

**2021-2022**

**Villa Maria College Student Handbook**



Villa Maria College is a Felician Franciscan Sponsored Ministry

The provisions of this Handbook are not to be regarded as a contract between the College and the student. The College reserves the right to make necessary changes in the information contained in this handbook at any time, which supersedes all previous handbooks.

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## Welcome

On behalf of Villa Maria College, I am pleased to introduce the 2021-2022 Student Handbook. This handbook is a valuable resource, which contains information about the College, and its policy and procedures for students. These policies and procedures guide our actions as a college community toward fulfilling our mission and living out the College's core values.

At Villa Maria College we believe education is about more than just earning a degree. Beyond our desire for students to develop intellectually, we are concerned with the overall physical, emotional and spiritual growth of the individual. The College offers a full complement of support services to help students succeed personally and professionally, from our Career Services Center and Campus Ministry to the Student Success Center and our Care Center.

In order to be a successful student at Villa Maria College it is essential that you seize the opportunities that are presented to you for intellectual and personal growth. This is applicable to all areas of academic and college life, including the classroom, your co-op or internship, student organizations, activities, opportunities for spiritual growth, service to others, and more. As faculty and staff of Villa Maria, we will support you in these endeavors and challenge you to be transformed by your educational experience.

Please note that all students are responsible for reading and knowing the policies and regulations in this handbook. This handbook will be a helpful guide throughout your time at Villa Maria College. We encourage you to consult it regularly and use it wisely.

DJ Schier  
Director of Student Affairs





## Introduction

This Student Handbook contains helpful information. It also contains policy statements and procedures which every Villa Maria College student is expected to follow. Each student is responsible for knowing and observing the contents of both this handbook, as well as the Villa Maria College Catalog.

In recognition of the necessity to provide an environment conducive to free inquiry and free expression in an academic institution, for fair and just relationships with students, and in the spirit of the “Joint Statement on Rights and Freedom of Students,” Villa Maria College has developed the Student Rights, Student Responsibilities and the Student Code of Conduct contained in this handbook.

Villa Maria College expects the members of the College community to demonstrate respect for themselves and others at all times. This respect includes a responsibility to show sensitivity to difference and act justly in interactions with one another. All members of the community are entitled to and responsible for maintaining an environment of civility that is free from disparagement, intimidation, harassment, and violence of any kind. Villa Maria College expects the members of the College community to respect college property, the private property of other members of the College community, and the property of the larger neighborhood and city in which we live.

Provisions of this Handbook are not to be regarded as a contract between the College and the student. The College reserves the right to make necessary changes in the information contained in this handbook, which supersedes all previous handbooks.

## Mission Statement

Villa Maria College, founded by the Felician Sisters, provides students a rigorous and enriching educational experience. Offering academic programs with a broad core curriculum, the College transforms and empowers students to realize their intellectual, creative, professional, and spiritual potential. Inspired by a welcoming Catholic tradition and a dynamic Franciscan spirit, Villa Maria College offers individual attention and fosters compassion, justice, peace, respect for human dignity and a commitment to service.

## Core Values

- Respect for Human Dignity—our reverence for and commitment to promoting and protecting the dignity of persons.
- Compassion—an empathetic consciousness of others expressed in caring service.
- Transformation—the process that encourages an open mind and heart leading to continuous improvement of the person and ministry.

- Solidarity with the Poor—ensuring the needs of the poor and vulnerable are met through advocacy and action.
- Justice and Peace—forging right relationship: re-creating a sustainable environment, promoting the common good, in pursuit of justice.

## Identifying Characteristics of Villa Maria College

### Ideals

- *Veritas, Caritas, Unitas*
- Latin inscription of the ideals of the College— truth, charity, and unity.

### School Colors

- *Blue and White, accent: Brown*
- The founders chose these colors with brown symbolizing the Franciscan Order and blue symbolizing the Blessed Virgin Mary.

### Patroness

- The Virgin Mary under the title of Our Lady of Villa is the patroness and protector of Villa Maria College. The statue is located on the front grounds of the College.

### Mascot:

- The Viking

### Seal

- The Seal of Villa Maria College is a graphic representation of the foundation upon which the College rests, the life-giving sources that feed it and the ideals that flow from its spirit. The Holy Spirit, the Source of Eternal Wisdom, hovers above the triangle upon which are inscribed in Latin the ideals of the College—truth, charity, and unity. Within the triangle, which symbolizes the Most Holy Trinity, is the Immaculate Heart of Mary as it is depicted in the Seal of the Congregation of the Sisters of St. Felix of Cantalice. The crossed arms of Christ and St. Francis of Assisi symbolize the Franciscan Rule of the Third Order Regular, with the Eucharistic Host placed upon the Cross depicting the Eucharistic and penitential character of the Felician Congregation. The Latin inscription encircling these symbols reads: “Seal of Villa Maria College of Buffalo, New York” and the date of the chartering of the College—1961.

## Student Rights

- All students, as members of the Villa Maria College community, shall have the following rights:
  - Freedom of expression and assembly subject to the limitations of the Student Code of Conduct and other College regulations and policies.
  - Freedom to pursue educational goals.

- The right to notification by the instructor, during the first week of class and in the form of a written syllabus, of all course requirements. Such notification should include, but not be limited to, course subject matter for each class meeting, assignments and due dates, types of examinations and examination dates, instructor's office hours, required texts and procedures for determination of final grades. All students have the right to adequate notice of substantive changes in course content.
- Freedom from unreasonable search and seizure by College officials subject to the Student Code of Conduct and other College regulations and policies. The College determines the reasonableness of searches and seizures. Generally, unreasonable searches and seizures are those that are not allowed by the Student Code of Conduct, other College regulations and policies.
- The right to conduct procedures as defined in the College Conduct System.
- The right to privacy and confidentiality of student records according to the Family Educational Rights and Privacy Act (FERPA). See FERPA policy for more information.
- The right to be evaluated fairly in all academic endeavors and to challenge an academic evaluation in accordance with the Grade Appeal Process.
- The rights afforded to all students in the Sexual Assault Victims Bill of Rights found in section 15 of this Handbook, and on-line here: <https://www.villa.edu/campus-life/campus-security/titleix/> and here: <http://www.villa.edu/wp-content/uploads/2018/07/Villa-Maria-College-Sexual-Offense-Policy-and-Procedures-for-Students-and-Employees.pdf>

## Student Responsibilities

- Students, as members of the College community, are responsible to act in a way that positively reflects the mission and values of Villa Maria College. In addition to these general responsibilities, students must abide by the Code of Student Conduct and other policies found throughout this handbook and in the College Catalogue.
  - a) The responsibility for maintaining academic integrity and other standards of academic performance as established by College policies and regulations.
  - b) The responsibility for acting in such a manner as to insure that other students may enjoy the rights declared under the Student Rights.
  - c) The responsibility for respecting and complying with the Mission Statement of the College, as well as the Student Code of Conduct.
  - d) The responsibility for respecting and complying with all provisions of local, state and federal laws.
  - e) The responsibility for acting in a manner which promotes an atmosphere of learning, free expression and respect for the rights, dignity and worth of every individual in the College community.
  - f) The responsibility for meeting financial and other obligations to the College.
  - g) The responsibility to register for a Villa Maria College e-mail account and to utilize it as the primary means of communication as a student.

## Student Code of Conduct

### Introduction

- Villa Maria College is a private, Catholic college, which holds basic traditions and Christian principles including certain expectations of ethical and moral behavior. The College therefore, reserves the right to establish and enforce regulations governing student behavior.
- All students who enroll in Villa Maria College are assumed to be mature people of high moral character, who understand the need to conduct themselves in a manner that is compatible with the College's mission as an educational institution. Each student is expected to become familiar with all College policies, rules and regulations and is responsible for adhering to them.
- Students must understand that the Code of Conduct may operate simultaneously with federal, state, or local law. The College will not protect any student from the enforcement of the law. College officials will assist law enforcement agencies wherever possible.
- In addition to the policies listed in various sections of this handbook, the Student Code of Conduct outlines behaviors that are prohibited at the College and other policies related to student behavior. The specific items are not meant to serve as an exhaustive list, but as a general guideline for addressing student behavior. The College reserves the right to address other behaviors that occur that are considered detrimental to the learning environment and/or health and safety of the College community.

### Student Code of Conduct Policy and Expectations

- Violations of this Code may be construed to include any active violation, attempted violation, solicitation of another to commit a violation, or aiding another in a violation. Disciplinary action may be instituted when an individual or group of individuals violates any of the following standards. In addition, this Code of Conduct, contains important policy, standards, and guidance for students.

### Academic Dishonesty

- Academic Dishonesty includes but is not limited to the following: 1) the completion or attempted completion of any academic work by means other than those permitted; and 2) the alteration of a document relating to the grading process, including – changing an instructor's grade book, or changing answers on a test after the time to complete the test is over.
- Examples of Academic Dishonesty include but are not limited to; unauthorized collaboration, copying another student's answers, unauthorized aids on a test, fabricating assignments, using purchased or pre-made term papers, plagiarism, and destroying another student's work.

- Plagiarism occurs when an individual presents the ideas, thoughts, or words of another as his or her own. Plagiarism includes, but is not limited to, using phrases, sentences, or ideas from a published source, including the internet, without citing that source, representing another's unpublished work as your own, rewriting or paraphrasing the work of another without giving credit to that person by citation, submitting a paper as one's own work that has been copied, in whole or in part, from another's work.
- Generally, the faculty decides upon sanctions for acts of Academic Dishonesty. Thus, Academic Dishonesty may carry specific penalties carried out by the faculty outside of the Conduct Procedure. Those penalties include but are not limited to: failure on the specific assignment, failure of the course, and/or a letter detailing the offense that is kept in the Office of Academic Affairs. Note that although deference is given to the faculty to handle matters of Academic Dishonesty, such action does not preclude disciplinary action under the College Conduct Procedures.

## **Alcohol and Drugs**

- Alcohol and drugs are prohibited on the College's property. On occasion, at the College's discretion, alcohol may be served on campus in accordance with College policy and state law. Students are expected to comply with all federal, state, and local laws pertaining to alcohol and drugs as well as the comprehensive additional information on Alcohol and Drug policy found in this handbook. Potential violations of law and College policy include but are not limited to:
  - a) Possession, consumption, or transportation by automobile of alcohol by a person under 21 years of age.
  - b) Use, Possession or Distribution of a controlled substance (illegal drugs), or drug paraphernalia.
  - c) Possession or display of alcohol paraphernalia. Examples include but are not limited to: empty alcohol containers, shot glasses, alcoholic signage, and alcoholic games/toys.
  - d) Sale or distribution of Alcohol on campus, except by vendors who possess the appropriate licenses and have received permissions from the Student Affairs Office.
  - e) Presentation of any written or oral evidence of age that is false, fraudulent, or not a person's own for the purpose of ordering, purchasing, or attempting to procure alcohol by a person under 21 years of age.
  - f) Any person bringing guests to campus is responsible for making College policies known, and any violations by the guests will be attributed to the host student.
  - g) Granting access to or serving alcohol to those under 21 years of age or who are intoxicated.
  - h) Possession of alcohol outside approved or registered areas.
  - i) Being in the presence of alcohol outside approved or registered areas.
  - j) Destruction of College property at approved off-campus functions, resulting from the use of alcohol.
  - k) Inappropriate behavior, noise, or conduct that infringes on the rights of others and is the result of the use of alcohol.

- l) Public intoxication, including but not limited to, the Villa Maria College campus.
- m) Any other violation of the Alcohol and Drug Policy in this handbook.

## **Policy for Alcohol and Drug Use Amnesty for Students**

- The health and safety of every student at Villa Maria College is of utmost importance. Villa Maria College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that a sexual offense occurs, including but not limited to domestic violence, dating violence, stalking, or sexual assault, may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Villa Maria College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith that disclose any incident of domestic violence, dating violence, stalking or sexual assault to Villa Maria officials or law enforcement will not be subject to Villa's officials or law enforcement will not be subject to the Villa Maria code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking or sexual assault.

## **Affirmative Consent**

- Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.
  - a) Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
  - b) Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
  - c) Consent may be initially given but withdrawn at any time.
  - d) Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
  - e) Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
  - f) When consent is withdrawn or can no longer be given, sexual activity must stop.

## **Assault**

- a) Any intentional touching or attempt or threat of such touching, that either places another person in fear of imminent bodily harm, or causes or could have caused physical injury to another person. Examples may include: pushing, fighting, threatening to fight, or intimidation via social media.
- b) Any conduct, or attempted conduct, that results in harm to another's property including College property.

## **Campus Sexual Assault Bill of Rights**

- All students have the right to: The right to have any and all disclosures of domestic violence, dating violence, stalking, and sexual assault against them treated with seriousness and receive, from the institution, courteous, fair, and respectful health care and counseling services, where available;
- The right to have sexual assaults committed against them investigated and adjudicated by the duly constituted criminal and civil authorities of the governmental entity in which the crimes occurred, if the victim so chooses, including make a report to local law enforcement and/or the state police; and the right to the full and prompt cooperation and assistance of College staff in notifying the proper authorities. The foregoing shall be in addition to any campus conduct proceedings;
- The right to be free from any kind of pressure from College staff that victims: a. not report crimes committed against them to civil and criminal authorities or to campus safety and other College staff; or b. report crimes as lesser offenses than the victims perceive them to be;
- The right to be free from any kind of suggestion that sexual assault victims not report, or underreport, crimes because: victims are somehow 'responsible' for the commission of crimes against them; victims were negligent or assumed the risk of being assaulted; or by reporting crimes they would incur unwanted personal publicity;
- The right to participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard and in so doing, to describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- The same right to legal assistance, or ability to have others present, including an advisor of their choice, in any campus disciplinary proceeding that the institution permits to the accused; and the right to be notified of the outcome of such proceeding;
- The right to counseling services from any mental health services previously established by the institution, or by other victim-service entities, or by victims themselves;
- After campus sexual assaults have been reported, the victims of such crimes shall have the right to require that appropriate College staff take the necessary steps or actions reasonably feasible to prevent any unnecessary or unwanted contact or proximity with alleged assailants, including immediate transfer of classes, no contact orders, and other remedies if requested by the victims;
- Access to at least one level of appeal of a determination;

- The right to report any inappropriate action, or lack thereof, in the handling of a reported sexual assault on the part of the College as a Title IX complaint;
- Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or conduct process of Villa Maria College.

## **Discrimination**

- Any conduct that discriminates on the basis of age, race, religion, creed, color, national or ethnic origin, gender, disability, sex, sexual orientation, domestic violence victim status, marital status, veteran status, military status, predisposed genetic carrier status and any other characteristics or protected status recognized by applicable federal, state or local law.

## **Non-Discrimination Statement**

- Villa Maria College does not discriminate on the basis of age, race, religion, creed, color, national or ethnic origin, gender, disability, sex, sexual orientation, domestic violence victim status, marital status, veteran status, military status, predisposed genetic carrier status and any other characteristics or protected status recognized by applicable federal, state or local law. This policy applies to admissions, all terms and conditions of employment, and any other aspect regarding the conduct of College programs and activities.

## **Disorderly, Lewd, Harassing, or Indecent Conduct**

- a) Conduct or attempted conduct that either obstructs, disrupts, or interferes with the personal or group rights of others or with any activities of the College, including but not limited to, access to facilities and performance of normal College operation.
- b) Any severe, persistent, or pervasive activity or communication that is deemed intimidating, hostile, coercive, antagonistic, offensive or that limits a person's ability to participate in or benefit from the regular activity and environment of the College. This includes, but is not limited to bullying and cyber-bullying.
- c) Disrespect for a College official by using egregious or antagonistic language or behavior.
- d) Any behavior that jeopardizes the integrity of the College or any of its members.
- e) Endangering the Safety of the College Community. Any conduct that endangers the safety of the College community, including but not limited to, tampering with safety or fire warning devices, setting a fire on College property, improper use of cooking equipment, and reckless operation of a motor vehicle.
- f) Vandalism: willful or malicious destruction or defacement of public or private property. Examples include: Intentional or unintentional misuse of college property that causes damage or additional work for the maintenance department.



## **Failure to Comply**

- Failure to comply with the directions or requests of a College official or law enforcement officer in the performance of his or her official duties. This offense shall be construed to include any student's willful refusal to appear at a hearing of the College Conduct System.

## **Failure to Honor Financial Obligations to the College**

- Failure to meet or honor the student's financial obligations to the College will result in the College withholding grades, transcripts, degrees, certificates, or diplomas until all debts are paid; however, further disciplinary action can be taken.

## **Failure to Provide ID**

- All students are required to carry their Villa Maria College ID at all times and to produce the ID upon request of a College official or law enforcement officer.

