



STUDENT HANDBOOK COLLEGE POLICIES

2018-2019

Statement of Respect and Diversity

Preamble: Nazareth College embraces a society that is both diverse and inclusive, and values both respect for the person and freedom of speech. Respect for the dignity of all people is an essential part of the College's tradition, mission, and vision for the future as we advance a socially just and equitable community. The College promotes civility and denounces acts of hatred, violence, and/or intolerance.

Statement: We define diversity as a continuum of individual, group, and social differences, both visible and invisible. This definition compels us to confront inherent privilege, power, and marginalization to achieve equity and social justice. Diversity at Nazareth is concerned with, but not limited to: race, ethnicity, socioeconomic status, gender, gender identity, sexual orientation, religious and spiritual belief, ability, national origin, veteran status, age, and those individuals with cultural characteristics that have been historically underrepresented and underserved.

Nazareth College is dedicated to inclusion, the active pursuit of conscious and sustained practices and processes that value and respect differences. This commitment to diversity and inclusion informs our curriculum, teaching, learning, scholarship, creative activities, co-curricular activities, residential life, community involvement, and support of these endeavors by the Nazareth Community.

This commitment includes:

- engaging in a continual process of education, critical self-reflection and dialogue regarding privilege, power, and marginalization,
- promoting greater access and inclusion through systemic and structural change, and
- ensuring that all students, faculty, and staff reach their fullest potential individually and collectively.

This endeavor is essential in meeting the goal of preparing our students and ourselves for meaningful lives in a diverse and global society.

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COLLEGE POLICIES

STUDENT CONDUCT CODE, STATEMENT OF THE CONDUCT CODE, DISCIPLINARY SANCTIONS, AND CONDUCT HEARING PROCEDURES

Preamble: Any question or application of the Nazareth College Student Conduct Code shall be referred to the designated College official in the Enrollment and Student Experience division or designee for final determination.

NOTICE OF NON-DISCRIMINATION

The College does not permit discrimination or harassment in its programs and activities on the basis of race, color, national origin, ancestry, sex, gender, gender identity, gender expression, sexual orientation, disability, age, religion, physical and/or mental disability, medical condition, veteran status, marital status or any other characteristic protected by institutional policy or state, local or federal law. The College does not discriminate on the basis of sex or gender in its educational, extracurricular, athletic or other programs or in the context of employment.

The College, as an educational community, will respond promptly and equitably to reports of sex discrimination and harassment, sexual harassment, sexual violence, stalking, intimate partner violence, and sex- or gender-based harassment that do not involve conduct of a sexual nature in order to eliminate the harassment, prevent its recurrence, and address its effects on any individual or the community.

All Nazareth students, faculty, staff, visitors, and guests are expected to comply with federal, state, and local laws.

I. STUDENT CONDUCT

The College views its students as adults and assumes they will act with requisite maturity and responsibility.

A. The College prohibits any conduct on College property that is not in conformity with federal law, New York state law, or local ordinances and regulations. In general, any conduct that infringes upon the rights of others or that adversely affects the academic or administrative activities of the College is prohibited. It should also be noted that, in addition to being subject to any internal action that the College may initiate, persons involved in alleged violations shall also be subject to the same procedures and consequences before the law as if the alleged conduct had occurred off College property.

The College reserves the right to respond to actions occurring off College property, including during study abroad programs, provided that the conduct in question affects the security of the College community and/or property, the integrity of the educational process, the reputation of the College, or if it demonstrates disregard for the rights of others or the discipline or general welfare of the College.

It is not intended that the actions described below constitute a complete enumeration of all conduct that may be subject to disciplinary procedures. The Student Conduct Code shall apply to a student's conduct even if the student withdraws from College while a disciplinary matter is pending. When a student is expelled or suspended, "W" grades will be given in the courses in which the student is enrolled.

Violations of the College policies included in this handbook are strictly prohibited. Lack of knowledge of these standards will not be considered a valid excuse. Students may be sanctioned for any conduct that includes, but is not limited to, the following acts of misconduct:

1. Conduct prohibited by any federal, state, or local laws, ordinances, and/or regulations.

2. Academic dishonesty, including cheating, plagiarism and/or helping others to commit dishonest acts. College officials in the division of Enrollment and Student Experience will make a referral to the appropriate academic department or the vice president for academic affairs for adjudication.
3. Knowingly furnish false information to the College; unauthorized alteration and/or use of College or student documents, records, and instruments of identification, such as a student identification card or a key/access card to campus buildings.
4. Knowingly giving false testimony as a reporting party, witness, or responding party in any proceeding conducted under the student conduct procedures of the College as described in this handbook or the Sexual Misconduct Policy.
5. Any action that endangers a student, the College community, or interferes with or disrupts the academic process.
6. Unauthorized taking or possession of College property or services, or the property or services belonging to others.
7. Unauthorized use of College property or the College name.
8. Actions that obstruct, disrupt, or physically interfere with the use of College premises, buildings, rooms, or passages, or refusal to vacate a building, roadway, sidewalk, or other facility of the College when directed to do so by an authorized official of the College.
9. Use of, or threatened use of, physical force or violence; endangering the health or safety of any person; acting with violence, or aiding, abetting, encouraging, or participating in a riot, commotion, disturbance, or other disorderly conduct.
10. Failure to comply with the direction of College officials and authorized agents acting in performance of their duties.
11. Engaging in abusive, disrespectful, or harassing behavior during an investigation by College officials.
12. Misuse of or tampering with fire control or alarm equipment or initiation of a report, alarm, or warning of an impending bombing, fire, or other crime, emergency, or catastrophe, knowing that such report, alarm, or warning is false.
13. Possession, storage, or use of a firearm, deadly weapon, dangerous or potentially dangerous instruments, or ammunition on College property.
14. Possession, storage or use of illegal fireworks, incendiary devices, explosives, candles, halogen lamps, or other dangerous articles or substances.
15. Use, sale, possession, distribution (including giving away), manufacture, or being in the presence of illegal drugs, controlled substances and/or paraphernalia that are prohibited by law. Use and/or being in the presence of illegal drugs and/ or controlled substances may be inferred by the presence of substance odor.
16. Damage to or destruction of College property or property on College premises that belongs to others.
17. Physical or verbal abuse or harassment of any person on College premises, or any person affiliated

