

2024
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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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).

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	Associate dean of Students	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 100D	rcruz81251@naz.edu	389-2847
Kim Harvey	Associate Provost / Dean of Students	Smyth Hall 121	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



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	Associate dean of Students	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 100D	rcruz81251@naz.edu	389-2847
Kim Harvey	Associate Provost / Dean of Students	Smyth Hall 121	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	Associate dean of Students	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 100D	rcruz81251@naz.edu	389-2847
Kim Harvey	Associate Provost / Dean of Students	Smyth Hall 121	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 mission of the NazCares team is to support individuals and the campus community through proactive, collaborative approaches to identify, assess, and mitigate risks to student wellbeing. NazCares encourages community members to refer students for any concerns that hinder students' personal and academic success. NazCares uses coordinated efforts to provide direct student support in addressing concerns and reducing barriers.

NazCares should not be confused with crisis management – which is active and immediate.

If there is an active or immediate threat or safety concern, contact Campus Safety.

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, 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 Associate Director of Campus Safety (or designee) is authorized to activate the team. The Associate 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

When will a Timely Warning be Issued:

A timely warning will be issued 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, Associate Director.

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 additional offices/officials. As

a redundancy the Director of Communications, and Chief Public Relations Officer for the University have also been trained in issuing Timely Warnings as described in **GO 3.30 Familiarity with NazAlert**.

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 other campus officials 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.

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 Associate Director of Campus Safety upon a review of the information available at the time. Nazareth will endeavor to confirm conditions warranting a Timely Warning using multiple sources where time permits. Sources may include local news outlets, Campus Officials, law enforcement, etc.

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 descriptions 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.
- 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.

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 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.

Documentation:

In order to maintain an audit trail Campus Safety will complete the **Timely Warning Publication Determination Form** following each assessment. Campus Safety will maintain these forms for a period of seven years. Records of Timely Warnings may also be kept in the associated Incident Reports where applicable.

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, the institution 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 institution's responsibility to ensure the provision of sufficient follow-up information to the community as required to keep the community informed.

-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 Associate Director of Campus Safety, 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 Associate Director of Campus Safety 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, Associate Director of Campus Safety.

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, Associate Director of Campus Safety, 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 Exercises

Date: May 22, 2024

Time: 1 pm - 4 pm

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

Summary: This tabletop exercise was designed to simulate a demonstration/protest occurring on the campus of Nazareth University. The event centered on a fictional student lead protest in response to a Supreme Court ruling regarding transgender athletic participation in NCAA events. The student lead protest quickly grows and gets the attention of outside activist groups. The protest continues to grow and disrupts campus operations.

Additionally, Campus Safety personnel worked with the Pittsford Volunteer Fire Department to conduct the following drills and hands-on emergency preparedness exercised.

- March 18, 2024 – Tour of Nazareth University with Pittsford Fire Department highlighting recent physical changes, building layouts, and hazardous locations.
- July 15, 2024 – Practice drill on campus simulating a fire on an upper level of two buildings. Pittsford Fire Department practiced a full response to these areas. One area was a sprinklered building (with standpipes) and one area was a residential non-sprinklered building.

- August 12, 2024 – Practice apparatus set-up drills for multiple locations across campus by the Pittsford Fire Department including both residence halls and academic buildings.

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 Nazareth University Sex-Based Harassment 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:

- Spring Orientation – Title IX and Bystander Intervention training for new students.
- Residential Life training – Provided a refresher training to Resident Assistants on handling sexual misconduct cases.

February:

- Consensual hugs & kisses event – Peer Educators led event for students with information about consent.

April:

- Sexual Assault Awareness Month Flag display -Physical display of flags outside of Golisano Academic Center to promote awareness of sexual assault awareness month.
- Mailboxes of Hope - In collaboration with RESTORE Sexual Assault Services students could write messages of hope to be delivered to survivors.
- Denim Day - Members of the community were encouraged to wear Denim in recognition of International Denim Day which supports victims of sexual assault.
- Catcalling event – Peer Educators provided information to other students about catcalling and reframing positive messaging.

August:

- Athlete compliance - Created an online course for Athletes that covered relevant definitions, Title IX resources, and bystander intervention practices.
- Athlete Orientation presentation - Collaborated with Campus Safety and Residence Life to present an overview of Title IX office to all first-year athletes.
- Train the trainer StepUP bystander training – Provided training to faculty, staff, and students for them to help lead bystander training.
- Student Leader training – Title IX and violence prevention training for all orientation leaders, peer mentors, and residential assistants.
- Grad/RD training – Training on reporting obligations and supporting student staff in handling sexual misconduct disclosures.
- SAS Title IX training – dialogue with Student Accessibility Services staff on supporting students with disabilities in Title IX process.
- StepUP Bystander Intervention training for new students – Orientation program that provided information on sexual assault, dating violence, domestic violence, and stalking and appropriate bystander intervention strategies.
- New student orientation Title IX & Campus Safety – Orientation presentation for all new students by the Title IX and Campus Safety offices.

September:

- Safety Week message to community – Message sent to community with helpful tips in staying safe.

October:

- Domestic Violence Awareness Month Flag Display – Purple flag display and information from Willow Domestic Violence Center displayed in an effort to raise awareness for Domestic Violence Awareness Month
- Crisis Action Team training – Training for members of the campus Crisis Action Team on the nuances of Title IX cases and responding in an emergency.

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 provider 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	2021	2022	2023
Murder/Non-Negligent Homicide	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	9	6
Fondling	3	3	1
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	1	0
Burglary	6	14	4
Motor Vehicle Theft	0	1	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	1
Stalking	3	2	4

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	8	7	7
Liquor Law Violations	25	57	61

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	2021	2022	2023
Murder/Non-Negligent Homicide	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	9	6
Fondling	3	1	1
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	1	0
Burglary	2	1	2
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	1
Stalking	1	0	2

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	8	6	5
Liquor Law Violations	25	54	60

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
Murder/Non-Negligent Homicide
Negligent Manslaughter
Rape
Fondling
Incest
Statutory Rape
Robbery
Aggravated Assault
Burglary
Motor Vehicle Theft
Arson

2021	2022	2023
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	1
0	0	0
0	0	0

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

0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
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0	0	0
0	0	0

VAWA OFFENSES
Domestic Violence
Dating Violence
Stalking

0	0	0
0	0	0
0	0	0

ARRESTS
Illegal Weapons Possession
Drug Abuse Violations
Liquor Law Violations

0	0	0
0	0	0
0	0	0

DISCIPLINARY ACTION
Illegal Weapons Possession
Drug Abuse Violations
Liquor Law Violations

0	0	0
0	0	0
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	2021	2022	2023
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.

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 2024)*

Building	Building Type	2021	2022	2023
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	1
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	1
O'Connor I	Residence Hall	0	1	0
O'Connor II	Residence Hall	0	0	1
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	1	0
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	2	3
	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 (\$)
French House (Grounds outside)	4/17/2023	Unintentional Smoldering Mulch Fire	0	0	0
Follow up action	Mulch on Nazareth grounds was inspected. No other areas of concern found.				
Medaille Hall	09/17/2023	Unintentional Stovetop Fire	0	0	0
Follow up action	Student counseled about proper cooking. Stovetop cleaned, inspected and returned to service.				
O'Connor II	09/28/2023	Unintentional Microwave Fire	0	0	100
Follow up action	Microwave removed from service and replaced.				

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 2024)</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 they function 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 skillet, 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.



Rules for the Maintenance of Public Order

Policy No: CS-RULES FOR THE MAINTENANCE OF PUBLIC ORDER	Policy Type: <i>Choose one area from dropdown</i> Administrative
Effective Date: June 28, 2024	Responsible Official Title: Vice President for Finance & Administration
Supersedes Policy Dated: N/A New Policy	Responsible Office: Campus Safety

PURPOSE AND POLICY STATEMENT

In compliance with Education Law - Section 6430 of the Laws of the State of New York, the President's Cabinet hereby adopts the following "Rules for the Maintenance of Public Order" which governs the conduct of all Nazareth University students, faculty, staff, and organizations of the University community, to include visitors, guests, licensees, independent contractors, and invitees to University-sponsored activities on University-owned or University-operated property.

Nothing contained in these rules is intended, nor shall it be construed, to limit or restrict the freedom of speech or peaceful assembly. This policy will be considered in conjunction with the University's Freedom of Expression policy (currently under development). The President of the University hereby authorizes University Officials to enforce these rules as provided within the scope of their duties.

WHO SHOULD KNOW THIS POLICY

- Individuals:**

These Rules shall apply to all persons, including students, employees including faculty, visitors, guests, licensees, independent contractors, or invitees, organizing and/or participating in any University sponsored activity or on any University-owned or University-operated property, or on any other property or facility used by the University. Violations of these rules by faculty and/or staff, or administrators will be addressed by the

appropriate vice president and may result in the rescission of permission to use University-owned, leased, or operated property for future events.