## **Fraud or Forgery**

- Fraud or Forgery includes all of the following actions or attempted actions:
  - Any unauthorized tampering, falsification, alteration, misuse, or forgery of College documents.
  - Representing oneself as another in writing or in person.
  - Knowingly supplying false or misleading information to the College.
  - Unauthorized possession of an ID.

## **Gambling**

- Gambling is prohibited unless it is approved by College administration.

## **Hazing**

- All acts of hazing, both on and off campus, by an organization or any of its members or alumni, are strictly forbidden. Villa Maria defines hazing as any action taken or situation created, intentionally, or recklessly, to produce mental, physical, or emotional discomfort, pain, embarrassment, harassment, or ridicule. Hazing is forbidden both on and off College property. Any student engaged in hazing may be subject to disciplinary action by the College, regardless of any claimed consent or assumption of the risk by the victim. Additionally, hazing is illegal under New York State law and any person engaged in hazing may face civil and criminal consequences, including possible jail time. See New York State law § 120.16 and 17. A helpful resource is [www.StopHazing.org](http://www.StopHazing.org).

## **Hate Crime/Bias Crime**

- Villa Maria College prohibits student conduct violations, including criminal activity, which is motivated by bias or hate. This policy is in partial fulfillment of the requirements of the Hate Crimes Act of 2000, Art. 485 and Art.129-A of the New York State Laws of 2003, the following policy is in effect for Villa Maria College.
  - Available Services for Victims of Hate Crime/Bias Crime: Villa Maria College recognizes the need to make available confidential counseling and other support services to the victims of bias-related crime and incidents. Victims may speak to the Director of Counseling, the Director of Campus Ministry, or to anyone on the staff the victim trusts. Referrals will be made when necessary.
  - Measures to reduce the likelihood of bias-related crimes or incidents include the sponsoring of a program once each semester. The orientation programs also address this topic. Students are reminded about security measures at Orientation and also through a program offered each semester.

## **Motor Vehicles**

- Operators of motor vehicles are expected to follow the laws that govern the use of motor vehicles while on campus and should exercise caution and good judgment when doing so. Violations of law relating to the use of motor vehicles may be monitored and enforced by any campus administrator, most commonly by members of the Security staff. Violations to this policy may be forwarded to Cheektowaga Police for enforcement or may be referred through the Student Conduct procedure.

## **Smoking**

- Smoking is prohibited on College property, including e-cigs and vaping pens. Cigarettes cannot be sold, advertised or given as samples on campus. Further information can be found in the Tobacco Free Policy in this handbook.

## **Solicitation**

- Solicitation on campus is prohibited unless the Vice President for Finance and Administration gives their consent in writing.

## **Credit Card Marketing Policy**

- The advertising, marketing, or merchandising of credit cards to students on the campus of Villa Maria College is strictly prohibited.

## **Theft or Possession of Stolen Goods**

- Theft and possession of stolen goods are strictly prohibited. Theft includes, but is not limited to, the taking of furniture or objects from college lounges and common areas; the

borrowing of personal or college items without permission; the use of another's items for re-sale or distribution.

## **Unauthorized Entry**

- Unauthorized entry includes:
  - Breaking and entering into any building or room on campus
  - Unauthorized use of a College key or access device.

## **Unauthorized Use of Campus Property, Name, Logo**

- The Villa Maria College name, college seal, and logo are not to be used for any purpose without the consent of the Administration. Unauthorized use of all College property is strictly prohibited.

## **Use or Possession of Dangerous Objects**

- Use, possession, or storage of dangerous weapons, chemicals, explosive devices or materials, including, but not limited to, firearms, air guns, knives, ammunition, slingshots, metal knuckles, bows and arrows, firecrackers, and bombs of any kind are prohibited.

## **Violation of College Policy**

- Any conduct that violates College Policy established by a specific area or department, including but not limited to Academic policies, classroom policies, computers/computer labs, financial aid, the library, Collegiate Village, parking lots, or recreation facilities.

## **Violation of Law**

- Any conduct that could be construed as a violation of any state, federal or local law can be caused for disciplinary action. Students are required to notify the Director of Student Affairs of any arrest or conviction of crime other than minor motor vehicle infractions where no one was hurt. Notice should be given within five (5) days of the occurrence.

## **Villa Maria College Student Conduct System**

### **Jurisdiction**

- Jurisdiction is the right and authority to hear and resolve controversies, and dispense disciplinary action. The College Conduct System's jurisdiction includes all violations of the Student Code of Conduct by a Villa Maria College student, organization, or group, committed on campus or off campus if:

- The victim is a student of Villa Maria College or a Villa Maria College affiliated individual or group, including the College itself.
- The alleged violator has used his or her status as a student, organization, or group of Villa Maria College to facilitate the commission of the offense.
- The violation is committed at a Villa Maria College sponsored or sanctioned event.
- The event raises serious questions as to the fitness of the student, organization, or group, to continue its relationship with Villa Maria College, due to concerns for the safety of the College community.

## **Conduct Authority**

- The Director of Student Affairs shall have original jurisdiction in all controversies.
- The Director of Student Affairs shall have the authority to investigate possible violations of the Student Code of Conduct before and after charges are made.
- The Director of Student Affairs shall have the responsibility of determining the composition and authority of Conduct and Appellate Bodies. Conduct disputes may be resolved through administrative hearing, typically facilitated by 1 to 3 College administrators, or through the use of a conduct board/panel. The Director of Student Affairs has the ability to determine the type and formation of such function.
- The Director of Student Affairs is charged with development of policies for the administration of the conduct program and procedural rules for the conduct of hearings that are not inconsistent with provisions of the Student Code of Conduct. Questions of interpretation of this College Conduct System's procedures are to be resolved by the sound judgment of the Director of Student Affairs.
- A Conduct Body may be designated to resolve certain disputes within the student community. All parties must agree to resolution and agree to be bound by the decision with no right of appeal.

## **Charges and Hearings**

- Any member of the College community may bring charges against any student for alleged violations of Student Code of Conduct. A charge shall be prepared in writing and directed to the Director of Student Affairs or designee who is responsible for the administration of the College Conduct System. Charges should be submitted within six months of the incident.
- The Director of Student Affairs or Designee may investigate the charges to determine if the charges have merit, or appoint a qualified investigator to do so.
- The Director of Student Affairs or Designee may attempt to dispose of the charges by mutual consent of the parties involved on a basis acceptable to the Director of Student Affairs or Designee. Such disposition shall be final and there shall be no subsequent proceedings. If the charges cannot be disposed by mutual consent, the Director of Student Affairs or Designee may later serve in the same matter as a member of the Conduct Board.

- All charges shall be presented to the accused student(s) in written form. A date and time shall be set for an initial hearing within a reasonable time after the student has been notified, generally not less than two and not more than fifteen calendar days. Notice will be given to the student via College e-mail and in a written letter mailed to their address on file, or delivered to them in class. Failure of the student to collect his or her mail from an e-mail inbox does not render the notice ineffective. Maximum time limits for scheduling of hearings may be extended at the discretion of the Director of Student Affairs or Designee for the convenience of those involved.
- An accused student may request an initial meeting with the Director of Student Affairs to clarify the charges against him or her and learn about the College Conduct System.
- If College officials determine that the actions of a student(s) are a threat to the health and safety to any member or members of the campus community, the College may immediately suspend the student from classes and campus activities, and remove the student from campus pending a Conduct Hearing on an interim basis.
  - During an interim suspension, a student may continue course work through independent study unless otherwise determined by the Director of Student Affairs or the Vice President for Academic Affairs.
- Students under criminal investigation or who have pending legal charges may be suspended until the resolution of the criminal investigation or legal action.
  - During an interim suspension, a student may continue course work through independent study unless otherwise determined by the Director of Student Affairs or the Vice President for Academic Affairs.
- Violations of the Student Code of Conduct will be handled through the College's Conduct System. If a controversy cannot be disposed of by mutual consent, a hearing will be conducted.

## Conduct Hearing Procedures

- Conduct Hearings shall be conducted according to the following guidelines:
  - The Director of Student Affairs will appoint a Hearing Officer or a Conduct Board to conduct hearings and determine sanctions.
  - Conduct Hearings shall be conducted in private and may be recorded, which will become part of the student record.
  - The complainant, accused student(s) or respondents, and their advisors, if any, shall be allowed to attend the entire portion of the hearing at which information is received (excluding deliberations). Admission of any other person to the hearing shall be at the discretion of the Conduct Board and/or the Director of Student Affairs.
  - At no time is a parent, guardian, or relative, permitted to be present for a Conduct Hearing. Legal counsel may be permitted at the discretion of the Director of Student Affairs, but cannot exercise a speaking role in the hearing.

- In hearings involving more than one accused student, the Director of Student Affairs and/or Hearing Officer, at his or her discretion, may permit the hearings concerning each student to be conducted either separately or jointly.
- The complainant and the respondent student have the right to be assisted by an advisor. The advisor must be a member of the College community and may not function as an attorney at the hearing. The complainant and/or the accused student is responsible for presenting his or her own information and, therefore, advisors are not permitted to speak or to participate directly in any hearing. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the hearing because delays will not normally be allowed due to scheduling conflicts of the advisor.
- The complainant, the respondent student, and/or Hearing Officer/Conduct Board shall have the privilege of presenting witnesses. The Hearing Officer/Conduct Board shall have the right to question all witnesses.
- Pertinent records and written statements may be accepted for consideration at the discretion of the Hearing Officer/Conduct Board.
- All procedural questions are subject to final decision by the Director of Student Affairs, the Hearing Officer and/or members of the Conduct Board. The Hearing Officer/Conduct Board may choose to suspend the hearing to consider such questions. The Director of Student Affairs or Designee shall have the final say as to procedural matters.
- All decisions in the Student Conduct process shall be made on the basis of the preponderance of the evidence, whether it is more likely than not that the accused student violated the Student Code.
- Formal legal rules of process, procedure, and/or technical rules of evidence, such as those applied in criminal or civil court, are not used in the Student Conduct System.
- Nothing in these paragraphs shall be interpreted to include the right to legal counsel. There shall be no cross examination of witnesses except by the Hearing Officer/Conduct Board if necessary.
- There shall be a single record, such as written notes or a digital recording, of all hearings before a Conduct Board. Deliberations shall not be recorded. The record shall be the property of Villa Maria College, governed by the rules of FERPA.
- If after receiving notice as described above, the respondent student does not appear for a Conduct Hearing, the hearing will be held in that student's absence. The information in support of the charges shall be presented and considered even if the accused student is not present.
- The Hearing Officer/Conduct Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or witness during the hearing by providing alternative means of testimony, where the Director of Student Affairs deems appropriate.
- Proceedings under the Student Code are not criminal or civil proceedings and shall not be construed as such.

# Conduct Hearing Procedures Involving Sexual Offense Charges

- The Campus Sexual Assault Bill of Rights (outlined above) can be found in this Handbook, and in the College's Sex Discrimination, Sexual Harassment & Sexual Misconduct Policy found on-line here: [https://www.villa.edu/wp-content/uploads/2021/08/Villa\\_Maria\\_Sexual\\_Harassment\\_and\\_Sexual\\_Misconduct\\_Policy-Aug-2021.pdf](https://www.villa.edu/wp-content/uploads/2021/08/Villa_Maria_Sexual_Harassment_and_Sexual_Misconduct_Policy-Aug-2021.pdf). All allegations of sex discrimination, sexual harassment, sexual assault, domestic/dating violence, stalking and sexual exploitation are governed by the College's Sex Discrimination, Sexual Harassment & Sexual Misconduct Policy.

## Appeal Process

- After the hearing process is concluded, a student may appeal the decision or sanctions imposed by a Hearing Officer/Conduct Board. All appeals must be in writing and submitted to the Director of Student Affairs within two (2) calendar days of the conduct hearing. This written appeal is the sole basis for the review. The written statement should be as complete as possible and set forth the basis for changing the determination of the Conduct Hearing as described below. Except as provided below, an appeal shall be limited to a review of the record of the Conduct Hearing and supporting documents.
- Basis for Changing the Determination of the Conduct Hearing. The determination of the Conduct Hearing can be changed by the preponderance of the evidence if the student can demonstrate that:
  - The Conduct Hearing was conducted unfairly in light of the charges and evidence presented, or not according to the prescribed procedures giving the respondent student a reasonable opportunity to prepare and to present his/her defense,
  - The decision reached regarding the respondent student was not based on the evidence, i.e., the facts in the case were insufficient to establish a violation of the Student Code of Conduct, or
  - The sanction(s) imposed were inappropriate compared to the violation.
  - New facts should be considered. In order to consider new facts, those facts must be sufficient to alter a decision, not known to the student appealing at the time of the original hearing. An Appellate Body shall determine the propriety and admissibility of any new facts. If the new facts are admissible, the Appellate Body shall consider those facts and change the determination of the Conduct Hearing, as it deems appropriate.
- Review by an Appellate Body is final and may result in more severe sanction(s) for the accused student(s).
- The Appellate Body may consist of any of following College Officials: The Director of Student Affairs, the Director of Student Life, the Director of Student Success, the Director of Human Resources, the Vice President for Enrollment Management, the Vice President for Academic Affairs or designee, the Vice President for Finance, or the Vice President for Development. The Appellate Body may not be the Hearing Officer or member of the Conduct Board in the original hearing.

- The Appellate Body shall not consist of the President of the College.
- Following an Appellate Body decision, no other College official shall review the case.

## Parental Notification

- The parents of a student may be notified in the case of a health or safety emergency according to the exceptions in FERPA policy.

## Disciplinary Actions

### Record of Disciplinary Actions Taken

- Other than Dismissal and Revocation of a degree, or issues that require transcript notation, disciplinary actions shall not be made part of the student's permanent academic record but shall become a part of the student's confidential record.

### Types of Disciplinary Actions

- The following Disciplinary Actions\* may be imposed upon any student, organization, or group found in violation of the Student Code of Conduct:

*\*More than one of the above types of sanctions may be imposed for any single violation.*

- a) *Warning* – a notice in writing that states that the student, organization, or group has violated the Code.
- b) *Disciplinary Probation* – a written reprimand for a violation of the Code. Probation is for a designated period of time and includes the probability of more severe disciplinary actions if the student group or organization is found in violation of the Code during the probationary period. Students, organizations or groups on probation may not be allowed to participate in College activities.
- c) *Loss of Privileges* – denial of specified privileges for a designated period of time.
- d) *Fines* – an assessment of a proportionate monetary penalty.
- e) *Restitution* – compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- f) *Notification of Others* – In the event that individuals or college offices need to know of a student's sanctions, the Director of Student Affairs or designee may do so.
- g) *Discretionary sanctions* – behavior expectations, work assignments, essays, service to the College or other related discretionary sanctions.
- h) *Academic Hold* – a hold being placed on student's records, grades, transcripts, or registration until certain conditions are met.
- i) *Suspension* – separation from the College for a definite period of time. Conditions for readmission may be specified as part of the Disciplinary Actions. Suspension may be probated to begin at a determined point in the future.
- j) *Dismissal* – permanent and complete separation of the student from the College.



- k) *Revocation of admission and/or degree* – admission to the College or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violations of the Code in obtaining a degree, or for other serious violations committed by a student prior to graduation.
- l) *Withholding degree* – the College may withhold awarding a degree otherwise earned until completion of the process set forth in the Student Code of Conduct, including the completion of Disciplinary Actions imposed.

## **Sexual Offenses**

- The College’s Sex Discrimination, Sexual Harassment & Sexual Misconduct Policy outlines additional policy and procedures that may intersect with the Student Conduct System. Please refer to this policy for additional details found on-line here: <https://www.villa.edu/campus-life/campus-security/titleix/> and here: [https://www.villa.edu/wp-content/uploads/2021/08/Villa\\_Maria\\_Sexual\\_Harassment\\_and\\_Sexual\\_Misconduct\\_Policy-Aug-2021.pdf](https://www.villa.edu/wp-content/uploads/2021/08/Villa_Maria_Sexual_Harassment_and_Sexual_Misconduct_Policy-Aug-2021.pdf)

## **Academic Policies**

- The following academic policies are intended to guide students in their academic endeavors at Villa Maria College. Additional academic policies and procedures can be found in the College Catalogue.

## **Academic Dishonesty**

- Integrity and credibility are the foundation for all academic work. Academic dishonesty is thus a grievous offense to the educational process and the mission of Villa Maria College. All members of the Villa Maria College community are expected to behave with integrity and credibility.
- The Academic Dishonesty Policy may be found in the Student Code of Conduct. Violations of that policy may be cause for sanctions by Academic Affairs according to the College Catalogue and/or the College Conduct System.