with the College, at any location (including messages or materials transmitted electronically), or at events sponsored and supervised by the College, or in which a College-sponsored organization is participating, including a violation of the harassment and discrimination policies of the College.

18. Violations of the Nazareth College Sexual Misconduct Policy. The College's policy regarding sexual misconduct and procedures to resolve complaints of sexual misconduct can be found at naz.edu/titleix. Copies can be obtained at the following locations: Title IX Office (Shults Community Center suite 100) or the office of the associate vice president for human resources.
19. Any action or causing of a situation that endangers the mental or physical health of any person, or has as its object the intimidation or coercion of any person, including the forced consumption of any substance for the purpose of initiation into or affiliation with any organization.
20. Violation of the Nazareth College alcohol policy as stated in this handbook.
21. Violation of the smoking policy as stated in this handbook.
22. Violation of the hazing policy as stated in this handbook.
23. Violation of residence hall rules, by residents or visitors, as set forth by the office of residential life, the residence hall contracts, and Guidelines for Residential Living.
24. Violation of the parking and traffic rules and the fire safety rules set forth by the campus safety department.
25. Violation of electronic communications expectations. All faculty, staff, and students are assigned a Nazareth College email account (@naz.edu), which is one of the College's official methods of communicating important and time-sensitive information. All are expected to check the mail sent to this account on a frequent and consistent basis, and to respond to official communications from the Nazareth College community in a timely manner. All are responsible for monitoring this account and for consequences of missing important and time sensitive messages.
26. Failure to present a student identification card, or presentation of false identification, upon request by a College official or agent.
27. Violation of the stalking policy as stated in this handbook. Stalking occurs when a person engages in a course of conduct directed at a specific individual that is likely to cause such individual to have a reasonable fear of harm to his or her physical or emotional health, safety, or property. Under the College's policies, such conduct may include, but is not limited to, repeatedly engaging in contact or communication (including, but not limited to, face-to-face communication, telephone calls or messages, electronic mail, written letters, unwanted gifts, or threatening or obscene gestures), surveillance, following, trespassing, or vandalism.
28. Retaliation: Retaliation against a person(s) for filing a complaint, cooperating with investigators and/or College officials, for supporting a party to the complaint, or against witnesses for providing testimony (during an investigation, hearing, etc.). Retaliation is any action taken in consequence or retribution for making a complaint or participating in a complaint and will not be tolerated.
29. Violation of the rules and regulations governing recognized student organizations as stated by the director of student activities and leadership and/or the Undergraduate Association of the College.
30. Failure to comply with the Nazareth College student conduct process. Lack of compliance with this

process includes, but is not limited to:

- a. Failure to respond to a meeting notification to appear before a student conduct body or College official;
- b. Falsification, distortion, or misrepresentations of information or charges before a student conduct body, officer, or College official;
- c. Disruption or interference with the orderly conduct of a student conduct proceeding, including attempting to discourage an individual's proper participation in or use of the student conduct process;
- d. Attempting to influence the impartiality of a member of a student conduct body prior to and/or during the course of a student conduct proceeding; and
- e. Failure to comply with the sanction(s) or condition(s) imposed by a student conduct body, officer, or College official. Students facing this specific charge (i.e., failure to complete or to adhere successfully to a sanction imposed by the College's disciplinary process) do not have the right to a hearing or an appeal for the charge of failure to comply. If a student receives a sanction for failure to comply other than a warning, the student may appeal to the associate vice president for student development.

31. Driving on College property while under the influence of alcohol or drugs is a violation of the Student Conduct Code and may result in referral to a law enforcement agency for further investigation and disposition.

The scope of sanctions that may be imposed on students include but are not limited to; oral admonition, administrative warning, community restoration, loss of campus privileges, fine, restitution, withholding degree, revocation of admission and/or degree, residence hall probation, loss of housing contract, disciplinary probation, disciplinary probation with deferred removal from housing, deferred suspension, sexual misconduct sanctions, suspension, and expulsion. Conditions may apply to sanctions. In addition, academic misconduct may result in academic integrity sanctions. The College reserves the right, depending on the severity of the conduct, to impose a more serious sanction regardless of the number of offenses.

The process for imposing disciplinary actions shall be designed to provide students with substantive and procedural fairness as outlined in the Student Conduct Code. The College Student Conduct procedures are described in Section III of this code. Students will be presumed not responsible unless proven otherwise by a preponderance of the evidence.