- **Clubs and Organizations:**

The "Rules for the Maintenance of Public Order" apply to all members of clubs and organizations operating on University-owned, -leased, or -operated property. Violations of these rules by student clubs or organizations will be heard by the Dean of Students (or designee) and violations of the Rules for the Maintenance of Public Order may result in rescission of permission and/or revocation of that club or organization to operate on University-owned, -leased, or -operated property. If, in the judgment of the Dean of Students, student members of clubs or organizations have violated the Rules for the Maintenance of Public Order an appropriate referral to Student Conduct may be made. In such cases, the procedures established for adjudicating individual violations of these rules shall be followed.

- **Visitors:**

Visitors, including guests, licensees, independent contractors, or invitees, shall at all times conduct themselves in a manner that is consistent with the Rules for the Maintenance of Public Order on University premises, and their privilege to remain on University property shall automatically terminate upon breach of these Rules. The University, in addition, reserves the right to withdraw, at any time, the privilege of an independent contractor, invitee, or licensee to be on University premises. A trespasser has no privilege of any kind to be on University property but is nevertheless subject to these Rules governing the maintenance of public order.

DEFINITIONS

This policy has wide-ranging authority, as such it is written in language that is clear and easily understandable.

CONTACTS

Campus Safety officially interprets this policy. Campus Safety is responsible for obtaining approval for any revisions required by the policy and creating and maintaining policies and procedures through the appropriate governance structures. Please direct any policy questions to the Director of Campus Safety.

POLICY SPECIFICS AND PROCEDURES

Violations

The following actions are prohibited:

- Possession or use of firearms, ammunition, fireworks, use of open flames, and/or other dangerous substances, weapons, or materials that are being used as or could be used as weapons at University sponsored activities or on University-owned or -operated property unless previously approved by permit through the Department of Campus Operations. Nazareth University adheres to all New York State laws regarding firearms, ammunition, fireworks, and other dangerous substances or weapons.
- Interrupting, impeding, hindering, inhibiting, restricting, blocking, stopping, halting, or bringing to a standstill an event, activity, or operation of the University including, but not limited to, teaching, guest lectures, research, University business, disciplinary proceedings, activities/programs sponsored by students, or Nazareth University student clubs and organizations, or activities/programs sponsored by Nazareth University departments, divisions, or faculty, staff, or administration.
- Unauthorized entry into, tampering with, or use of facilities, property, services, or resources belonging to the University, its community members, guests, or licensees. This includes unauthorized access to or occupation of non-public areas on University premises including classrooms, seminar rooms, laboratories, library, faculty and administrative offices, auditoriums, event venues, meeting spaces, and recreational facilities. Use of classroom space after normal class hours for study purposes will not be deemed a violation of this policy.
- Any action or situation prohibited by law or University policy including intimidation, or other conduct that recklessly or intentionally endangers or threatens the health, safety, or welfare of any person on University-owned or -leased property or at University-sponsored activities.

- Conduct that substantially impairs a person's access to University programs or activities, such that the person is effectively denied equal access to the University's resources and opportunities on the basis of the person's race, ethnicity, color, religion, sex, sexual orientation, gender identity or expression, age, marital status, familial status, military status, national origin, or disability, or perceived membership in any of these classifications.
- Hazing, defined as intentionally or recklessly subjecting any person to the risk of bodily harm, or severe emotional distress, subjecting a person to treatment intended to put that person in a humiliating or disconcerting position, or causing or encouraging any person to commit an act that would be a violation of law or University regulations for the purpose of initiating, promoting, fostering, or confirming any form of affiliation with any group, including, but not limited to, registered organizations or athletic teams on University-owned or -operated property or at University-sponsored activities.
- Theft, defacing, damaging, or destroying of personal or University-owned or operated property, including files and records, belonging to the University, its community members, visitors, guests, licensees, independent contractors, or invitees.
- Refusing to provide identification such as a Nazareth University ID or state issued license when requested to do so by a clearly identifiable University official acting in the performance of their duties.
- Solicitation in any form prohibited under the University's Solicitation Policy.
- Attempting or inciting others to violate any provision of these Rules.

Removal from Premises

Any person while on University-owned or University-controlled premises who violates these Rules or refuses the request or directive of an authorized University official to desist in any prohibited conduct may be removed from campus, from the property being utilized for an event, or any such premises where the conduct constitutes a substantial danger to public order on such premises.

Penalties

All penalties listed below will be in addition to possible removal from campus and any criminal penalty or law to which a member of the campus community, visitor, guests, licensee, independent contractor, or invitee may be subject to.

- **Students:** Individual student violations of the Rules will be heard through the University conduct system as constituted in the Nazareth University Student Conduct Code and subject to the range of possible sanctions therein.
- **Faculty, Staff or Administration:** In the case of a violation by an individual member of the faculty, staff, or administration, penalties for violations may include suspension or termination from employment, or other appropriate disciplinary action in accordance with the respective policies or collective bargaining agreement covering the individual.
- **Non-community members:** Violations by non-community members, including invited or uninvited guests, licensees, or invitees, may result in the offender's immediate removal from the campus and possible criminal prosecution and/or permanent barring from the premises. Nazareth University community members (students, faculty, staff) hosting or sponsoring non-community members may be subject to additional penalties.
- **Organization:** If a recognized or unrecognized club or organization authorizes conduct in violation of these Rules, penalties may include rescission of permission for that organization to operate on campus property.

Noncompliance with this policy may result in disciplinary action up to and including termination. Nazareth supports an environment free from retaliation. Retaliation against any employee who brings forth a good faith concern, asks a clarifying question or participates in an investigation is prohibited.

RELATED DOCUMENTS

[Section 6430, Article 129-A](#) states that: § 6430. General provisions. 1. The trustees or other governing board of every college chartered by the regents or incorporated by special act of the legislature and which maintains

a campus, unless otherwise provided, shall adopt written rules for implementing all policies required pursuant to this article and for the maintenance of public order on college campuses and other college property used for educational purposes and provide a program for the enforcement thereof. Such rules shall prohibit, among other things, any action or situation which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization. Such rules shall govern the conduct of students, faculty and other staff as well as visitors and other licensees and invitees on such campuses and property. The penalties for violations of such rules shall be clearly set forth

therein and shall include provisions for the ejection of a violator from such campus and property, in the case of a student or faculty violator his or her suspension, expulsion, or other appropriate disciplinary action, and in the case of an organization which authorizes such conduct, rescission of permission for that organization to operate on campus property. Such penalties shall be in addition to any penalty pursuant to the penal law or any other law to which a violator or organization may be subject.

2. A copy of such rules shall be given to all students enrolled in said college and shall be deemed to be part of the by-laws of all organizations operating on said campus which shall review annually such by-laws with individuals affiliated with such organizations.

3. Each college shall annually file with the department on or before the first day of July a certificate of compliance with the provisions of this article.

4. If a college fails to file a certificate of compliance pursuant to subdivision three of this section within sixty days of the time required, such college shall not be eligible to receive any state aid or assistance until such certificate of compliance is duly filed.

5. Each college shall file a copy of all written rules adopted as required in this article with the department on or before the first day of July, two thousand four, and once every ten years thereafter.

6. Nothing contained in this article shall:

- a. be construed to limit or restrict the freedom of speech and peaceful assembly; or
- b. prevent or limit a college from setting forth additional standards of conduct for students.

Freedom of Expression policy (currently under development).

Nazareth has no other documents related to the Maintenance of Public Order.

APPENDIX 1

Nazareth University Sex-Based Harassment Policy

Nazareth University Sex-Based Harassment Policy

I. Effective Date and Changes to Procedure Based on Court Rulings and Legal Challenges or Changes in Law or Regulation

This Grievance Procedure applies to incidents that occur on or after August 1, 2024. Any incidents reported under this Grievance Procedure that occurred on or before July 31, 2024 will be processed through the institution's University Title IX Policy, or Sexual Misconduct Policy.

Should any portion of the 2024 Title IX Final Rule (89 Fed. Reg. 33474 (Apr. 29, 2024)), be stayed or held invalid by a court of law, or if the 2024 Title IX Final Rule is withdrawn or modified to not require elements of this Procedure, the Procedure in its entirety, or the invalidated elements of this Procedure, they will be deemed revoked as of the publication date of the opinion or order from the Court and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by the date of the opinion or order publication by the Court. If this Procedure is revoked in this manner, any conduct covered under this Procedure shall be investigated and adjudicated under the previous 2020 Title IX Grievance Policy and/or Sexual Misconduct Policy. Nazareth University will update this Procedure as soon as practicable to reflect any court rulings or changes that invalidate parts of the Procedure, if applicable.