## **Classroom Expression**

- Discussion and expression of all views relevant to the subject matter are permitted in the classroom and subject to the responsibility of the faculty member to maintain order and to adhere to class time limitations.
- Students are responsible for learning the content of any course in which they are enrolled.
- Students are responsible for all stated course requirements, as found in the syllabus of that course.

- Academic evaluation of student performance shall be neither prejudicial nor capricious.
- Information about student views, beliefs and political associations acquired in confidence by faculty members in the course of their teaching, advising and counseling should remain confidential.

## **Campus Expression**

- Discussion and expression of all views are permitted within the College subject to requirements for the maintenance of order.
- Support of any cause by orderly means that does not disrupt the operation of the College is permitted.
- Public statements and demonstrations by individual members of the College community or organizations shall be clearly identified as representative only of those individuals or organizations and not of the College.
- Students, groups and organizations may invite persons on campus subject to the requirements for use of College facilities and permission from the Director of Student Affairs. An honest effort shall be made to provide College facilities for speakers and/or programs invited to the campus by a recognized campus organization.
- Sponsorship of guest speakers and/or programs does not necessarily imply approval or endorsement of the views expressed either by the sponsoring organization(s) or the College.

## **Cell Phone /Electronic Device Use During Class**

- Students are allowed to have cell phones on campus. However, students may not use cell phones, digital music players, and other electronic devices during class unless designated by the faculty member. Faculty members may confiscate electronic devices or cell phones in the event of a violation of this policy, or require the student to leave for the remainder of class.

## **Class Attendance**

- Regular attendance in classes is expected of all students; however, some College sponsored co-curricular and extra-curricular events may occasionally be scheduled during class hours. It is College policy that students who are participants in a College sponsored event are excused from a class for the specific event. Exceptions to this policy: students fulfilling clinical and student teaching requirements.
- Participants in College sponsored co-curricular and extra-curricular events:
  - Are not excused for practice.
  - Are expected to make-up all work they miss.
  - Are not penalized by the instructor for their excused absence.

- Are expected to communicate with each faculty member before the date of the excused absence.
- Must meet individual faculty requirements to complete work due for each missed class.
- College personnel who are responsible for the College sponsored co-curricular and extra-curricular events will inform faculty of the schedules at the beginning of each semester.
- When weather is a factor in College sponsored events, the event may result in cancellation and require rescheduling.
- It is the student's responsibility to inform the faculty of any change in the original schedule.

## **Online Learning Etiquette**

- All expectations set for the physical classroom on campus will carry over to all online learning environments, including academic and co-curricular based.
- All students must adhere to the Student Code of Conduct in the learning environment, both in person and online.
- If you do not adhere to policies outlined in the Student Code of Conduct in the learning environment, instructors may reach out to you directly to address the behavior and set up agreed expectations while you are in the learning environment.
- If you do not meet the agreed expectations, the instructor may create a behavioral agreement for a student to sign or refer them to the student conduct process.
- Aggressive and disrespectful behavior in the learning environment will be dealt with immediately and referred to the Director for Student Affairs.
- All students are expected to check all online platforms that the college is using on a regular basis, such as email, D2L, Microsoft Teams, etc. The college will communicate through these methods for both classes and the institution as a whole and send necessary updates to all students using any combination of the platforms.

## **Disabilities**

- According to Section 504 of the Rehabilitation Act of 1973, if students with disabilities are qualified to attend colleges or universities that receive federal funds, they must be accepted regardless of disability. Each institution of higher education is required to develop specific guidelines to provide reasonable accommodations for persons with physical, psychological or learning disabilities in accordance with Section 504. It is the responsibility of the student to seek any necessary accommodations for their disability. It is highly recommended that the students seek services within the first week of classes.
- Students with documented disabilities who enroll at Villa Maria College have many services available to make attaining a college education possible. They may choose to utilize reasonable accommodations for free.

- All College personnel who play a role in accommodating the student must receive formal notification of the nature of both the disability and their role in providing reasonable accommodation.
- *Eligibility for Services*: A qualified college student with a disability may request academic or other support services from the Director of Student Success. Once the student is admitted to the College, the following should be followed to receive academic accommodations:
  - The student is responsible for identifying himself/herself as a person with a documented disability. Therefore, the student is required to make an “intake” appointment with the Director Student Success. This should be done within the first two weeks of the semester.
  - The student will meet with the Director of Student Success, provide the required documentation and discuss possible reasonable academic accommodations.
  - Once the student has provided appropriate documentation to the Director of Student Success for each class every semester. A faculty member is not required to provide academic accommodations until he or she has received the accommodation letter from the student.
- Students who may need assistance with physical disabilities may contact The Director of Student Success for assistance.
- Pregnancy: If a student becomes pregnant and experiences medical conditions that limit her ability to perform any activities of her required course work, or require any accommodations for course work, including clinical internship experiences, she should notify the Director of Student Success immediately. Medical documentation of any limitations or requested accommodations may be requested.
- The College has a policy and procedure for resolving grievances related to disability accommodation. This information can be found on-line on the “Disabilities Services” webpage. Further assistance can also be obtained from the Compliance Officer, the VP for Enrollment Management. They can be reached at 716.961.1838.

## **Food and Beverages in Class**

- Policies regarding eating and drinking any beverages in the classrooms and any consequence(s) for not adhering to them will be established and enforced by the faculty member responsible for each class. At all times, conscious efforts should be made by all to maintain a clean environment, which displays a respect for the rights of others and the conditions of College facilities.

## **Accusations of Plagiarism or Other Forms of Academic Dishonesty**

- Plagiarism is offering work of another as one’s own. Plagiarism is a serious offense and may include, but is not limited to, the following:
  - Complete or partial copying directly from a written publication or unpublished source in any form of media without proper acknowledgment to the author. Making

minor changes in wording or syntax—without acknowledgment to the author—is not sufficient to avoid plagiarism charges.

- Paraphrasing the work of another without proper author acknowledgment.
- Submitting as one’s own original work (however freely given or purchased), the original exam, research paper, manuscript, report, computer file, Internet information, or other assignment that has been prepared by another individual.
- The usual penalty for academic dishonesty is failure on the assignment for the first offense. All incidents of plagiarism are reported to the Vice President for Academic and Student Affairs, and a letter citing the incident is included in the student’s official file. Should a second incident of plagiarism occur during the student’s pursuit of a degree, s/he will earn an “F” in that course, and a letter regarding the incident will be entered into the student’s official file. Upon graduation, all relevant letters in the student’s file will be destroyed. Should a third incident of plagiarism occur, the student will be dismissed from the College; her/his readmission is unlikely.
- In all cases of alleged academic dishonesty (such as plagiarism, cheating, claiming work not done by the student, or lying) where a faculty member observes or discovers the dishonesty, the faculty member may choose to confront the student and handle the matter between the faculty member and the student, or the faculty member may choose to refer the incident to the appropriate department/division chairperson. If the appropriate department/division chairperson is the instructor in question, the concern should be directed to the Vice President for Academic and Student Affairs. If the faculty member chooses to confront the situation alone with the student and the matter is satisfactorily resolved, the faculty member and the student should submit a joint statement of the details to the Vice President for Academic and Student Affairs, which will be included in the student’s file. If the situation is not satisfactorily resolved between the faculty member and the student, the matter may then be referred or appealed to the appropriate department/division chairperson.
  - In either case, the appropriate department/division chairperson may choose to 1) resolve the matter through a meeting with both the student and the faculty member, or 2) refer the matter to the Vice President for Academic and Student Affairs. The findings, in either case, are final.
- If alleged academic dishonesty is reported to a faculty member by a third party, then the faculty member will meet with the appropriate department/division chairperson to determine whether the evidence warrants an investigation, and how the investigation will be handled. It may also be decided that the faculty member will either confront the student or, assuming enough evidence is present to warrant action, turn the matter over to the appropriate department/division chairperson to either resolve or organize a hearing.

## **Leave of Absence and Withdrawal Policies**

### **Introduction**

- Students who desire to leave Villa Maria College for a period of time, with the intention of returning, should go through the Leave of Absence process. Students who wish to leave and do not intend to finish their studies at Villa Maria College must officially notify the college by going through the Withdrawal Process found in the College Catalogue.

- Students planning to withdraw from Villa Maria College are requested to contact the Registrar at 961-1806. Following an interview with the Registrar, the student completes a withdrawal form.
- The college reserves the right to place a student on an involuntary withdrawal for non-disciplinary reasons when it concludes that a leave is in the best interest of the student due to personal or health related conditions that apparently have not or cannot be resolved in an immediate fashion, or if it deems such a leave necessary due to a threat to the student's or others students' health or safety. The student may register again upon satisfaction of such terms as the college determines are appropriate to the situation in accordance with this policy. The College will not assume the cost of any evaluations or treatment requested of students.

## **Medical Leave of Absence**

- A Medical Leave of Absence is given for an entire semester.
- Any student (full or part-time) in good standing who must temporarily leave the College for medical or psychological reasons may request a Medical Leave of Absence.
- A student who desires a Medical Leave of Absence must submit a letter of request to the Director of Student Affairs. The Director will then in turn set the parameters necessary to grant the request for the Leave of Absence. If the student meets the parameters set forth, the Director will approve the Leave of Absence in writing to the student.
- A health care provider's statement, on official letterhead, is required prior to the consideration of the leave and again at the conclusion of the leave.
- For students who have federal financial aid: a leave of absence should not exceed 180 days in any 12-month period of time. Instructions concerning financial aid (institutional and Federal) will be given to the student at the beginning of the leave.

### *Returning to Villa Maria College*

- A student who desires to return to Villa Maria College after an official Leave of Absence may do so by indicating such a desire to the Director of Student Affairs in writing.
- If the student has met the criteria of a Leave of Absence the Director can reinstate the student and allow registering for the next semester.
- If the student has not met the criteria for the return from the Leave of Absence the Director can deny reenrollment.

### *Appeals*

- If denied the Medical Leave of Absence, a student may appeal in writing the Director of Student Affairs. Appeals will be heard by the Director of Student Affairs and the VP for Academic Affairs

## **Disciplinary Leave of Absence**

### *Standards for Withdrawal*

- A student may be subject to Disciplinary Leave of Absence from the College, if the College has determined that the student:

- Engages, or threatens to engage, in behavior which poses a danger of causing physical harm to self or others, and/or
- Engages, or threatens to engage, in behavior which would cause significant property damage, which directly and substantially impedes the lawful activities of other members of the College, and/or
- Commits a violation of the College's Code of Student Conduct and lacks the capacity to comprehend and participate in the conduct process, and/or
- Commits a violation of the College's Code of Student Conduct and did not understand the nature or wrongfulness of the conduct at the time of the offense.

#### *Referral for Evaluation*

- The Director of Student Affairs, or designee, may refer a student to an off-campus health care provider (if medical related) or to the Director of the Care Center (if mental health related) for evaluation, if there is reasonable belief that the student meets the previously noted criteria for involuntary withdrawal.
- The Director shall set the conditions for evaluation and re-entry to the College (such as time frame and reporting requirements). A student who fails to meet the conditions for evaluation may be withdrawn on an interim basis or be subject to a student conduct hearing, if applicable, without the requested evaluation.
- A student who is involuntarily withdrawn during the student conduct process shall remain in such a state until a Hearing can be held. The Hearing shall be held within a reasonable amount of time.
- In certain instances, the College may offer a student who faces disciplinary action, or who is subject to a disciplinary leave of absence or involuntary withdrawal, or other circumstances, which the college deems appropriate an option to voluntarily withdraw from the College. In such situations, students will follow the normal Withdrawal procedure.

#### *Procedure*

- This policy may be enacted by the Director of Student Affairs, or designee when:
  - Any member of the College community who reasonably believes that a student may meet one of the involuntary withdrawal standards above contacts the Director of Student Affairs with his/her concerns about the student.

#### *Appeal Process*

- A student may appeal the Disciplinary Leave of Absence in writing to the Director of Student Affairs within seven (7) days.

#### *Returning to Villa Maria College*

- A student who desires to return to Villa Maria College after a Disciplinary Leave of Absence may do so by indicating such a desire to the Director of Student Affairs in writing.
- The Director of Student Affairs will determine the criteria for returning to Villa Maria College. If the student has met the criteria for returning the Director can reinstate the student or allow him or her to register for the next semester.
- If the student has not met the criteria for the return from the Leave of Absence, the Director of Student Affairs can deny re-enrollment.

### *Refunds*

- Refunds, if applicable, may be considered in accordance with applicable College policies and procedures found in the College catalogue.

### *Deviations from Established Procedures by Villa Maria College*

- Reasonable deviations from these procedures will not invalidate a decision or proceeding unless significant prejudice to the student may result.

## **Voluntary Withdrawal**

- Students may withdraw from Villa Maria College at any time for any reason. However, a student may drop a course and add another only during the “drop/add” period (typically the first week of classes. A student may drop a course after the first week of classes and up until the 10<sup>th</sup> week of classes with the designation of “W” with permission of the office of the Registrar. Different guidelines may exist for students in the on-line program, please consult those applicable policies for more information. Students who wish to withdraw from Villa Maria College must meet with the Registrar to initiate the withdrawal process.
- Any student who drops below full-time status may face eligibility issues for financial aid and participation in some college activities.
- Students who withdraw from the College are subject to the refund policy established in the “refund” section of this catalogue and all other applicable financial policy.
- Students who voluntarily withdraw must follow the admission and re-admission standards in place at the time of re-enrollment.

## **Involuntary Withdrawal Policy**

### *Introduction*

- Villa Maria College is committed to protecting its community members from risk of physical harm and preserving the integrity of its learning environment. Separation of a student from the College and its facilities may be necessary if there is sufficient evidence that the student is engaging in, or is likely to engage in, behavior that either poses a danger or disrupts the learning environment of others. This policy sets forth the expectations in making determinations regarding a student’s involuntary withdrawal and conditions for return.
- This policy and related procedures do not take the place of any disciplinary actions that are in response to a violation of the Code of Conduct.
- This policy is meant to be invoked in cases where students experience needs that exceed the College’s services or resources. In such circumstances, the student will be advised to consider a voluntary withdrawal. If the student declines to voluntarily withdraw from the College, the College may involuntarily withdraw the student in situations where: (1) the student is unable or unwilling to carry out substantial self-care obligations; (2) the student has health needs requiring a level of care that exceeds what the College can appropriately provide; (3) the student presents a substantial risk of seriously affecting the health or well-being of any student or other member of the College community; (4) safety is seriously



threatened by the student; (5) the student consumes an inordinate amount of College staff time and/or resources, or his/her situation cannot be resolved by the College in a reasonable amount of time or with reasonable effort; or (6) the student creates any other conditions disruptive to the College community.

- In these rare cases the CARE Team, coordinated by the Director of the Care Center, will oversee the assessment of the student. An individualized assessment of the student will be conducted and tailored reenrollment conditions will be established (if any reenrollment is contemplated and appropriate), consistent with the overarching principles in Section A of this policy. The CARE Team will make a determination regarding withdrawal. The Director of the Care Center will provide written notice to the student of the decision. A student may appeal these decisions in writing to the Director of Student Affairs.

#### *Determination*

- Any withdrawal determinations should be based on an assessment of current, available documentation, including medical if needed, or any information provided about the student, and/or observable conduct that affects the health, safety, or welfare of the campus community. Any assessments of risks should be individualized and conducted in a team environment. In the absence of an emergency or direct threat, voluntary withdrawal or restrictions shall be encouraged prior to any determination of involuntary withdrawal. Any imposed conditions, including reenrollment conditions (if any), should be reasonable and individualized for a particular student's situation. Any conduct code or other policies relevant to a withdrawal shall be applied equally to all similarly-situated students, i.e., without regard to known or perceived medical or mental health conditions and without regard to any protected class status under applicable local, state or federal law, or regulation.

#### *Procedural / Timing Principles*

- Students shall be provided notice of any withdrawal determinations and shall be afforded the opportunity to appeal such determinations.
- Withdrawal determinations should proceed as quickly as possible to allow a student experiencing difficulties to receive the support he or she needs.

#### *Re-enrollment following an involuntary withdrawal*

- Students wishing to reenroll following an involuntary withdrawal must satisfy the reenrollment conditions, if any, established at the time of the withdrawal. If medical documentation was established as a condition for reenrollment, the College will give significant weight to the opinion of the student's treatment providers regarding the student's readiness to return to the academic environment at the College, with or without accommodations. In extraordinary circumstances, the College may require the student to undergo an additional individualized assessment to make a determination regarding the student's readiness for return. The College may also impose ongoing conditions on the student as part of his or her return, based on the particular student's individual situation.
- If the College denies a student's request to reenroll, the College may include recommendations that will enhance the student's ability to successfully reenroll in the future. However, certain situations of involuntary withdrawal may not be appropriate for reenrollment under any conditions.