II. DISCIPLINARY WARNING

The following disciplinary warnings may be imposed upon students and/or organizations by Nazareth academic or administrative officials; such warnings are not subject to appeal.

- A. Admonition: An oral statement to a student informing the student that s/he has violated or is violating College policies, rules, or regulations.
- B. Warning: Written notice to a student that continued or further violations of any College policy, rule, or regulation within a specified period of time may result in more severe disciplinary action.

III. DISCIPLINARY SANCTIONS AND CONDITIONS

The designated student conduct hearing officer or the College student conduct hearing board has the authority to impose any combination of the sanctions or conditions listed below. In the exercise of its authority to impose sanctions, the student conduct hearing officer and the College student conduct hearing board do not guarantee that one form of sanction will necessarily be issued before another. When

determining the appropriate sanction, the disciplinary authority will consider previous action or sanctions taken for similar offenses, the severity of the offense, any prior offenses committed by the student (even if not sanctioned), and the presence, if any, of mitigating or aggravating factors. These actions are final, subject only to the student's right of appeal to the associate vice president for student development.

A. Expulsion: The student's status in the College is terminated, and the student is declared ineligible to reapply for admission. In the event of an expulsion, no tuition refund will be granted to the student.

B. Suspension: The student's status in the College is terminated, and the student is not permitted to register at Nazareth College for a designated period of time. At the end of the suspension period, the student must submit a written request for reinstatement to the associate vice president for student development. Any specific requirements identified at the time of suspension or at the time of the request for reinstatement must be fulfilled before reinstatement will be considered. In the event of a suspension, no tuition refund will be granted to the student.

Note: Suspension or expulsion from the College will most likely occur when a student or organization has been found responsible for one or more, but not limited to, the following behaviors:

1. Permitting or engaging in hazing
2. Setting fires or intentionally causing a false fire alarm
3. Possession of or threats involving weapons or explosives
4. Use, possession, sale, distribution (including giving away) or manufacture of illegal drugs
5. Physical abuse, violence, serious forms of sexual misconduct, or threats directed toward anyone in the College community
6. Serious forms of computer misconduct
7. Repeated violations of the Nazareth Student Conduct Code

C. Deferred suspension from Nazareth College: The student is expected to refrain from all further campus violations for a designated period of time. Further violations of College policy or the student code of conduct may result in the student being suspended. The College may impose conditions during the deferral period.

D. Disciplinary probation: The student is expected to refrain from all further campus violations for a designated period of time. The student may also incur loss of privileges such as College employment, continued holding of or eligibility for any elected office, use of specified campus facilities and membership on athletic teams and in recognized clubs or organizations.

Further violations may result in suspension or expulsion from Nazareth College.

E. Disciplinary probation with deferred removal from the residence halls: The student is expected to refrain from all further campus violations for a designated period of time. Further violations of College policy or the code of conduct may result in immediate removal from on-campus housing.

F. Cancellation of housing contract: The housing contract, which provides resident student room and board privileges, is revoked for a specified period of time. Renewal is at the discretion of the office of residential life.

G. Residence hall probation: The student is expected to refrain from all further violations of the residence hall rules for a specific period of time. Further violations may result in loss of housing contract and/or other sanctions.

H. Restitution: The student is required to reimburse the College and/or identified parties for replacement or repair of damaged property. Notification of the amount due and the expected date of payment will be provided in writing. Failure to make timely restitution may result in further disciplinary action, including a hold on the student's account.

I. Fine: The student is sanctioned by the imposition of a fine, payable within a specified period of time. Failure to comply may result in further disciplinary action including a hold on the student's account.

J. Community restoration: The student is required to perform a certain service to the College or community. The nature and amount of such service will be described in the notice of disciplinary action. Failure to complete the service assignment satisfactorily may result in further disciplinary action.

K. Loss of campus privileges: The student is required to forfeit certain privileges, such as guest privileges, having a car on campus, or participation in College sponsored activities for a specific period of time.

L. Withholding degree: The College may withhold awarding a degree otherwise earned until the completion of the process set forth in the Student Conduct Code, including the completion of all sanctions imposed, if any.

M. Revocation of admission and/or degree: Admission to, or a degree awarded from, the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the degree, or for serious violations committed by a student prior to graduation.

AGGRAVATED VIOLATIONS

If a student is found responsible for violations of any College policy targeting an individual or group due to race, ethnicity, ancestry, national origin, religion, gender, sexual orientation, gender identity or expression, age, physical or mental disabilities, including learning disabilities, mental retardation, and past/present history of mental disorder, the designated student conduct officer or student conduct hearing board may enhance sanctions.

DISCIPLINARY CONDITIONS

Students and/or student organizations may be subject to the following disciplinary conditions:

1. Work assignments and other related conditions including, but not limited to:
 - Letter of apology
 - Essay or research paper on assigned topic
 - Participation in an educational group or class
 - Program presentations
 - Mandated counseling sessions
 - Substance abuse education and/or evaluation
 - Community service
 - Community restoration
2. Registration hold: This sanction may apply to a student who fails to pay a debt owed to the College, fails to comply with or submit to disciplinary procedures, or in other appropriate circumstances. It may be applied in situations where there is a need to resolve a pending disciplinary charge, even in the case of an individual who is currently not a student.
3. Withholding records: Students who fail to pay a debt owed to the College may have transcripts, degrees, and other records withheld until the debt is paid. Grade reports will not be withheld.
4. Organizational restriction: A student group or organization loses certain or all privileges, including College recognition, for a period of time or permanently.