II. Scope of Procedure

Nazareth University has adopted grievance procedures that provides for the prompt and equitable resolution of sex discrimination Complaints made by students, employees, or other individuals who are participating or attempting to participate in its Education Program or Activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

This policy addresses Sex-Based Harassment, a form of Sex Discrimination. Sex-Based Harassment is considered discrimination on the basis of sex if it includes harassment due to actual or perceived sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and/or gender identity.

III. Jurisdiction of Procedure

Nazareth University's Title IX Coordinator or designee will determine if this Grievance Procedure applies to a Complaint. This Grievance Procedure will apply when the following elements are met, in the reasonable determination of the Title IX Coordinator:

- The conduct alleged occurred on or after August 1, 2024;
- The conduct alleged occurred on campus, off campus, or while studying abroad;
- The conduct alleged occurred in Nazareth University's Education Program or Activity; and
- The conduct alleged, if true, would constitute Sex-Based Harassment as defined in this Grievance Procedure.

NOTE: Nazareth University will address Sex-Based Harassment even when some alleged conduct occurred outside Nazareth University's Education Program or Activity, including outside of the United States. Nazareth University's Title IX Coordinator will work with Complainants and/or Reporting Persons to assess whether alleged conduct falls under this Grievance Procedure and, when appropriate, will direct to other University Policies and Procedures .

If all elements of jurisdiction are met, Nazareth University will investigate the allegations according to this Grievance Procedure as appropriate, unless informal resolution is pursued or there are grounds for dismissal of the complaint.

IV. Non-Discrimination in Application

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, race, color, national origin, religion, creed, age, disability, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, criminal conviction, or other protected classes covered by applicable federal, state, or local law. All requirements and protections are equitably provided to individuals regardless of such protected status(es) or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the institution's policy or process may contact the U.S. Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>. Individuals may also file complaints with the New York State Division of Human Rights (DHR), using contact information available at <https://dhr.ny.gov/complaint>.

V. Students' Bill of Rights

All Students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of Domestic Violence, Dating Violence, Stalking, and Sexual Assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the Reporting Individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from Retaliation by the institution, any Student, the Accused and/or the Respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a Reporting Individual or Complainant, Accused, or Respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

VI. Definitions

1. ***Accused*** means a person accused of a violation who has not yet entered an institution's judicial or conduct process.

2. **Admission** means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an Education Program or Activity operated by Nazareth University.
3. **Bystander** means a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of the rules or policies of an institution.
4. **Code of conduct** means the written policies adopted by an institution governing student behavior, rights, and responsibilities while such student is matriculated in the institution.
5. **Consent** means 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. Incapacitation 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. "Consent" and "affirmative consent" may be used interchangeably under this Grievance Procedure.
6. **Complainant** means:
 - (1) a student or employee who is alleged to have been subjected to conduct that could constitute Sex-Based Harassment as defined in these procedures and who was participating or attempting to participate in Nazareth University's Education Program or Activity; or
 - (2) a person other than a student or employee who is alleged to have been subjected to conduct that could constitute Sex-Based Harassment under this grievance procedure and who was participating or attempting to participate in Nazareth University's Education Program or Activity at the time of the alleged Sex-Based Harassment.

A Complainant may also be referred to as a Reporting Individual in this Grievance Procedure, in alignment with New York State Education Law Article 129-B.

7. **Complaint** means an oral or written request to Nazareth University that objectively can be understood as a request for Nazareth University to investigate and make a determination about alleged Sex-Based Harassment at the institution.
8. **Confidential Employee** means:

(1) an employee of Nazareth University whose communications are privileged under Federal or State law. The employee's confidential status is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies;

(2) an employee of Nazareth University whom the recipient has designated as confidential for the purpose of providing services to persons related to Sex-Based Harassment. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about Sex-Based Harassment in connection with providing those services; or

(3) an employee of Nazareth University who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about Sex-Based Harassment. The employee's confidential status is only with respect to information received while conducting the study.

9. ***Disciplinary Sanctions*** means consequences imposed on a Respondent following a determination under this grievance procedure that the Respondent violated Nazareth University's prohibition Sex-Based Harassment.
10. ***Education Program or Activity*** means any academic, extracurricular, research, occupational training or other Education Program or Activity operated by Nazareth University that receives Federal financial assistance.
11. ***Party*** means Complainant or Respondent.
12. ***Peer Retaliation*** means Retaliation by a Student against another Student.
13. ***Relevant*** means related to the allegations of Sex-Based Harassment under investigation as part of this Grievance Procedure. Questions are Relevant when they seek evidence that may aid in showing whether the alleged Sex-Based Harassment occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether the alleged Sex-Based Harassment occurred.
14. ***Remedies*** means measures provided, as appropriate, to a Complainant or any other person Nazareth University identifies as having had their equal access to Nazareth University's Education Program or Activity limited or denied by Sex-Based Harassment. These measures are provided to restore or preserve that person's access to Nazareth University's Education Program or Activity after Nazareth University determines that Sex-Based Harassment occurred.
15. ***Reporting Person*** means a person who shares information related to conduct that could constitute Sex-Based Harassment as defined in this Policy and who was not participating or attempting to participate in Nazareth University's Education Program or Activity at the time of the alleged conduct. A Person may be entitled to the rights of a Complainant under this Policy, at the discretion of the University Title IX Coordinator.
16. ***Respondent*** means a person who is alleged to have violated Nazareth University's prohibition on Sex-Based Harassment.

17. **Retaliation** means intimidation, threats, coercion, or discrimination by any person by, Nazareth University, a Student, or an employee or other person authorized by Nazareth University to provide aid, benefit, or service under Nazareth University's Education Program or Activity, for the purpose of interfering with any right or privileged secured by Title IX, or because the person has reported information, made a complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this grievance procedure, including an informal resolution process.

18. **Student** means a person who has gained Admission.

19. **Supportive Measures** means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to: (1) restore or preserve that Party's access to Nazareth University's Education Program or Activity, including measures that are designed to protect the safety of the Parties or Nazareth University's educational environment; or (2) provide support during Nazareth University's grievance procedures for Sex-Based Harassment or during the informal resolution process.

VII. Prohibited Conduct

The following behaviors describe Prohibited Conduct under this policy.

1. **Sex-Based Harassment** means sexual harassment and other harassment on the basis of sex, including harassment because of gender identity, sexual orientation, sex characteristics, sex stereotypes, and/or pregnancy and other conditions, that is:
 - a. (1) *Quid pro quo harassment*. An employee, agent or other person authorized by Nazareth University's Education Program or Activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
 - b. (2) *Hostile Environment harassment*. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from Nazareth University's Education Program or Activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following: (i) the degree to which the conduct affected the Complainant's ability to access Nazareth University's Education Program or Activity; (ii) the type, frequency, and duration of the conduct; (iii) the Parties' ages, roles within Nazareth University's Education Program or Activity, previous interactions and other factors about each Party that may be Relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other Sex-Based Harassment in Nazareth University's Education Program or Activity;
2. **Sexual Assault** means any sexual act directed against another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent;
 - a. *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 consent of the victim;

- b. *Sodomy*: oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity;
 - c. *Sexual Assault with an Object*: the use of 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 victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity;
 - d. *Fondling*: the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity;
 - e. *Incest*: nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;
 - f. *Statutory Rape*: nonforcible sexual intercourse with a person who is under the statutory age of consent.
3. ***Dating Violence*** means any 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 based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.
4. ***Domestic Violence*** means any felony or misdemeanor crimes committed by a person who: (A) is a current or former partner of the victim under the family or domestic violence laws of New York State, or a person similarly situated to a spouse of the victim; (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) shared a child in common with the victim; or (D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of New York State; or
5. ***Stalking*** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for the person's safety or the safety of others; or (B) suffer substantial emotional distress.
6. ***Sexual Exploitation*** When an individual takes non-consensual sexual advantage of another for one's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to:
- a. secretly observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
 - b. non-consensual sharing or streaming of images, photography, video or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
 - c. exposing one's genitals or inducing another to expose their own genitals in non-consensual circumstances;
 - d. knowingly exposing another individual to a sexually transmitted disease or virus without their knowledge;
 - e. falsely claiming the use of contraceptive and prophylactics
 - f. causing incapacitation, by means of drugs, alcohol, or other physical restraint limiting the ability to consent or for the purpose of making another person vulnerable to non-consensual sexual activity.

