



# 2018 ANNUAL SECURITY & FIRE SAFETY REPORT

Nazareth College  
Campus Safety  
021 Shults Center  
Emergency: (585) 389-3333  
Non-Emergency: (585) 389-2850

# WELCOME



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 College 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.

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!

A handwritten signature in black ink that reads "Terri Ae. Stewart".

Terri Ae. Stewart, Director of Campus Safety  
Nazareth College

## Overview of Campus Safety

Campus Safety is always operational, 24/7, year round, including evenings, overnight, weekends, holidays, and occasions when the college is closed. The Campus Safety Office is located in room 021 of the Shults Center and is staffed by a professional staff member (Dispatcher) at all times. Campus Safety can be reached at (585) 389-2850 or 389-3333 for emergencies.

The Campus Safety team is responsible for campus safety and security; emergency management; 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; campus shuttle; special event management; safety escorts; 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, vehicle and bicycle. 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](http://www2.naz.edu/campus-safety/) resources and services, visit our website at [www2.naz.edu/campus-safety/](http://www2.naz.edu/campus-safety/)

### **Contact Campus Safety:**

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

- On Campus Emergency: (585) 389-3333
- Non-Emergency Assistance: (585) 389-2850
- Off Campus: dial 911 for Monroe County Sherriff's Office
- Campus Blue Lights: two way call boxes strategically located throughout campus
- Security Escort Alarm: personal safety device free to all students, faculty and staff; when activated (on campus), allows Campus Safety to pinpoint and respond to your location

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## About the Publication: Campus Safety and Security—Your Right to Know

The Higher Education Act (HEA), as amended July 2010 by the Higher Education Opportunity Act (HEOA) specifies campus safety reporting and disclosure requirements. Nazareth College 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 Office of Campus Safety 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 College 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](http://ope.ed.gov/security).

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](http://clerycenter.org).

## Campus Law Enforcement Authority, Jurisdiction, and Interagency Cooperation

Campus Safety employs uniformed, non-sworn, security guards who are employees of Nazareth College 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 the Student Conduct Code and coordinates 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 College and the Monroe County Sheriff's Office (MCSO), the college, 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 college 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 College 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 college 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 college receives crime statistical data from MCSO (a 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 routinely shared.

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 all 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 college's threat assessment and behavioral intervention teams. Finally, Campus Safety partners exceptionally close with Residential Life for joint training and for a preventative, collaborative and consultative response with approach to safety and security matters impacting the health, wellness, and safety of our residential student population.

## 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. We want to hear from you about how we're doing.

- **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) 389-2840 or [tstewar1@naz.edu](mailto:tstewar1@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 college 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 college 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) 389-2840 or by email at [tstewar1@naz.edu](mailto:tstewar1@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 College 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 [prichey1@naz.edu](mailto:prichey1@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 **585-389-3333**, 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 **3333** for emergencies, or 585-389-3333  
Extension **2850** for non-emergencies, or 585-389-2850
- **Security Escort Alarm:** Free to all Nazareth students, faculty, and staff who request it, this key-chain device has a transmitter you can activate to enable Campus Safety to locate and provide assistance to you anywhere on campus. For more information, visit the [Campus Safety website](#).
- **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.

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 College owned, leased and controlled properties, including missing students and violent felony offenses, as defined by New York State Law. For additional crime reporting mechanisms including confidential and third party reporting, see the section title *Crime Reporting, Crime Statistics, and Campus Security Authorities*. 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.

### **How to Report Suspicious Activity**

Describe specifically what you observed, including:

- Who or what you saw
- When you saw it
- Where it occurred
- Why it's suspicious

If You See Something, Say Something is a national campaign sponsored by the U.S. Department of Homeland Security, [dhs.gov/see-something-say-something](https://dhs.gov/see-something-say-something).

## Crime Reporting, Crime Statistics, and Campus Security Authorities

In accordance with the “Clery Act,” Nazareth College 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 College, 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 college 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 College 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.

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 college 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 college 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 college.

In recognizing that some students or employees are more comfortable or more inclined to report crime to someone other than Campus Safety, the following campus offices/officials are provided as alternative means for reporting crime. Even if you are not sure if a crime has occurred or whether an ongoing threat exists, immediately contact Campus Safety or one of the offices/officials listed as a CSA in the following chart. When unsure, err on the side of reporting.

## Campus Security Authorities (CSA's) for Crime Reporting

Note: The College's Health and Counseling Services staff and chaplains are encouraged (as they deem appropriate) to inform students they are counseling that the opportunity exists to make a confidential report of a crime to Campus Safety if the student chooses.

\*For more detailed information on confidentiality, confidential reporting, Title IX reporting, and exemptions, refer to the section titled *Sexual Misconduct (Sexual Harassment and Sexual Assault)*.

## Campus Reporting Options for Sexual Misconduct

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

Name	Title	Office Location	Email	Phone
<b>Karen G. Vicks</b>	Title IX Coordinator	100A Shults Center	kvicks8@naz.edu	585-389-2877
<b>Jo Ellen Pinkham</b>	Deputy Title IX Coordinator and Associate Vice President for Human Resources	185 Smyth Hall	jpinkha0@naz.edu	585-389-2060
<b>Philip Steckley</b>	Deputy Title IX Coordinator and Assistant Athletic Trainer	106 Stadium	psteck14@naz.edu	585-389-2838
<b>Kerry Dunn</b>	Deputy Title IX Coordinator and Associate Professor in Inclusive Childhood Education	277 Golisano Academic Center	kdunn4@naz.edu	585-389-5138

With the exception of those employees specified as "[Confidential Resources](#)", all college 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 College 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 Sherriff'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 College operates no off-campus housing or off-campus student organization facilities; however, undergraduate and graduate students live in the

neighborhoods surrounding the college. Officers from Campus Safety have primary jurisdiction in all areas on campus but do not have jurisdiction in off-campus areas. Nazareth College officers may respond to student-related incidents that occur in immediate proximity to the campus only when specifically requested by the local law enforcement agencies that record and monitor criminal activity off 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 college 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 college NazCard ID which should be carried at all times along with their room key. Guests and visitors need to use the access phone, located at the entry to each building, to call the student resident they are visiting and meet them 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 college community are strongly encouraged to immediately report faulty hardware and mechanisms to Facilities or to Campus Safety after hours. Propping of exterior doors is strictly prohibited and violations of college policy are referred to [Student Conduct](#) for appropriate action.

Exterior lighting is an important part of the college'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 security officers, 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, he or she should immediately notify Campus Safety at (585) 389-2850. 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 College and Campus Safety concerning missing persons:

1. Students who reside in on-campus housing may, but are not required to, identify an individual or individuals who shall be contacted by Nazareth College not later than 24 hours after the time the student is determined missing by Campus Safety. Resident students who wish to provide a confidential contact can do so by emailing the information to [emergencycontact@naz.edu](mailto: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. Students who reside in on-campus housing that are non-emancipated and under 18 years of age 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 college receives a missing person report from any member of the college community on a student who resides in on-campus housing, the report will be forwarded within 24 hours to Campus Safety.
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 local law enforcement agency that has jurisdiction in the area.

### “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 College complies with this law. For further information, go to [www.criminaljustice.ny.gov/missing/aware/campus.htm](http://www.criminaljustice.ny.gov/missing/aware/campus.htm).

## Crime and Fire Safety

(Prevention, Detection, Community Education, Programming, and Outreach)

One of the goals of Campus Safety is to prevent crimes rather than simply respond to them. The college’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, 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; self-defense presentations; 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:** Red Cross training offered on-site that covers lifesaving practices of CPR and AED. Combination of lecture and hands-on practical application.
- **First Aid:** Red Cross offered on-site training that covers how to respond to medical emergencies.
- **Bloodborne Pathogen Prevention:** Reviews important information about Bloodborne Pathogens including how diseases are spread and how to prevent infection.

- **Driver Training:** Series of trainings to certify drivers (students, staff, and faculty) for use of college-owned vehicles. Includes defensive driving training and hands-on driving skills evaluation.
- **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.
- **Self Defense:** Course designed to provide basic self defense techniques to escape from an attack.
- **Winter Driving Safety:** Reviews techniques to be safe while driving in winter conditions.
- **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.
- **International Student Orientation:** Provide basic United States safety information and standards to new students arriving from other countries. Includes campus safety, security, fire safety, and emergency preparedness and response information.
- **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 Handling Training:** Program designed to teach proper use, storage, and disposal of chemicals in an academic environment.

## Employee, Student and Family Orientation Presentations

A presentation is made to all new students and their families 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.

## College Advisory Committee on Campus Safety and Security (All-College 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 Associate Vice President for Safety & Student Wellness and other appropriate persons regarding campus safety and security.

As required by New York State law, the college 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 President and the Associate Vice President for Safety & Student Wellness. A copy of the report of the college 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 Associate Vice President for Safety & Student Wellness and elects its own chairperson. The group meets regularly throughout the year and publicizes agendas and meeting minutes on the Campus Safety website.

### Campus Shuttle and Safety Escort

Campus Safety controls and operates a free shuttle service that runs on a continuous loop to predesignated stops, to include limited and select locations immediately adjacent to the campus where students reside. For more information on the Campus Shuttle, including the schedule, hours of operation, and predesignated stops, visit the [Campus Safety](#) website.

In addition to the Campus Shuttle, 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.

### 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, with 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.

## Security Escort Alarm

Fostering an added sense of security, and free to all Nazareth students, faculty, and staff, this small, key-chain device contains a transmitter that upon activation, enables Campus Safety to locate and provide assistance to the user, anywhere on campus. For more information and instructions on how to obtain a device, visit the [Campus Safety](#) website.

## Emergency Communications and Notifications

### NazAlert – Mass Emergency Notification System (ENS)

Nazareth College 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 college’s multi-layered approach to emergency management and uses voice, e-mail, and text messaging to allow Nazareth College officials to provide pertinent details and instruction 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, cancellation of classes due 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.

How NazAlert works: When you register, you choose how NazAlert contacts you. NazAlert systems simultaneously contact all students, faculty, and staff using their preferred communication methods and continually attempts to make contact until it receives confirmation. Notification options include:

- Calls to home, office, and/or mobile phone
- Text messages (SMS) to mobile devices
- Emails to your Nazareth email account or other personal/private account

All members of the Nazareth College community are strongly encouraged to register for NazAlert. For details and to sign up for this free service, go to [getrave.com/login/naz](http://getrave.com/login/naz).

## Campus Safety Alerts

### (Timely Warnings, Emergency Notifications, and Severe Weather)

The college 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

Timely Warnings are triggered by certain “Clery” reportable crimes that have already occurred but represent an ongoing threat to the campus community. For a list of Clery crime classifications and definitions, refer to the section titled *Definitions of Reportable Crimes*. Timely Warnings are issued as soon as pertinent information is available and contain information that promotes safety and aides in the prevention of similar crime.

Timely Warnings are issued via a combination of methods, and are issued by Campus Safety, in coordination with the Office of Marketing and Communications, using the college e-mail system

for distribution to students, faculty, and staff. Campus Safety will also post notices on the Campus Safety website. After electronic dissemination, Campus Safety will coordinate with the Office of Residential Life to post copies of the alert in each residence hall and at the main entry doors of on-campus facilities. Campus Safety will issue a *NazAlert: Timely Warning* upon receiving pertinent information concerning a report of a potentially dangerous criminal situation; the alert will include the following information: the type of crime that occurred; pertinent information concerning the crime; and, personal safety/crime prevention information. When issuing a timely warning Campus Safety may temporarily withhold information in some cases when releasing information would compromise efforts to assist a victim or contain, respond to, or otherwise mitigate the emergency. Personally identifiable information is generally protected from disclosure under FERPA regulations but may be released in a health and safety emergency (34 CFR 99.36).

### **Emergency Notifications**

Emergency notifications are triggered by a significant event occurring that potentially poses an imminent threat to the campus. Emergency notifications are issued upon confirmation of a dangerous or unsafe condition. Whereas 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.

In the event of conditions requiring more immediate notification, Campus Safety will coordinate with the Office of Marketing and Communications to issue a **Campus Safety Alert – Emergency Notification**. Emergency Notifications may be issued by the Office of Campus Safety and/or the Office of Marketing and Communications. Multiple methods of dissemination may be used to provide pertinent information on the situation as well as appropriate response, and may include any or all of the following:

- NazAlert (the college’s emergency mass notification system)
- Social media (the college’s Twitter and Facebook accounts)
- Media release
- College e-mail system (for students, faculty, and staff)
- College’s website home page, naz.edu
- Recorded message on the college’s main phone number, (585) 389-2525

### **Severe Weather and Changes to the College’s Operating Status**

Any change in the college’s operating status such as emergency closure due to severe weather will be announced via:

- NazAlert (the college’s emergency notification system using voice, email, and text messaging) and will say “Nazareth Weather Alert”
- Social media (the college’s campus Twitter and Facebook accounts)
- Recorded message on the college’s main phone number (585-389-2525)
- Local news and media outlets

The college will, in general, remain in operation and continue classes and regular services despite adverse weather conditions that may affect transportation and utilities. The continuation of all activities is essential to meet the needs and expectations of our students in this residential campus community. For additional information on severe weather conditions refer to the college’s Emergency Readiness and Response Guide available on the Campus Safety website.