STUDENT CONDUCT SANCTIONS FOR ALCOHOL AND DRUG POLICY OFFENSES

Students who violate the alcohol or drug policies will be referred for review by a designated student conduct hearing officer. Sanctions may vary depending on the severity and number of infractions of the Student

Conduct Code and the student's prior conduct history and may include, but not be limited to, any combination of the following:

- Alcohol and/or substance abuse education
- Probation
- Deferred removal from residence halls
- Cancellation of housing contract
- Parental or guardian notification
- Substance abuse referral
- Fine
- Suspension or expulsion from the College
- Referral to appropriate law enforcement agency

STUDENT CONDUCT SANCTIONS FOR TAMPERING WITH FIRE CONTROL OR ALARM EQUIPMENT

Tampering with, covering, taping, or hanging objects from smoke detectors is prohibited by New York State law and will result in a \$100 fine for the first offense and additional disciplinary action for any additional offenses. Additional offenses may result in removal from the residence halls.

INTERIM SUSPENSIONS OR CONDITIONS

The College, through the designated College official in the Enrollment and Student Experience division, reserves the right to impose interim suspensions or conditions pending student conduct hearings for serious cases that affect the safety, welfare and orderly processes of the Nazareth community until such time as allegations are decided through the student conduct process. A student or organization receiving an interim suspension or condition will receive written notice of the suspension and/or conditions, as well as notice this action is pending a hearing on potential charges. The interim sanctions will remain in effect through the hearing process and appeal, if appropriate. The student will be notified of these conditions either directly, via electronic communication, or by mail.

IV. STUDENT CONDUCT PROCEDURES

The student conduct system described in this handbook is based on the following premises: student conduct is intended to promote the welfare of students who participate in the process in an effort to uphold community standards. The designated student conduct officers and, when applicable, faculty, staff, and students, may be participating members of hearing boards. Hearings conform to the guidelines for hearings described below.

The designated student conduct officer or chair has the authority to investigate and take action on violations of the Nazareth College Student Conduct Code in accordance with the procedures described below. The student conduct office reviews complaints and relevant documentation to determine if there is cause to initiate disciplinary proceedings or pursue alternative means for resolution. Possible courses of action are:

1. Dismiss or take no further action as the allegation lacks grounds to pursue charges. The student conduct office reserves the right to maintain an office file in the event continued, similar behavior occurs, and if subsequently discovered information leads a reasonable person to believe that misconduct occurred. Charges will be considered and initiated if appropriate.
2. Determine that the alleged conduct can be resolved through informal student conduct hearings.
3. Determine that the alleged conduct contains grounds to believe the College's policies, rules, or regulations have been violated and charge the responding party student(s) or organization on behalf of the College. These complaints will be resolved through formal student conduct hearings where appropriate.

4. Direct the complaint to mediation, provided that all parties are in agreement.

The College's student conduct process is administrative in nature and is held independent of any concurrent criminal and/or civil proceedings. College student conduct proceedings are intended to enforce the Student Conduct Code at Nazareth College, although the conduct in question may be simultaneously in violation of federal, state, or local laws. The College may notify local and federal authorities when a violation of a criminal nature has occurred, but such notification will not modify the College's responsibility to adjudicate the alleged misconduct through its own student conduct system. The College may defer student conduct proceedings as it deems appropriate.

BEHAVIORAL INTERVENTION TEAM

The Nazareth College Threat Assessment Team is a proactive intervention team committed to ensuring the overall safety of the campus community. This is accomplished through a coordinated, objective approach to prevention, identification, assessment, intervention, and management of situations that pose, or may reasonably pose, an elevated threat to the safety and well-being of the campus community. The team is composed of a cross-section of Nazareth employees, including two faculty members and staff from Campus Safety, Enrollment and Student Experience, Health and Counseling Services, Human Resources, and Residential Life. Beyond its core membership, the team will consult with other areas of the College on an as-needed basis. The group meets monthly and participates in on-going training.

The Threat Assessment Team will convene whenever there is a reported situation that constitutes an elevated threat to the safety and well-being of the campus community. An approved meeting must have at least three members in attendance. Only the Director of Campus Safety, Associate Director of Campus Safety, or the Associate Vice President of Student Development are authorized to activate the team. When the immediate safety of a student, faculty, or staff member is at issue, the Associate Vice President of Student Development, in consultation with the Director of Campus Safety, is authorized to make whatever decisions he or she deems necessary with or without convening the team.

Whenever the Threat Assessment Team convenes, its members will assess the circumstances and decide what steps will be taken to de-escalate the situation to address the safety issues presented. If needed, the team will gather additional information. The chair of the team (or designee) will communicate the group's action plan to the appropriate resources needed to implement the plan. The team will continue to monitor the situation and/or revise the action plan until the elevated safety concern is sufficiently reduced or removed. The work of the Behavioral Intervention Team is focused solely on assessing and addressing serious safety issues concerning incidents on or off campus and does not supersede or replace the College's Student Conduct process or the procedures currently in place within Human Resources.

STUDENT CONDUCT PROCESS REFERRAL

1. Any member of the Nazareth College community may report a student for student conduct review when it is believed that the student has violated one or more of the College's conduct code regulations stated in Section I of the code, or has participated in other conduct that may be subject to disciplinary procedures.
2. Student conduct reports and complaint statements are directed to the student conduct office through the department of residential life, campus safety, or the associate vice president for student development. Complaints originating from the offices of campus safety and residential life may be made on departmental incident report forms.
3. The student accused of violating the Student Conduct Code is referred to as "the responding party."