VIII. Disability Accommodations

Generally

This procedure does not alter any institutional obligations under applicable federal, state, and/or local disability laws, including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, among others. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Procedure that do not fundamentally alter the Procedures. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

Requests for Reasonable Accommodations During the Title IX Grievance Procedure

If the Complainant or Respondent discloses a disability, the Title IX Coordinator may consult, as appropriate, with Academic Success and Accessibility to provide support to students with disabilities to determine how to comply with applicable law including, without limitation, Section 504 of the Rehabilitation Act of 1973 in the implementation of any Supportive Measures, or any other reasonable accommodations requested during the Grievance Procedure.

IX. Policy for Student Alcohol and/or Drug Use Amnesty

The health and safety of every student at Nazareth University is of utmost importance. Nazareth 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. Nazareth University strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to Nazareth University's officials or law enforcement will not be subject to Nazareth University's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

X. Basic Requirements of the Grievance Procedure

Nazareth University is required to:

- Treat Complainants and Respondents equitably;
- Ensure that any person designated by Nazareth University as a Title IX Coordinator, investigator, or decisionmaker does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent;
- Establish reasonably prompt timeframes for the major stages of this Grievance Procedure, including a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the Parties that includes the reason for the delay;
- Ensure that reasonable steps to protect the privacy of the Parties and witnesses during the pendency of the Grievance Procedure are taken, provided that the steps do not restrict the abilities of the Parties to obtain and present evidence, including by speaking to witnesses (as long as such does not result in

Retaliation), consult with their family members, confidential resources, or advisors, or otherwise prepare for or participate in this Grievance Procedure;

- Ensure an objective evaluation of all evidence that is Relevant and not otherwise impermissible under this Procedure, including both inculpatory and exculpatory evidence, and provide that credibility determinations must not be based on a person's status as a Complainant, Respondent or Witness;
- Exclude impermissible evidence from consideration as defined in the Grievance Procedure; and
- Clearly articulate principles for how Nazareth University will determine which policies and procedures apply if not all such complaints are handled under this institutional Grievance Procedure.

Per New York State Law, Nazareth University is also required to additionally ensure that Student Complainants are advised of their right to:

- Notify Campus Safety, local law enforcement, and/or state police;
- Have emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a Complainant to provide information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and detailing that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated New York Penal Law should be addressed to law enforcement or to the district attorney, who shall also explain whether he or she is authorized to offer the reporting individual confidentiality or privacy, and shall inform the Complainant of other reporting options;
- Disclose confidentially the incident to institution representatives, who may offer confidentiality pursuant to applicable laws and can assist in obtaining services for Complainants;
- Disclose confidentially the incident and obtain services from the state or local government;
- Disclose the incident to institution representatives who can offer privacy or confidentiality, as appropriate, and can assist in obtaining resources for reporting individuals;
- File a report of sexual assault, domestic violence, dating violence, and/or stalking and the right to consult the Title IX Coordinator and other appropriate institution representatives for information and assistance, ensure that Complainants know that reports shall be investigated in accordance with this Grievance Procedure and/or any other institutional policies that may be applicable, and ensure that a Complainant's identity will remain private at all times if said Complainant wishes to maintain privacy;
- Disclose, if the accused is an employee of Nazareth University, the incident to Nazareth University's Human Resources Department or the right to request that a confidential or private employee assist in reporting to the appropriate representative for the Human Resources Department, at which point, such referral shall be handled according to the appropriate policies and procedures related to employee complaints;
- Receive assistance from appropriate Nazareth University representatives in initiating legal proceedings in family court or civil court; and
- Withdraw a complaint or involvement from Nazareth University's Grievance Procedure at any time.

XI. Reporting Sex-Based Harassment to the Institution

Non-Confidential Reports

Any person may report sex discrimination, including Sex-Based Harassment (whether or not the person reporting is the person alleged to be the victim of the conduct that may constitute sex discrimination or Sex-Based Harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed

for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact Information for the Title IX Coordinator at Nazareth University:

Name: Heather Sourwine

Title: Title IX Coordinator

Office Address: 100A Otto A. Shults Community Center

Email Address: hsourwi8@naz.edu and titleix@naz.edu

Phone: 585-389-2877

Campus Safety

Phone: (585) 389-2850

Office Address: 21 Otto A. Shults Community Center

Email Address: campussafety@naz.edu

Campus Safety is available 24 hours a day, 7 days a week. The department can also be reached through the Safe@Naz app.

Confidential Reports

The following officials at Nazareth University will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited by Title IX:

- Title IX Coordinator or designee(s);
- Officials with Authority to institute corrective measures under Title IX;
- All other employees at Nazareth University that are not designated as confidential resources

The following officials at Nazareth University may provide confidentiality:

- Clinicians in the Health & Counseling Center
 - 585-389-2500
 - health@naz.edu
- University Chaplain
 - 585-389-2308
 - jfazio1@naz.edu

There are other confidential options available for crisis intervention, resources and referrals, but these are not reporting mechanisms to the institution, meaning that disclosure on a call to one of these hotlines does not provide any information to Nazareth University.

Complainants are encouraged to additionally contact a campus confidential or private resource so that Nazareth University can take appropriate action in these cases. Some resources for confidential disclosure **NOT** to the institution are:

- RESTORE Sexual Assault Services: <https://restoresas.org/>. A RESTORE Advocate holds weekly office hours on Nazareth campus in 119 Otto A. Shults Center.
- The New York State Office for the Prevention of Domestic Violence hotlines: <http://www.opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options that can be found and are presented in several languages can also be found here: <http://www.opdv.ny.gov/help/index.html> (or by calling 1-800-942-6906).
- SurvJustice: <http://survjustice.org/our-services/civil-rights-complaints/>;
- Legal Momentum: <https://www.legalmomentum.org/>;
- NYSCASA: <https://nyscasa.org/responding>;
- NYSCADV: <http://www.nyscadv.org/>;
- Pandora’s Project: <http://www.pandys.org/lgbtsurvivors.html>;
- GLBTQ Domestic Violence Project: <http://glbtqdv.org/>;
- RAINN: <https://www.rainn.org/get-help>; and
- Safe Horizons: <http://www.safehorizon.org/>.

Privacy vs. Confidentiality

References made to confidentiality refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to privacy mean Nazareth University offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. Nazareth University will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

At the First Instance of Disclosure of a Report

Nazareth University shall ensure that, at a minimum, at the first instance of disclosure by a Complainant to a Nazareth University representative, the following information shall be presented to the Complainant: “You have the right to make a report to university police or campus security, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution from Retaliation for reporting an incident; and to receive assistance and resources from your institution.”

Public Awareness Events

When Nazareth University’s Title IX Coordinator is notified of information about conduct that reasonably may constitute sex-based harassment under Title IX or this policy that was provided by a person during a public event to raise awareness about sex-based harassment that was held on Nazareth University’s campus or through an online platform sponsored by it, Nazareth University is not obligated to act in response to the information, unless it indicates an imminent and serious threat to the health or safety of a Complainant, any students, employees, or other persons.

However, in all cases Nazareth University must use this information to inform its efforts to prevent sex-based harassment, including by providing tailored training to address alleged sex-based harassment in a particular part

of its Education Program or Activity or at a specific location when information indicates there may be multiple incidents of sex-based harassment.

Nothing in Title IX or this policy obligates Nazareth University to require its Title IX Coordinator or any other employee to attend such public awareness events.

XII. Supportive and Interim Measures

Providing Supportive Measures

Complainants who report allegations of Sex-Based Harassment have the right to receive supportive measures from Nazareth University regardless of whether they file a complaint. Supportive measures are non-disciplinary and non-punitive. Supportive measures may vary depending upon what is reasonably available at Nazareth University.

As appropriate, supportive measures may include without limitation:

- Counseling services
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services, as available
- Restrictions on contact applied to one or more Parties (no contact orders)
- Changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative
- Leaves of absence
- Increased security and monitoring of certain areas of the campus
- Training and education programs related to Sex-Based Harassment
- Assistance by Nazareth University's police or security forces, if applicable, or other officials in obtaining an order of protection or, if outside of New York state, an equivalent protective or restraining order

Supportive measures must not unreasonably burden either Party and must be designed to protect the safety of the Parties or Nazareth University's educational environment, or to provide support during Nazareth University's Sex-Based Harassment grievance procedures under this policy, or during informal resolution under this procedure.

Nazareth University may modify or terminate supportive measures at the conclusion of the grievance procedures, or at the conclusion of the informal resolution process, or may continue them beyond that point within Nazareth University's discretion.

Nazareth University will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one Party of supportive measures provided to another Party, unless necessary to provide the supportive measure or restore or preserve a Party's access to Nazareth University's Education Program or Activity, or there is an exception that applies, such as:

- Nazareth University has obtained prior written consent from a person with the legal right to consent to the disclosure;

- When the information is disclosed to an appropriate third Party with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
- To carry out the purpose of the policy when it is necessary to address conduct that reasonably may constitute Sex-Based Harassment under Title IX in Nazareth University's Education Program or Activity;
- As required by Federal law, federal regulations, or the terms and conditions of a federal award; or
- To the extent such disclosures are not otherwise in conflict with Title IX, when required by State or local law or when permitted under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g, or its implementing regulations, 34 CFR Part 99).