- A student may appeal any decision concerning reenrollment to the Director of Student Affairs within seven (7) days.

*Deviations from established procedures*

- Reasonable deviations from this procedure will not invalidate a decision or proceeding unless significant prejudice to a student occurs.

## **Military Leave of Absence**

- Villa Maria College supports students who are members of the United States armed forces and reserve units. An undergraduate or graduate student who is a member of the U.S. military, National Guard or other armed forces reserve unit who is called or ordered to active duty elsewhere may be granted a Leave of Absence from the College for the period of active duty and up to one year after returning from active duty.

## **Withdrawal from College Procedure**

- Any student wishing to withdraw from the College needs to see the Registrar to begin the proper procedure. Financial aid and/or academic transcripts will be held if proper withdrawal paperwork has not been completed and balances have not been paid.
- Students needing to withdraw from a class or from the College must note that failure to attend the first class or subsequent class meetings does not constitute official withdrawal. To be official, notification of withdrawal must be made in writing. Any tuition refund is based on the date the office receives the official written notice of withdrawal. A student may withdraw without penalty prior to the first meeting of the course. Please refer to the College's refund policies provided on-line and in the Catalogue.

## **Technology Policies**

- All currently registered part-time and full-time students are eligible to obtain a network and e-mail account. User accounts will be activated only after the student signs the "Student Account Agreement" form. These forms are provided to students at registration, orientation, and are available in the Library, in the Open Computer Labs, and from Computer Services. Signing this form indicates that the student agrees to adhere to the Student Acceptable User Policy and the College's Using Software Guide which are posted and are available in the Open Computer Labs and the Library. The following policies will be strictly enforced:
  - All users of computers must have a valid Villa ID and be able to present this on request.
  - No foods or liquids are allowed in the computer classrooms or laboratories.
  - No children are allowed in any of the computer facilities. Room access is restricted to persons actively registered for the semester, current employees, or alumni meeting fee requirements.

- Misuses of equipment or the computer facilities; intentional damage to equipment, facilities, or software; the alteration of other user accounts; intentional alteration of the hard drive; accessing inappropriate web sites, soliciting, or using the web for non-academic purposes will result in denial of lab privileges and possible disciplinary dismissal from Villa Maria College.
- Loud talking and boisterous behavior are not allowed in the computer classrooms or laboratories out of respect to other users.
- No cell phones are allowed in the computer classrooms or laboratories.

## **Prohibited Use of IT Resources**

- It is a violation of this policy to: Intentionally and without authorization, access, modify, damage, destroy, copy, disclose, or take possession of all or part of any computer, computer system, network, software, data file, program, or database. This includes, but is not limited to:
  - Gaining access by willfully exceeding the limits of authorization.
  - Attempting to gain unauthorized access through fraudulent means.
  - Gaining access by using another person's name, password, access codes, or personal identification.
  - Attempting to gain unauthorized access by circumventing system security, uncovering security loopholes, or guessing passwords/ access codes.
  - Give or publish a password, identifying code, personal identification number or other confidential information about a computer, computer system, network or email account, or database.
  - Install any software on computer systems in the computer labs, unless authorized by a member of the lab staff or a faculty member.
  - Transfer copyrighted materials to or from any system, or via the College network, without the express consent of the owner of the copyrighted material. (See section entitled "File Sharing and Copyright Infringement.")
  - Provide outside access to College-developed or commercially obtained network resources.
  - Use any College IT resource for commercial, political, or illegal purposes, or for harassment of any kind.
  - Display obscene, lewd, or otherwise offensive images or text.
  - Intentionally or negligently use computing resources in such a manner as to cause congestion and performance degradation of the network.
  - Use College printers for work or pleasure outside the scope of employment or enrollment at the College.

## **Provisions for Private Computers Connected to the College network:**

- The following apply to anyone connecting a private computer to the College network via the College Housing network, wireless LAN connection, dial-up network connection, or a regular network connection in an office.

- The owner of the computer is responsible for the behavior of all users on the computer and all network traffic to and from the computer, whether or not the owner knowingly generates the traffic.
- A private computer connected to the network may not be used to provide network access for anyone who is not authorized to use the College IT resources. The private computer may not be used as a router or bridge between the College network and external networks, such as those of an Internet Service Provider.
- Should the ITS staff have any reason to believe that a private computer connected to the College network is using resources inappropriately, network traffic to and from that computer will be monitored. If justified, the system will be disconnected from the network, and action taken with the appropriate authorities.
- Any residential student, with an authorized network account, may use the in-room connection for scholarly purposes, for official College business, and for personal use, so long as the usage does not violate any law or this policy, or result in commercial gain or profit.
- Users are responsible for the security and integrity of their systems. In cases where a computer is hacked into, it is recommended that the system be either shut down or removed from the campus network as soon as possible to localize any potential damage and to stop the attack from spreading. If you suspect electronic intrusion or hacking of your system and would like assistance, contact IT immediately.
- The following types of servers should never be connected to the College network: DNS, DHCP, and WINS, or any other server that manages network addresses.

## **Copyright Laws**

- Federal copyright law applies to all forms of information, including electronic communications. Members of the College community should be aware that copyright infringement includes the unauthorized copying, displaying, or distributing of copyrighted material.

## **Digital Millennium Copyright Act**

- Villa Maria College complies with all provisions of the Digital Millennium Copyright Act. Any use of the Villa Maria College IT resources to transfer copyrighted material including but not limited to, software, text, images, audio, and video is strictly prohibited. Therefore, the use of file sharing programs such as KaZaa, Morpheus, iMesh, Limewire, etc. is in most cases, a violation of College policy and federal law. Electronic Communication Policy

## **File Sharing and Copyright Infringement**

- Villa Maria College is committed to following copyright law. Villa Maria College's network allows for quick and easy downloading of Internet files for your scholarly work. Each Villa Maria student must exercise responsible behavior when using the computer network on

campus. Unauthorized downloading of music and video files is a violation of copyright law. Protect yourself as a student and the College as a community from the possibility of lawsuits. Students who are found to be downloading files illegally through the Villa Maria Network will be brought up on conduct charges.

## **Official College Business**

- Villa Maria College will use electronic communication methods to conduct official college business. Communicating to faculty, staff and students electronically will ensure that all information is delivered in a timely manner.
- All faculty, staff and students are given the appropriate access to their email account and the website to obtain these communications. Faculty, staff and students are expected to check and manage their email account on a regular basis in order to stay current with college-related communications. The College also retains the right to send correspondence via traditional methods.

## **Peer to Peer Sharing**

- Peer-to-Peer sharing degrades network performance, opens up the network to viruses, and could result in a legal liability as a result of the unauthorized use of copyrighted material. P2P applications should not be used on campus computers or computers connected to the College network. Misuse could result in disciplinary action, loss of computing privileges, and criminal and/or civil penalties.
- Users are responsible for all activities to and from their network accounts. Users must take every precaution to protect logins and passwords. Under no circumstances should a user allow someone else to share a network or email account. Users are required to change any generic passwords given for initial access.
- Users should not assume or expect any right of privacy with respect to the College's IT resources. Although the College does not seek to monitor the communication of its employees or students, system administrators and/or College officials may access or examine files, user history, site content, or accounts that are suspected of unauthorized use or misuse, that have been corrupted or damaged, that may threaten the integrity of the College's IT resources, or that are in violation of College policy. In addition, files, email, access logs, and any other electronic records may be subject to search under court order.

## **Internet Use and Social Networking**

- Villa Maria College does not seek to monitor the IT uses of its students and employees, including the content of social networking sites (i.e. Facebook). As a matter of policy, Villa Maria College does not actively monitor the content of social networking sites. However, content found on the internet (Facebook, Twitter, Blogs, etc.) that violates college policy, including the Code of Student Conduct, will be subject to disciplinary action.

## **Email**

- All students are provided a “@villa.edu” email account. This account is accessible through the Villa.edu site or by clicking on “e-mail” on the villa.edu website. Your logon username and password are used to access your email. This is the official mail address of all Villa students and is used for emergency notifications, class information, and general correspondence.
  - The use of electronic mail is a privilege not a right. Email is for College communication, research, or campus business. Transmitting certain types of communications is expressly forbidden.
    - Forbidden communications include: messages containing chain letters, spam, pyramid schemes, urban legends, alarming hoaxes, vulgar, obscene or sexually explicit language or images, threatening, offensive, derogatory, defamatory, harassing, or discriminatory communications of any kind. As with the other College IT resources, the use of email for commercial or political purposes is prohibited.
- Under the Electronic Communications Privacy Act, tampering with email, interfering with the delivery of email, and using email for criminal purposes may be felony offenses, requiring the disclosure of messages to law enforcement or other third parties without notification to the student.
- Email messages should be transmitted only to those individuals who have a need to receive them. Distribution lists should be constructed and used carefully. Inappropriate mass mailing is forbidden.
- All users of the College email system are subject to the access and disclosure of email messages by authorized College personnel.
- Students who withdraw from Villa Maria College or who are dismissed will have their User ID and e-mail account deactivated at the time of withdrawal.

## **File Storage**

- All data storage is the student’s responsibility. The College provides a mechanism for data storage through a student’s Microsoft Office 365 account – One Drive. Students should always save their data in more than one location using flash drives, external storage devices, or other cloud storage. The College is not responsible for loss of any student data nor is the College responsible for loss of data due to any equipment failures. Saving files on the computer desktop or to the computer’s storage drive is discouraged since others can access these files and computers are purged upon logging out. Computer Services is not responsible for loss of files saved on computer desktops or on the storage drive.
- Stored files of unregistered students will be removed when a semester begins and students are authorized. Logon accounts for unregistered students are removed on a semester basis. Portal access does not expire and students can view portal information for the semesters registered at Villa.

## **Lab Hours**

- Computer facilities are when the building is open A lab assistant or monitor may be available daily and Saturdays when possible. For assistance with computer questions or problems, contact helpdesk@villa.edu. For aid with assignments, check with your instructor or the Student Success Center. Report all equipment malfunctions to Computer Services.

## **Laptop Use**

- Any student who attaches a laptop computer to the VMC network must take measures to insure that the computer is protected against compromise by an internal or external attack. Reasonable measures include the installation and maintenance of virus detection and eradication software, care in opening e-mail message attachments, vigilance when visiting web sites and adhering to published system configuration and management standards.

## **Printing**

- All computer users are encouraged to use PRINT PREVIEW before sending any document to the printer for final copy. At the beginning of each semester students are provided a \$10.00 printing allowance. Charges per sheet are made as follows: black and white \$.02 and each color copy \$.50. Additional printing capacity for the semester can be purchased in \$1.00 increments in the Business Office. Accounts will be reset in Computer Services upon presentation of a Business Office receipt. Remaining allowances cannot be carried over to the next semester. Printers located within specific program rooms have printing costs covered by course fees, and do not provide a print allowance or incur a print charge.

## **Wireless Internet Access (WiFi)**

- Wireless access points are available throughout the entire campus. Open, unsecured network access to the Internet is provided via VILLA\_NET. Information sent over this wireless network connection is not encrypted and might be visible and accessible to others.

## **General Student Policies**


### **Building Security**

- Building security is everyone's responsibility. Students should carry their keys, close doors, report suspicious persons, and not give access to unescorted guests. Propping outside doors is a security risk to all students, and is not permitted.

### **Bicycles**

- Bicycles are not permitted inside campus property. There are no storage facilities available for bikes in campus buildings. Therefore, bikes must be stored outside.

## Insurance

- The College does not cover personal property that may be lost or damaged from any cause, including but not limited to fire and flooding. 

## Identification Cards

- All students must have an identification card issued by the College. Faculty and other employees are also welcome to come to the front desk of Felician Hall for an ID. The card is necessary to use in the Dining Hall to purchase tax free meals and the meal plan. Students are issued ID cards at Orientation and during the first week of classes in Felician Hall during extended hours. Later in the semester, please call 961-1877 to ensure that someone is available to take photos for the ID cards.
- The card permits students to participate in all College and student-sponsored activities, to use computers in open labs, and to withdraw materials from the Villa Maria College Library. It is necessary to present an ID card to the Business Office personnel when transacting financial affairs, in the Villa Maria College Bookstore when making purchases on a book loan, and in the Student Center when using facilities. The card also serves as proof of campus status and must be presented when requested by College personnel and/or security guard.
  - ID cards are issued in the Student Center during scheduled office hours. Lost ID cards will be replaced for a \$10 charge, which covers the cost of materials and handling.

## Guests of Students

- Guests are permitted on College property for public events, such as a gallery show, or official College business (Admissions tour, etc.). Students who wish to bring a guest on campus after office hours M-F and anytime on Saturday or Sunday must register their guest with the security officer on duty by showing them a valid picture ID. Guests of students must register each day they visit campus, and students may not have more than 2 guests with them at a time. Guests of enrolled students are welcome to attend public events at the College without registering. Students are responsible for the behavior of their guests at all times, and are responsible for informing their guest of the expectation to comply with the Code of Student Conduct. Students who are working with guests on academic or service related projects must obtain the proper prior approval from their faculty member or administrator who will inform the Business Office of the activity.

## Bringing Children to Class and Campus



- Villa Maria College appreciates all of the family dynamics that students bring with them while enrolled at the college. While Villa Maria College seeks to focus on providing an environment open to family issues, it also takes the position that children should not be brought into offices, classrooms and other instructional and student support areas in lieu of having a regular childcare provider.

Extenuating circumstances may come up where a student might need to bring a child with them to campus. In this instance, it is expected that the student would reach out to their instructors for the day and gain permission for the child to come to class. Under no circumstances should the student find other students to watch the child for them while they are in class. While in the class, the expectation is that the child would remain under direct supervision of the student. If the child were to begin to disrupt the learning environment, the instructor will ask the student and the child to leave the classroom.

Appropriately supervised children are welcome on campus to attend specified cultural or sporting events.

## Emergency Situations

- The College reserves the right to immediately remove a person(s) from campus if College officials determine that the actions of any person(s) are a threat to a member or members of the campus community.
  - In the event that such person(s) involved are students, the College may temporarily suspend its normal procedure to ensure the safety of the campus community.
    - In such circumstances, once the emergency situation has been mitigated, normal policy for removal of students from campus will resume.
  - In the event the person(s) involved are non-students, the College may remove the person(s) and issue a criminal no trespass warrant according to New York State law.
  - In responding to Emergency Situations, “The College” is defined as any College employee acting in his or her official capacity. This includes, but is not limited to, the President, Vice Presidents, Directors, Directors, etc.

## Snow Days & Emergency Closings

- The college has an emergency notification system to alert people to closings, snow days, and other important information. To sign up visit: <https://www.villa.edu/emergency-message-registration/>
- ANNOUNCEMENTS OF EMERGENCY AND/OR SNOW CLOSINGS ARE MADE ON THE FOLLOWING RADIO STATION: WBEN-930 AM; AND ON THE FOLLOWING TELEVISION CHANNELS: WGRZ-CHANNEL 2, WIVB-CHANNEL 4, WKBW-CHANNEL 7. IF YOU DO NOT HEAR A CLOSING ON THE RADIO AND TELEVISION CHANNELS, IT MEANS SCHOOL IS IN SESSION.
- Villa Maria College will not cancel classes except when there are severe weather conditions in Cheektowaga and/or Buffalo. The College recognizes, however, that many students

commute from a wide geographical area and the road conditions may vary greatly. Common sense and good judgment should guide students as to whether they can safely get to their classes. Students are strongly advised to inform faculty members of absence due to weather during the day or during the evening/weekend hours, respectively.

## **Campus Publications**

- The College recognizes that student publications can be a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration of the campus. They can be a means of bringing student concerns to the attention of the College community and of formulating student opinion. All student publications shall be published in accordance with guidelines established by the policies and procedures set forth by the governing documents of each particular publication. These guidelines shall adapt generally accepted journalistic standards to the College setting.
- Student publications shall be generally free of censorship, and their editors and managers shall be free to develop their own editorial policies and news coverage.
- This sense of free expression shall recognize the religious character of the College and shall be sensitive to that character.
- This editorial freedom entails a corollary obligation to honor those generally accepted journalistic standards as interpreted by the College, including but not limited to, the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, techniques of harassment and innuendo, and to follow all applicable regulations of the Federal Communications Commission. Editorial policy is to be consistent with the provisions of the Student Code of Conduct.
- Editors and managers of student publications shall not be arbitrarily suspended or removed from office because of student, faculty, administrative, alumni or public disapproval of editorial policy or content. Editors and managers shall be subject to sanctions only for proper and stated causes in violation of conduct in their role as editors or managers, and when the conduct in question pertains to publications as defined in this Code. Such sanctions shall normally be imposed only as a part of established College Conduct System for students; provided, however, that nothing herein shall be construed to limit the authority of the College in dealing with wrong-doing or breaches of accepted journalistic ethics or standards by any student editor, reporter or publications manager or staff person.
- All student communications shall explicitly state on the editorial page that the opinions expressed are not necessarily those of the College community.
- A College student, recognized group, or organization may only distribute printed material on campus with prior approval of that individual's group or organization's governing body providing such distribution does not disrupt the operation of the College and conforms to Mission of the College and regulations.
- Posting or distribution of printed materials in or on College buildings shall be in accordance with the Mission of the College and the College's Posting Policy.