### **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 college's overall "[all hazards approach](#)" to emergency planning and as a member of the Crisis Action Team at Nazareth College, Campus Safety publishes the [Emergency Readiness and Response 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 college'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 college'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!

### Nazareth Crisis Action Plan and Crisis Action Team

Nazareth College is committed to the health, safety, and well-being of its students, faculty, staff, guests, and visitors. The college 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 college campuses.

- **Crisis Action Plan:** The College's comprehensive Crisis Action Plan follows the [National Incident Management System's](#) guidelines created by the [Federal Emergency Management Agency](#) (FERMA). 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 college, 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 college stands ready to respond.
- **Crisis Action Team:** The college's Crisis Action Team is an appointed, inclusive, core group of college administrators and staff representing a multitude of experiences and disciplines. The Team is responsible for making decisions regarding crisis situations that affect Nazareth College 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.

The Team includes all of the vice presidents, deans, and representatives from the following key offices/areas:

- Residential Life
- Campus Safety
- Health and Counseling
- Center for Spirituality
- Marketing and Communications
- Facilities Services, Grounds, and Food Services

- Information Technology Services
- Human Resources
- Controller/Risk Management
- Campus & Conference Operations

## 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, and during normal business hours, at the Office of Campus Safety.

## Alcohol and Substance Abuse Information

Nazareth College 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 college and community resources for counseling and treatment. The college encourages all members of the campus community to familiarize themselves with this information.

Nazareth College of Rochester is committed to maintaining a drug-free environment. In accordance with the **Drug-Free Workplace Act of 1988**, the college prohibits the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance (drugs) in and on Nazareth College 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 college provides the following information:

- The Unlawful Possession, Use or Distribution of Illicit Drugs or Alcohol is prohibited. Such activities violate the college'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 College 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 service 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: ComPsych (800-311-4327) or online ([guidanceresources.com](http://guidanceresources.com))

- All: Westfall Associates (585-473-1500) or Unity Chemical Dependency (585-723-7723)

Serious Health Risks: Alcohol and drug abuse interferes with a person's physical health, emotional health and social functioning. If you should need further information, please contact the following:

- Students: Associate Vice President for Safety & Student Wellness (ext. 2880)
- Faculty & Staff: Associate Vice President for Human Resources (ext. 2060)

## Alcohol and Other Drugs (AOD)

### Good Samaritan Policy

Nazareth College 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 college wants those in need to receive prompt medical attention. While the college 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 institution officials. The college recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence (including but not limited to domestic violence, dating violence, stalking or sexual assault) occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct.

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 college'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 (Student Handbook – College Policies)

The unauthorized possession, use, or distribution of alcoholic beverages on or in College property is a violation of the Student Conduct Code. College policy is consistent with state law (see below) and restricts on-campus use of alcoholic beverages by persons of legal age (21 years and older in New York state) to specified areas. This code also prohibits misrepresentation of age to obtain alcoholic beverages. Violations of the college alcohol policies included in the [Student Handbook](#) are strictly prohibited.

The college enforces state laws or regulations that regulate and control the sale or use of alcohol (excerpts below):

## Alcohol Beverage Control Law

Section 65. Prohibited Sales. No person shall sell, deliver or give away or cause or permit or procure to be sold, delivered, or given away any alcoholic beverages to:

1. Any person, actually or apparently, under the age of 21.
2. Any visibly intoxicated person.

Section 65A. Procuring alcoholic beverages for persons under the age of 21. Any person who misrepresents the age of a person under 21 for the purpose of inducing the sale of any alcoholic beverage, as defined in the alcoholic beverage control law, to such person, is guilty of an offense and upon conviction thereof shall be punished by a fine of not more than \$200, or by imprisonment for not more than five days, or both such fine and imprisonment.

Section 65B. Offense for one under age 21 to purchase or attempt to purchase an alcoholic beverage through fraudulent means. No person under the age of 21 shall present or offer to any licensee under the alcoholic beverage control law, or to the agent or employee of such licensee, any written evidence of age which is false, fraudulent, or not actually his/her own for the purpose of purchasing or attempting to purchase any alcoholic beverage.

## Campus Policies

1. Possession and consumption of alcoholic beverages is prohibited on campus grounds and in buildings, except in a residence hall room by persons of legal age (21 years and older in New York state) under the conditions described below and where otherwise noted below. Consumption of alcohol may be inferred based upon the number, location, and condition of empty or partially empty cans and bottles.
2. The sale and/or distribution (including giving away) of alcoholic beverages to persons under age 21 on the Nazareth College campus is prohibited.
3. It is a violation of Nazareth College policy for any persons under age 21 to procure or possess alcoholic beverages. Possession of alcohol may be inferred based upon the number, location, and condition of empty or partially empty cans and bottles.
4. Procedures for obtaining College 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.
5. Alcoholic beverages in serving containers greater than 32 ounces (beer kegs, etc.) are prohibited, except at Sodexo catered events and at the discretion of College officials.
6. The college recognizes Sodexo as the sole possessor of a catering/liquor license. Therefore, the public selling and/or dispensing of alcoholic beverages anywhere on campus is restricted to Sodexo personnel only.
7. 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 College approval was previously received.
8. Student fees collected by the college and/or student organizations and distributed through the Undergraduate Association will not be used for the purchase of alcoholic beverages.
9. Non-alcoholic beverages and food items must be made equally available at any program or event where alcohol beverages are sold, distributed, or consumed.

10. During all College- or student-sponsored events on campus, alcoholic beverages, where permitted, will be served only in an environment designated for each occasion.
11. Campus events that involve only persons 21 and older are catered by Sodexo personnel and require prior approval from College officials.
12. Persons under the legal drinking age may not distribute (including giving away), sell, possess or consume alcohol.
13. 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.
14. Alcohol and alcohol paraphernalia (including but not limited to funnels, beer pong tables, bars, etc.) found in the possession of students or their guest(s) are prohibited and will be confiscated, and the students involved and/or present will be documented for a violation of this policy.
15. Engaging in any type of “drinking games” is prohibited and is a violation of the alcohol policy, no matter the age of the student(s) involved.
16. 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.
17. Nazareth College students who are 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 will be subject to possible parental notification, disciplinary action, and/or criminal prosecution.

The alcohol policy applies to residential and non-residential student conduct and to on- and off-campus behavior.

## Controlled Substance Policy

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

### II. Guidelines

- A. Sanctions for Non-compliance: The college 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 provisions of this policy shall be a condition of employment at Nazareth College.
- 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 College 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 college 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 college community, as well as implementation and strict enforcement of this policy.

### III. Procedures

- A. The college 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 and 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 Associate Vice President of 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 college 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 Vehicle and Traffic Law

Driving while intoxicated is a criminal offense and may result in a fine of not less than \$500, a six-month license revocation, and/or up to one year in jail. A subsequent conviction may result in a more serious sentence.

#### New York State Penal Law

A driver of any age who is intoxicated 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.

#### 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<sup>[1]</sup>; 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<sup>LI</sup>]

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.

#### New York State Vehicle and Traffic Law

The laws and penalties for drinking and driving also apply to driving a motor vehicle while a person's ability is impaired by the use of a drug.

#### 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.

## Health Risks of Alcohol and Drugs

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 college life.

## College Resources

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 College 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

fax: 585-389-2503

smaster3@naz.edu

<https://www2.naz.edu/health-and-counseling>

### **Human Resources**

585-389-2065

fax: 585-389-2063

esales4@naz.edu

<http://www.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](http://www.rochester-ny-aa.org)
- SMART Recovery [www.smartrecovery.org](http://www.smartrecovery.org)
- Al-Anon [www.aisrochester.org](http://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 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 24 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 College Sexual Harassment Policy

Nazareth College 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 College. Such conduct is detrimental to the

College community and the productive, harassment-free living and working environment that the College wishes to foster and maintain.

Nazareth College prohibits a variety of forms of sex discrimination, including but not limited to sexual harassment and sexual misconduct, by all Nazareth students, faculty, staff, and administrators, as well as visitors to Nazareth's campus, in any on- or off-campus setting affiliated with or controlled by Nazareth and in any context that could have a continuing effect on campus or in an off-campus program or activity.

Sexual Harassment includes 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 College'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 Reporting Party 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 Reporting Party 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, cartoons 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
  - making or threatening reprisals after a negative response to sexual advances

Nazareth College 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 College. Such conduct is detrimental to the College community and the productive, harassment-free living and working environment that the College wishes to foster and maintain.

## Education and Prevention Programs

The College 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 College will offer programs to promote awareness and prevention of such issues throughout the year, including an overview of the College’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 College’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.

**A description of educational programs and campaigns to promote the awareness of Dating Violence, Domestic Violence, Sexual Assault and Stalking:**

January	<ul style="list-style-type: none"> <li>Speak About It Inquiry for SAAM or Orientation</li> <li>Qualtrics training for Climate Survey</li> <li>Athlete Compliance meeting</li> <li>Impact Interactive Inquiry for SAAM or Orientation</li> <li>International Student Orientation</li> <li>RA Training Title IX refresher</li> <li>Women and Gender Studies Collaboration Meeting</li> </ul>
February	<ul style="list-style-type: none"> <li>Spin the Wheel Trivia for Safety Week</li> <li>SAAM Meeting at Bivona</li> <li>Safety Week Evening Event</li> <li>Athlete Compliance meeting</li> <li>Art Therapy Club Collaboration Meeting</li> <li>Conduct Board Training - 2 hours</li> <li>Faculty Senate Meeting re: Deputy</li> <li>Lambda Collaboration meeting</li> <li>Valentine's Day Tabling</li> <li>Impact Interactive skit viewing for SAAM or Orientation</li> </ul>
March	<ul style="list-style-type: none"> <li>Mailbox of Hope Display set up</li> <li>Conduct Board Training - 2 hours</li> <li>MCC: Title IX: Building a Culture of Inclusion and Shared Responsibility</li> <li>Guest Speaker in Ginger Jacobson's class</li> <li>Breakfast with Stacy DeRoo - RIT T9C</li> </ul>
April	<ul style="list-style-type: none"> <li>Climate Survey Begins</li> <li>Clothesline Project</li> <li>One Love workshop</li> <li>Take back the night</li> <li>Climate Survey Closes</li> </ul>
May	<ul style="list-style-type: none"> <li>Update from T9 Office email to all Faculty/Staff</li> </ul>
June	<ul style="list-style-type: none"> <li>LawRoom Launched to all faculty and staff</li> </ul>
August	<ul style="list-style-type: none"> <li>Awareness stickers placed in campus restrooms,</li> <li>Awareness posters placed on campus to advertise Bill of Rights</li> <li>Campus Clarity "Think about it" onboarding course launch</li> <li>Training for RA's, Athletics, Orientation Leaders, Peer Mentors</li> <li>Connections program on WXXI</li> </ul>
September	<ul style="list-style-type: none"> <li>Awareness email to all undergraduate and graduate students.</li> <li>Athletics compliance meeting</li> <li>ELI Student session</li> <li>OneLove Foundation program</li> <li>Student Access and Achievement training</li> <li>Safety week tabling and giveaways</li> </ul>
October	<ul style="list-style-type: none"> <li>Athletics compliance meeting</li> <li>Don McPherson training</li> <li>Climate survey results open meeting</li> <li>Bystander intervention discussion with Psychology Department</li> <li>Casting Forum</li> </ul>
November	<ul style="list-style-type: none"> <li>OneLove Foundation program with Alternative Spring Break</li> <li>Conflict resolution with Leadership Program</li> <li>SPARC Onboarding</li> </ul>
December	<ul style="list-style-type: none"> <li>Title IX Day – Open House and Portraits for Portrait Project</li> </ul>

## Description of the primary prevention and awareness programs for all incoming students and new employees:

1. **Students** – Campus Clarity “Think About It.” “Think About It” is an innovative, engaging, and informative online course, created with students for students. In the course, you will examine the interconnected issues of hooking up, substance abuse, sexual violence, and healthy relationships through a variety of interactive, realistic scenarios and guided self-reflection. The course promotes a healthier and safer campus environment for everyone and complies with federal and state law to ensure that all new students are fully informed on these topics. Additionally, all incoming students are required to attend a session during orientation that covers sexual harassment, sexual assault, domestic violence, dating violence, stalking and consent and the New York State student bill of rights.
2. **Employees** - LawRoom – “Bridges: Building a Supportive Community.” This course trains faculty and staff on how to recognize, report, and prevent sexual misconduct against students, covering sexual and interpersonal violence awareness and prevention subjects. It includes discussion about what constitutes sexual misconduct, from verbal sexual harassment, to sexual and interpersonal violence, and includes information and interactive scenarios aimed at ensuring employees know how to identify and report incidents of sexual misconduct to campus officials so that schools can take prompt and appropriate action. In addition, the course includes summaries of the legal definitions of consent, sexual assault, domestic violence, dating violence, and stalking.

## Sexual Assault and Rape

Nazareth College 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 College community. In dealing with sexual assault or rape on campus, Nazareth College 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

Having or attempting to have sexual intercourse or sexual contact with another individual:

- By force or threat of force;
- Without effective consent; or
- Where that individual is incapacitated.

*Sexual intercourse* includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand) or object, or oral penetration involving mouth to genital contact.

