Sexual Harassment:** Conduct on the basis of sex that satisfies one or more of the following:
 1. An Employee of Nazareth University conditioning the provision of an aid, benefit, or service of Nazareth University on an individual's participation in unwelcome sexual conduct; or
 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Nazareth University's Education Program or Activity.
- **Witness:** A person who has seen, heard or otherwise has knowledge or information relevant to an alleged violation of this Policy, but not including the Investigator. The Investigator and Hearing Board meet with Witnesses at their request and at the suggestion of the Parties.
- **Withholding degree:** The University may withhold awarding a degree otherwise earned until the completion of the process set forth in the Student Conduct Code, including the completion of all sanctions imposed, if any.
- **Written Determination:** A letter delivered simultaneously to the Parties that describes the Hearing Board's decision regarding responsibility, which must be supported by evidence.

-End of Report-