REPORTING PARTY RIGHTS

In all cases, charges for allegedly violating College policies are brought by the College against the responding party; in many circumstances, the College is the only identifiable victim of an alleged offense. When there is an identifiable victim other than the College, that person is referred to as the “reporting party.” When working with a reporting party, the College’s student conduct process will respond in a caring, sensitive, and supportive manner while also respecting the rights of the responding party. Reporting parties are entitled to the following:

1. To be treated with dignity, respect, and compassion by all persons involved in the disciplinary process.
2. Information regarding the College student conduct process.
3. Information about accessing services through the College’s health and counseling services, campus safety department, etc.
4. Freedom from intimidation and harassment throughout the student conduct process.
5. The ability to request separate hearing rooms (connected by electronic means) in order to allow full participation of both parties while at the same time avoiding any undue embarrassment or intimidation.
6. The reporting party may be present to hear all testimony only to the extent that the reporting party’s presence is not prohibited by the Family Educational Rights and Privacy Act of 1974 (FERPA). The reporting party may be prohibited from attending limited portions of the hearing because of the responding party’s rights under FERPA.
7. The reporting party is entitled to learn the decision of the hearing board to the extent allowed by FERPA.
8. Privacy throughout the student conduct process in relation to campus and other media, and in relation to all other involved parties. In this regard, reporting parties should be aware they may be required to refrain from speaking publicly about the outcome of student conduct cases due to laws and College policies. In the event this is necessary, reporting parties will be informed by the student conduct office or designated College official in the Enrollment and Student Experience division.
9. In instances where the responding party is found responsible, the reporting party will be given an opportunity to provide an impact statement to the designated student conduct officer. Such statement (either written by the reporting party or an oral synopsis by the student conduct officer) will become part of the case record/file and shared with the individual(s) responsible for determining sanctions, as well as an individual reviewing the case upon appeal.

DISCIPLINARY HEARINGS: FORMAL AND INFORMAL STUDENT CONDUCT HEARINGS

The College Student Conduct Office has the responsibility to administer all non-academic discipline involving all students. When a complaint of alleged misconduct is presented to the Student Conduct Office, and it’s determined that there may be sufficient cause to believe the alleged misconduct occurred, the responding party will be contacted to participate in a formal or informal student conduct hearing, as described below.

1. **Formal Student Conduct Hearings:** Generally, student conduct cases are resolved through hearings held by the designated student conduct officer. This person is appointed by the associate vice president for student development and directs the activities of the student conduct office, which is responsible for the administration of the College’s student conduct process. While most formal cases are managed in this manner, instances may arise that the student conduct officer may refer to a full student conduct hearing board. Cases heard by a student conduct hearing board are directed by the

chair, student conduct hearing board, who manages all related activities and is a non-voting member in this specific instance. Boards will be composed of faculty, staff and/or students. Sanctions, other than oral admonitions and written administrative warnings, may be appealed using the appeal procedures provided in this process.

2. Informal Student Conduct Hearings: The student conduct coordinator, residential life administrators and other College officials may also hold informal hearings regarding less serious policy violations and impose appropriate sanctions. Sanctions, other than oral admonitions and written administrative warnings, may be appealed using the appeal procedures provided in this process.

NOTICE OF CHARGES

1. At least five (5) calendar days before the scheduled hearing date, a written or electronic notice of the nature of the charges shall be sent to the responding party, or the written notice may be personally given to the responding party at least two (2) calendar days before the hearing date in lieu of the mailing. Students may be accountable for additional violations discovered through the hearing process and not part of the initial notice of charges.
2. The notice of charges shall advise the responding party of the time and place of the hearing.
3. For formal hearings, a copy (or web link) of the policies containing the "Student Conduct Code, Disciplinary Sanctions and Conduct Hearing Procedures" shall be provided to the responding party together with the written notice of charges.
4. For informal hearings, a copy of the Student Handbook with the above referenced information will be available at the hearing.

THE FORMAL STUDENT CONDUCT HEARING SHALL INCLUDE THE FOLLOWING:

1. The designated student conduct officer, or, when appropriate, the chair of the student conduct hearing board (referred to as "chair") shall read the charges brought against the responding party by the College. The responding party shall be informed 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.
2. Reports filed by the campus safety department or residential life staff describing the violations will be reviewed with the responding party. The designated student conduct officer, chair, board member, the responding party, or the reporting party may request that any person filing incident reports be called to be questioned as a witness. Requests for witnesses must be submitted in writing to the designated student conduct officer or chair at least twenty-four (24) hours prior to the time of the hearing. Exceptions to this would only be made when there are extenuating circumstances preventing the names of witnesses to be submitted in timely fashion.
3. The chair may call any other witnesses deemed appropriate to ascertain the validity of the charges.
4. One at a time, a witness who is to testify will be asked to describe the incident. Other witnesses shall remain outside the hearing room.
5. Only members of the hearing board may ask questions of any person testifying. However, the responding party shall be given the opportunity to ask the chair to ask additional questions of the witnesses.
6. The responding party shall be given the opportunity to answer the charges, refute, explain, or offer any additional information that might be helpful in resolving the case.