Note on Orders of Protection and their equivalent: Nazareth University must provide a copy of the order of protection or equivalent when it is received by Nazareth University, and Parties shall have the opportunity to meet or speak with the Title IX Coordinator, who can explain the order and answer questions about it, including information from the order about the Accused's/Respondent's responsibility to stay away from the protected person or persons. Parties are entitled to an explanation of the consequences for violating these orders, including without limitation, arrest, additional conduct charges, and interim suspension or emergency removal, as applicable. A Complainant is also entitled to receive assistance from Campus Safety in effecting an arrest when an individual violates an order of protection or, if Campus Safety does not possess arresting powers, then to call on and assist local law enforcement in effecting an arrest for violating such order, in accordance with limits on current law enforcement jurisdiction and procedures.

Process for Review of Supportive Measures

Nazareth University provides for a Complainant or Respondent to seek modification or reversal of Nazareth University's decision to provide, deny, modify or terminate a supportive measure. Grounds for challenge of supportive measures include, but are not limited to:

- Whether a supportive measure is reasonably burdensome;
- Whether a supportive measure is reasonably available;
- Whether a supportive measure is being imposed for punitive or disciplinary reasons;
- Whether the supportive measure is being imposed without fee or charge; and
- Whether the supportive measure is effective in meeting the purposes for which it is intended, including to restore or preserve access to the Education Program or Activity, provide safety, or provide support during the Grievance Procedure.

This review will be conducted by an impartial employee of Nazareth University, who did not make the challenged decision on the original supportive measure request. The impartial employee of Nazareth University who makes this determination will have the authority to modify or reverse the decision if that impartial employee determines that the decision to provide, deny, modify or terminate the supportive measure was inconsistent with the procedures as outlined above for providing supportive measures in accordance with the Title IX regulations.

Parties are only allowed to challenge their own individual supportive measures. Challenges by one Party will not be heard to supportive measures afforded to the opposite Party, unless that supportive measure directly impacts the Party making such challenge (i.e., two-way no contact orders). Any challenge to supportive measures must be submitted in a timely fashion. Nazareth University will conduct a fact specific inquiry into timeliness.

Emergency Removal

Nazareth University retains the authority to remove a Respondent from all or part of Nazareth University's Education Program or Activity on an emergency basis, where Nazareth University (1) undertakes an individualized safety and risk analysis, and (2) determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of Sex-Based Harassment justifies removal.

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

The decisionmaker who hears a challenge to an emergency removal must not be involved in any decision regarding responsibility or appeal of a determination.

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 Procedure. Emergency removals will not be considered Relevant evidence that can be considered in reaching a determination of whether Sex-Based Harassment occurred.

Administrative Leave

Nazareth University retains the authority to place a non-student employee Respondent on administrative leave during the Grievance Procedure, consistent with the University Employee Handbook, Faculty Manual, and relevant collective bargaining agreements. The purpose of such an administrative leave is to allow a temporary separation of the employee while the Grievance Procedure is ongoing. Nazareth University will determine the terms and conditions of the leave on a case-by-case basis. The decision process for placing a non-student employee Respondent on leave will respect their rights under Title VII, Americans with Disabilities Act, and all other applicable employment laws.

Note on student employees: when a Complainant or Respondent is both a student and an employee of Nazareth University, Nazareth University must make a fact-specific inquiry to determine whether this procedure applies to that student employee. Nazareth University will consider if the Complainant or Respondent's primary relationship with Nazareth University is to receive an education and whether the alleged Sex-Based Harassment occurred while the Party was performing employment-related work.

XIII. The Title IX Grievance Procedure for Sex-Based Harassment

A. Filing a Complaint

Who can make a Complaint?

- A Complainant (as defined in Section VI(6) of this Grievance Procedure); or
- The Title IX Coordinator.

Note on Title IX Coordinator initiated Complaints: In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an Informal Resolution process, the Title

IX Coordinator must determine whether to initiate a Complaint of Sex-Based Harassment. This determination is fact-specific, and the Title IX Coordinator must consider:

- The Complainant's request not to proceed with the initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of Sex-Based Harassment would occur if a complaint is not initiated;
- The severity of the alleged Sex-Based Harassment, including whether the Sex-Based Harassment, if established, would require the removal of a Respondent from campus or imposition of another Disciplinary Sanction to end the Sex-Based Harassment and prevent its recurrence;
- The age and relationship of the Parties, including whether the Respondent is an employee of Nazareth University;
- The scope of the alleged Sex-Based Harassment, including information suggesting a pattern, ongoing Sex-Based Harassment, or Sex-Based Harassment alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether Sex-Based Harassment occurred; and
- Whether Nazareth University could end the alleged Sex-Based Harassment and prevent its recurrence without initiating this Grievance Procedure.

If after considering these and other Relevant factors, the Title IX Coordinator determines that the conduct as alleged presents as an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents Nazareth University from ensuring equal access on the basis of sex to its Education Program or Activity, the Title IX Coordinator may initiate a Complaint.

If the Title IX Coordinator does initiate the Complaint after making this determination, the Title IX Coordinator must notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures as listed in Section VI of this Grievance Procedure.

Is there a particular format that the Complaint needs to be in?

As defined in VI(6) of this Grievance Procedure, a Complaint can be an oral or written request to Nazareth University that objectively can be understood as a request for Nazareth University to investigate and make a determination about alleged Sex-Based Harassment at the institution.

Who can I report a Complaint to?

Any reports of Sex-Based Harassment may be made directly to the Title IX Coordinator, whose contact information is listed at the beginning of this Grievance Procedure. There are other ways in which a Party may report a Complaint.

Nazareth University requires that any employee who is not a Confidential Employee and who either has authority to institute corrective measures on behalf of Nazareth University or has responsibility for administrative leadership, teaching, or advising in Nazareth University's Education Program or Activity must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute Sex Discrimination, including Sex-Based Harassment.

All other employees at Nazareth University who are not Confidential Employees and are not employees as identified above are required to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute Sex-Discrimination, including Sex-Based Harassment.

Note: If an employee has personally been subject to conduct that reasonably may constitute Sex Discrimination, including Sex-Based Harassment, under Title IX or any institutional policy or this Grievance Procedure, these requirements do not apply to an employee reporting a personal Complaint.

What is the timeframe for Nazareth University to evaluate if the Title IX Coordinator is initiating an investigation under this Grievance Procedure?

The Title IX Coordinator must evaluate whether the Complaint falls under this Grievance Procedure five (5) business days after the Complaint is made, and must issue the Notice of Allegations as soon as practicable after the Complaint is evaluated. If there are any delays or extensions, the Title IX Coordinator must appropriately notice the Parties in writing, on a case-by-case basis, with good cause and the rationale for the extension or delay.

Can I make a Complaint and request initiation of the Grievance Procedure even if I have made a complaint to law enforcement?

Yes. Nazareth University has an obligation to appropriately evaluate all Complaints, regardless of whether there is a concurrent complaint before law enforcement. This process is an administrative process that is different from the criminal justice process. Per New York state law, it is required that Nazareth University's process run concurrently with a criminal justice investigation and proceeding, however, temporary delays are allowed as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten days except when law enforcement specifically requests and justifies a longer delay.

B. Multi-Party Situations and Consolidation of Complaints

Nazareth University may consolidate complaints alleging Sex-Based Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of Sex-Based Harassment arise out of the same facts or circumstances.

Nazareth University can consider factors when making this fact-specific determination, which include, but are not limited to:

- The facts and circumstances of the particular complaints when deciding whether to consolidate, including the toll of separate proceedings on the Parties; and
- Any risks to the fairness of the investigation or outcome.

C. Allegations Potentially Falling Under Two Policies:

If the alleged conduct, if true, includes conduct that would constitute covered Sex-Based Harassment and conduct that would not constitute covered Sex-Based Harassment, the grievance process outlined in this policy may be applied for the investigation and adjudication of all of the allegations.

D. Dismissal of a Complaint

Grounds for Dismissal

Nazareth University may dismiss a complaint of Sex-Based Harassment for any of the following reasons:

- Nazareth University is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in Nazareth University's Education Program or Activity and is not employed by Nazareth University;
- The Complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint of these procedures, and Nazareth University determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute Sex-Based Harassment under Title IX or this grievance procedure even if proven; or
- Nazareth University determines that the conduct alleged in the complaint, even if proven, would not constitute Sex-Based Harassment under Title IX or these procedures. Note: Nazareth University must make reasonable efforts to clarify the allegations with the Complainant before dismissing under this basis.