## **Villa Maria College Communication Media Policy**

- Villa Maria College may use images (photography and video) of students in its communications and marketing media. Students who do not consent to being in these materials must opt-out by e-mailing: communication@Villa.edu.

## **Dress Code**

- Villa Maria College places emphasis on cleanliness, neatness, appropriate attire, respectable appearance and appropriate personal hygiene. Presentable attire is expected in the classroom, academic functions, and College functions. Faculty members, as well as College staff members, can make the determination of what is appropriate in these settings and discuss with students. Faculty members teaching courses requiring a specialized form of dress may designate other dress for their classes and/or for special class projects. Appropriate and presentable attire is part of the College's on-going efforts to educate for personal responsibility and promotion of civility. Sunbathing on campus property is generally not permitted.

## **Fire Safety/Fire Alarms/ Fire Safety Equipment**

- Fire safety is everyone's responsibility. All fire alarms should be considered true indications of danger and the building must be evacuated as safely and quickly as possible.
- For specific fire procedures see the Emergency Procedures of the College.
- While staff will attempt to alert students to leave buildings, it is incumbent upon each person to take personal responsibility to exit buildings when there is a fire alarm sounding. Staff will indicate when people may safely return inside.
- Additionally, fire drills are conducted in each building each semester. Failing to evacuate the building during an alarm may result in disciplinary action.
- Causing a building to go into alarm falsely can carry grave consequences. Students may panic or may ignore the alarm believing it to be false. This may in turn cause students to become injured, overcome by smoke, or to lose their lives. Therefore, the College takes the actions of tampering with fire alarms, smoke detectors, sprinklers, and fire extinguishers very seriously.
- The following will be considered as sufficient cause for immediate disciplinary action and may result in dismissal from the College or criminal prosecution:
  - Intentionally or carelessly setting a fire of any nature.
  - Pulling a fire alarm.
  - Tampering with smoke detectors or sprinkler systems resulting in triggering the alarm system.
  - Misuse of fire extinguishers.
  - Setting off firecrackers or similar incendiary devices.
  - Tampering with the protective hood on fire alarm pull stations.
  - Using candles.
  - Removing batteries or tampering with a room smoke detector.
  - Vandalizing exit signs.

- All students and College personnel must evacuate the building where and when the fire alarm has sounded. Faculty members in classrooms and administrators in all buildings are to enforce the following regulations when the fire alarm sounds:
  - Close all doors and windows.
  - Evacuate all areas.
  - Identify any disabled person needing assistance; arrange for necessary aid in evacuation.
  - Follow directional signs to fire exits; use stairs, do not use elevators.
  - Move away from the building and down the sidewalk or to a designated safety area.
- Fire drills are mandatory and held during each semester.
- All people occupying the building(s) must evacuate immediately at the sound of the fire alarm.
- Unauthorized use of fire extinguishers, intentionally pulling a fire alarm or tampering with any other designated fire safety equipment is subject to disciplinary action and/or possible criminal action.

## **Student Records – FERPA**

- The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. Students obtain these rights upon attendance at Villa Maria College. Attendance at Villa Maria College begins with either the first day of class or the date the student moves into student housing, whichever is earlier.
- The student’s rights include the right to inspect and review the student's education records within 45 days of the day the College receives a request for access.
- A student should submit to the registrar, Director, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The College official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the College official to whom the request was submitted does not maintain the records, that official shall advise the student of the correct official to whom the request should be addressed.
- The right to request the amendment of the student’s education records that the student believes are inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA. Please note that this is not a grade appeal mechanism. The policy regarding grade appeals is located in the Student Handbook under Academic Policies.
- A student who wishes to ask the College to amend a record should write the College official responsible for the record, clearly identify the part of the record that the student wants changed, and specify why it should be changed.
- If the College decides not to amend the record as requested, the College will notify the student in writing of the decision and the student’s right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

- The right to provide written consent before the College discloses personally identifiable information from the student's education records, except to the full extent that FERPA authorizes disclosure without consent.
- Under one such exception, the College discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the College has contracted as its agent to provide a service instead of using College employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.
- A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the College.
- Upon request, the College also discloses education records without consent to officials of another school in which a student seeks or intends to enroll.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: Family Policy Compliance Office U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5901
  - The right to withhold directory information. The College has designated the following as directory information: student name, address (including e-mail address and parents' address), telephone number, date and place of birth, photograph, major field of study, class year and enrollment status, dates of attendance, degrees and awards received, the most recent previous educational institution attended, participation in officially recognized activities and sports, and weights and heights of members of athletic teams. Students may refuse to allow the College to designate the above information about them as directory information by notifying the registrar in writing within two weeks after the first day of class for the fall semester. Students must submit an annual written notification of refusal to allow the designation of directory information.

## **Student Right-to-know and Campus Security Act**

- Any individual who is considering enrolling at Villa Maria College may secure a copy of the College's graduation rate compiled in accordance with the Student Right-to-Know and Campus Security Act by contacting the College's Admissions Office. Any enrolled student may obtain this information by contacting the Registrar's Office. The Institutional Research Office is the depository for this information.

## **Health**

- The Director of Student Affairs maintains student medical records and information. Villa Maria College follows FERPA regulations regarding confidentiality of health records and release of information.
- All students are required to complete a Confidential Student Health Form, including immunization status mandated by New York State Public Health Law 2165. (See immunization policy below.)

## **Immunization Policy**

- Effective August 1, 1990, New York State Public Health Law 2165 requires all students born on or after January 1, 1957, attending degree granting institutions, must demonstrate proof of immunity to measles (two doses), mumps, and rubella, or two MMRs, or proof of immunity with a blood test in order to attend classes. As of July 2003, students are required to sign a meningitis response form. For transfer of immunization records, each student is entitled to one copy without charge. A fee of two dollars must be paid for each additional transaction.

## **Medical Emergency Policy**

- A medical emergency is an injury or illness that is acute and poses an immediate risk to a person's life or long-term health.
  - Press "Speed 1" on corridor phones or dial 911 from other phones. Notify Security by pressing "Speed 2" on corridor phones or dial 870-7176. Security can assist emergency personnel to appropriate location.

## **AIDS Policy**

- Villa Maria College will not discriminate against students who have AIDS, ARC, or a positive HTLV-III Antibody test. The College also recommends that students inform appropriate health resources, but realizes this is the responsibility of the individual. This information will be held in the strictest confidence and inquiries received for information will be denied. In appropriate settings, Villa Maria College promotes preventative measures such as the use of personal protective equipment. Additionally, education will be ongoing to assist in the prevention of this disease.

## **Financial Aid**

- The Financial Aid Office at Villa Maria College believes that all qualified students should have an opportunity to attend Villa Maria College. The financial aid program is designed to help bridge the gap between the College's cost and the student's ability to pay. Villa Maria College participates in all federal and state financial aid programs in addition to offering its own institutional awards. Information about financial aid can be found on the Financial Aid

website of [www.Villa.edu](http://www.Villa.edu) and the College Catalogue. The specific website is:  
<https://www.villa.edu/admission/financial-aid/>

## Financial Obligations

- Financial arrangements for tuition and fees must be made with the Business Office by the date stipulated at the time of billing. There is a financial penalty for failure to meet this deadline.
- If a student has any outstanding debts at the end of a semester, a transcript and grades will not be released until these debts are paid. A student is not permitted to register for a new semester if he/she owes any debts from the previous semester. In addition, degrees, certificates or diplomas will not be conferred until all obligations are fulfilled, and disciplinary action may be taken.

## Housing

- Villa Maria College does not have College owned housing for students. Students are, however, offered apartment-style housing at Collegiate Village (CV) located about 1.5 miles from the campus. Villa Maria College (VMC) students who live at CV are expected to abide by the policies and procedures of the Collegiate Village Resident Handbook. Conduct issues that occur at CV may be subject to additional action by the College's Code of Student Conduct.
- For more details on housing, including information on apartment options and rates, visit the website at [www.collegiatevillagewny.com](http://www.collegiatevillagewny.com).

## Parking/ Moving Violations

- Villa Maria College is not responsible for injury to any person or damage to any vehicle. Drivers assume the responsibility of reporting incidents to the police and to the Business Office. The following regulations are in effect during the fall, spring, and summer sessions:
  - All cars are registered in Felician Hall.
  - The parking sticker is displayed on the driver's side rear window.
  - The campus speed limit is 15 mph.
  - Cars are parked between yellow lines.
- No Parking Areas

- Breezeway on either side of the Main Building. The breezeway is not to be used for waiting purposes or parking, this is a walkway between buildings;
- Fire lanes—space nearest the buildings (unlined);
- Any unlined areas or areas marked with diagonal lines; and
- Parking spaced labeled for visitors.
- Parking stickers are to be obtained in Felician Hall front desk. A parking sticker is valid for the duration of time a student is enrolled at Villa Maria College. A parking sticker must be obtained for each car used on campus.
- All offenders of parking regulations are subject to a student conduct violation and/or parking ticket issued by Campus Security. Fines are to be paid in the Business Office within five school days after receiving a parking violation ticket. Grades will be withheld until all fines are paid. Cars illegally parked in the handicapped area are subject to being towed away at the owner's expense.

## **Alcohol and Drug Policy**

- In keeping with its institutional mission, Villa Maria College seeks to provide a student-centered environment that recognizes the dignity and potential of all and addresses a student's intellectual, vocational, and spiritual needs. In so doing, Villa Maria College strives to maintain a campus community that fosters truth, charity, and unity.
- To insure a safe, healthy, and vibrant learning and working environment, Villa Maria College holds each person responsible for his/her conduct at all times including behaviors which occur while under the influence of alcohol and/or other drugs.
- Villa Maria College reaffirms its commitment to achieving a drug-free campus and to the maintenance of an environment free from abusive use of alcohol. Villa Maria College seeks to fulfill this commitment by providing the following: education, enforcement of the alcohol and drug policy, and information to those who voluntarily seek assistance.

## **Alcohol and Drug Statement**

- Villa Maria College is dedicated to the creation of a Christian environment, which fosters the intellectual, spiritual, emotional and physical development of its students and employees. This development is the essence of personal wellness.
  - The College community takes its responsibility seriously, and through education, counseling and modeling, assists students and employees in making responsible, ethical and informed behavioral choices.
  - In accordance with the 1989 Drug Free Schools and Communities Act, the College reaffirms standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on the College property or as part of any of its activities. Villa Maria College will comply with state law and local ordinances regarding the purchase and consumption of alcoholic beverages.



- The Drug Free Schools and Communities Act Amendments of 1989 (Public Law 101–226; Final Regulations published on August 16, 1990) requires the College to certify to the United States Department of Education that it has adopted and implemented a program to prevent the illicit use of drugs and the abuse of alcohol by its students and employees.
- The Higher Education Act Amendments of 1986 require those institutions receiving federal financial student aid to certify that they have drug prevention programs accessible to institutional officers, employees and students. This program must include the annual distribution of the following to each student and employee:
  - Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use or distribution of drugs and alcohol by students and employees on the institution’s property or as part of the institution’s activities;
  - A description of the applicable legal sanctions under local, state and federal law for unlawful possession, use or distribution of illicit drugs and alcohol;
  - A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
  - A description of any drug and alcohol counseling, treatment or rehabilitation programs that are available to students and employees; and
  - A clear statement that the institution will impose sanctions on students and employees (consistent with local, state and federal law) and a description of these sanctions, up to and including expulsion or termination of employment and referral for prosecution for violations of the standards of conduct.
- The law further requires that the College conduct a biennial review of its program to (a) determine its effectiveness and implement changes as they are needed; and (b) ensure that the sanctions developed are consistently enforced. The following document is Villa Maria College’s response to Section 22 of the law, entitled “Drug-Free Schools and Campuses” and the Higher Education Act Amendments of 1986 which require those institutions receiving federal financial student aid to certify that they have drug prevention programs accessible to institutional officers, employees and students.
- To insure compliance with the Drug-Free Workplace Act of 1988 and the Drug-Free School and Communities Act of 1989, the following policy is currently in effect for Villa Maria College.

## **Standards of Conduct**

- No illicit drugs may be bought, possessed, used, distributed, or consumed on campus, at Collegiate Village, or off campus as part of College sponsored activities at any time. Use, sale, possession, or purchase of narcotics or other drugs without a physician’s prescription is in violation of the law and of the standards of Villa Maria College.

- No alcoholic beverages may be bought, possessed, used, distributed, or consumed on campus, or off campus as part of College sponsored activities unless it is approved and authorized in advance by the President of the College.

## **Legal Sanctions**

- Legal Sanctions Regarding Alcohol: Under New York State law it is illegal:
  - To provide alcohol to persons under the age of 21 or to persons who are visibly intoxicated. Providing alcohol to persons under the age of 21 is a Class A misdemeanor which is punishable by imprisonment for up to one year, a fine of not more than \$1,000 and/or 3 years' probation;
  - To misrepresent the age of a person under the age of 21 for the purpose of inducing a sale of alcohol. Those found guilty of violating this law shall be punished by a fine of not more than \$200, or by imprisonment for not more than five days, or by both fine and imprisonment;
  - For a person under the age of 21 to possess alcohol with the intent to consume it. Those found guilty of violating this law shall be punished by a fine of not more than \$50 and/or required to complete an alcohol awareness program and/or required to provide up to 30 hours of community service;
  - For any person under the age of 21 to present or offer any written evidence of age which is false, fraudulent or not actually his own, for the purpose of purchasing or attempting to purchase alcohol. Those found guilty of violating this law shall be punished by a fine of not more than \$100, and/or required to complete an alcohol awareness program and/or required to provide up to 30 hours of community service. Additionally, if it is found that a New York State driver's license was the written evidence of age used for the purpose of the purchase or attempted purchase, the person's license to drive a motor vehicle may be suspended for 90 days. Lastly, alteration of the required forms of identification (driver's license, passport or armed forces ID card) may constitute "possession of a forged instrument... with intent to defraud," which is a Class D felony under New York State penal law.

## **Legal Consequences of Operating a Vehicle While Under the Influence of Alcohol or Drugs**

- Operating a Motor Vehicle After Consuming Alcohol While Under Age 21.
  - Any person under age 21 who operates a motor vehicle after having consumed alcohol, as determined by a blood-alcohol content of at least .02%, may be referred to the Department of Motor Vehicles for license suspension or revocation, and a \$125 charge. V&T Law § 1192-a.
  - Driving While Ability Impaired (DWAI) (more than .05% but less than .08% Blood Alcohol Content (B.A.C.) First violation (Traffic Infraction): Mandatory \$300-\$500 fine; and/or imprisonment up to 15 days; mandatory 90-day license revocation.

Subsequent violations increase the fine, possible imprisonment and length of revocation.

- Driving While Intoxicated (DWI) (.08% B.A.C. or higher or while impaired by the use of a drug) 1st Violation (Misdemeanor): Mandatory \$500-\$1,000 fine and/or 1-year imprisonment; Mandatory 6-month minimum license revocation. Two violations within 10 years can result in jail for up to 4 years and a 1-year revocation of your license to drive. If there is personal injury, a possible lifetime revocation can result.
- If you are under the age of 21 and charged with DWAI, or DWI, and you are convicted of such charges, your license will be revoked for a minimum of one year. If you drive while your license is suspended or revoked, or if you refuse a chemical test, you face a mandatory jail term of 7-180 days and a mandatory fine of \$500-\$1,000.
- Villa Maria College will not shield any student from local, state, and federal legal sanction for unlawful possession, use, or distribution of illicit drugs and alcohol. The state penal code is very specific (Section 220.0 through Section 220.65 <http://ypdcrime.com/penal.law/article220.htm>) in the controlled substances area and most violations are felonies.