*Sexual contact* includes intentional contact with the intimate parts of another for sexual gratification without their consent, causing another to touch one's intimate parts or disrobing or exposure of another without permission. Intimate parts include the breasts, genitals, buttocks, groin, mouth or any other part of the body that is touched in a sexual manner.

Under Clery and the Campus SaVE Act, the College will record and report all relevant incidents of intimate partner violence.

## Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the person against whom the violent act is/acts are committed. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Under Clery and the Campus SaVE Act, the College will record and report all relevant incidents of intimate partner violence.

## Domestic Violence

A felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of the person against whom the violence is committed;
- A person with whom the person against whom the violence is committed shares a child in common;
- A person who is cohabiting with, or has cohabited with, the person against whom the violence is committed as a spouse or intimate partner;
- A person similarly situated to a spouse of the person against whom the violence is committed under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

This definition does not apply to roommates who have not expressed interest in entering into, or who have not entered into, a dating or sexual relationship. Under the Clery Act and the Campus SaVE Act, the College will record and report all relevant incidents of domestic violence.

## Stalking

When a person engages in a course of conduct or repeatedly commits acts directed at a specific person, including following the person without proper authority, under circumstances that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

- *Course of conduct* means two or more acts, including but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property.

- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- *Reasonable person* means a reasonable person under similar circumstances and with similarities to the Reporting Party.

Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact are used to pursue, harass or to make unwelcome contact with another person in an unsolicited fashion.

Examples of stalking include:

- Unwelcome and repeated visual or physical proximity to a person;
- Repeated oral or written threats;
- Extortion of money or valuables;
- Unwelcome/unsolicited written communication, including letters, cards, emails, instant messages, and messages on online bulletin boards;
- Unwelcome/unsolicited communications about a person, their family, friends, or co-workers; sending/posting unwelcome/unsolicited messages with an assumed identity;
- Implicitly threatening physical contact; or
- Any combination of these behaviors directed toward an individual person.

Under Clery and the Campus SaVE Act, the College will record and report all relevant incidents of stalking.

## Students' Bill of Rights

All students who report conduct allegedly in violation of the Sexual Misconduct Policy or invoke the processes described in the Sexual Misconduct 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 College, any student, the accused and/or the Responding Party, and/or their friends, family, and acquaintances within the jurisdiction of the College;
- 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 Responding Party 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.

## Consent

*Consent* to engage in sexual activity must be knowing and voluntary; it must exist from the beginning to end of each instance of sexual activity and for each form of sexual contact. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity.

Consent is active, not passive. The following are essential elements of effective consent:

- *Informed and reciprocal*: All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way. New York state law establishes that an individual less than 17 years old is incapable of consent.
- *Freely and actively given*: Consent cannot be obtained through the use of force, coercion, threats, intimidation or pressuring or by taking advantage of the incapacitation of another individual.
- *Mutually understandable*: Communication regarding consent consists of mutually understandable words and/or actions that indicate an unambiguous willingness to engage in sexual activity. In the absence of clear communication or outward demonstration, there is no consent. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. An individual who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Relying solely upon non-verbal communication can lead to a false conclusion as to whether consent was sought or given.
- *Not indefinite*: Consent may be withdrawn by any party at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout all stages of sexual activity. Withdrawal of consent can be expressed by saying “no” or can be based on an outward demonstration that conveys that an individual is hesitant, confused, uncertain or is no longer a mutual participant. Once consent is withdrawn, the sexual activity must cease immediately and all parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.
- *Not unlimited*: Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant.

Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere facts that there has been prior intimacy or sexual activity does not—by itself—imply consent to future acts.

*Consensual Sexual Activity between Employees and Students*: Consensual sexual relationships between employees and students may not only have negative repercussions for the individuals involved, but may create an uncomfortable or distrustful environment for others in the community. Such conduct results in relationships that are fundamentally asymmetrical. The power differential complicates the ability to demonstrate that any such relationship is fully consensual. Given the complications inherent in these types of relationships, it should be noted that faculty, instructional-staff, and staff risk potential personal civil or criminal action as a result of engaging in such relationships. The potential for conflicts of interest is also strong.

Accordingly, the College strongly discourages all consensual sexual activity between students and employees, and prohibits such activity where any supervisory role exists. Therefore,

- Faculty members shall not engage in consensual sexual relationships with students enrolled in their courses; and
- Faculty members or other employees of the College shall not engage in consensual sexual relationships with students under their supervision in such matters as evaluating, advising, coaching or directing a student as part of a school program.

Where such a relationship develops, it is the obligation of the faculty member to bring this matter to the immediate attention of the supervisor, who will take action as necessary to shift class sections or supervisory roles to eliminate conflicts of interest.

## Interim Measures

### Initial Assessment to Evaluate Appropriate Interim Measures

When the College receives a report of alleged sexual misconduct, the Title IX Coordinator (or designee) will make an initial assessment of any risk of harm to individuals or to the campus community and will take necessary action to address those risks. These steps may include interim protective measures to provide for the safety of the individual and the campus community. As necessary, one or more additional campus officials (including but not limited to a Deputy Title IX Coordinator, the Director of Campus Safety, the Assistant Vice President for Student Experience/Director of Campus Life, and/or Assistant Clinical Director of Counseling Services) may also be included in the initial assessment or in evaluating information gathered in the initial assessment. In certain cases, the Title IX Coordinator may convene the College's Threat Assessment Team to participate in evaluating information gathered in the initial assessment.

The first step of the assessment will usually be a preliminary meeting between the Title IX Coordinator and the Reporting Party. The purpose of the preliminary meeting is to:

- Assess the nature and circumstances of the allegation;
- Address the immediate physical safety and emotional well-being of the Reporting Party;
- Notify the Reporting Party of the right to contact law enforcement (or not) and seek medical treatment;
- Notify the Reporting Party of the importance of preservation of evidence;
- Provide the Reporting Party with information about on- and off-campus resources;
- Notify the Reporting Party that the institution can provide assistance in initiating legal Proceedings in family court or civil court;
- Notify the Reporting Party of the range of interim accommodations and responses;
- Provide the Reporting Party with an explanation of the procedural options;
- Assess for pattern evidence or other similar conduct by Responding Party;
- Enter the report into the College's daily crime log;
- Assess the reported conduct for the need for a timely warning under the Clery Act;
- Discuss the Reporting Party's expressed preference for the manner of resolution and any barriers to proceeding; and
- Explain the College's policy prohibiting retaliation.

After this assessment, the Title IX Coordinator may direct that an investigation continue depending on a variety of factors, such as the Reporting Party's wish to pursue disciplinary action, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation. Where possible, the College will seek action consistent with the Reporting Party's expressed preference for the manner of resolution.

The Title IX Coordinator will continue to evaluate the need for interim measures to protect or support the parties to the process and any involved third parties on an ongoing basis.

Upon receipt of a report of sex discrimination or harassment, sexual harassment, sexual violence, stalking, domestic violence, dating violence, or sex- or gender-based harassment that does not

involve conduct of a sexual nature, the College will evaluate and, in its discretion, impose reasonable and appropriate interim measures designed to eliminate the reported hostile environment and protect the parties involved. The College will maintain consistent contact with the parties to ensure that all safety and emotional and physical well-being concerns are being addressed. The College may impose interim measures regardless of whether formal disciplinary action is sought by the Reporting Party or the College. The College will implement interim measures promptly and at no cost to the parties.

A Reporting Party or Responding Party may request separation or other protection, or the College may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader College community, and/or the integrity of the investigative and/or resolution process. The College will maintain as confidential any accommodation(s) or protective measure(s) provided to the Reporting Party to the extent that maintaining such confidentiality will not impair its ability to provide the accommodation(s) or protective measure(s).

All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The College will take immediate and responsive action to enforce a previously implemented measure.

Potential interim measures that may be applied to the Reporting Party and/or the Responding Party include:

- Access to counseling services and assistance in setting up an initial appointment, on and off campus;
- Imposition of an on-campus “no contact” directive that requires the Responding Party to leave an area immediately and without directly contacting the Reporting Party if the parties are both in the same public place;
- Rescheduling of exams and assignments;
- Providing alternative course completion options;
- Changing class schedules, including the ability to transfer course sections or withdrawal from a course without penalty;
- Changing work schedules or job assignments;
- Changing a student’s College-owned housing;
- Assistance from College’s support staff in completing housing relocation;
- Limiting an individual’s or organization’s access to certain College facilities or activities pending resolution of the matter;
- Voluntary leave of absence;
- Providing an escort to ensure safe movement between classes and activities;
- Providing medical services;
- Providing academic support services, such as tutoring;
- College-imposed leave or separation; and/or
- Access to victim advocacy
- Access to legal assistance
- Access to visa and immigration assistance
- Access to student financial aid
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this Policy.

## Review of Certain Interim Measures

With respect to no contact orders, changes to academic, housing, employment, and transportation arrangements in order to help ensure safety, prevent retaliation, and avoid an ongoing hostile environment, both parties shall, upon request, be afforded a prompt review, reasonable under the

circumstances, of the need for and terms of such interim measure that directly affects the party, including potential modification, and shall be allowed to submit evidence in support of their request.

### Interim Suspensions or Imposed Leave

If the Title IX Coordinator and/or Assistant Vice President for Student Experience, in consultation with the Director of Campus Safety, decides at any point that the well-being of a student or of any member of the College's community is at stake, an interim suspension may be imposed on a Responding Party who poses a continuing threat to the health and safety of the campus pending the outcome of the conduct process. This action assumes no determination of responsibility and the hearing will be held as soon as possible.

Both parties shall, upon request, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modification. Such requests shall be directed to the Vice President for Student Experience, in writing within 24 hours of notice of the interim suspension. The request must include an explanation of the objection to the interim suspension, and may include evidence in support of the request. The written request will be provided to the other party, who will have the opportunity to respond to the request. In most instances, the response must be provided within 24 hours. Both parties will be notified of the College's decision as soon as possible. While this review is pending, the interim suspension shall remain in place.

Similarly, the College may impose leave on any employee or faculty member. The terms of all such leaves shall be determined in the College's sole discretion.

### Procedures for the Resolution of Sexual Misconduct Charges Against Students

The following "Student Sexual Misconduct Resolution Procedures" are the student conduct procedures applicable to allegations of student sexual misconduct<sup>1</sup>. These procedures prevail to the extent that there is any conflict with the Student Handbook at Section IV of the Student Conduct Code, Statement of the Conduct Code, Disciplinary Sanctions and Conduct Hearing Procedures ("Student Conduct Procedures").

The resolution process described in this Policy is based on the following premises: first, the aim of student conduct is to promote the welfare of students who participate in the process, and second, the goal is not just to punish offenders or deter potential violators.

All individuals involved in these procedures are annually trained and/or have experience in handling sexual violence complaints and in the operation of the College's conduct process.

When the College receives a report of sexual misconduct to which it has decided it must respond through an investigation (certain exceptions and alternate paths described below), it is irrelevant whether a Reporting Party decides to make a report to law enforcement. In the event that a Reporting Party makes a report to law enforcement, Nazareth must continue its independent investigation while law enforcement's investigation proceeds. However, the College and law enforcement will coordinate their investigations; including sharing information to the extent it is prudent and feasible.

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<sup>1</sup> The policies and processes applicable to faculty and staff are found in the Faculty Manual and Staff Personnel Policy Manual.

## Weighing a Request for Confidentiality

If a Reporting Party who makes a report to the College wishes to maintain confidentiality during an investigation or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the Reporting Party. A Reporting Party's request for confidentiality often will limit the College's ability to meaningfully investigate the incident and pursue disciplinary action against the Responding Party(s). There are times when the College may not be able to honor a Reporting Party's request for confidentiality in order to provide a safe, non-discriminatory environment for all community members and to remain true to principles of fundamental fairness that require notice and an opportunity to respond before action is taken against a Responding Party.

The Title IX Coordinator and a Deputy Title IX Coordinator will evaluate requests for confidentiality by considering a range of factors, including the following:

- The increased risk that the Responding Party will commit additional acts of sexual or other violence, such as:
  - Whether there have been other sexual violence complaints about the same Responding Party;
  - Whether the Responding Party has a history of arrests or records from a prior school indicating a history of violence; and
  - Whether the Responding Party threatened further sexual violence or other violence against the Reporting Party or others;
- Whether the sexual violence was committed by multiple perpetrators;
- Whether the sexual violence was perpetrated with a weapon;
- Whether the Reporting Party is a minor;
- Whether the College possesses other means to obtain relevant evidence of the sexual violence (*e.g.*, security cameras or personnel, physical evidence); and
- Whether the Reporting Party's report reveals a pattern of perpetration (*e.g.*, via illicit use of drugs or alcohol) at a given location or by a particular group.<sup>2</sup>

The presence of one or more of these factors could lead the College to investigate and, if deemed necessary, pursue disciplinary action in the absence of a participating Reporting Party. If none of these factors is present, the College will likely respect the reporting student's request for confidentiality.

If the College determines that it cannot maintain a Reporting Party's confidentiality, it will notify the Reporting Party prior to commencing any investigation, and will—to the extent possible—only share information with people responsible for handling the College's response. Alternatively, the course of action may include steps to limit the effects of the alleged misconduct and prevent its recurrence that do not involve formal disciplinary action against a Responding Party or revealing the identity of the Reporting Party.