Notice of Dismissal

If Nazareth University dismisses a complaint, Nazareth University is required to promptly notify the Complainant of the basis for dismissal.

If the dismissal of the complaint occurs before a Notice of Allegations is issued to the Respondent, the Title IX Coordinator does not need to notice the Respondent at that time. However, if the Complainant appeals the dismissal, the Respondent will need to be noticed of the complaint allegations and given an opportunity to respond to the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then Nazareth University must notify the Respondent and Complainant of the dismissal and the basis for the dismissal simultaneously in writing.

Appeal rights must also be outlined in any notification of dismissal of a complaint, as included below under *Appeal of Dismissals*.

Appeals of Dismissals

Nazareth University must notify the Complainant that a dismissal may be appealed and provide the Complainant with an opportunity to appeal the dismissal of a complaint on the following grounds:

- Procedural irregularity: procedural irregularity that affected the outcome of the matter (i.e., a failure to follow Nazareth University's own policy to a degree that had material effect on the outcome of the matter);
- New evidence: New evidence that would change the outcome and that was not reasonably available when the determination whether Sex-Based Harassment occurred or dismissal of the complaint was made; and
- The Title IX Coordinator, investigator(s), or decisionmaker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome of the matter.

If the dismissal occurs after the Respondent has been notified of the allegations, then Nazareth University must also notify the Respondent that the dismissal may be appealed on the grounds set out above.

The submission of appeal stays any sanctions for the pendency of an appeal. Supportive measures remain available during the pendency of the appeal.

If a Party appeals, the institution will as soon as practicable notify the other Party in writing of the appeal, however the time for appeal shall be offered equitably to all Parties and shall not be extended for any Party solely because the other Party filed an appeal.

Appeals should be submitted in electronic form following the guidelines provided in the dismissal notice.

Appeals will be decided by a panel, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing decisionmaker in the same matter.

Outcome of appeal will be provided in writing simultaneously to both Parties, and include rationale for the decision.

E. Notice of Allegations

Upon initiating Nazareth University's Grievance Procedures, the Title IX Coordinator shall provide a notice of allegations in writing to the Parties whose identities are known. Such notice will occur as soon as practicable after Nazareth University receives a complaint, if there are no extenuating circumstances.

What does the Notice of Allegations Include?

The written Notice of Allegations must include:

- Nazareth University's Grievance Procedures and Nazareth University's Informal Resolution process;
- Sufficient information available at the time of the issuance of the Notice of Allegations to allow the Parties to respond to the allegations, which includes the identities of the Parties involved in the incident(s), the conduct alleged to constitute Sex-Based Harassment under the Grievance Procedures, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to Nazareth University;
- A statement that the Parties are entitled to an equal opportunity to access the Relevant and not otherwise impermissible evidence
- A statement that the Respondent is presumed not responsible for the alleged Sex-Based Harassment until a determination is made at the conclusion of Nazareth University's Grievance Procedure and that prior to the determination, the Parties will have an opportunity to present Relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- Parties may have an advisor of their choice, and that the advisor may be, but is not required to be, an attorney;
- Nazareth University's Code of Conduct and Employee Handbook prohibits knowingly making false statements or knowingly submitting false information during Nazareth University's Grievance Procedures;] and
- If, in the course of an investigation, Nazareth University decides to investigate additional allegations of Sex-Based Harassment by the Respondent toward the Complainant that are not included in the original written Notice of Allegations provided, Nazareth University is required to provide written notice of any additional allegations to the Parties whose identities are known.

What if Nazareth University decides to investigate additional allegations of Sex-Based Harassment?

If, in the course of an investigation, Nazareth University decides to investigate additional allegations of Sex-Based Harassment by the Respondent toward the Complainant that are not included in the original issued written Notice of Allegations, or that are included in a complaint that is consolidated under this Grievance Procedure, Nazareth University shall provide notice of the additional allegations to the Parties whose identities are known.

What if I have safety concerns about a Notice of Allegations being issued to a Respondent?

To the extent that Nazareth University has reasonable concerns for the safety of any person as a result of providing a written Notice of Allegations, Nazareth University through the Title IX Coordinator, may reasonably delay providing the written Notice of Allegations in order to address the safety concern appropriately. Reasonable concerns must be based on individualized safety and risk analysis and not on mere speculation or stereotypes.

F. Advisor of Choice and Participation of Advisor of Choice

A Party's advisor of choice may accompany the Party to any meeting or proceeding, and that Nazareth University cannot limit the choice of who that advisor may be or their presence for the Parties in any meeting or proceeding unless such advisor does not follow Nazareth University's established rules of decorum and rules around participation.

G. Investigation

General Rules of Investigations

Investigator(s) designated by the Title IX Coordinator will perform an investigation of the conduct alleged to constitute Sex-Based Harassment in a reasonably prompt timeframe, after issuing the Notice of Allegations.

Nazareth University, and not the Parties, have the burden to conduct an investigation that gathers sufficient evidence to determine whether Sex-Based Harassment occurred under this Grievance Procedure. This burden does not rest with either Party, and either Party may decide not to share their account of what occurred, or may decide not to participate in the investigation or hearing. This does not shift the burden of proof away from Nazareth University, and does not indicate responsibility.

Nazareth University cannot access, consider, or disclose medical records without a waiver from the Party (or parent, if applicable) to whom the records belong, or of whom the records include information. Nazareth University will provide an equal opportunity for the Parties to present witnesses, including fact and expert witnesses, and other inculpatory or exculpatory evidence, as described below.

Notice of Participation

Nazareth University will provide written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the Party to prepare to participate, if a Party is invited or expected to participate in any such meeting or proceeding.

Advisors of Choice and Participation of Advisors of Choice

Nazareth University will provide the Parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of the advisor for the Complainant or Respondent in any meeting or proceeding.

Parties are encouraged to identify an advisor of their choice as soon as practical, as advisors play an important role. Advisors:

- provide support to the Party, but do not serve as a proxy voice for the Party;
- 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;
- may not make statements or arguments or answer questions on behalf of Parties during meetings, interviews, or during the live hearing;
- cannot direct the Party how to answer a question; and
- 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.

Any advisor who does not follow the guideline 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.

Access to and Review of the Investigative Report

Each Party will have an equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that are Relevant and not otherwise impermissible, to the Title IX Coordinator and/or an investigator designated by the Title IX Coordinator. The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will review all evidence gathered through the investigation and determine what evidence is Relevant and what evidence is impermissible regardless of relevance, consistent with this Grievance Procedure.

The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will provide each Party and their advisors of choice with an equal opportunity to access and review the investigative report which will include all Relevant evidence collected throughout the investigation that is not otherwise impermissible.

The investigator designated by the Title IX Coordinator will provide each Party with a reasonable opportunity to respond to the investigative report. Both Parties will have the opportunity to respond to the investigative report prior to and during the live hearing.

Nazareth University will take reasonable steps to prevent and address the Parties' and their advisors of choice's unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure. Participating individuals who engage in the unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure may be subject to Nazareth University's Student Code of Conduct, if applicable and other University policies and/or procedures that may apply.

Note: Disclosures of information and evidence for purposes of administrative proceedings or litigation related to the complaint of Sex-Based Harassment are authorized and not considered unauthorized disclosures potentially subject to other disciplinary action.

Relevant Evidence

Evidence is Relevant when it is related to the allegations of Sex-Based Harassment under investigation as part of this grievance procedure.

Questions are Relevant when they seek evidence that may aid in showing whether the alleged Sex-Based Harassment occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether the alleged Sex-Based Harassment occurred.

Impermissible Evidence

The following types of evidence, and questions seeking that evidence, are excluded as impermissible (i.e., must not be accessed or considered, except by Nazareth University to determine whether an exception applies, must not be disclosed, and must not otherwise be used) regardless of whether they are Relevant:

- Evidence that is protected under a privileged as recognized by Federal or State law or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless Nazareth University obtains that Party's or witness's voluntary, written consent for use in Nazareth University's Grievance Procedures; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove Consent to the alleged Sex-Based Harassment. Note: the fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's Consent to the alleged Sex-Based Harassment or preclude determination that Sex-Based Harassment occurred.

Timeframes

An investigation shall take ninety (90) business days to complete. If there are any delays or extensions, the Title IX Coordinator must appropriately notice the Parties in writing, as detailed below.

Extensions and Delays

Nazareth University allows for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice to the Parties that includes the reason for the extension or delay.

H. Live Hearing

General Rules for Live Hearings

Nazareth University will not issue a finding or disciplinary sanction arising from an allegation of Sex-Based Harassment without holding a live hearing unless otherwise resolved through an informal resolution process as outlined in this Grievance Procedure.