## Health Risks

- The Villa Maria College Community has a serious concern relating to the use of any drugs including alcohol. Alcohol and illegal drug substances can have the following single or multiple effects (long or short term):
  - Death through cardiac and/or respiratory arrest;
  - Genetic damage;
  - Hallucinations;
  - Visual problems;
  - Coordination problems/increase in accidents;
  - Breathing and circulatory problems;
  - Decreased inhibitions and emotional control leading to possible spouse, child, or parent abuse;
  - Drowsiness;
  - Mood altering and emotional changing experiences (swings);
  - Depression of and/or increasing the effects of prescription drugs already being taken;
  - Hyperactivity/depression;
  - Multiple mental health and nervous system disorders;
  - Neglect of good nutrition and personal hygiene;
  - Decrease in reaction time;
  - Cancer;
  - Increased incidence of suicide.

## Available Services and Programs

- Villa Maria College recognizes the need to make available confidential counseling (i.e., subject to the standards of privacy established in the medical and religious professions) to students who are struggling with alcohol/drug related problems. Information about treatment facilities can be obtained from the [Director of Health and Disability Services](#). The College offers education program regarding alcohol and drug abuse.

## **Notification of Violations of College Policies**

- In compliance with Section 952 of the Higher Education amendments (H.R. 6) parents and guardians of students will be notified of violations of college policies or rules in addition to local, state, and federal laws governing the use or possession of alcohol or a controlled substance, if the student is under 21 years of age and if the college determines that the student has committed a violation with respect to such use or possession. Notice shall be made by the Director of Student Affairs in such cases.
- Any student employee of the College convicted of any criminal drug statute violation which has occurred in or on the workplace premises is required to notify the supervisor, preferably in writing, within five (5) calendar days following such a conviction. Any person receiving such notification shall immediately provide, in writing, notice to his/her Vice President. The Vice President will notify the Director of Student Affairs, the Director of Financial Aid, and the Director of Grants so that notification can be sent to the appropriate federal contracting agency.

## **Advertising**

- Advertisements for events may not mention the availability of alcohol in a prominent way or create the impression that drinking is the sole purpose of an event. If mention of alcohol is made, equal attention must be given to the availability of non-alcoholic beverages.

## **Tobacco-Free Policy**

### **Purpose**

- Villa Maria College recognizes the overwhelming scientific evidence assembled by the U.S. Surgeon General, Centers for Disease Control, Environmental Protection Agency, and World Health Organization, which demonstrates that tobacco is a profound agent of deadly diseases, responsible for millions of deaths worldwide each year, both to tobacco users and non-users. Studies have indicated that exposure to second hand smoke is a significant risk for everyone. All forms of tobacco are now known to be harmful and highly addictive. Villa Maria College cares deeply about the health of the College Community and our neighbors. As an employer and an institution of higher education, the College is committed to providing a safe working and educational environment. Tobacco use is inconsistent with our traditional Felician Franciscan values and culture of wellness.

## Policy

- Villa Maria College became a 100% tobacco-free campus on August 1, 2013.
  - All tobacco product use is prohibited everywhere within the perimeter of all Villa Maria property, indoors and outdoors, as well as in College-owned vehicles and in any vehicle on Villa property.
  - Tobacco product use is discouraged at all College sponsored events including off-campus events.
  - Tobacco product sales are prohibited everywhere on the College campus.
  - The College will not accept advertising, marketing, distribution, or promotion of tobacco products.
  - All grants and gifts to the College and all solicitations and proposals for such funds must have the approval of the College and must conform to the College's mission statement, culture of wellness, College policies, and applicable laws and regulations. In addition, Villa Maria College will not invest in any direct tobacco company holdings.

## Compliance

- In keeping with the mission of Villa Maria College, this policy is driven by respect for others and the environment and relies on the thoughtfulness, consideration, and cooperation of tobacco users and non-users for its success. Enforcement of this policy will depend on the cooperation of all members of the Villa Maria College Community, both to comply and encourage others to do so. It is the responsibility of all members in the College Community to observe this tobacco policy.
  - Villa Maria will inform members of the College Community about the tobacco policy by widely disseminating information about the policy on a regular basis. The tobacco policy will be clearly posted in employee and student handbooks, on the campus website and as part of other publications.
  - The policy will be shared with parents, alumni, and visitors through media, campus announcements, the website, and other means. Key components of the policy will be posted on signage around campus (e.g. Tobacco use is not allowed on campus grounds.) Public announcements will address the policy at events on campus
  - Policy non-compliance will prompt an initial educational response, which will include information regarding the existence of the policy, the rationale for the policy, and the availability of cessation support services. Repeated non-compliance will be referred to the appropriate campus student conduct or employee supervisory system for resolution. Employees and students will be treated respectfully in the consistent observance of the policy.
  - At times, the establishment of boundaries has resulted in displacing tobacco users onto the surrounding community grounds. In the event that this does happen, Villa Maria College will reach out to ameliorate the situation in support of its neighbors.

## Definitions

- For the purposes of this document, the following definitions apply:
  - “Tobacco” is defined as all tobacco and tobacco-derived products intended for human consumption, including but not limited to cigarettes, pipes, cigars, hookah-smoked products, clove cigarettes, bidis, kreteks, electronic cigarettes, smokeless tobacco, snus, and other related tobacco products. This definition does not include any product that has been approved by the US Food and Drug Administration for sale as a tobacco use cessation product.
  - “College” is defined as Villa Maria College.
  - “Campus property” is defined as any property owned, leased, or operated by Villa Maria College.
  - “Tobacco company” is defined as a company that produces and/or markets branded tobacco products, including subsidiaries, but not including parent companies which engage in business activities that are not in any way related to tobacco.
  - “Direct tobacco company holdings” are defined as corporate stock holdings directly owned by the College, not including stock holdings that may be owned through mutual funds or indirect investments.

## College Commitment

- Villa Maria’s commitment to becoming tobacco-free will foster:
  - Preserving respect for others and the environment;
  - Supporting the culture of wellness;
  - Reducing the health hazards posed by exposure to second hand smoke on campus;
  - Preparing students for an increased number of tobacco-free work places;
  - Helping prevent desecration of the campus by tobacco litter;
  - Eliminating designated smoking areas that can limit smoke free access particularly for people with disabilities;
  - Discouraging students from adopting or continuing to use any form of tobacco;
  - Curtailing the known difficulties posed by policies with designated smoking areas;
  - Decreasing tobacco use through the use of social-norming; and
  - Recognizing that, as stated by the CDC, smokeless tobacco can lead to nicotine addiction and that users are more likely to become smokers.

## Cessation

- Understanding the addictive nature of tobacco use and that breaking that addiction is extremely difficult for many people, the College will make every effort to assist those employees and students who wish to stop using tobacco. The campus will promote and provide evidence-based cessation resources. Students and employees may obtain referrals

and support for cessation resources through the College Health Office (716-961-2852) or New York State Smokers Quit line 1-866-NY-QUITS (1-866-697-8487).

## Policy Review

- Villa Maria College will maintain its Tobacco-Free Committee to identify and address needs and concerns related to this policy, implementation, compliance, enforcement, and cessation. The Tobacco-Free Committee will review this policy on a regular basis to ensure that it is sustained, effective, and up to date. The provisions of this policy shall be subject to future review and revision to ensure that its objectives are attained and that Villa Maria College is in compliance with federal and state law.

## Crime Prevention Policy

- To fulfill federal requirements of Title II of the Clery Act and also Article 129-A&B of the NY Education Law, the following policy is currently in effect for Villa Maria College. Since Villa Maria College believes in values and justice, no crime will be tolerated on the campus. Security plans, emergency plans, and crime reporting are organized to contribute to a safer environment, and to provide the mechanism for obtaining outside help from local police agencies and emergency facilities. The policy of Villa Maria College requires the reporting and investigation of crimes, including but not limited to Violent Felony Offenses as defined in NY Penal Law 70.02. The policy also requires that an investigation will be made in the event that a student who resides at a facility owned or operated by the College is reported to be missing. Investigations will be coordinated between the College and local police authorities.
  - Emergency phones are located on corridors. Instructions are posted adjacent to the phone.

## Reporting Crimes

- Villa Maria College requires that all crimes, missing person situations, and emergencies be reported immediately.
- All students, faculty, staff, and visitors are asked to report any unusual or suspicious incidents to the Business Office, the police, or to security.
  - Police, Fire Department, Rescue—press “Speed 1” on corridor phones or dial 911
  - Security Guard—press “Speed 2” on corridor phones or dial 870-7176
  - Business Office—dial 1841
    - To insure proper documentation, please complete a crime report in the Business Office.
- If you prefer to contact someone confidentially, you may call
  - Counseling—1821 or 961-1821
  - Campus Ministry—1813 or 961-1813

- Information received confidentially will be used for statistical purposes. If it is determined that the circumstances of the crime pose a danger to other members of the College community, then general information about the incident may be released. However, the victim's identity will be protected.

## **Emergency Procedures**

- Emergencies and disasters are unpredictable and often strike without warning. It is essential that all Villa faculty, staff, students, and visitors respond quickly and appropriately to emergency situations in order to reduce the risk of injury and property damage. Emergency Procedures can be found in the Business Office

## **Emergency Phone Numbers**

- Villa Maria Security 716.870.7176, 716.848.9640
- Police/Fire/Ambulance Emergency 9-911
- The 9-1-1 emergency system can be accessed from office and hallway phone by dialing 9 prior to 9-1-1. If you do call 9-1-1 for an emergency, please also call Villa Security immediately afterward. This will allow officers to meet, coordinate with, and direct emergency officials for the incident. If you cannot reach Villa Security for some reason, call 9-1-1.

## **General Emergency Procedures**

- When you become aware of an emergency situation where life or property is threatened, contact Villa Security immediately at 716.870.7176, 716.848.9640. It is imperative that everyone follows the directives of emergency response personnel. This includes Villa Security, local Police and Fire/EMS personnel. Know the location of safety equipment in your work area and how to use it. Familiarize yourself with emergency evacuation routes for your building.

## **Missing Student Policy**

- It is the policy of Villa Maria College that any faculty or staff member of the College who receives information that a student of the College is missing from his or her normal and ordinary place of residence, whose whereabouts cannot be determined, and whose absence does not appear to be voluntary shall promptly report this information to the Director of Student Affairs. The source of the report to include name, phone, and address of the reporting party along with a summary of the circumstances shall be made a part of any such report, to the extent possible. For purposes of speed, the initial report may be verbal to be followed by a written statement of circumstances forwarded in due course.



- The Director of Student Affairs shall make inquiry to confirm as much information as possible and shall make a report to the Police Department in either Cheektowaga, New York, or in Buffalo, New York, as appropriate. Reporting:
  - Anyone with knowledge that a student is missing for 24 hours or more must report this information to Campus Security, the Business Office, or the Director of Student Affairs.
  - Individuals who wish to report that a student has been missing for 24 hours may contact any of the following office
    - Office of Student Affairs – Director of Student Affairs
      - Telephone: 716.961.1861 and e-mail: azakmoskal@villa.edu
      - Location: Student Success Center.

## **Confidential Contact**

- Each student has the option to register a confidential contact person to be notified in the case that the student is determined to be missing. Only authorized campus officials and law enforcement officers in furtherance of a missing person investigation have access to this information.
- To complete a Confidential Contact Information form, please visit the Business Office. The Business Office will maintain confidential Contact Information forms.
- The College will contact the parent or guardian of any students who are less than 18 years of age and not emancipated, who are reported missing.

## **Law Enforcement**

- In all instances where a student has been reported missing for more than 24 hours, law enforcement will be notified.
- Villa Maria College may initiate any part of an investigation or procedures in less than 24 hours if circumstances warrant a faster implementation.

## **Student Activities and Organization Policy**

### **Introduction**

- Part of the Student Services, the Student Life Office strives to meet the various needs of the campus community. In addition to social programs, they offer cultural events, holiday programs, and service projects in order to enhance the holistic development of the students. The office works closely with the Student Government in planning various campus events. The office is responsible for the authorization and coordination of student-sponsored extracurricular programming held on campus.

## **Clubs and Organizations**

- The purpose of clubs and organizations at Villa Maria College is to promote student involvement and leadership, build community, have fun, and further interests in Villa Maria and the outside community. Students have the ability to create and develop new clubs and organizations if there is not one on campus that suits their interests.

## **Student Participation in College Governance**

- Villa Maria College recognizes that students are entitled to participate in the formulation of rules, regulations and policies directly affecting Student Life. Participation shall be provided through the Student Government and through student participation on College committees and councils.
- The Student Government shall have primary responsibility for recognizing student organizations, enforcing Student Government rules, regulations and legislative actions, and budgeting and administering College funds allocated to it.

## **Fundraising**

- The Student Life Office and the Development Office must approve all fundraising done by student clubs or organizations. Fundraising forms can be picked up from the Campus Activities Office.

## **Legal Compliance**

- All organizations and groups shall be in compliance with all applicable federal, state and local laws.

## **Organizational Funds**

- All organizations and groups which receive College funding or which use the College name in the solicitation of funds or the generation of revenue must keep such funds on deposit with the College and make use of the normal College disbursement process in the expenditure of these funds.
- All clubs and organizations may not use any funds to purchase alcohol without prior written approval from the Director of Student Life and Director of Student Affairs.
- All clubs and organizations funding and expense must follow the policies set forth by the College and are subject to change at any time without notice.

## **Posting Materials**

- The Student Life Office will be responsible for approving all posters and fliers on campus from all student clubs and organizations and off-campus individuals or organizations.
- Student organizations and campus departments may utilize the bulletin boards on campus. Off-campus individuals or organizations, Villa students, and student organizations may only post fliers if they are approved first by the Student Life Office. There is no guarantee that a flier will be approved.
- Fliers must contain contact information for the organization/department and suitable content for the campus community. Any fliers depicting inappropriate material will not be approved; i.e. explicit content, alcohol advertisement, etc.
- Fliers may not be posted on any of the glass doors on campus, unless they contain emergency information. Fliers must only be posted on the designated bulletin boards. Only one flier will be posted for each bulletin board.
- Other campus offices may post relevant materials to their departments without approval or stamping. Academic offices are responsible for their own postings. However, posters will only stay in place for two weeks and still must adhere to the policy regarding suitable content, location, etc.
- All campus offices are responsible for ensuring that up-to-date fliers only are posted on campus. Fliers will be removed after 14 days, and must be removed 24 hours after the event.
- Chalking of the sidewalks is only permitted after receiving approval from the Student Life Office. Students must define what will be written, and they must seek approval at least three days prior to the chalking.
- Violators to the posting policy will be held accountable with guidelines outlined in the Student and Staff Handbooks. Off-campus individuals who violate this policy will be banned from posting fliers in the future.

## **Risk Management**

- Certain activities in which students choose to participate may involve certain personal physical risks. Students should use caution and common sense when participating in any activities, and recognize that the College is not always able to provide for, and can never ensure, student safety.
- In activities or events sponsored by clubs or organizations where the physical risk of students is of concern, the Director of Student Life will develop a risk management plan with the club or organization officers.

## **Social Activity Regulations**

- For any event outside of normal classroom activity involving the use of College facilities, applications for space may be obtained from the Student Life Office and the Facilities Rental Office.

- College facilities may be scheduled and used by registered organizations for regular business meetings, for social programs and for programs open to the public according to the policies outlined in this section.
- Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of the space assigned, to regulate time and use, and to ensure proper maintenance and order.
- Allocation of space shall be based on priority of requests and the demonstrated needs of the organization.
- Reasonable charges may be imposed to cover any costs for the use of facilities. Physical abuse of assigned facilities or disregard for specific regulations pertaining to a given facility may result in reasonable limitations on future allocations of space to offending parties as well as restitution for damages.
- The organization requesting space must inform the College of the names of outside speakers and the general purpose of any meeting open to persons other than members.
- No speaker sponsored by a registered organization shall be denied appearance on campus for arbitrary or capricious reasons. Reasons for denial include, but are not limited to, probability of disruption of campus activities, endangerment of the College's tax-exempt status, and/or reasonable expectation of danger to life or property.
- The sponsoring organization and its officers are responsible for:
  - Informing the advisor(s) in advance of all functions sponsored by the organization. All organizational activities must receive the prior approval of the advisor.
  - The behavior of persons attending the function including but not limited to Student Code violations, and any illegal acts either engaged in or knowingly permitted by the organization.
  - Any damage to utilized facilities.
  - Activities of the organization and for its compliance with the Mission of the College and regulations.
- The sponsoring organization(s) and/or group(s) may require presentation of valid ID cards for admission to an event held on the campus. Functions may be closed to persons other than members of the sponsoring organization(s) and/or group(s) and to their invited or accompanied guests.
- Functions held in College facilities may end no later than the established closing hours of the facility concerned unless permission is given by the Director of Student Life or designee.
- Commercial enterprises of any kind (solicitation, sales, distribution, etc.) by students or organizations are permitted on campus or in College buildings only with permission of the Director of Student Life. Commercial enterprises other than solicitation, sales or distribution by students must have the approval of the Vice President for Finance and the Director of Student Affairs. No credit card application solicitation is permitted on campus. No outside solicitation of any kind is permitted in the Residence Halls.
- Sound trucks or outdoor amplifying systems are not allowed on campus for any purpose without the approval of the Director of Student Life.