In the event that the College proceeds with an investigation and is unable to maintain confidentiality, the College will continue to evaluate methods and measures to protect the reporting student from retaliation or harm. Retaliation against the reporting student(s), whether by students or College employees, will not be tolerated.

The College will also:

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<sup>2</sup> This list of factors is recommended by the White House Task Force to Protect Students from Sexual Assault, April 2014 and Article 129-B of the New York Education Law section 6446(1)(d).

- Assist the reporting individual in accessing other available advocacy support, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus;
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the Responding Party pending the outcome of an investigation) or adjustments for assignments or tests; and
- Inform the reporting student of their right to report a crime to campus or local law enforcement and provide them with assistance if they wish to do so.

The College may not require a Reporting Party to participate in any investigation or disciplinary proceeding; however, the Reporting Party's refusal to participate will limit the College's ability to fully investigate the matter and determine whether a violation of this Policy has occurred.

If the College determines that it can respect a Reporting Party's request for confidentiality, the College will also take immediate action as necessary to protect and assist the Reporting Party. Such protection and assistance could include: issuing a no contact order, helping arrange a change of living or working arrangements or course schedules (including for the Responding Party pending the outcome of an investigation) or adjustments for assignments or tests. The College will also assist the Reporting Party in accessing other available advocacy support, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus.

## Evaluation of Response Options

When the Title IX assessment concludes that the College's hearing process or disciplinary action may be appropriate, the College will initiate an investigation.

When the Title IX assessment concludes that a more appropriate course of action is a non-hearing approach designed to eliminate the hostile environment, the Title IX Coordinator will evaluate potential responses and discuss them with the Reporting Party. This may include interim measures designed to reduce the burden on the Reporting Party, or possibly remedies for the community, such as targeted or broad-based educational programming or training, direct communication with the Responding Party by the Reporting Party, communication with the Responding Party by the Title IX Coordinator or another administrator or other forms of restorative justice. Depending on the form of response used, it may be possible for a Reporting Party to maintain anonymity.

The determination regarding next steps will be communicated to the Reporting Party in writing. A Responding Party will be notified when the College seeks action that would impact a Responding Party, such as protective measures that restrict the Responding Party's movement on campus or the initiation of an investigation. Even if the complaint resolution process is not pursued, the College will have the discretion to require the Responding Party to participate in remedial measures that ensure sufficient education and counseling related to the College's policies.

## Investigation

The College's investigation is designed to provide a fair and reliable gathering of the facts. Information gathered during the investigation will be used to evaluate the responsibility of the Responding Party, provide for the safety of the Reporting Party and the campus community, and impose (additional) remedies as deemed necessary to address the effects of the alleged conduct.

## Investigators

The Title IX Coordinator will determine who will serve as investigator(s) and supervises the investigation. In most instances, the investigations will be conducted by a Campus Safety Investigator. When deemed appropriate, the investigator may be a different Nazareth employee, an

external investigator engaged to assist the College in its fact-gathering or a team of investigators that pairs an external investigator with a Nazareth employee. All investigators must have specific training and experience investigating allegations of sexual misconduct. Any investigator chosen to conduct the investigation must be impartial and free of any conflict of interest.

The investigator(s) will conduct the investigation in a manner appropriate in light of the circumstances of the case, which will typically include interviews with the Reporting Party, the Responding Party, and any witnesses. The interviews will be supplemented by the gathering of any physical, documentary, and other evidence, as appropriate and available. The investigator(s) will decide which individuals to interview. The Title IX Coordinator may also direct that additional interviews be conducted. As part of the investigation, the College will provide an opportunity for the parties to suggest witnesses and present other evidence. The investigation will be conducted with the goal of being thorough, impartial, and fair; all individuals will be treated with appropriate sensitivity and respect.

The investigation will be conducted in a manner that is respectful of individual privacy concerns. To be clear, however, confidentiality cannot be promised during an investigation because, for example, it may be necessary for a number of individuals to participate in discussions regarding accommodations and interim measures, and for the investigator(s) to speak with witnesses.

### Investigative Report

At the conclusion of the investigation, the investigator(s) will prepare a report setting forth the facts gathered and an evaluation of the reliability of the information presented. The College will share the report with the Reporting Party and Responding Party, and each party will have the opportunity to prepare and submit a written response. Before the parties access the investigative report, the Title IX Coordinator (or designee) will review the report and appended materials to determine whether any information contained therein is relevant and material to the determination of the charged violations of this Policy given the nature of the allegation(s). The Title IX Coordinator (or designee) may redact information that is: irrelevant; more prejudicial to a party or witness than relevant to a determination of a Policy violation; an unwarranted invasion of an individual's privacy; immaterial; a statement of personal opinion rather than direct observations or reasonable inferences from the fact; and statements as to general reputation for any character trait, including honesty.

The investigator(s) may find it necessary to follow up on information provided in a written response submitted by any party and supplement their prior report accordingly. All of these written submissions and all information gathered during the investigation will collectively be considered the investigative report. Upon receipt of the investigative report, the College will notify all parties that the investigation is complete and provide information about next steps in the process.

### Determination after Investigation

Following the conclusion of the investigation, the Title IX Coordinator (or designee) will review the investigative report and determine whether there is sufficient cause to believe that the alleged sexual misconduct may have occurred, warranting further review of the matter. If so, the Title IX Coordinator (or designee), in consultation with the Student Conduct Administrator and Deputy Title IX Coordinators as deemed necessary, will prepare a notice of charge(s) based on information contained in the investigative report.

### Notice of Charge

When a Notice of Charge is issued, it will be delivered to the parties, and the matter will be referred to the Student Conduct Administrator to proceed with the case through one of the methods described further in 0 below.

At least seven (7) days before the scheduled hearing date, a written or electronic notice including the following information shall be sent or given to the parties:

- the date, time, location, and type of hearing (formal or informal);
- 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); and
- the composition of the hearing board, if any, empaneled by the Student Conduct Administrator (for a formal hearing) or the identities of the designated decision-maker(s) (for an administrative hearing)

Each party has the right to request that the Title IX Coordinator remove a member of the Hearing Board or a decision-maker(s), whichever is applicable given the type of hearing, based on reasonable and articulable grounds of bias, conflict of interest or an inability to be fair and impartial. This challenge must be raised in writing within two (2) business days of receipt of the notice of hearing. The Title IX Coordinator, in consultation with the Student Conduct Administrator, will determine whether to remove the panelist or decision-maker(s).

The notice of charges will attach a copy of this Policy or include a web link to this Policy. Note that students may be accountable for additional violations discovered through the hearing process and not part of the initial notice of charges.

## Disciplinary Hearings: Formal and Administrative Student Sexual Misconduct Hearings

The Student Conduct Administrator directs the activities of the Student Conduct Office, which is responsible for the administration of the College's Student Conduct Process, including for sexual misconduct cases. Generally, student conduct cases are resolved through administrative or formal hearing processes overseen by the Student Conduct Administrator or his or her designee. While the Student Conduct Administrator does not attend hearings under this policy conducted by a Hearing Board, the Title IX Coordinator attends such hearings as a process and policy advisor to the Hearing Board.

In all cases, charges are brought by the College against a student accused of a policy violation; in many cases, the College is in fact the only identifiable injured party. However, there are cases in which there is an identifiable Reporting Party other than the College. When the complaint relates to an alleged act of misconduct that violates the physical and/or mental welfare of an individual, the Reporting Party can expect the College's student conduct process will respond in a caring, sensitive, and supportive manner allowing the Reporting Party to utilize the conduct process unimpeded while ensuring the rights afforded to the Responding Party(s).

The Reporting Party is entitled, regardless of the outcome or stage of an internal hearing, to file a criminal complaint with law enforcement.

## Parties' Rights

Parties to a sexual misconduct proceedings are entitled to the following:

- To be treated with dignity, respect, and compassion by all persons involved in the disciplinary process.
- Information regarding the College's sexual misconduct resolution process.
- Information about accessing support services on and off campus.
- Freedom from intimidation and harassment throughout this process.

- a. Timely, similar access to information and documents to be used at the hearing, including any investigative report.
  - b. Discuss and share information related to the complaint with others that may support them or assist them in presenting their case.
- To separate hearing rooms (connected by telephonic/electronic means) in order to allow full participation of the parties while at the same time avoiding any re-traumatization, undue embarrassment or intimidation. Where a party does not conduct themselves in a proper civil and respectful manner and/or disrespects or obstructs the hearing process, the Chair of the Hearing Board will issue a warning. If the disrespectful and/or obstructive behavior persists, the party will be dismissed and the individual will later be provided an opportunity to listen to the recording of testimony.
- To be accompanied at the hearing and any related meeting or proceeding by an advisor of choice. An advisor is any individual who provides a party support, guidance or advice. The advisor may confer with and assist the party, but may not speak for the party as an advocate or directly address the Student Conduct Administrator/Student Conduct Hearing Board/Title IX Coordinator, the other party(ies) or witnesses through questions or otherwise. Requests to be accompanied by an advisor must be submitted in writing to the designated Student Conduct Administrator within two (2) business days of the notice of charge(s). Exceptions to this timeline will only be made when there are extenuating circumstances preventing the name of the advisor to be submitted in a timely fashion.
- The right not to answer any questions asked during the hearing. However, the Student Conduct Hearing Board may draw inferences from and consider as part of deliberations silence or refusal to participate in the context of all information presented.
- To learn of the decision of the Hearing Board at the same time and in the same manner as the other party.
- Privacy throughout the student conduct process in relation to campus and other media, and in relation to all other involved parties. In this regard, while parties are permitted to disclose or discuss the outcome of the process, the College encourages parties to refrain from speaking publicly about the result of student conduct cases.
- In instances where the Responding Party(s) is found responsible, the opportunity to provide an impact statement to the Student Conduct Administrator prior to a sanctions determination. Such statement (either written or an oral synopsis delivered by the Student Conduct Administrator) will become part of the case record/file and shared with anyone charged with determining sanctions, as well as anyone reviewing the case on appeal.
- To be advised in writing of the appropriate procedures for requesting an appeal. The notice will be included with the written decision sent to the parties. A party submitting an appeal may request an opportunity to listen to a copy of the recording of the hearing by submitting a written request to the Student Conduct Office. This request must be made within the timeframes identified for appeals. The recording will then be made available to the party in the company of a College employee, and in a location identified by the Student Conduct Administrator. The recording will be accessible to any person determining the outcome of the appeal. The recording will be destroyed either after the appeal date has passed or the appeal has been decided.

## Student Sexual Misconduct Hearings

The Student Conduct Administrator may independently hear and resolve a complaint or may empanel a Student Conduct Hearing Board composed of members of the faculty, staff, and/or the student body to resolve a complaint. Cases heard by a Student Conduct Hearing Board are convened by the Student Conduct Administrator, who oversees all related activities. The Student Conduct Administrator will ensure that Board Members represent the faculty, staff, and/or student populations of the College. In rare circumstances when the Student Conduct Administrator is

unavailable or ineligible due to, for example, a conflict of interest, the Assistant Vice President for Student Experience will appoint a substitute to convene and oversee the hearing board process.

The Title IX Coordinator will attend all hearings as a process and policy advisor to the Hearing Board and is a non-voting member of the Hearing Board.

The Nazareth College Student Conduct process is not a court of law, nor is it intended to be, and legal rules of evidence and procedure do not apply. The officials who are chosen to conduct proceedings to address allegations of dating violence, domestic violence, sexual assault and stalking receive training at least once annually in topics such as basic procedural rules for conducting a proceeding, trauma informed processes, principles of effective questioning and proper questioning techniques, relevant evidence and how it should be used during a proceeding, avoiding actual and perceived conflicts of interest. With guidance from the Title IX Coordinator and the Student Conduct Administrator, the Hearing Board will determine in its sole discretion who will appear before the Hearing Board and what information will be provided, which will be guided by principles of fundamental relevance and fairness.

All procedural questions will be decided in the sole discretion of the Hearing Board, in consultation with the Title IX Coordinator and/or Student Conduct Administrator, as deemed necessary. It may decide to adjourn the hearing for a reasonable period of time. The Hearing Board will accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Reporting Party, Responding Party, and/or witnesses during the hearing by providing separate facilities and/or permitting participation via appropriate technology to allow the testimony while not depriving the Responding Party of access to information. In matters involving more than one Responding Party, the Hearing Board may permit hearings concerning each Responding Party to be conducted separately or simultaneously.

College officials' individualized assessments of each matter may require additional safety and security measures to be employed. For example, in order to minimize risk, the Title IX Coordinator, Student Conduct Administrator, and/or Hearing Board may determine that it is necessary to conduct hearings at off-campus locations, limit personal items or bags that may be brought into the hearing (all may be subject to search before entering) or the use of electronic wands and any additional related safety precautions as identified and recommended to the Assistant Vice President for Student Experience by the Campus Safety Director. The parties will be notified of these conditions by the Title IX Coordinator, Student Conduct Administrator, and/or Campus Safety Director, either directly or through the use of electronic means or mail.