7. The responding party shall be given the opportunity to present witnesses in his/her behalf.
8. Students will be presumed not responsible unless proven otherwise by a preponderance of the information. 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.
9. At hearings involving more than one responding party, the designated student conduct officer or chair may permit hearings concerning each student to be conducted separately or simultaneously.
10. 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 chair will determine in his/her sole discretion the range permitted by witnesses and items of information which will be considered based on principles of fundamental relevance and fairness.
11. All procedural questions will be decided in the sole discretion of the chair. S/he may decide to adjourn the hearing for a reasonable period of time.
12. The designated student conduct officer or chair may 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. This may be accomplished by providing separate facilities, using a screen, and/or permitting participation via appropriate technology to allow testimony while not depriving the responding party student access to information.
13. Special Precautions: College officials may determine that additional safety and security measures must be employed. To minimize risk, for instance, a hearing may be conducted by the designated student conduct officer at an off-campus location; the number of personal items or bags that may be brought into the hearing may be limited and subject to search before entering; the use of electronic wands and any additional related safety precautions as identified and recommended to College officials by the director of campus safety may be used. The responding party will be notified of these conditions by the campus safety director, either directly or through the use of electronic means or mail.

THE RESPONDING PARTY SHALL HAVE THE FOLLOWING RIGHTS:

1. The responding party shall have the right not to answer any questions that may be asked during the hearing.
2. The responding party shall have the right to be accompanied at the hearing by an advisor from the Nazareth College community. The advisor may be any member of the College faculty, staff (exception: professional staff of the College's counseling center), or student who is not an attorney, relative, or significant other. The advisor may confer with and assist the responding party, but may not speak for them as an advocate. Legal counsel may not be present at the hearing. Requests for an advisor must be submitted in writing to the chair at least twenty-four (24) hours prior to the time of the hearing. Exceptions to this may be made when extenuating circumstances prevent the timely submission of the name of the advisor.
3. The parents, guardians, or significant other of the responding party or reporting party are not allowed in the vicinity of the hearing room (or remote locations).
4. The responding party shall have the right to be advised in writing of appropriate procedures for

requesting an appeal as contained in the Student Handbook policies. Such notice may be included with the written decision sent to the responding party.

5. The responding party shall have the right to be present and hear all testimony of any witnesses, including the reporting party. If, however, the responding party fails to conduct him/herself in a civil and respectful manner, the responding party may be removed from the hearing room during the testimony of any witnesses. In such event, the responding party shall be allowed to hear an electronic live broadcast of the testimony and may request the designated student conduct officer or chair to ask additional questions of a witness. Should the responding party or anyone else continue to disrespect or obstruct the hearing process, s/he will be removed and the proceeding will continue in his/her absence.
6. If the responding party wishes to appeal the hearing outcome, s/he may request an opportunity to listen to the recording by submitting a written request to the student conduct office. The responding party should make this request within the timeframes identified for appeals. The recording will be made available for review in the company of a College employee and in a location identified by the chair. 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, the appeal has been decided, or at the discretion of the associate vice president for student development.
7. In the event the responding party, with 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 be conducted in the responding party's absence.

A decision will be made no later than 14 calendar days following the hearing (informal or formal). A letter containing the decision and, if applicable, the disciplinary sanction(s), shall be prepared and made available for the responding party to pick up from the student conduct office. In those instances where it is not possible to personally retrieve the decision letter, a copy of the decision will either be sent via email or mailed to the responding party's Nazareth College home of record. Unless shown otherwise, mail shall be deemed received by the responding party three calendar days after the date it was mailed.

ALTERNATE MEANS OF RESOLUTION

If, in the judgment of the designated student conduct officer or chair, the alleged violation of the Student Conduct Code by the responding party against the reporting party could be better resolved through alternate means such as counseling or mediation, the designated student conduct officer or chair may make a recommendation to that effect. In such a case, and provided both the responding party and the reporting party agree, the designated student conduct officer or chair shall refer the matter to an appropriate counselor or mediator.

A student conduct hearing shall be scheduled, but may then be adjourned (postponed) for up to 30 calendar days pending counseling or mediation. If the responding party and the reporting party receive counseling or participate in mediation prior to the adjourned hearing date, and agree that the matter pertaining to the violation is resolved, the designated student conduct officer or chair may dismiss the alleged violation.

GROUND FOR APPEAL

The responding party shall have the right to direct an appeal to the associate vice president for student development. Should the student desire an appeal, the request must be received by the office of the designated College official on or before a date, specified in the disciplinary sanction(s), which shall be no later than five calendar days after the receipt of the written sanction(s). In the absence of the designated associate vice president for student development, a designated individual from the College's senior administrative staff will be appointed by the chair to hear the appeal. An appeal may be requested if the

student believes one or more of the following conditions exist:

1. Hearing procedures were not followed.
2. Relevant information has become available since the hearing that was not available at the time of the hearing. If the chair believes it is appropriate, interim suspensions or conditions may be imposed during the time of an appeal or until the time to appeal has passed. If the office of the associate vice president for student development receives a request for an appeal, the College official will initiate one of the following actions:
 - a. Reject the request for appeal due to insufficient reason(s).
 - b. Modify the decision of the designated student conduct officer or student conduct hearing board.
 - c. Refer the matter to the designated student conduct officer or chair of the student conduct hearing board, if substantial reason for such action has been presented.