## Use of the College Name/Logo

- No organization shall use the College's name without written authorization of the College. College approval or disapproval of any political or social issue shall not be stated or implied by an organization.
- The official letterhead stationery, logo or seal of the College shall not be used in any publication, correspondence, or other printed material prepared or distributed by the organization or its officers without prior submission of the material to, and written permission from the Director of Campus Activities.
- All merchandise with the Villa Maria College logo or name, including t-shirt or other imprinted merchandise, must be approved through the Communication Office.

## Information about College Services and Personnel

### Security

- The main building is open Monday through Thursday 7:30 a.m. to 11 p.m. and Friday 7 a.m. to 7 p.m. Doors are locked at 6 p.m. Access to the building is available through the cafeteria entrances only. The music and library buildings are open 7 a.m. to 6 p.m. Monday through Friday. On Saturday, the main building is open 9 a.m. to 5 p.m. Sun-day hours and changes in building hours are posted as needed. Felician Hall is open 8 a.m. to 5 p.m. Monday through Friday. The Student Center is open 8 a.m. Monday through Friday. Closing times depend on events and/or availability of personnel.
- The grounds are well lighted and maintained to contribute to safety and security. Police cruise through the grounds several times each day. During evening hours, people are advised to leave the building in groups or to request service from security. Security checks are made regularly. In case of an emergency, security calls the police.
- Once a semester, the College will offer a program designed to inform students about campus security procedures and practices, about the need to be responsible for one's own safety and that of others, and about the prevention of crimes.

### Student Success Center (SSC)

- The Student Success Center (ASC) supports students at every stage of their college careers. Trained, experienced tutors provide academic assistance in a wide range of subjects, tailoring each session to the individual student's needs. Students visit the SSC to receive tutoring in any subject, to improve writing, and/or to receive guidance in areas like study strategies, test taking, and time management. Students can make an appointment with a tutor by calling the SSC Secretary at (716) 961-1861. Or, simply drop in—the SSC is located on the ground floor level of the Library building. There is no fee for services.
- The Student Success Center is open Monday through Thursday from 9 a.m. to 6 p.m. and on Friday from 9 a.m. to 4 p.m.

# Library

- The Villa Maria College Library holds a carefully selected collection of books, periodicals, and other educational resources supportive of the instructional program of the College. It also provides non-print materials and technological equipment to add another supportive dimension for faculty and student needs. Wireless Internet access is available throughout the Library.
  - Main Floor Foyer—service desk, Reserve Materials collection, Casual and Graphic Novel collections, two multifunction printer/scanner/copier machines, as well as computers with full Microsoft Office and Adobe Creative software suites;
  - North Room—silent study space, circulating books (A-N), Oversize collection, Musical Score collection and Pamphlet File, as well as computers with full Microsoft Office and Adobe Creative software suites;
  - South Room—Periodicals, circulating books (P-Z), and Audiobook, Professional Development, and Thesis collections. Library Computer Lab with computers with full Microsoft Office, Adobe Creative, and collaborative Solstice screen sharing software suites;
  - Media Resources Room/Librarian Office—Audiovisual Materials and Equipment collections, reference question assistance.
  - The main floor of the library is handicap accessible.
- Librarian/Staff Hours
  - Mondays – Thursdays: 7:30 a.m. – 5p.m.
  - Fridays: 7:30 a.m. – 4p.m.
- Library Building Hours
  - Matches predetermined Main Building Hours
- Borrowers - All users should have a current Villa Maria College student ID card to check out materials from the Library. After staff hours, students are welcome to use the After Hours Checkout box to check books out.
- Fines - Overdue books, DVDs, CDs: \$0.10 per day. Reserve Materials (2-Hour): \$0.50 per hour. All other Reserve Materials: \$0.50 per day. Interlibrary Loan materials: \$1.00 per day. Losses and damages will be billed at full replacement value plus a \$20.00 processing fee. All outstanding fines, losses, and damages are reported to the Registrar’s Office. Grades and transcripts are withheld until library obligations are met.

## Services for Students with Disabilities

- Assistance is available for students who have documented disabilities. The College recognizes the academic potential of all students and strives to provide reasonable accommodations to assist those with disabilities to be successful in their studies.
- Before accommodations are granted, students with documented disabilities are required to self-identify. To self-identify, a student should notify the Coordinator for Students with Disabilities. Upon notification, the procedure for obtaining accommodations will be

explained to the student. As a final step in the process, the student should discuss with each instructor how the accommodations can be granted.

- College-wide support services are provided to assist students in raising their levels of competencies, selecting appropriate and manageable course loads, and exploring career opportunities that will capitalize on their strengths and talents.
- Optimum benefit from the College's support services can be gained by early identification, advisement, and enrollment.

## **Honors**

### **Phi Theta Kappa**

- Phi Theta Kappa, the International Honor Society for two-year colleges, provides leadership, fellowship, scholarship, and service opportunities for full-time and part-time students. Eligibility for membership in the local chapter, Tau Lambda, is determined by a number of factors: completion of at least 12 credit hours of coursework at Villa Maria College leading to an Associate degree, an overall GPA of at least 3.5, and a recommendation reflecting engagement in service and leadership. An induction ceremony takes place each semester.

### **Who's Who**

- Members of the College Community nominate qualifying prospective graduates in baccalaureate and associate programs who distinguish themselves in genuine qualities of character, academic pursuits, and co-curricular endeavors for inclusion in Who's Who Among Students in American Colleges and Universities. Certificates are presented at the Spring Honors Convocation.

### **Blessed Mary Angela Student Award**

- Named after the foundress of the Felician Sisters, the Blessed Mary Angela Student Award is awarded annually at Commencement to the most outstanding graduate of Villa Maria College. Recipients should embody the mission and values of Villa Maria College, demonstrated through outstanding achievement in academics, leadership and service to both the College and the local community.

### **Spirit Award**

- The Student Life Office gives the Martin Wanamaker Spirit Award to a graduate who distinguished him or herself in promoting spirit on campus.

### **Delta Epsilon Sigma**

- Delta Epsilon Sigma is the national honor society for bachelor-degree students. Students eligible for membership must be at the junior level or higher and must be in the top 20% of their class.

## Campus Ministry

- The Campus Ministry office ministers to all students, faculty, and staff members of the Villa Maria College Community. Inspired by its Catholic, Franciscan Felician roots and traditions, various opportunities are offered to help people deepen their awareness of the presence of God in themselves, in each other, and in the world around them. This awareness can be strengthened through Eucharist, interfaith prayer, private prayer and meditation, retreat experiences, spiritual direction, and pastoral and vocational counseling. It is hoped that this deepened awareness of God's presence will result in various works of mercy and charity.
- As part of the Villa Maria Complex Peace Site, Campus Ministry promotes an appreciation and respect for the dignity and integrity of all persons by suggesting venues for expanding knowledge and changing behaviors and attitudes regarding violence and injustice.
- Knowledge of local and global peace and justice issues is promoted through Pax Christi, the Diocesan Peace and Justice Commission, and the Western New York Peace Center. These issues are shared with the College Community through emails and signs posted outside the Campus Ministry Office.
- Campus Ministry oversees the operation of the Sister Mary Josette Food Pantry. The Pantry, affiliated with the Food Bank of Western New York, is located in the College and serves the needs of the less fortunate both on and off campus.

## Career Services

- The Career Services and Internship Office provides services to students and alumni. Services include:
  - Providing career advisement;
  - Assisting with job search strategies including resume and cover letter preparation as well as interview techniques;
  - Furnishing information regarding career fairs, volunteer work, and full and part-time employment opportunities;
  - Supporting students and faculty in professional practices career-related course activities;
- For further information regarding services and career-related activities, students and alumni are requested to make an appointment with the Director of Career Services and Internships.

## Care Center

- Situations often arise in life that requires some type of change, either in one's behavior or one's personal environment. Counseling helps students work through those changes in a



productive manner. It provides the opportunity for students to assess personal problems, clarify thoughts and feelings, learn how to cope with and overcome stressors, and improve decision-making. While some students may engage in the counseling process to address concerns and overcome obstacles, others may want to gather information that will prevent potential problems from occurring. Overall, the counseling process helps students meet personal, educational, and professional goals. Counseling is confidential and free of charge.

- Personal Counseling
  - Students are invited to utilize counseling services for a variety of reasons. Some may include issues that arise in personal relationships, in adjustment to life changes, or dealing with loss. Some students may need help with how to stay motivated, overcome procrastination, manage stress or deal with feelings of depression/anxiety. Numerous factors can impede one's ability to reach academic goals and meeting with a counselor can help reduce stress, gain insight, and resolve personal issues.
- Personal Growth and Development
  - It is essential that students develop self-management and interpersonal skills. While some students may desire counseling to deal with a particular problem, others may want to improve communication skills, learn how to balance the role of student with their personal life and avoid potential problems before they occur. Workshops, presentations, and individual sessions are made available to address topics such as:
    - Coping with College and Life Demands;
    - Handling Unexpected Events;
    - Stress Management;
    - Handling Relationship Breakups;
    - How to Resolve Conflict;
    - Improving Communication Skills;
    - Managing Multiple Roles;
    - Wellness; and
    - Understanding Personality Types.
- Parents/Single Parents
  - Some students are also parents. While pursuing a degree and raising children require significant adjustments, various strategies can be employed to insure success. Individual sessions are available to help students learn how to handle both family and student responsibilities.
- Adult Learners
  - Adult Learners are students primarily over the age of 23 and returning to school after several years. In addition to the role of student, adult learners often have many other responsibilities. To meet their diverse needs, services are provided through the Care Center. Individual sessions are also provided to address concerns and/or questions as they arise.
- Hours
  - The Care Center is located on the ground floor of the library building. General office hours are between 9 a.m.-5 p.m. Evening hours are also available. Students may

stop in or call 961-1821 to schedule an appointment. For those students experiencing a Mental Health emergency, Erie County Crisis Services is available 24 hours at 716.834.3131.

## **Lockers**

- Lockers are available August 15 to May 31 on a first come, first served rental basis. The fee is \$5 (\$2 rental, \$3 deposit). When withdrawing from the College at any time during the semester, at the end of a semester, or when the academic year is completed, a student must return the lock to the Student Life office to obtain a form for a refund of the \$3 deposit. The actual refund is obtained in the Business Office. Locks must be turned in by May 31 or the refund is forfeited for that academic year. Lockers are cleaned during the months of June and July. The College is not responsible for items left in lockers.

## **Student Life Office**

- Students are welcome to check with the Student Life Office regarding any problems, difficulties, or questions that arise while on campus. Referrals to appropriate offices or departments are made when necessary. Student life at Villa is an integral part of the total educational experience. A diversified portfolio of student interest groups, along with major campus-wide events is available to students. Each group and activity has a unique purpose and focus. The groups are divided into the areas of government, academic/social, cultural, and wellness.

## **Student Government**

- Student Union Association (SUA)—the Constitution of the Student Union Association of Villa Maria College is undergoing revision in the 2017-2018 academic year. More information can be found by contacting the Director of Student Life.
- Student Union Board (SUB) is the voice of the students as it pertains to student life at Villa, promoting student responsibility, loyalty to the College, and cooperation among students in their relations with faculty and administration.

## **Academic, Cultural, Wellness, and Social Clubs & Organizations**

- For a full list of clubs and organizations on campus, please visit the [Student Life](#) portion of the college website.

## **Wellness**

- The gym and fitness room are open Monday through Sunday for various hours. Visit [www.VillaVikings.com](http://www.VillaVikings.com) to learn more. Student ID card required using facilities.

## **Bookstore**

- The Bookstore is the official source for the purchase and rental of new and used textbooks. The Bookstore also buys, sells, and rents used textbooks. School supplies, photo materials, art materials, and imprinted items are available. Students may purchase textbooks, discounted software, and computer products online and in the store itself. Students may also purchase graduation attire. Bags, briefcases, coats, jackets, and books may not be taken into the Bookstore. These items are to be left in a locker. The Bookstore accepts payment by cash, check, Visa, MasterCard, and American Express. Book loans are available through the first two months of each semester. However, the Bookstore may close individual accounts early once the student's financial aid has been processed.
- Hours – are posted on the entry to the store.
- For more information, go to [www.villa.bkstr.com](http://www.villa.bkstr.com).

## **Business Office Hours**

- The Business Office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday. During the first week of classes during the fall and spring semesters, extended hours are posted outside the Business Office.

## **Dining Hall & Villa Bistro**

- The Villa Maria College Dining Hall is utilized as an integral part of College social life. Villa Bistro service is available Monday through Friday from 8 a.m. to 2 p.m. when classes are in session and offers a variety of food. In addition, the Dining Hall is available for study and socializing whenever the college is open. Notice will be posted if this schedule is changed.

## **Section 504 Policy: Discrimination on the Basis of Disability**

- Villa Maria College is committed to providing a learning, working and living environment that promotes personal integrity, civility and mutual respect in an environment free of discrimination on the basis of disability, including disability harassment. Villa Maria considers disability discrimination in all its forms to be a serious offense. This policy refers to all forms of disability discrimination, including disability harassment by employees, students, or third parties.
  - Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability in education programs and activities that receive federal financial assistance. To ensure compliance with Section 504 and other federal and state civil rights laws, the College has developed policies and procedures that prohibit

disability discrimination in all of its forms. An individual with a disability is defined as “any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment. The regulation further defines a physical or mental impairment as (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.”

## **Reporting/Complaint**

- To make a report or complaint of discrimination on the basis of disability, please contact the Section 504 Coordinator, Brian Emerson, Vice President for Enrollment Management, [bemerson@villa.edu](mailto:bemerson@villa.edu), 716.961.1838.

## **Additional Information**

- Additional information about Villa Maria College’s services for students with disabilities can be obtained from Liz Kerr, Director of Student Success, at [ekerr@villa.edu](mailto:ekerr@villa.edu), 716.961.1866. The Student Success Center is located on the lower level of the Library Building.

## **Alternative places to report Civil Rights Grievances**

- Individuals who wish to report a civil rights grievance or complaint to someone outside of Villa Maria College may contact one of the following:
- Office for Civil Rights (OCR) – Enforcement Office
  - U.S. Department of Education
  - 32 Old Slip, 26th floor
  - New York, NY 10005 – 2500
  - Telephone: (646) 428-3900
  - FAX: (646) 428-3843
  - TDD: (877) 521-2172



**SEX DISCRIMINATION, SEXUAL HARASSMENT & SEXUAL MISCONDUCT POLICY**

## **Introduction**

Villa Maria College is committed to providing a learning, working and living environment that promotes personal integrity, civility and mutual respect in an environment free of discrimination on the basis of sex, which includes sexual harassment, sexual assault, dating violence, domestic violence, stalking and others forms of sexual misconduct. Sex discrimination violates an individual's fundamental rights and personal dignity. Villa Maria College strictly prohibits sex discrimination, sexual harassment and other forms of sexual misconduct addressed in this policy. Some of the conduct prohibited by this policy is unlawful, and all of the prohibited conduct is antithetical to the mission of the College.

As a recipient of federal funds, Villa Maria College is required to comply with Title IX of the Education Amendments of 1972, 20 U.S.C. & 1681 et seq., which prohibits discrimination and harassment on the basis of sex in education programs or activities. Pursuant to Title IX and the Violence Against Women Act ("VAWA") and New York Education Law Section 129-B,1 the College also prohibits sexual assault, domestic/dating violence and stalking where it impacts or has the potential to impact the educational or employment environment of a College community member.

This policy provides information about resources and supportive measures available to members of the Villa Mara College community experiencing discrimination or harassment based on sex, including sexual assault, dating violence, domestic violence and stalking. This policy also provides procedures for the investigation and adjudication of allegations of sex discrimination, sexual harassment and other forms of sexual misconduct. Villa Maria College will take reasonable and appropriate remedial action to prevent sex discrimination and harassment and other forms of sexual misconduct, prevent its recurrence, and correct its discriminatory effects on the complainant and others within our campus community.

Individuals have the right to make a report to Campus Security, local law enforcement, and/or state police or choose not to report; to report the incident to Maria Villa College; to be protected by the College from retaliation for reporting an incident; and to receive assistance and resources from Maria Villa College. A Students' Bill of Rights for cases involving sexual assault, domestic violence, dating violence, or stalking is attached at the end of this policy.