## Formal Hearings

The Formal Student Sexual Misconduct Hearing process shall include the following, some of which may be modified based on whether one or both parties request to be separated from the other party(ies) during the hearing:

- Prior to a formal hearing, the Reporting Party and Responding Party, in the presence of the Student Conduct Administrator or designee, will have similar access to information and documents to be used at the hearing, including any investigative report.
- The Student Conduct Administrator, Hearing Board members, the Responding Party and/or the Reporting Party may request that any person be called to be questioned as a witness.
  - Party requests for witnesses must be submitted in writing to the Student Conduct Administrator within three (3) business days of being notified of the charges. Exceptions to this timeline will only be made when there are extenuating circumstances preventing the names of witnesses to be submitted in timely fashion.
  - If any proposed witness was not identified to the investigator(s) or Title IX Coordinator during the investigation, then the individual requesting such witness must explain why that person was not identified. The hearing may be

- postponed to permit the investigator to meet with the proposed witness and alter the investigative report accordingly.
    - The Student Conduct Administrator may elect not to grant witness requests when it is determined that a specific witness is not likely to provide relevant evidence, or the testimony provided will be cumulative or duplicative. The Student Conduct Administrator may call other witnesses s/he or the Hearing Board deems appropriate.
- A member of the Hearing Board will serve as the Chair of the Board. The Chair will call the hearing to order, and will first explain the hearing process and provide an opportunity for all parties to ask procedural questions prior to initial statements and the presentation of information.
- The Chair shall read the charges brought against the Responding Party by the College.
- The parties shall be informed that the hearing is being recorded. The recording is the sole official verbatim record of the Student Conduct Hearing and is the property of the College. No other recordings of the hearing are allowed.
- The Chair will provide a brief opening statement summarizing the investigation. The opening statement should focus on the areas of agreement and disagreement in order to assist the members of the Hearing Board in prioritizing areas of inquiry.
- The Chair will advise the parties that only members of the Hearing Board may ask questions of any person testifying. It is the responsibility of the members of the Hearing Board to ensure that they have sought and probed all information necessary to make an informed decision. Thus, the Hearing Board members may play an active role in questioning both parties and witnesses involved in the case. At times, the members of the Hearing Board may need to ask difficult or sensitive questions in order to understand areas of factual dispute or gain a full understanding of the context. However, the Responding Party and the Reporting Party shall each be given the opportunity to request that the Hearing Board ask additional questions of the parties and witnesses. The parties may not personally question or cross-examine each other during a hearing.
- The parties will then be asked to meet separately with the Hearing Board for questions, and the party that is not present will be given the opportunity to listen to this meeting through an open telephone line or other type of technology that results in live broadcast of the meeting.
- The Reporting Party may make a brief statement. The Board may pose questions to the Reporting Party. The Responding Party is encouraged to compile a written list of questions to pose to the Reporting Party. The list will be provided to the members of the Hearing Board, who will determine the relevance of the questions and will ask the Reporting Party those questions deemed relevant and appropriate.
- After the Hearing Board has concluded its meeting with the Reporting Party, the Board will meet with the Responding Party. The Responding Party may make a brief statement, which provides the opportunity to answer the charges, refute, explain or offer any additional information that might be helpful in resolving the case. The Board may pose questions to the Responding Party. The Reporting Party is encouraged to compile a written list of questions to pose to the Responding Party. The list will be provided to the members of the Hearing Board, who will determine the relevance of the questions and will ask the Responding Party those questions deemed relevant and appropriate.
- The Hearing Board will then meet with each witness separately, and the parties will be given the opportunity to listen to this meeting through an open telephone line or other type of technology that results in live broadcast of the meeting. Each witness will be permitted to give a brief statement but need not do so. The Board will question each witness. The Reporting Party or Responding Party may present a list of written questions to the members of the Hearing Board, who will determine the relevance of the questions and will pose to the witness any questions deemed relevant.
- At the conclusion of the meetings with all witnesses, the Reporting Party and Responding Party will each be given the opportunity to separately give a brief closing statement.

- The Hearing Board will apply a preponderance of the information standard during its deliberations, meaning the information provided supports a finding that it is more likely than not that the alleged conduct occurred. Decisions of the Student Conduct Hearing Board (when applicable) are based on the vote of the majority.

Admission and use of prior sexual history and/or pattern evidence at a formal student sexual misconduct hearing is evaluated as follows:

- **Prior sexual history of a Reporting Party.** In general, the parties' prior sexual history with others is not relevant and will not be permitted to be discussed at a hearing. Where there is a current or ongoing relationship between the parties, and the Responding Party alleges consent, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. The mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Any prior sexual history of the parties with other individuals is typically not relevant and will not be permitted unless the Title IX Coordinator (in consultation with the Student Conduct Administrator) evaluates the information and determines that it has possible relevance to a determination of a Policy violation in that particular case.
- **Pattern evidence by a Responding Party.** Where there is evidence of a pattern or conduct similar in nature by the Responding Party, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and aid in the determination of responsibility and/or assigning of a sanction. Relevance will be assessed based on the presence of the following information regarding a previous incident (a) substantial similarity to the present allegation or information and (b) a pattern of behavior and substantial conformity with that pattern by the Responding Party. Where there is a prior finding of responsibility for a similar act of sexual misconduct, there is a presumption of relevance and the finding may be considered in making a determination as to responsibility and/or assigning of a sanction.
- Any party seeking to introduce information about prior sexual history or pattern evidence should bring this information to the attention of the investigator at the earliest opportunity. A party who provides this information and wishes to seek its admission at the hearing must submit a written request to the Title IX Coordinator and Student Conduct Administrator no later than three (3) business days after the notice of charge(s) has been issued:
  - A written statement and/or description of the proposed information, if not already provided;
  - A summary of the relevance of this information to making a decision of responsibility at the hearing; and
  - A brief explanation why this information was not shared earlier in the process.
- Where sufficient foundation exists, the Title IX Coordinator or a Deputy Title IX Coordinator and Student Conduct Administrator will assess the relevance, form, and reliability of the information and determine if it is appropriate for inclusion at the hearing. Any information submitted will be for the exclusive use of the individual(s) making a determination about the relevance of such information. If the information is approved as appropriate for presentation at the hearing, the parties will be provided with a brief description of the approved information no later than two (2) business days before the hearing.

Parties and other individuals who offer information at a 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 necessary to make a decision. A Reporting Party, Responding Party or witness who intentionally provides false or misleading information may be subject to discipline under this Policy.

## Administrative Hearings

The Student Conduct Administrator, in consultation with the Title IX Coordinator, has the discretion to decide if the case will be resolved by a hearing panel as described above or through the Administrative Hearing process. Sanctions imposed after an administrative hearing, other than oral admonitions and written administrative warnings, may be appealed using the [appeal procedures](#) provided in this process. At any time during the administrative process or in the event that administrative resolution is not achieved, either the Reporting Party or the Responding Party may request that the matter proceed to formal resolution.

## Alternate Means of Resolution

If, in the judgment of the Student Conduct Administrator, the alleged violation of the Sexual Misconduct Policy could be better resolved through an alternate means such as counseling or mediation, the Student Conduct Administrator may make a recommendation to that effect to the Title IX Coordinator. In such a case—and provided the Responding Party and the Reporting Party both agree—the Student Conduct Administrator shall refer the matter to an appropriate counselor or mediator. A Student Conduct Hearing shall be scheduled, but may then be adjourned for up to thirty (30) days pending counseling or mediation. If the Responding Party and the Reporting Party receive counseling or mediation prior to the adjourned hearing date, and agree that the matter pertaining to the violation is resolved, the Student Conduct Administrator may dismiss the alleged violation.

At any time during the alternate resolution process, either the Reporting Party or Responding Party may request that the complaint proceed to formal resolution. In most instances, alternate means of resolution will not be utilized if physical contact is involved in the complaint. In all instances, mediation will not be utilized when allegations of sexual violence are made.

## Participation in a Hearing

The hearing is closed, meaning it is not open to the public. The Reporting Party, the Responding Party, and any individuals who are witnesses may appear before the Hearing Board and/or other decision-maker(s). Witnesses may only be present for their individual meeting with the Hearing Board and/or other decision-maker(s). Advisors and the parties may be present throughout the proceeding (in person or via technology), however, the Reporting Party is not required to be present at the hearing as a prerequisite to proceed.

In the event the Responding Party, after having been given notice, does not appear at the appointed hearing, the hearing will be conducted in the Responding Party's absence. In the event the Responding Party does not remain for the entire hearing, the remainder of the hearing will continue in the Responding Party's absence.

## Sanctions

Sanctions may include, but are not limited to, those set forth in the Student Conduct Procedures. In particular, a violation of this Policy may result in suspension or expulsion from the College. The sanctions may include remedial or corrective actions as warranted. In general:

- Any student who is determined to have committed sexual assault (involving sexual intercourse) may receive a sanction ranging from suspension to expulsion.
- Any student who is determined to have committed sexual assault (involving sexual contact) may receive a sanction ranging from conduct warning to expulsion.
- Any student who is determined to have engaged in any other prohibited form of conduct may receive a sanction ranging from conduct warning to expulsion.

The Student Conduct Administrator (or Hearing Board when applicable) may broaden or lessen any range of recommended sanctions based on serious mitigating circumstances or egregiously offensive behavior. The Student Conduct Administrator (or Hearing Board when applicable) will not deviate from the range of recommended outcomes unless compelling justification exists to do so. A single sanction or a combination of sanctions may be issued.

In considering the appropriate sanction within the recommended outcomes, the Student Conduct Administrator (or Hearing Board when applicable) will consider the following factors:

- The Responding Party's prior discipline history;
- How the College has sanctioned similar incidents in the past;
- The nature and violence of the conduct at issue;
- The impact of the conduct on the Reporting Party;
- The impact of the conduct on the College community, its members or the College's property;
- Whether the Responding Party has accepted responsibility;
- Whether the Responding Party is reasonably likely to engage in the conduct in the future;
- The need to deter similar conduct by others; and
- Any other mitigating or aggravating circumstances, including the College's values.

Absent compelling justifications, if the Responding Party has engaged in the same or similar conduct in the past, the sanction will be expulsion.

The Student Conduct Administrator (or Hearing Board when applicable) should also consider other remedial actions that may be taken to address and resolve any incident of discrimination or harassment and to prevent the recurrence of any discrimination, including: strategies to protect the Reporting Party and any witnesses from retaliation; provide counseling for the Reporting Party; other steps to address any impact on the Reporting Party, any witnesses, and the broader student body; and any other necessary steps reasonably calculated to prevent future occurrences of harassment.

Set forth below is a full list of the range of sanctions:

- Expulsion (permanent separation)
- Suspension
- Deferred suspension
- Disciplinary Probation
- Disciplinary probation with deferred removal from the residence halls
- Loss of housing contract
- Residence hall probation
- Conduct warning

Additional conditions that may be imposed (list is not exhaustive):

- Sexual misconduct education
- Parent or guardian notification (subject to privacy restrictions)
- Financial restitution or Fine
- Organizational sanctions including probation and rescinding recognition or other organizational restrictions
- Community restoration and/or community service
- Loss of campus privileges
- Withholding records or degree
- Revocation of admission and/or degree
- Bar against registration
- Discretionary action
- Substance abuse education and/or evaluation

Sanctions imposed in connection with findings of responsibility under this Policy are effective immediately and remain in effect pending the outcome of any appeal.

Failure to comply with the sanctions or conditions imposed by the Student Conduct Administrator (or Hearing Board, when applicable) will result in institutional action, including the possibility of additional sanctions. If the sanction imposed for failure to comply is suspension or expulsion, the party shall have the right to appeal to the Office of the Assistant Vice President for Student Experience. There are no appeals from any other sanctions imposed due to a failure to comply.

### Timeframe for Decision and Notification

A decision will be rendered no later than two (2) weeks following the Hearing (administrative or formal). The Hearing Board will share its determination regarding responsibility and sanction(s) (if applicable) with the Student Conduct Administrator and Title IX Coordinator. The College will issue the parties a letter containing the Hearing Board's decision with findings of fact, the disciplinary sanction(s) (if applicable), and the rationale for the decision and sanction. This letter will be simultaneously delivered to the parties. The information contained in the letter sent to the Reporting Party will be provided in accordance with FERPA and the Clery Act. Unless shown otherwise the decision shall be deemed received by the Reporting Party and Responding Party three (3) days after the date it was mailed.

### Timeframes for Resolution

The College seeks to resolve all reports of sexual misconduct (exclusive of any appeal) within sixty (60) days. All time frames expressed in this Policy are meant to be guidelines rather than rigid requirements. The College will inform the parties at regular intervals of the status of its investigation and resolution process.

Circumstances may arise that require the extension of time frames, including extension beyond sixty (60) days. Such circumstances may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation or other unforeseen circumstances.

The College will make its best efforts to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness. In the event that the investigation and resolution exceed this timeframe, the College will notify all parties of the reason for the extension and the expected adjustment in time frames.

College student conduct proceedings are administrative in nature, intended to enforce this Policy at Nazareth College, and are held independent of any criminal and/or civil proceedings that may be concurrently in process. Even when a Reporting Party decides to report to law enforcement, the College remains obligated to conduct its own investigation. However, at law enforcement's request, the College may agree to defer its fact-gathering or sexual misconduct proceedings at the request of law enforcement and/or as it otherwise deems appropriate. The College will nevertheless communicate with the Reporting Party regarding Title IX rights, procedural options, and the implementation of interim measures to ensure safety and well-being. The College will promptly resume its fact-gathering as soon as law enforcement has completed its initial investigation.