All decisions of associate vice president for student experience 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) business days of the decision from the associate vice president for student development.

If the president entertains an appeal, an informal meeting 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) business days of the appeal meeting. Decisions of the president are final.

DISCIPLINARY RECORDS

Disciplinary files of the College student conduct system are retained by the student conduct office and are confidential in nature. Disciplinary files will be maintained for seven years after the most recent recorded incident. Disciplinary files for students who withdraw from the College or are suspended or expelled for disciplinary reasons are maintained for an indefinite length of time depending upon the circumstances. The College reserves the right to notify parents of dependent students when student conduct action has resulted in serious disciplinary sanctions.

SUMMARY ACTION

Summary suspension of a student and exclusion from College property may be imposed without application of the procedures outlined above, but only by the president of the College (or designee). Pending a hearing which shall be held within ten (10) business days from notice to the student of the summary action, the president may summarily suspend a student and exclude him or her from College property if the president is first satisfied that the continued status of the individual as a student seriously threatens harm to the student, to any other person or the property of the College, or to others. In no event shall the student conduct procedures, outlined in this Student Conduct Code, limit the president's authority (or that of his or her designee) to suspend or expel a student from the College under the described circumstances. A student notified of such a suspension may, within ten (10) business days of receipt of such notice, appeal to the president as described above.

DANGEROUS OR LIFE-THREATENING BEHAVIOR

Students may be subject to summary dismissal by the associate vice president for student development if they are not functioning well enough to appropriately meet their academic and/or communal living obligations (e.g., excessive alcohol consumption, using illegal drugs, or are deemed dangerous to themselves or others). When a student is transported to a hospital for a medical or psychiatric reason, that is considered a dangerous or life-threatening situation and the student's parent or guardian will be notified of the situation. When the student's behavior poses a threat, a student's parent or guardian will be notified of such behavior.

Nazareth College recognizes that certain behaviors (e.g., suicide threats, suicide attempts, severe eating disorders, substance abuse, and self-injurious behaviors) require professional help, and the College provides services that address these issues as well as others. However, if the student's behavior becomes disruptive to and unacceptable in the academic and social/living environment of the College community and/or is dangerous to themselves or others, the student may be asked to leave the College after undergoing appropriate assessment by the College's counseling services and/or off-campus professionals. In some cases, students may also be required to meet with a mental health professional as a condition of their remaining in attendance at the College. In addition, in connection with certain dangerous or life threatening behavior, disciplinary sanctions may be imposed if the conduct is found to be in violation of the Student Conduct Code.

ALCOHOL POLICY

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 this handbook are strictly prohibited.

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.

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

ALCOHOLIC 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.

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.

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.

POLICY ON COMPUTER USE

Each student who has an account on a Nazareth College computer system, or uses a computer system at the College, must follow these general guidelines and the College's policy on computer use, which is available at naz.edu/information-technology-services/policies. Alternatively, it may be obtained from the department of information technology services (Technology and Media Service Desk, lower level of the library). Computer users are expected to read and comply with all aspects of this complete policy. You are not permitted to:

- Give out your password
- Use another person's account
- Use any system for personal profit or gain
- Create or distribute chain letters
- Send/distribute threatening/harassing electronic messages, including electronic transmission of sexual or other private activity
- Duplicate software/other intellectual property of another
- Use computing facilities and resources in violation of copyright laws

Violation of any of these policies can result in loss of computer privileges, academic suspension, or other disciplinary action, or action by outside law enforcement agencies. In addition, all computers connected to the campus network must have effective and up-to-date virus protection software installed and running.

Contact the Technology and Media Service Desk at 585-389-2111 for assistance.

SOCIAL NETWORKING

Social networking facilitates communication between and among students. It is critical, however, that students are fully aware of the potential negative consequences arising out of irresponsible and inappropriate conduct on social networking applications.

Students will be held responsible for any actions that compromise the integrity of the College and/or academic program, including their sport or other College organizations or programs with which they may be affiliated. They are also accountable for any behaviors that violate the College's Student Conduct Code and federal, state, and local law. For example, photos or statements placed on these social networks that depict any type of harassment, vandalism, underage drinking or consumption of alcohol in violation of Nazareth College's alcohol policy, hazing, and/or selling, possessing, or using controlled substances can be used by law enforcement as part of a criminal proceeding and/or Nazareth College administrators in connection with conduct code proceedings and athletic department decisions regarding athletic eligibility. Student-athletes should review the athletic department's policy regarding social networking.

NAZARETH COLLEGE POLICY ON POLITICAL ACTIVITIES

As an educational institution, Nazareth College encourages opportunities for candidates running for political office to visit the campus. These visits often provide our students with information and a view of the political process which can be uniquely described by candidates. It is important, however, for all members of the campus to be aware of, and to abide by, the College's guidelines concerning political activities on campus.

As a tax-exempt organization under section 501(c) (3) of the Internal Revenue Code, Nazareth College cannot intervene in any political campaign on behalf of, or in opposition to, any candidate for public office. In accordance with IRS rules, violation of this prohibition could cause the College to lose its tax-exempt status or incur excise taxes imposed on political expenditures. To insure that the College does not jeopardize its tax-exempt status, Nazareth College, including any individual acting on behalf of Nazareth College, may not engage in any of the following on College property, during any College function, or otherwise using Nazareth College's resources or facilities:

- Endorsing any candidate for public office
- Donating or contributing money, foods or services to any candidate's campaign
- Participating or engaging in political fundraising events
- Publishing or distributing statements for or against any candidate
- Engaging in any other activity that favors or opposes any candidate

Individual members of the faculty, staff, and student body of Nazareth College are entirely free to support candidates of their choice for elective office, or to express their personal views on political issues as long as they are not acting in an official capacity as a representative of Nazareth College. These regulations preclude the use of Nazareth College letterhead, telephones-mail, or use of any other property owned by Nazareth College on behalf of any political party or candidate for public office.