Nazareth University conducts all live hearings with the Parties physically present in separate locations, with technology enabling the decisionmaker and Parties to simultaneously see and hear the Party or the witness while that person is speaking.

Nazareth University shall create an audio recording or transcript of any live hearing and make it available to the Parties for inspection and review.

Participants in the Live Hearing

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

Complainant and Respondent (The Parties)

If a Party chooses not to participate in the process or the hearing, the live hearing may still proceed in the absence of a Party, and Nazareth University may reach a determination of responsibility in their absence, including through any evidence gathered and other witness statements. Nazareth University will not threaten, coerce, intimidate or discriminate against any Party in an attempt to secure the Party's participation. The decisionmaker cannot draw an inference about the determination regarding responsibility based solely on a Party's absence from the live hearing, or a refusal to answer questions.

The Parties shall be subject to Nazareth University's rules of decorum.

The Decisionmaker

The hearing body will consist of a panel of two (2) decisionmakers. No member of the hearing body will have served as the Title IX Coordinator, Title IX investigator or advisor to any Party in the case, nor may any member of the hearing body serve on the appeals body in the case. No member of the hearing body will have a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor of or against the Parties to the particular case. The hearing body will be trained prior to serving during any hearing. The Parties will have an opportunity to raise any objections regarding a decisionmaker's actual or perceived conflicts of interest or bias prior to the commencement of the live hearing.

The Title IX Coordinator or designee

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 live hearing. 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 panel. In this role, the Title IX Coordinator may be referred to as the hearing officer.

Advisor of Choice

The Parties have the right to select an advisor of their choice, who may be, but is not required to be, an attorney. The advisor of choice may accompany the Parties to any meeting or hearing they are permitted to attend, but may not speak for the Party. An advisor of choice is not prohibited from being a witness in the hearing. Advisors

of choice are subject to Nazareth University's rules of decorum, and may be removed upon violation of those rules.

Witnesses

Witnesses cannot be compelled to participate in the live hearing and have the right not to participate in the hearing free from Retaliation. The University does not allow parties to call character witnesses. Witnesses are subject to Nazareth University's rules of decorum, and may be removed upon violation of those rules.

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;
- information regarding the Informal Resolution process (as applicable).

Hearing Procedures

For all live hearings conducted, the Title IX Coordinator will open and establish rules and expectations for the hearing. The Parties will each be given an opportunity to provide opening statements. Questioning of the Parties and witnesses will occur according to the procedures below.

Questioning Parties and Witnesses

During a live hearing, each Party is allowed to ask Relevant and not otherwise impermissible questions and follow-up questions of the Parties and witnesses through the hearing board. No questioning to another Party or witness will be conducted by a Party personally. These questions must be submitted in writing to the hearing board.

Procedures for Decisionmaker's Evaluation of Questions and Limitation on Questions

The hearing board will determine whether a proposed question is Relevant and not otherwise impermissible as described in this Grievance Procedure, prior to the question being posed, and will explain any decision to exclude a question as not Relevant or otherwise impermissible.

If the hearing board determines that a Party's question is Relevant and not otherwise impermissible, then the question must be asked unless such question is unclear or harassing of the Party or witness being questioned. The hearing board must give a Party an opportunity to clarify or revise a question that the hearing board has

determined is unclear or harassing and, if the Party sufficiently clarifies or revises a question so that it is no longer unclear or harassing, the question must be asked.

Refusal to Respond to Questions and Inferences Based on Refusal to Respond to Questions

The decisionmakers may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed Relevant and not impermissible.

The decisionmakers must not draw an inference about whether Sex-Based Harassment occurred based solely on a Party's or witness's refusal to respond to such questions.

Continuances or Granting Extensions

Nazareth University may determine multiple sessions or a continuance (a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, Nazareth University will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

I. Determination Regarding Responsibility and Sanctioning

Standard of Proof

Nazareth University uses the preponderance of the evidence standard of proof to determine whether or not Sex-Based Harassment occurred. This means that the investigation and hearing determine whether it is more likely than not that a violation of the Grievance Procedures occurred.

General Considerations for Evaluating Evidence and Testimony

The decisionmaker is required to evaluate Relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that Sex-Based Harassment occurred, whatever the quantity of the evidence is, the decisionmaker must not determine that Sex-Based Harassment occurred.

Determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the decisionmaker. Decisionmakers shall not draw inferences regarding a Party or witness' credibility based on the Party or witness' status as a Complainant, Respondent, or witness, nor shall it base its judgments in stereotypes about how a Party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the Party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence. However, credibility judgments should not rest on whether a Party or witness' testimony is non-linear or incomplete, or if the Party or witness is displaying stress or anxiety.

Decision makers will afford the highest weight relative to other testimony to first-hand testimony by Parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

A witness' testimony regarding third-Party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

Communication of the Determination in Writing

All determinations on whether Sex-Based Harassment occurred will be communicated to the Parties in writing, simultaneously.

The written determination will include:

- A description of the alleged Sex-Based Harassment;
- Information about the policies and procedures that Nazareth University used to evaluate the allegations;
- The decisionmaker's evaluation of the Relevant evidence and determination on whether Sex-Based Harassment occurred;
- Any Disciplinary Sanctions Nazareth University will impose on the Respondent, whether Remedies other than the imposition of Disciplinary Sanctions will be provided by Nazareth University to the Complainant, and, to the extent appropriate, other students identified by Nazareth University to be experiencing the effects of Sex-Based Harassment, if there is a finding that Sex-Based Harassment occurred; and
- Nazareth University's procedures for Complainant and Respondent to appeal.

Timeline of Determination Regarding Responsibility

If there are no extenuating circumstances, the determination regarding responsibility will be issued by Nazareth University within ten (10) business days of the completion of the hearing.

Determination of Disciplinary Sanctions After a Finding of Responsibility

Per New York state law, past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction. However, it is not admissible prior to determination of responsibility.

In addition, the Complainant will have an opportunity to make an impact statement during the point of the proceeding where the decisionmaker is deliberating on appropriate sanctions.

Disciplinary Sanctions

The following sanctions and/or conditions may be imposed following a determination of responsibility for a violation of this policy.

- Possible sanctions for students include:
 - Expulsion (permanent separation);
 - suspension;
 - deferred suspension;
 - disciplinary probation
 - disciplinary probation with deferred removal from residence halls;
 - loss of housing contract;

- conduct warning;
 - Title IX 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;
 - mental health assessment and/or evaluation.
- Possible sanctions for employees include:
 - 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 education;
 - restrictions on the employee’s communications;
 - limitations on the employee’s movement in or on Nazareth University’s campus, programs, and activities.

Finality of Determination

The determination regarding responsibility becomes final either on the date that Nazareth University provides the Parties with the written determination of the result of any appeal, or, if no Party appeals, the date on which an appeal would no longer be considered timely.

Disclosures of Outcome by the Parties

The Complainant and Respondent have the right to choose whether to disclose or discuss the outcome of a conduct or judicial process related to Sex-Based Harassment.

The Complainant and Respondent have the right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

J. Appeals

Each Party may appeal a determination regarding responsibility. To appeal, a Party must submit their written appeal within five (5) business days of being notified of the decision, indicating the grounds for appeal.

For appeals resulting from dismissal of a complaint, please see the section on *Dismissal of Complaints*.

Grounds for Appeal

The limited grounds for appeal available are as follows:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination whether Sex-Based Harassment occurred or dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.
- The sanctions imposed were substantially disproportionate to the violation committed.

Additional Procedures for Appeal Process

Nazareth University will notify the Parties of any appeal, provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome, and will notify the Parties of the result of the appeal and the rationale for the result.

The submission of an appeal stays (or pauses) any sanctions for the period during which an appeal determination is being assessed. Supportive measures and remote learning opportunities remain available while an appeal is being deliberated and before a final decision has been made.

Appeals will be decided by a panel, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing decisionmaker in the same matter.

K. INFORMAL RESOLUTION

Procedures for Entering and Exiting Informal Resolution Process

At any time prior to determining whether Sex-Based Harassment occurred under this Grievance Procedure, including prior to making a Complaint, Parties may instead seek Nazareth University's assistance to resolve allegations of Sex-Based Harassment, and may elect to enter the informal resolution process.

The Parties may voluntarily elect to enter the Nazareth University's informal resolution process at any time through an informed written consent. This informed written consent will include all terms of the elected informal process, including a statement that any agreement reached through the process is binding on the Parties.

No Party may be required to participate in informal resolution, and Nazareth University may never condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to informal resolution.

The Parties may elect to leave the informal resolution process at any point until the informal resolution process is concluded. If a Party elects to leave the informal resolution process, the Grievance Procedure that the Parties paused will continue. In participating in the informal resolution process, the Parties understand that the

timeframes governing the Grievance Procedure will temporarily cease, and only reinstate upon reentry into the Grievance Procedure.