### Appeals

Sanctions, other than oral admonitions and written administrative warnings, may be appealed using the appeal procedures provided below.

The parties shall both have the right to direct an appeal to the Assistant Vice President for Student Experience. Any request for appeal must be received by the Office of the Assistant Vice President for Student Experience on or before a date, specified in the written notice of outcome, which shall be no later than five (5) days after the delivery of the written decision.

An appeal may be requested if the student believes one or more of the following conditions exists:

- The discovery of previously unavailable relevant evidence that could significantly impact the finding of the hearing;
- Procedural error(s) that had a material impact on the fairness of the hearing; and/or
- The sanctions imposed were substantially disproportionate to the violation committed.

If the Title IX Coordinator determines it appropriate, interim suspensions or conditions may be imposed during the time of an appeal or until the time to appeal has passed.

When the Office of the Assistant Vice President for Student Experience receives a request for an appeal, the Assistant Vice President for Student Experience<sup>3</sup> will provide the request to a panel of three individuals (including the Assistant Vice President for Student Experience) to determine whether the appeal will be accepted, based upon the three criteria set forth above. The panel will initiate one of the following actions:

- Reject the request for appeal due to insufficient reason(s).
- Analyze the materials related to the appeal and render a decision.

In the event that an appeals panel has been convened, the non-appealing party will be permitted to read the appeal and invited to submit a response within forty-eight (48) hours of notification of the non-appealing party's review of the appeal.

After considering the information submitted in support of and in opposition to the appeal, if any, the panel will take one of the following actions:

- Uphold the original decision.
- Send the matter back to the Hearing Board when there is a procedural irregularity that could be corrected in a review or the presentation of previously unavailable relevant information that could significantly impact the result of the Board's determination.
- Send the matter back to the Hearing Board with a recommendation that the penalty be modified, together with an explanation of why the original penalty is deemed inappropriate; or
- Refer the matter to the Student Conduct Administrator and the Hearing Board for further consideration, if substantial reason for such action has been presented.

The outcome of the appeal will be simultaneously conveyed to both parties in writing.

Recordings of proceedings held pursuant to this Policy will be destroyed as soon as any appeal is decided or the deadline to appeal has expired. The parties will be notified if the time to appeal has expired without any appeal having been submitted.

A decision denying the entitlement to appeal and all decisions made by the appeals panel are final, except when sanctions of suspension or expulsion are involved. These sanctions may be appealed to the President of the College. However, such an appeal shall be entertained solely at the discretion of the President. This appeal must be received within five (5) days of the decision from the appeals panel.

If the President entertains an appeal, an informal meeting (or meetings) of the principals involved will be arranged. After the President is satisfied with the content and extent of the information presented, the meeting will be adjourned. The President's findings will be announced within five (5) working days of the appeal meeting(s). Decisions of the President are final.

## Resources

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<sup>3</sup> In the absence of the Assistant Vice President for Student Experience, a designated individual from the College senior administrative staff will be appointed by the Student Conduct Administrator to make this determination and, if appropriate, convene an appeals panel.

Any individual affected by sexual violence or harassment—a Reporting Party, a Responding Party, and/or a third party—will have equal access to support and counseling services through the College. The College 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 College strongly encourages individuals to use all available resources, regardless of when or where the incident occurred.

## Confidential Resources and Support

The College hopes that individuals who have experienced sexual violence will report what happened in order to enable the College to respond appropriately. However, at a minimum, the College 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.

- 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 Reporting Party 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 Reporting Party’s wishes.
- Finally, some employees are required to report all the details of an incident (including the identities of both the Reporting Party and Responding Party) to the Title IX Coordinator. A report to these employees—“responsible employees”—constitutes a report to the College and generally obligates the College 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

Professional, licensed counselors<sup>4</sup> 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) and health care providers 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.

## Professional Counselors – Complete Confidentiality

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

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<sup>4</sup> Under certain circumstances, a psychologist or mental health counselor may be required to notify law enforcement of a sexual assault committed against a minor as discussed in Section X(C) below.

phone number during normal business hours (8:30 a.m. to 4:30 p.m.) is 585.389.2887. Individual contact information for counselors at Health and Counseling Services is as follows:

**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 counselor by calling Campus Safety at ext. 3333 or 585.389.2850. A Campus Safety officer will take the student's first name and a phone number at which the counselor can call the student back.

**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
  - **585.546.2777** (Monroe County)
  - **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

**For emergencies that occur while Health and Counseling Services are closed**, students should

- **Call Campus Safety** at ext. 3333 or 585.389.2850; *or*
- Use the individual's **Security Escort Alarm**; *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 Nurse Examiner at Rochester General Hospital** (1425 Portland Avenue in Rochester).

### Non-Professional Counselors – Limited Confidentiality

Counselors in and affiliates of the Center for Spirituality can generally talk to a Reporting Party without any obligation to reveal to the College any personally identifying information about an incident. A Reporting Party 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.

While maintaining a Reporting Party'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 Reporting Party 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 College unless the Reporting Party requests the disclosure and signs a consent or waiver form.

Members of the College'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 College's Employee Assistance Program 24 hours a day, 7 days a week:

- 800.252.4555 or 800.225.2527
- [www.theEAP.com](http://www.theEAP.com) or [www.HigherEdEAP.com](http://www.HigherEdEAP.com)

Individuals who have experienced sexual violence should visit a local Emergency Department or the local medical provider<sup>5</sup> 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 Reporting Party 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 Reporting Party 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 College 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 Reporting Party 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.

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<sup>5</sup> Under certain circumstances, a health care provider may be required to notify law enforcement of a sexual assault committed against a minor as discussed in Section X(C) below.

## Exceptions

Please note that, while these on-campus professional and non-professional counselors and health care providers may maintain a Reporting Party's confidentiality with respect to further reporting to the College, 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 College 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.

## Timely Warnings

Significantly, if the College determines that the Responding Party(s) poses a serious and ongoing threat to the Nazareth community, the College may decide to issue a timely warning to the community (discussed below). However, any such warning will not include any information that identifies the Reporting Party seeking resources and support.

## Reporting Sexual Misconduct

The College encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual violence. The College also encourages individuals to report the misconduct to the Title IX Coordinator, a Deputy Title IX Coordinator or other responsible employee.

## Overview

The College encourages all community members to report sexual assault and harassment in order to achieve a campus environment that maximizes its community members' academic pursuits and positive feelings of community. The College will respond to any information it receives—whether from a Reporting Party, third party or anonymously—against a named Responding Party.

Nazareth's Policy, definitions, and standard of review differ from New York criminal<sup>6</sup> law. A Reporting Party who wishes to make a report of sexual misconduct has a number of options to resolve a complaint, through:

- The College's complaint process;
- Criminal action; *or*
- Both the College's complaint process and criminal action.

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<sup>6</sup> See Appendix A.

The College is committed to providing a variety of welcoming and accessible means of reporting sexual misconduct so that all instances of sexual assault or harassment will be reported. The Title IX Coordinator is specifically charged with coordinating the initial assessment, initiating the investigation, and responding to allegations of sexual assault or harassment to stop the harassing conduct, address its effects, and prevent its recurrence.

At the time a report is made, a Reporting Party does not have to decide whether or not to request disciplinary action. The College recognizes that not every individual will be prepared to make a report to the College or to law enforcement, and individuals are not expected or required to pursue a specific course of action. To the extent possible, the College will respect an individual's autonomy in making these important decisions and provide support that will assist each individual in making that determination.

As outlined in the Resources section of this Policy, Nazareth offers a number of confidential resources on campus, which can be supplemented by other community resources, to individuals who want support, regardless of whether they currently plan to make a report to the College. Information shared with the identified confidential resources will not be reported to the College.

As outlined in the statement regarding Privacy and Confidentiality, the College respects the privacy interests of students, faculty, and staff. All information reported to the Title IX Coordinator will be shared only with those College employees or agents who will assist in the investigation and/or resolution of the complaint.

The Title IX Coordinator or designated Deputy Title IX Coordinator, working with the College's Associate Director of Campus Life (who serves as Student Conduct Administrator), and any other relevant campus units (Campus Safety, Residential Life, Registrar, Student Conduct Office, and Human Resources), will ensure that the College responds to all reports in a timely, effective, and consistent manner. The Title IX Coordinator and Deputy Title IX Coordinators are charged with coordinating the review, investigation, and resolution of all reports to ensure consistent responsiveness and the integrated provision of interim measures to support the individuals involved and to protect the Nazareth community.

The College is committed to using a consistent and informed response to create a culture of accountability. The College is positioned to provide seamless support, assess individual and campus safety, and effectively respond to allegations of sexual assault and harassment.

The College will promptly review and respond to all reports of sexual violence and harassment in an integrated, consistent manner that treats each individual with dignity and respect and ensures fair and impartial evaluation and resolution.

### Reporting to Law Enforcement

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

Except where the Reporting Party is less than 18 years old, the College will generally respect a Reporting Party's choice whether or not to report an incident to local law enforcement, unless the College 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 College may be required by state law to notify law enforcement and/or the New York Statewide Central Register of Child Abuse and Maltreatment.

Neither law enforcement's determination whether or not to prosecute a Responding Party, nor the outcome of any criminal prosecution, creates any presumption or is considered a decision that sexual assault or harassment 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.

### Victim Assistance Program

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 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 (<https://www.pnmc-hsr.org/resources/directory/3481/district-attorney-victimwitness-assistance/>)
- 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.

### Campus Reporting Options

To enable the College to respond to all reports in a prompt and equitable manner, the College encourages all individuals to directly report any incident to any of the following individuals or offices:

Name	Title	Office Location	Email	Phone
Karen G. Vicks	Title IX Coordinator	100A Shults Center	<a href="mailto:kvicks8@naz.edu">kvicks8@naz.edu</a>	585-389-2877
Jo Ellen Pinkham	Deputy Title IX Coordinator and Associate Vice President for Human Resources	185 Smyth Hall	<a href="mailto:jpinkha0@naz.edu">jpinkha0@naz.edu</a>	585-389-2060

Philip Steckley	Deputy Title IX Coordinator and Assistant Athletic Trainer	106 Stadium	<a href="mailto:psteckl4@naz.edu">psteckl4@naz.edu</a>	585-389-2838
Kerry Dunn	Deputy Title IX Coordinator and Associate Professor in Inclusive Childhood Education	277 Golisano Academic Center	<a href="mailto:kdunn4@naz.edu">kdunn4@naz.edu</a>	585-389-5138
Campus Safety		021 Shults Center		585-389-2850 or 585-389-3333
Center for Spirituality		153 Golisano Academic Center		585-389-2303
Trina Marquez	Associate Vice President for Student Engagement & Student Experience	Suite 100D Shults Center	<a href="mailto:tmarque2@naz.edu">tmarque2@naz.edu</a>	585-389-2023
Health and Counseling Services				585-389-2500
Erika Hess	Director of Office for Students with Disabilities	61C Golisano Academic Center	<a href="mailto:ehess6@naz.edu">ehess6@naz.edu</a>	585.389.2498
Olajiwon McCadney	Director of Office for Diversity and Inclusion	185 Smyth Hall	<a href="mailto:omccadn8@naz.edu">omccadn8@naz.edu</a>	585-389-2008

With the exception of the College’s Health and Counseling Services staff (complete confidentiality) and Center for Spirituality staff (limited confidentiality), reports to any of the above will trigger the College’s obligation to inquire further to evaluate the alleged conduct and appropriate response options.

## Responsible Employees

The College recognizes that a student or employee may choose to report sexual assault or harassment to any employee of the College. 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, colleges 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 officials 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 College employees, including faculty<sup>7</sup>, 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 Reporting Party or Responding Party, or requesting any action. Depending on the level of information available about the incident or the individuals involved, anonymous reporting may impact the College’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 College will ensure that anonymous reports are reviewed and included for compliance with federal law (the Clery Act).

## Reporting Considerations:

### Timeliness of Report, Location or Incident

While the College does not limit the timeframe for reporting, Reporting Parties and third-party witnesses are encouraged to report sexual assault and harassment as soon as possible in order to maximize the College’s ability to respond promptly and effectively. If the Responding Party is no longer a student or employee, the College may not be able to take action against the Responding Party, but it will still seek to meet its Title IX obligation by taking 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 College. Off-campus conduct that is likely to have a substantial adverse effect on any member of the College community or the College may be covered under this Policy.

## Amnesty for Personal Use of Alcohol or Drugs

Nazareth strongly encourages students to report domestic violence, dating violence, stalking, sexual assault, and any other form of sexual misconduct to institution officials. The College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence (including but not limited to domestic violence, dating

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<sup>7</sup> Faculty are not required to make reports to the Title IX Coordinator when they learn of allegations of sexual assault or harassment through classroom writing assignments or class-related discussions unless the Reporting Party expressly requests reporting.

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 College'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 College policy. The College understands that retaliation can take many forms, may be committed by or against an individual or a group, and that a Responding Party or third party may also be the subject of retaliation by another individual, including the Reporting Party.

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 College takes very seriously the truthfulness of information provided in support of an allegation of sexual misconduct.

A Reporting Party 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 Responding Party 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

All members of the College community—regardless of mandated reporter status—have a duty 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.