With appropriate organization sponsorship and/or faculty supervision, the use of College facilities for political discussion or debates is encouraged. Student organizations, for example, may sponsor such an event on campus or conduct a voter registration drive. Classroom activity may also include discussion or debates on political issues as a legitimate part of the educational process. College facilities may be used for public events such as legislative hearings and topics of general or educational interest. College facilities may not be used for partisan political functions such as fund raising events or similar activities that could be construed as an

endorsement of a particular candidate or political party. No outside groups may rent any Nazareth facilities for activities that are part of a campaign for public office.

Whenever there are plans for an elected official or a candidate for public office to visit the Nazareth campus, the vice president for institutional advancement should be notified during the planning phase. This includes academic conferences, tours, and any type of meeting, as well as student-sponsored events. This will enable the office of the vice president for institutional advancement to assist in determining that the College is following the federal guidelines. Details regarding the event, such as a copy of the invitation to the public, who is paying for the event, and the content of the program should be outlined briefly.

If you have any questions about restrictions that apply, please contact the vice president for institutional advancement.

GUIDELINES FOR POSTING

Notices, posters, or signs may be placed only on bulletin boards, approved posting areas on walls, or similar locations designated for such purposes. Notices, posters, or signs may not be placed on poles, posts, signs, trees, walls, buildings, doors, windows, glass, transparent partitions, or painted surfaces not marked as posting areas. Notices, posters, signs, etc., shall not be placed in manner or location that may obscure exit signs, fire alarm boxes, safety rails, fire extinguisher cases, hand rails, and similar devices installed as safety equipment in a building.

Banners may not be hung outdoors without the permission of the director of student activities and leadership. Banners may not be hung in a manner that damages or defaces trees, shrubs, or buildings. Banners may not be placed on the exterior of buildings without specific approval of the building manager. It is the responsibility of the individual or organization hanging the banner to take it down by the date agreed upon.

SMOKING POLICY

Effective August 1, 2017, smoking tobacco or vape products is 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 dormitories 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.

RESPONSIBILITIES

Self-enforcement is expected in complying with these regulations. Repeated violations will be referred to Student Conduct for disciplinary actions.

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, the climate of campus 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.

Harassment includes verbal, physical, or written abuse directed toward an individual or group 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. This includes using remarks, language, illustrations, or electronic messages in cyberspace that deprecate or offend a person based on his or her ethnic background, race, religion, sexual orientation, age, disability, or any other protected status as noted above. 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 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 associate vice president for human resources, the associate vice president for student development, or any of the College's advisors for concerns of discrimination and victimization.

HAZING POLICY

New York state law and Nazareth College policies prohibit hazing, and any violations will be reviewed by the student conduct office. Behavior prohibited under this law includes actions threatening substantial risk of physical or mental injury; actions exposing the individual to distressing, repulsive, or alarming situations or sensations; forced consumption of liquor or drugs; actions insulting or embarrassing another individual; and actions in the form of social pressure which might cause harm to an individual, regardless of their willingness to participate. Generally, New York state law provides that:

- A. A person is guilty of hazing in the first degree when, in the course of another person's initiation into or affiliation with any organization, s/he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury, and
- B. A person is guilty of hazing in the second degree when, in the course of another person's initiation or affiliation with any organization, s/he intentionally or recklessly engages in conduct which creates substantial risk of physical injury to such other person or a third person.

SEXUAL HARASSMENT POLICY

Consistent with efforts to establish an environment in which the dignity and worth of all members of the institutional community are respected, sexual harassment is unacceptable conduct and prohibited. Sexual harassment is 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.

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.

The College's policy regarding sexual misconduct (including sexual harassment) and procedures to resolve complaints of sexual misconduct can be found at naz.edu/titleix

OTHER FORMS OF HARASSMENT

Stalking: Stalking is expressly prohibited by New York state law and violates College policies. It occurs 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.

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.

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, age, marital or veteran status, disability, carrier status, genetic predisposition, or any other protected status, is prohibited.

GRIEVANCE PROCEDURES FOR DISCRIMINATION, HARASSMENT, AND VICTIMIZATION 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 human resources.

The College's policy regarding sexual misconduct and procedures to resolve complaints of sexual misconduct can be found at naz.edu/titleix. Copies can be obtained at the following locations: office of the title IX coordinator or the office of associate vice president for human resources.

Inquiries concerning the application of this policy prescribed by Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 may be directed to the associate vice president of human resources at Nazareth College of Rochester, 4245 East Avenue, Rochester, NY, 14618-3790, 585-389-2060, who has been named to coordinate the responsibilities under Title VI and section 504. Inquiries concerning the application of this policy prescribed by Title IX of the Education Amendments of 1972 may be directed to the Title IX Coordinator at Nazareth College, 4245 East Avenue, Rochester, NY 14618-3790, 585-389-2877, who has been named to coordinate the responsibilities under Title IX.