Supportive Measures will be available, or continue to be available if already provided, during an informal resolution process, if elected to proceed. The Title IX Coordinator will also, to the extent necessary, take other appropriate prompt and effective steps to ensure that Sex-Based Harassment does not continue or recur within Nazareth University's Education Program or Activity.

Notice Prior to Entry Into Informal Resolution Process

Before the initiation of an informal resolution process, the Title IX Coordinator must provide to the Parties a written notice that explains:

- The allegations;
- The requirements of the informal resolution process;
- That, prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and to initiate or resume Nazareth University's Grievance Procedures;
- That the Parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the Parties from initiating or resuming Nazareth University's Grievance Procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and
- What information Nazareth University will maintain and whether and how Nazareth University could disclose such information for use in its Grievance Procedures if they are initiated or resumed.

Determination to Approve Entry into Informal Resolution Process

Even where the Parties agree to submit a matter to informal resolution, the Title IX Coordinator or designee must approve the decision to move the matter to the informal resolution process and may determine that informal resolution is not appropriate under the circumstances.

Factors that the Title IX Coordinator or designee may weigh in considering the appropriateness of the informal resolution process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to the campus, whether the Respondent is a repeat offender, whether the alleged conduct would present a future risk of harm to others, and whether the Parties are participating in good faith. This determination is not subject to appeal.

Informal resolution is not allowed to address allegations of employee-on-student Sex-Based Harassment.

At any time after the commencement of the informal resolution process, the Title IX Coordinator or designee may determine that the informal resolution process is not an appropriate method for resolving the matter, and may require that the matter be resolved through the Grievance Procedures. This determination is not subject to appeal.

If informal resolution is approved or denied, Nazareth University will provide the outcome in writing simultaneously to the Parties. If informal resolution is approved, the Title IX Coordinator shall also provide the information of the facilitator in writing to the Parties in a reasonable timeframe once the facilitator is assigned.

Role of the Facilitator

Informal resolution processes are managed by trained facilitators. All facilitators must not be the same person as the investigator or the/a decisionmaker(s) in Nazareth University's Grievance Procedures. Any person designated to facilitate informal resolution must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. The Title IX Coordinator may serve as the facilitator, subject to these restrictions.

All facilitators must have specialized training, required by law and regulation. Such training includes:

- Nazareth University's obligation to address sex discrimination, including Sex-Based Harassment, in its Education Program or Activity;
- The scope of conduct that constitutes sex discrimination, including Sex-Based Harassment, under Title IX, including the definition of Sex-Based Harassment;
- All applicable notification and information requirements related to parental, family, or marital status, including pregnancy and related conditions, and Nazareth University's response to sex discrimination;
- The rules and practices associated with Nazareth University's informal resolution process; and
- How to serve impartially, including by avoiding conflicts of interest and bias.

Contents of Informal Resolution Agreements

Potential terms that may be included in an informal resolution agreement between the Parties include but are not limited to:

- Restrictions on contact; and
- Restrictions on the Respondent's participation in one or more of Nazareth University's education programs or activities or attendance at specific events, including restrictions Nazareth University could have imposed as Remedies or Disciplinary Sanctions had Nazareth University determined at the conclusion of the Grievance Procedures that Sex-Based Harassment occurred.

Breach of Informal Resolution Agreements

If a Party breaches the resolution or if Nazareth University has other compelling reasons, such as if it learns of any fraud by a Party in entering into the agreement, Nazareth University may void the agreement and initiate or resume the Grievance Procedures.

Confidentiality:

In entering the informal resolution process, the Parties agree that any testimony and evidence (including admissions of responsibility) they share or receive during the informal resolution process concerning the allegations of the complaint is confidential. No evidence concerning the allegations obtained within the informal resolution process may be disseminated to any person, provided that any Party to the informal resolution process may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization. As a condition of entering the informal resolution process, any evidence shared or received during the informal resolution process may not be used in any subsequent Grievance Procedure or institutional appeal.

Informal Resolution Options

Nazareth University offers the following informal resolution procedures for addressing complaints of Sex-Based Harassment described under this Grievance Procedures:

Administrative Resolution

Should the Parties mutually determine to enter the informal resolution process, and the Respondent elects to accept responsibility for the allegations of the complaint at any point during the informal resolution process, the institution may administratively resolve the complaint.

Where the Respondent admits responsibility, the Parties will receive simultaneous written notification of the acceptance of responsibility, and [a decision-maker(s)] will convene to determine the Respondent's sanction and other Remedies, as appropriate and consistent with institutional policy. The Parties will be given an opportunity to be heard at the sanctions hearing, including without limitation, the submission of impact statements, and the Parties may be accompanied by their Advisor, but questioning of Parties or witnesses will not be permitted. The Parties will receive simultaneous written notification of the decision regarding sanctions and Remedies, which may be appealed according to the appeal process described in these procedures.

Mediation

The purpose of mediation is for the Parties who are in conflict to identify the implications of a student's actions and, with the assistance of a trained facilitator, identify points of agreement and appropriate Remedies to address them. Either Party can request mediation to seek resolution; mediation will be used only with the consent of both Parties, who will be asked not to contact one another during the process. The Title IX Coordinator will also review any request for mediation, and may decline to mediate based on the facts and circumstances of the particular case. Either Party has the right to terminate the mediation process and choose or resume another option for resolution at any time.

The mediation process will typically commence within five (5) business days after the Title IX Coordinator receives consent to mediate from both Parties, and has made its determination to allow informal resolution to go forward. Mediation will continue until concluded or terminated by either Party, the facilitator, or the Title IX Coordinator. During mediation, any potential investigation will halt, and calculations for time frames will be stayed. If the mediation results in a resolution, the disciplinary process will be concluded, and the matter will be closed. If a resolution cannot be reached, the matter will be referred to the Title IX Coordinator to re-evaluate other options for resolution, including investigation or proceeding forward with the Grievance Procedures.

During mediation, a facilitator will guide a discussion between the Parties. In circumstances where the Parties do not wish to meet face to face, either Party can request "caucus" mediation, and the facilitator will conduct separate meetings. Whether or not the Parties agree to meet face to face, each Party will be permitted to bring an advisor of their choice to any meetings who may be, but is not required to be, an attorney.

At the conclusion of the mediation, the facilitator will memorialize the agreement that was reached between the Parties. The Title IX Office will monitor adherence to the proposed solution and close the matter when compliance is satisfactory.

Restorative Justice

A restorative justice ("RJ") Conference is a dialogue, facilitated by an informal resolution facilitator with appropriate training, intended to restore relationships and repair harm after a conflict has occurred. Both the responsible Party and the individuals affected by the conflict come together to identify what harm was caused and, collaboratively, determine how conflict and trust might be, respectively, resolved and repaired.

A Party may request to engage in RJ at any stage of the disciplinary process, however, restorative justice may not be an appropriate mechanism for all conflicts. To qualify for RJ, the student accused of wrongdoing must accept responsibility and express remorse for the harm that was caused. The harmed Party must also be willing to accept an apology offered by the student accused of wrongdoing. Additionally, all involved Parties must agree to and abide by measurable and timely actions within the scope of this Policy and directives. The Title IX Coordinator will review any request for RJ, and may decline to initiate RJ based on the facts and circumstances of the particular case.

The RJ Conference proceeds only if all Parties agree to participate willingly. Upon doing so, the RJ process typically commences within five (5) business days after the Title IX Coordinator receives written agreements from all involved Parties. The conference will continue until the conference is successfully concluded or until the facilitator determines that the conference will not be successful. If successful, an agreeable resolution is reached by all involved Parties, at which time the process is concluded, and the matter is resolved. If a resolution cannot be reached, the matter will be referred to the Title IX Coordinator to re-evaluate other options for resolution.

The Title IX Coordinator will monitor the Parties' adherence to their proposed solution and reserves the right to close the matter when compliance is satisfactory.

XIV. Transcript Notations

New York State 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 Provost and Dean of Students. Students seeking removal of the notation should contact the Associate Provost and 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.

XV. Retaliation

When Nazareth University has information about conduct that reasonably may constitute Retaliation under Title IX or its Grievance Procedures, Nazareth University is obligated to initiate its Grievance Procedures or, as appropriate, Nazareth University's informal resolution process.

Nazareth University will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a complaint of Sex-Based Harassment or sex discrimination under Nazareth University's Title IX Grievance Procedures, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under Nazareth University's Title IX Grievance Procedures. No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under Nazareth University's Grievance Procedures.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes Retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or Sex-Based Harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or complaint of Sex-Based Harassment.

Complaints alleging Retaliation may be filed according to the grievance procedures under the University's Sex Discrimination Policy.

-End of Report-