If any member of the College community has reasonable cause to suspect that a minor has been abused or neglected—including reasonable cause arising as part of any program or activity offered or sponsored by the College, including the Nazareth College Athletic Department or by non-College groups using College's facilities—or if a minor confides in a community member about

abuse or neglect, the community member ***must*** immediately report the suspected abuse or neglect to any of the following individuals:

- Associate Vice President for Human Resources: 585.389.2060
- Campus Safety: ext. 3333 or 585.389.2850 (non-emergency)
- Title IX Coordinator: 585.389.2877
- If involved in a program run by the College as part of a summer camp or otherwise, report to the director of the program or camp

The individual receiving the report will then notify the President of the College that a report has been made. The Title IX Coordinator, Associate Vice President for Human Resources, and/or the Camp or Program Director will also report the suspected abuse or neglect to the appropriate authorities, and the reporting community member's presence may be requested during such report.

Members of the College community may also report abuse or neglect directly to the authorities by calling the New York Statewide Central Register of Child Abuse and Maltreatment (SCR) at its public hotline (800.342.3720) or one of the following numbers, as appropriate: 800.638.5163 (TDD/TTY) or 800.342.3720 (Video Relay System).

In the event that an individual makes a direct report to SCR, the individual must also submit a written report to Monroe County Child Protective Services within 48 hours of the oral report. The written report form (Child Protective Services form LDSS-2221A) is available at the New York State Office of Children and Family Services website at [www.ocfs.ny.gov](http://www.ocfs.ny.gov) (click on Forms and then Child Protective Services to access LDSS-2221A). A reporting individual can also obtain the form from the College's Director of Campus Safety. Any individual making a direct report to the state—whether a reporter mandated by New York law or this Policy—should also immediately inform either the Associate Vice President for Human Resources and/or the Camp or Program Director that he or she has made a report.

The following types of professionals who work for or with the College are mandated reporters who are required to make these reports: any physician; registered physician assistant; psychologist; registered nurse; social worker; emergency medical technician; licensed mental health counselor; licensed psychoanalyst; director of a children's overnight camp or summer day camp; mental health professional; substance abuse counselor; alcoholism counselor; and all persons credentialed by the New York State Office of Alcoholism and Substance Abuse Services. Individuals should be aware based upon their role and credentials whether mandatory reporting obligations exist. Any questions should be directed to the supervisor responsible for overseeing the functions or role giving rise to the obligation.

### Timely Warnings

If a report of misconduct discloses a serious or continuing threat to the Nazareth community, the College may issue a campus-wide timely warning (which can take different forms, including an email to campus) to protect the health or safety of the community.

Any such timely warning issued by the College will omit the name of the Reporting Party. The Reporting Party's name will not be released to the general public without the Reporting Party's express consent. In deciding whether to release the Responding Party's name in a timely warning, the College will consider the need to release the name to make the timely warning effective.

### Broader Remedial Action Based on Reported Sexual Misconduct

Because the College 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 College 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.

The College encourages all individuals to seek assistance from a medical provider and/or law enforcement as soon as possible after a sexual assault. This is the best option to secure physical safety, and to obtain emotional support and medical care; it is also the best option to ensure preservation of evidence and to begin a timely investigation and remedial response.

Individuals who have experienced other types of sexual misconduct can also avail themselves of the reporting options and resources below.

## Emergency Health Care

Students who have experienced sexual violence can also call the College's Health and Counseling Services or any local medical provider<sup>8</sup> 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. Individual contact information for health care providers is as follows:

- Susan Quinn, NP: squinn2@naz.edu or 585.389.2501  
*Director, Health and Counseling Services*
- Christine Kelly, RN: ckelly5@.naz.edu or 585.389.2504

For emergencies that occur while Health and Counseling Services are closed, students should:

- **Call Campus Safety** at ext. 3333 or 585.389.2850; *or*
- Use the individual's **Security Escort Alarm**; *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 Responding Party 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.

Such a 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 pursuing legal action against the assailant, but does preserve that option. Although it may be difficult following a sexual assault, individuals who are

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<sup>8</sup> Under certain circumstances, a health care provider may be required to notify law enforcement of a sexual assault committed against a minor as discussed in Section X(C) and below.

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 College 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 College encourages that individual to seek medical care as soon as possible, whether at Health and Counseling Services or another health care provider or hospital. The primary purpose of the medical evaluation is to check for physical injuries, reduce risk of complications from sexually transmitted diseases as a result of the assault, and/or (if appropriate) reduce risk of pregnancy.

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 College will provide a voucher) to be transported to the chosen medical provider. A Reporting Party can receive follow-up health care at Health and Counseling Services or the chosen health care provider or hospital.

In relation to the College'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.

\*Please note that compliance with any of the above listed provisions does not constitute a violation of Section 444 of the General Education Provisions Act commonly known as FERPA (Family Educational Rights and Privacy Act)

## Peer Harassment Statement

The Nazareth College community is dedicated not only to learning but also to the development of sensitive and responsible persons. Because the College prepares individuals for participation in an increasingly diverse world and its institutions, the climate of college 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 College 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 College, 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 College community who feels he or she has been harassed should contact the director of human resources, the Vice President for Student Experience, or any of the College'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 College 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.state.ny.us](http://criminaljustice.state.ny.us)
- 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](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

## Definitions

### Sexual Assault, Domestic Violence, Dating Violence, and Stalking

Because many are often hesitant or unsure in recognizing sex offenses in their various forms, the definitions of domestic and dating violence are provided in accordance with the Violence Against Women Reauthorization Act of 2013 (VAWA):

**Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse or intimate partner 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, where the existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the following factors:

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

Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, but does not include Domestic Violence (as defined above).

**Stalking:** A course of conduct directed at a specific person that is unwelcome and would cause a reasonable person under similar circumstances and with similar identities to that person to fear for the person's safety or the safety of others, or suffer substantial emotional distress (that may, but does not necessarily, require medical or other professional treatment or counseling). Stalking includes, but is not limited to, persistent, unwanted and repeated harassing behavior such as: following a person; appearing at a person's home, class or work; making frequent phone calls, emails, text messages, etc.; continuing to contact a person after receiving requests not to; leaving written messages, objects or unwanted gifts; vandalizing a person's property; and threatening, intimidating, obscene or intrusive behavior.

**Sexual Violence:** Physical sexual acts perpetrated against a person's will or when a person is incapable of giving consent (e.g., due to the person's age or use of drugs or alcohol, or because an

intellectual or other disability prevents the person from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, fellow students, students from other schools, or third parties. Sexual violence is a form of sexual harassment.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse but does not include Domestic Violence (as defined above).

**Sexual Misconduct:** A range of offensive behavior of a sexual nature that is unwelcome. Types of sexual misconduct include the following:

- **Rape:** When, without consent, there is 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, or use of a person's mouth on another person's genitalia.
- **Sexual Abuse:** Touching of the sexual or other private parts of another person by forcible compulsion or without the latter's consent or with someone who is incapable of consent. Sexual abuse is a type of sexual assault.
- **Sexual Assault:** A broad category that includes, but is not limited to, public lewdness, rape, sexual battery, and sexual abuse.
- **Sexual Battery:** Touching of a sexual nature of a person by another person by forcible compulsion or without the latter's consent or with someone who is incapable of consent.

## New York State Laws Pertaining To Sexual Assault, Domestic and Dating Violence, and Stalking

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 college'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 college's crime statistics.

Upon request the college will provide all campus crime statistics as reported to the United States Department of Education at [ope.ed.gov/security/Search.asp](http://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

The Federal Bureau of Investigation's Uniform Crime Reporting Guidelines are used by Nazareth College to classify and report crime statistics. The college compiles crime statistics:

- (1) For the crimes of murder and non-negligent manslaughter, negligent manslaughter, rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug law violations, and illegal weapons possession using the definitions of those crimes from the "Summary Reporting System (SRS) User Manual" from the FBI's UCR Program;
- (2) For the crimes of fondling, incest, and statutory rape using the definitions of those crimes from the "National Incident-Based Reporting System (NIBRS) User Manual" from the FBI's UCR Program;
- (3) For the hate crimes of larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property using the definitions provided in the "Hate Crime Data Collection Guidelines and Training Manual" from the FBI's UCR Program; and,
- (4) For the crimes of dating violence, domestic violence, and stalking using the definitions provided in 34 C.F.R. § 668.46(a).

### 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:
  - The length of the relationship
  - The type of relationship
  - 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.

## 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. • Larceny-Theft (Except Motor Vehicle Theft) — "The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded."

- **"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."

### 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.

## 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).

### Residence Halls

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.

### 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.

**ON CAMPUS**

<b>CRIMINAL OFFENSES</b>
Murder/Non-Negligent Homicide
Negligent Manslaughter
Rape
Fondling
Incest
Statutory Rape
Robbery
Aggravated Assault
Burglary
Motor Vehicle Theft
Arson

<b>2015</b>	<b>2016</b>	<b>2017</b>
0	0	0
0	0	0
3	1	4
1	0	2
0	0	0
0	0	0
0	0	0
0	0	0
20*	17	13
0	0	0
0	0	0

<b>HATE CRIMES</b>
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
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	0

<b>VAWA OFFENSES</b>
Domestic Violence
Dating Violence
Stalking

0	0	0
3	4	3
1	0	2

<b>ARRESTS</b>
Illegal Weapons Possession
Drug Abuse Violations
Liquor Law Violations

0	0	0
0	0	0
0	0	0

<b>DISCIPLINARY ACTION</b>
Illegal Weapons Possession
Drug Abuse Violations
Liquor Law Violations

0	0	0
9	13	2
38	50	46

\*Burglary Statistic for 2015 were amended during the (Oct. 2017) web based data collection and submission to the U.S. Department of Education.

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**

<b>CRIMINAL OFFENSES</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Murder/Non-Negligent Homicide	0	0	0
Negligent Manslaughter	0	0	0
Rape	3	1	4
Fondling	1	0	2
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	2	4	7
Motor Vehicle Theft	0	0	0
Arson	0	0	0

<b>HATE CRIMES</b>			
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

<b>VAWA OFFENSES</b>			
Domestic Violence	0	0	0
Dating Violence	3	4	1
Stalking	1	0	1

<b>ARRESTS</b>			
Illegal Weapons Possession	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0

<b>DISCIPLINARY ACTION</b>			
Illegal Weapons Possession	0	0	0
Drug Abuse Violations	9	10	2
Liquor Law Violations	38	49	46

\*Burglary Statistic for 2015 were amended during the (Oct. 2017) web based data collection and submission to the U.S. Department of Education.

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**

<b>CRIMINAL OFFENSES</b>
Murder/Non-Negligent Homicide
Negligent Manslaughter
Rape
Fondling
Incest
Statutory Rape
Robbery
Aggravated Assault
Burglary
Motor Vehicle Theft
Arson

<b>2015</b>	<b>2016</b>	<b>2017</b>
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	0
0	0	0
0	0	0

<b>HATE CRIMES</b>
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
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	0

<b>VAWA OFFENSES</b>
Domestic Violence
Dating Violence
Stalking

0	0	0
0	0	0
0	0	0

<b>ARRESTS</b>
Illegal Weapons Possession
Drug Abuse Violations
Liquor Law Violations

0	0	0
0	0	0
0	0	0

<b>DISCIPLINARY ACTION</b>
Illegal Weapons Possession
Drug Abuse Violations
Liquor Law Violations

0	0	0
0	0	0
0	0	0

\*Burglary Statistic for 2015 were amended during the (Oct. 2017) web based data collection and submission to the U.S. Department of Education.

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**

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

2015	2016	2017
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	0
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
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
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

\*Burglary Statistic for 2015 were amended during the (Oct. 2017) web based data collection and submission to the U.S. Department of Education.

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

Nazareth College Department of Campus Safety				
Fire Safety Statistics, Updated Sept 2018				
Building	Building Type	2015	2016	2017
Alumni 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 Center	0	0	0
French House	Residence Hall	0	0	0
George Hall	Residence Hall	0	0	0
Kearney Hall	Residence Hall	0	0	1
Lourdes Hall	Residence Hall	0	0	0
Lyons Hall	Residence Hall	0	0	0
Medaille Hall	Residence Hall	0	0	0
O'Connor I	Residence Hall	0	0	0
O'Connor II	Residence Hall	0	0	0
O'Connor III	Residence Hall	0	0	0
Portka Hall	Residence Hall	0	0	0
Admissions Center	Academic Center	0	0	0
Arts Center	Academic Center	1	0	0
Carroll Hall	Academic Center	0	0	0
Casa Hispania	Academic Center	0	0	0
Casa Italiana	Academic Center	0	0	0
Golisano 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
Wilmot Music Hall	Academic Center	0	0	0
Boiler House	Auxiliary	0	0	0
Grounds Garage	Auxiliary	0	0	0
	Total Fires	1	0	1
	Fire Injuries	0	0	0
	Fire Deaths	0	0	0
All buildings are at 4245 East Ave., Pittsford NY 14618, except for Alumni House at 4375 East Ave., Pittsford, NY 14618				
Information on recent fires (within previous year)				
Building	Date	Injuries	Deaths	Damage (\$)
Kearney Hall	October 17, 2017	0	0	0
Corrective Actions: Instructed student on proper cooking				

## 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.

### Fire Safety Overview

Nazareth College provides a comprehensive program to ensure fire prevention and fire safety across campus. This program includes fire detection systems, 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. 3333 (on-campus) or 585-389-3333 (cell phone). All fires or smoke conditions shall immediately be reported to Campus Safety. In order to be prepared for an emergency, please follow these tips:

- Program the campus safety number (585-389-3333) into your cell phone.
- Be familiar with multiple exit paths from the building. In an emergency, the main 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 incidents from around the county.
- Be familiar with the location and operation of emergency equipment, such as pull stations and fire extinguishers.
- Obtain your personal security escort transmitter from campus safety (available at no charge).
- If you see anything out of the ordinary, immediately report it to campus safety.

### 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 date reported, nature, date, time and general location of each fire that occurred on campus, within any of the college 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.

### Fire Safety Training

The Campus Safety Department coordinates with the Residential Life department throughout the year on fire safety education and prevention. The Residential Life staff (Residence Assistants and Area Directors) is annually trained in emergency procedures, fire prevention, and use of fire extinguishers. Periodic student training in fire prevention and emergency procedures is accomplished through multiple events, programming, and various mediums, throughout the year.

Campus Safety coordinates routinely with the Office of Residential Life at various times throughout the academic year (as scheduled or as needed) for fire safety education and prevention.

Campus Safety works in close partnership with residential life staff on emergency readiness and response and fire safety training and fundamentals to 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.

## Building Evacuation Policy

When the fire alarm is activated, a complete and immediate building evacuation is required by law. This includes fire drills and actual 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 the door, feel the surface of the door.
- If the door is hot, do not open it.
- 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).

If the door is hot or you are unable to leave a room because of fire, heat, or smoke, remain calm 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.
- Go to the window and signal to the fire department that someone is in the room (possibly with a towel or bed sheet).
- 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 your security escort alarm. 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.

## Fire Protection Systems

### Description of Fire Protection Systems in Residence Halls

All fire protection systems are continuously monitored and system trouble/alarms ring directly into the Campus Safety Dispatcher (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 College 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 detectors and alerting devices (horns, strobes, speakers) installed in accordance with all 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) or a coordinated response, as needed.
- Portable fire extinguishers are provided through-out all campus buildings. The type of extinguisher is matched to the hazards present at that location.

- Fire doors and fire resistance walls are integrated into the building design to slow the spread of fire.

Some buildings on campus are further protected by active sprinkler systems. The fire protection system is frequently tested and inspected to verify that it functions as designed. 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.
- All smoke detectors, heat detectors, strobes, and horns are tested annually for functionality by an outside contractor.
- All sprinkler systems are tested and inspected quarterly by an outside contractor.
- Fire extinguishers are checked monthly and fully inspected annually.
- Daily general building inspections 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.

## Safety and Fire Regulations

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 college 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. Wall hangings are allowed if the following conditions are met:
  - Any wall hanging must be mounted such that the top is at least 18 inches from the ceiling.
  - 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. Posters and other hanging decorations (non-fabric) are allowed but must not cover more than 25 percent of any wall.
  - Hallway decorations and postings are allowed on bulletin boards at the discretion of campus safety and residential life.
  - 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.
  - Fabric tapestries and other fabric hangings larger than 3 feet x 5 feet are completely prohibited. 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:
    - Items may be labeled as flame resistant (FR) by the manufacturer. The original packaging must be available for inspection.

- Items may be treated with flame resistant fabric spray. The original spray bottle must be available for inspection.
- 4. The following items are prohibited in the residence halls at all times:
  - Space heaters, portable heaters, and personal air conditioners, except when college-owned and approved. If heating is a problem, contact residential life.
  - Candles, incense, and any items that produce an open flame.
  - Hot plates and items with exposed heating elements.
  - 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.
  - Fog machines and similar devices.
  - Multi-headed lamps with more than three bulbs.
  - Halogen floor lamps (torchiere).
  - Lofts/loft-able beds, unless college-owned.
  - Bed risers (manufacturer risers, cinder blocks, etc.).
  - Hazardous chemicals and substances.
  - Hover boards and self-balancing scooters.
  - Water pipes (including but not limited to hookahs, glass pipes, bowls, bongs, etc.)
- 5. All extension cords and multi-plug adapters are prohibited.
  - 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.
  - Any item that draws a large amount of energy (such as a refrigerator) must be plugged directly into a wall outlet.
  - No electrical cords shall run under carpeting or across high traffic areas.
- 6. Smoking tobacco or vape products are prohibited on all College grounds; College-owned or leased properties; and College-owned, leased or rented vehicles, regardless of their location. This includes but is not limited to all College 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 College housing, (including residence halls and student group housing located on College property), and during lectures, conferences, meetings, and social and cultural events held at the College.

Definitions: 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.). "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.

- 7. 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.
  - Personal microwaves are not allowed in any area including student rooms, common areas, kitchens, and kitchenettes unless provided by the College.

- Toaster ovens, toasters, electric skillets, and George Foreman-style grills are only allowed in the kitchens of the apartment buildings (Portka, Lyons, and Breen). These items are not allowed in any bedrooms, hallways, or anywhere in non-apartment buildings.
  - Personal grills are prohibited. Only grills that are installed by Nazareth College 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.
8. Incandescent and florescent lamps are permitted when UL/FM-approved and used according to manufacturer's instructions.
- 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 manufacturers rating of 60-watts)
  - Halogen floor lamps (torchiere) are prohibited in residence halls.
  - Multi-headed lights (more than three bulbs) are prohibited in residence halls.
  - For safety purposes, overhead lights must be left on at all times in common bathrooms and hallways.
9. All exit pathways must be kept clear of obstructions at all times.
- Doorways, windows, and emergency evacuation paths must be kept free from objects and obstacles (including furniture) at all times.
  - Stairways and hallways must be maintained free of objects and obstacles at all times. No items are to be placed or stored in these areas.
  - 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.
  - No material shall hang outside of a window (full or any part).
  - 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.
10. Fireplaces in residence halls are not to be used.

## Fire Precaution and Prevention

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 college 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 of 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.

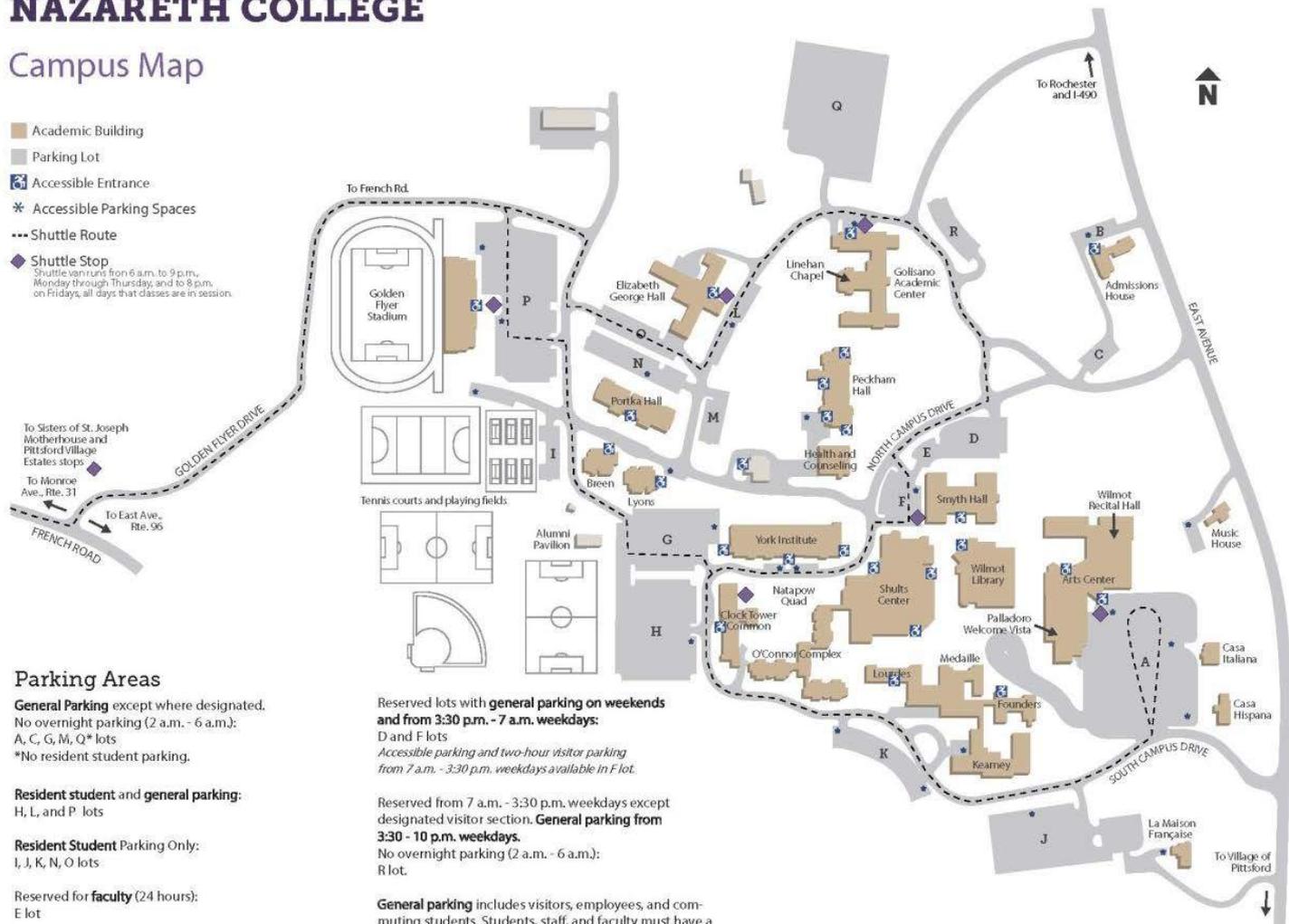
**FIRE DETECTION AND SUPPRESSION EQUIPMENT, BY BUILDING (updated Sept 2018)**

BUILDING	MAKE	MODEL	DEVICE TYPES	SPRINKLERS
Admissions Center	Simplex	4020	Smoke-Heat	Yes
Arts Center	Notifier	NFS 640	Smoke-Heat-Duct	Yes
Breen Hall	Simplex	4020	Smoke-Heat-Duct-CO	Yes
Clock Tower Commons	Notifier	NFS 640	Smoke-Heat-Duct	Yes
Founders Hall	Simplex	4100	Smoke-Heat-Duct	Partial
French House	Simplex	4020	Smoke-Heat	Yes
George Hall	Simplex	4100U	Smoke-Heat	Yes
Glazer Music Performance Hall	Simplex	4100ES	Smoke-Heat-Duct	Yes
Gottisano Academic Center	Simplex	4020	Smoke-Heat-Duct	Yes
Grounds Garage	Simplex	4010	Smoke-Heat	No
Guest House	Simplex	4002	Smoke-Heat	No
Italian House	Simplex	4100U	Smoke-Heat	No
Kearney Hall	Simplex	4100	Smoke-Heat	No
Lourdes Hall	Simplex	4100	Smoke-Heat-Duct	No
Lyons Hall	Simplex	4020	Smoke-Heat-Duct-CO	Yes
Medaille Hall	Simplex	4100	Smoke-Heat-Duct	Yes
Music House	Simplex	4100U	Smoke-Heat	No
O'Connor Complex	Simplex	4100	Smoke-Heat-Duct	No
Pavillion	Simplex	4004	Smoke-Heat	No
Peckham Hall	Simplex	4100U	Smoke-Heat-Duct	Yes
Portika Hall	Simplex	4020	Smoke-Heat-Duct	Yes
Shults Center	Simplex	4020	Smoke-Heat-Duct	No
Smyth Hall	Simplex	4100	Smoke-Heat	Partial
Spanish House	Simplex	4002	Smoke-Heat	No
Stadium	Simplex	4100U	Smoke-Heat-Duct	Yes
Student Health Center	Simplex	4100U	Smoke-Heat-Duct	No
York Wellness/Rehab. Inst.	Simplex	4100	Smoke-Heat-Duct	Yes
Wilmot Library	Simplex	4100	Smoke-Heat-Duct	Partial

# NAZARETH COLLEGE

## Campus Map

- Academic Building
- Parking Lot
- Accessible Entrance
- Accessible Parking Spaces
- Shuttle Route
- Shuttle Stop  
Shuttle van runs from 6 a.m. to 9 p.m. Monday through Thursday and to 8 p.m. on Fridays, all days that classes are in session.



### Parking Areas

**General parking** except where designated.  
No overnight parking (2 a.m. - 6 a.m.):  
A, C, G, M, Q\* lots  
\*No resident student parking.

**Resident student and general parking:**  
H, L, and P lots

**Resident Student Parking Only:**  
I, J, K, N, O lots

Reserved for **faculty** (24 hours):  
E lot

Reserved lots with **general parking on weekends and from 3:30 p.m. - 7 a.m. weekdays:**  
D and F lots

*Accessible parking and two-hour visitor parking from 7 a.m. - 3:30 p.m. weekdays available in F lot.*

Reserved from 7 a.m. - 3:30 p.m. weekdays except designated visitor section. **General parking from 3:30 - 10 p.m. weekdays.**

No overnight parking (2 a.m. - 6 a.m.):  
R lot.

**General parking** includes visitors, employees, and commuting students. Students, staff, and faculty must have a **valid permit**, which can be obtained from Campus Safety.