### *Non-Discrimination Statement:*

Villa Maria College does not discriminate on the basis of age, race, religion, creed, color, national or ethnic origin, gender, disability, sex, sexual orientation, domestic violence victim status, marital status, veteran status, military status, predisposed genetic carrier status and any other characteristics or protected status recognized by applicable federal, state or local law. This policy applies to admissions, all terms and conditions of employment, and any other aspect regarding the conduct of College programs and activities Villa Maria College is an Equal Opportunity Employer.

## **Scope of the Policy**

This policy applies to all Villa Marie College students, faculty, and employees, and applies regardless of an individual's sex, race, color, religion, age, national origin, disability, sexual orientation, gender identity/gender expression, familial status, pregnancy, military status, criminal conviction, predisposing genetic characteristics, domestic violence victim status, or other protected status. Under NY state law, employees (including unpaid interns and trainees), students, and non-employees (including independent contractors) and those employed by companies contracting to provide services to the College are protected against sexual harassment, regardless of immigration status.

This policy applies to conduct that takes place on College property and in connection with any program or activity sponsored by the College, regardless of where it occurs. Additionally, off-campus conduct may violate this policy if the conduct creates a threatening or uncomfortable environment on the College campus or within a Villa Marie program or activity, or if the incident causes concern for the safety or security of the College campus community.

Non-community members (e.g., alumni, family or friends of students, vendors, etc.) visiting campus, participating in a program or activity or interacting with College community members are expected to abide by the behavioral expectations in this policy. A complaint against a non-community member (e.g., a visitor to campus, an alum, a vendor or contract employees) will be investigated but no formal policy or procedure applies. The College may opt to ban the non-community member from College property or take other appropriate responsive measures.

## **Policy and Procedure Summary**

This Policy prohibits all forms of sex and gender related misconduct, referred to here as "Sexual misconduct". A person who has experienced Sexual misconduct has several options:

- **A report to a Confidential Resource.** A confidential resource provides emotional and/or medical services and maintains confidentiality. A report to a confidential resource does not result in a College investigation or any other action to respond to the incident.
- **A report to a Responsible Employee.** Certain personnel at the College have the responsibility to receive reports of sexual misconduct and to take action based on those reports. A responsible employee will forward the information about the incident to the Title IX Coordinator. The Title IX Coordinator will discuss options with the reporting person. The assistance the Title IX Coordinator can facilitate includes the following:
  - **Supportive Measures.** Supportive measures are intended to support the individual who experienced sexual misconduct to continue in their involvement in the College's program and activities. Supportive measures include no

contact orders; academic accommodations; changes in housing assignment; or other academic, residential or work accommodations.

- **Informal Resolution.** An informal resolution is a resolution that the parties (i.e., the person making the allegations and the accused person) agree upon to address the situation. Not all incidents are appropriate for informal resolution, and no party may be forced to accept an informal resolution. This is a voluntary process.
- **Grievance Process.** A grievance process includes an investigation and adjudication process. The outcome of a grievance process is either that the person accused of Sexual Misconduct is found either responsible or not responsible for having committed a violation of this Policy. A violation results in appropriate sanctions and other remedies to address the violation.

Additionally, the person who experienced a crime has the option to pursue criminal charges:

- **A report to Law Enforcement.** If an incident involves criminal conduct, the victim may make a complaint to law enforcement.

The options for reporting above are not mutually exclusive, and an individual may pursue one option but not the other. An individual may obtain the services of a confidential resource and decide at that time or a later time to report to the College. An individual may report to the College and also make a report to law enforcement, or may make a report to only the College or only to law enforcement. A person seeking to understand their options pursuant to this Policy should reach out to any of the following: Title IX Coordinator, Brian Emerson at [bemerson@villa.edu](mailto:bemerson@villa.edu) or Deputy Title IX Coordinator, DJ Schier at [dschier@villa.edu](mailto:dschier@villa.edu).

### **Definitions, General:**

1. **Advisor of Choice.** An advisor of choice is a person selected by the Complainant or Respondent to advise and accompany the Complainant or Respondent throughout the investigation and adjudication process. An advisor of choice may be any person, including an attorney. The institution does not appoint or pay for an advisor of choice. An advisor of choice's role is limited to the functions further described in this policy.
2. **Affirmative Consent.** Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of affirmative consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.
3. **Coercion.** Coercion is a threat, undue pressure, or intimidation to engage in sexual activity. Coercion is more than an effort to persuade, seduce, entice, or attract another person to engage in sexual activity. A person's words or conduct are sufficient to constitute coercion if they deprive another



individual of the ability to freely choose whether or not to engage in sexual activity.

4. **Complainant.** The term Complainant refers to the person who allegedly experienced the sexual misconduct in violation of the policy whether or not a formal complaint is filed. In some cases, the Title IX Coordinator may file a formal complaint and thereby initiate an investigation and adjudication process pursuant to this policy. In that instance, the Title IX Coordinator is not the “Complainant”; the complainant remains the person who allegedly experienced the sexual misconduct.
5. **Consent.** As used in this policy, term “consent” always refers to “affirmative consent” (defined above).

By way of further explanation, consent is free and informed permission. Consent given verbally is evidenced by affirmative agreement to engage in specific sexual activity. Consent through action is active participation in the specific sexual activity. Past consent to sexual activity cannot be presumed to be consent to engage in the same sexual activity in the future. Consent can be withdrawn at any time, and, if so, the sexual activity must cease. Consent to some sexual activity (e.g., kissing, fondling) cannot be presumed consent for other sexual activity (e.g., intercourse). Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another.

Certain conditions prevent a person from being able to consent. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. A person cannot consent if they are unaware of the who, what, when and how of a sexual interaction. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol or drugs or other intoxicants may be incapacitated and therefore unable to consent.

A person who has been drinking or using drugs is still responsible for ensuring that the person has the other person’s affirmative consent and/or appreciating the other person’s incapacity to consent. This means that, even if the accused was drunk or high and, as a result, did not realize that the other person was not consenting to or was unable to consent to sexual activity, the person who committed the non-consensual act is still responsible for having violated this policy.

Consent cannot be given when it is the result of any coercion, intimidation, force or threat of harm.

6. **Formal Complaint.** A formal complaint refers to a written complaint filed in accordance with the grievance process below. A formal complaint is necessary to initiate an investigation and adjudication process.
7. **Institution Advisor.** A Complainant or Respondent who does not opt to be accompanied by an advisor of choice at a hearing is entitled to be appointed an advisor by the College at no charge to the party. This advisor is referred to an “institution advisor” who may be but need not be an attorney. The Institution Advisor is selected by the College and may be a person internal or external to the College. An institution advisor’s role is limited to asking cross-examination questions of the other party during a hearing. An institution advisor does not represent a party in any legal sense. The party is responsible for formulating the cross-examination questions the institution advisor will pose during the hearing.
8. **Reporting Party.** The term Reporting Party refers to the person who made the report. This may or may not be the same as the Complainant, a witness, or a bystander.
9. **Respondent.** The term Respondent refers to the person alleged to have committed a violation of this policy.
10. **Sexual Misconduct.** Sexual misconduct is an umbrella term used in this policy to more conveniently refer to any form of conduct prohibited by this policy.

### **Definitions, Conduct Violations:**

This policy sets forth conduct expectations for our community and provides a process for the reporting, investigation and adjudication of alleged violations. This policy applies to alleged conduct violative of Title IX of the Education Amendments of 1972 (i.e., “Title IX Category” violations) and also applies to a broader range of contexts and behaviors inconsistent with the College’s commitment to equal opportunity (i.e., “College Category” violations).

The designation of conduct or allegations as either “Title IX Category” or “College Category” is not a function of the seriousness of the alleged conduct but rather a function of the scope and coverage of Title IX versus the College’s broader jurisdiction to prohibit and discipline a larger scope of inappropriate behavior.

### **Title IX Category Violations**

Title IX of the Education Amendments of 1972 provides: “No person in the United States shall, on the basis of sex, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” “On the basis of sex” includes sex, gender, sexual orientation, gender identity and transgender status.

In accordance with Title IX as interpreted by the Department of Education, the College recognizes the following as conduct violations within the meaning of Title IX, provided that the context and circumstances of the conduct fall within the scope of Title IX, including but not limited to that the complainant was in the United States at the time of the alleged conduct, that the complainant be participating in or seeking to participate in the College's education program or activity at the time of the complaint, and that the conduct have occurred in the context of the College's education program or activity:

1. **Sexual harassment.** "Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:
  - a. An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (commonly referred to as a "quid pro quo");
  - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity (commonly referred to as a sexually or gender-based "hostile environment").
  
2. **Sexual assault.** "Sexual assault" is a sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault consists of the following specific acts:
  - a. Rape. The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
  
  - b. Nonconsensual Sexual Contact. The touching of the private body parts (including the genital area, anus, groin, buttocks and breast), whether the contact is over or under clothing, of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  
  - c. Incest. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  
  - d. Statutory Rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in New York is 17.

3. **Dating violence.** “Dating violence” means violence committed by a person on the basis of sex: (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.
4. **Domestic violence.** “Domestic violence” means violence on the basis of sex committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the College is located, 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.
5. **Stalking.** “Stalking” is engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress. Stalking that does not occur on the basis of sex may be addressed under as a College Category Violation as described below.

### **College Category Violations**

The College prohibits the following behavior. For purpose of College Category violations, the below conduct is prohibited even if the conduct occurs off-campus, outside the United States, the Complainant is not participating or seeking to participate in the College’s education program or activity, or otherwise in circumstances over which the College does not have influence or control, including but not limited to during College academic breaks. The College retains discretion to not respond to, investigate or adjudicate circumstances in which no College interest is implicated.

1. **Sex Discrimination.** Sex discrimination is an act that disadvantages a person and that occurs because of the affected individual’s sex, gender, self-identified or perceived sex, sexual orientation, gender identity, or gender expression, gender-stereotyping or the status of being transgender. Examples of sex discrimination include, but are not limited to, denying a student a research opportunity because of the student’s gender; giving a student a lower grade than they deserved because of the student’s gender; denying an employee a raise because of the employee’s sex. A person who believes that they have been discriminated against based on sex with respect to an academic or employment decision is generally entitled to bring a complaint pursuant to this policy in addition to any other College process or procedure that

may be available (such as a grade appeal policy or appeal procedures for work performance or promotion).

2. **Sexual harassment.** “Sexual harassment” means unwelcome, offensive conduct that occurs on the basis of sex, sexual orientation, self-identified or perceived sex, gender, gender expression, gender identity, gender-stereotyping or the status of being transgender, but that does not constitute sexual harassment as a Title IX Category Violation as defined above. Sexual harassment can be verbal, written, visual, electronic or physical.

The fact that a person was personally offended by a statement or incident does not alone constitute a violation. Instead, the determination is based on a “reasonable person” standard and takes into account the totality of the circumstances. The College considers the context of a communication or incident, the relationship of the individuals involved in the communication or incident, whether an incident was an isolated incident or part of a broader pattern or course of offensive conduct, the seriousness of the incident, the intent of the individual who engaged in the allegedly offensive conduct, and its effect or impact on the individual and the learning or working community.

3. **Sexual assault.** “Sexual assault” is a sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. but that does not constitute sexual assault as a Title IX Category Violation as defined above because of the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the College’s education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College’s education program or activity). Sexual assault consists of the following specific acts:

- a. **Rape.** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- b. **Nonconsensual Sexual Contact.** The touching of the private body parts (including the genital area, anus, groin, buttocks and breast), whether the contact is over or under clothing, of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- c. Incest. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - d. Statutory Rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent.
4. **Dating violence.** “Dating violence” means violence committed by a person: (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors: a) the length of the relationship; b) the type of relationship; and c) the frequency of interaction between the persons involved in the relationship; but that does not constitute dating violence as a Title IX Category Violation as defined above because of the context in which it occurs (for example, because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the College’s education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College’s education program or activity).
5. **Domestic violence.** “Domestic violence” means violence committed by a or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the College is located, 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, if the conduct does not constitute domestic violence as a Title IX Category Violation as defined above because of the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the College’s education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College’s education program or activity).
6. **Stalking.** “Stalking” is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress, but that does not constitute stalking as a Title IX Category Violation as defined above because of basis on which it occurs or the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the

complainant was not participating in or seeking to participate in the College's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College's education program or activity).

7. **Sexual Exploitation.** Sexual exploitation occurs when, without affirmative consent, a person takes sexual advantage of another in a manner that does not constitute another violation under this Policy. Examples of sexual exploitation include, but are not limited to: prostitution, acts of incest, observing or recording (whether by video, still photo or audio tape) of a sexual or other private activity (such as consensual sexual activity, undressing or showering) without the affirmative consent of all involved; taking intimate pictures of another, but then distributing the pictures to others without the photographed person's affirmative consent; engaging in voyeurism, engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) without informing the other person of such infection; or exposing one's genitals in non-consensual circumstances.
  
8. **Retaliation.** Retaliation is an adverse act perpetrated to "get back" at a person because the person reported sexual misconduct, filed a complaint, or participated in an investigation or proceeding conducted pursuant to this policy by the College or by an external agency. An act of retaliation may be anything that would tend to discourage an individual from reporting sexual misconduct, pursuing an informal or formal complaint, or from participating in an investigation or adjudication as a party or a witness. A person who acts in good-faith is protected from retaliation. The fact that a statement is not determined to be proven or established following investigation and adjudication does not mean that the statement lacked good-faith; a person may provide inaccurate information believing it is accurate, which is still good-faith. If a person who makes a statement knowing that it is false, the person has acted without good-faith.

### **Support & Assistance**

**Seek a safe place.** Villa Maria College Title IX officers, Campus Security officers, Local police officers (typically Cheektowaga or Buffalo Police Departments), and the New York State Police can help you do this. Officers at the local police and New York State Police are specifically trained to respond to the needs of a victim of a sexual offense. They can also make you aware of support and advocacy services and advise you about reporting procedures and requirements.

**Consider seeking medical assistance.** Those who seek a medical examination may obtain one for free, paid by the office of victim services (<https://ovs.ny.gov/>). The



College recommends that students seek medical examination at one of the following facilities that has a trained SANE nurse available:

- Buffalo General Medical Campus
- DeGraff Memorial Hospital
- Kenmore Mercy Hospital
- Mercy Ambulatory Care Center
- Mercy Hospital
- Millard Fillmore Suburban Hospital
- Sisters of Charity Hospital – Main Campus
- Sisters of Charity Hospital – St. Joseph Campus

The closest location to Villa Maria College to have an exam is Sisters of Charity Hospital – St. Joseph Campus located at 2605 Harlem Rd, Cheektowaga, NY 14225 (716) 891-2400. More information about SANE/SAFE program through Crisis Services can be found on-line: <http://crisisservices.org/rape-domestic-violence/what-is-sexual-violence/> Consider taking a full change of clothing, including shoes, for use after a medical examination. When seeking medical attention, a person may choose whether or not to speak to the police at the hospital or any other time. If they do, the option to choose whether to file charges against the respondent will exist.

Private physicians are not required to notify the police. If a victim desires police involvement, they may request this contact. Also, with a private physician, survivors may have to ask for a rape kit to be completed. Please keep in mind: having a rape exam does not mean that survivors are mandated to press charges. This action only keeps the survivor's options open.

**Preserve evidence.** In the event that sexual assault or sexual violence occurred, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. (The decision to press charges does not have to be made at this time. However, following these procedures will help preserve this option for the future.) Survivors should not bathe, urinate, douche, brush teeth, or drink liquids. Clothes should not be changed but if they are bringing all the original clothing to the hospital in a paper bag. (Plastic bags damage evidence.)

## **Confidential and Non-Confidential Resources**

### Understanding Confidentiality

Confidentiality may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to College officials, in a manner consistent with state and federal law, including but not limited to 20 U.S.C. § 1092(f) and 20 U.S.C. § 1681(a). Licensed mental health counselors and pastoral counselors are examples of Villa Maria employees who may offer confidentiality.

The College encourages any person who has experienced sexual assault or other forms of sexual misconduct to talk to someone about what happened, so she or he can get the support needed. There are a variety of confidential resources available to members of



the College community. Some of these resources maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.”

The obligation to keep information in confidence is inherent for certain Villa Maria professionals on campus, such as licensed social workers, licensed psychologists, and pastoral and professional counselors (including licensed mental health counselors). Many off-campus resources such as rape crisis centers are also confidential, and with the exception of certain child abuse and imminent threats, individuals working in such organizations have no obligation to report information back to the reporting individual's campus.

A confidential resource does not reveal the information shared with him/her/them without the disclosing person's consent. (There may be instances where a confidential resource must disclose information in a criminal or civil court proceeding, but those are very limited circumstances.) A list of confidential resources is provided below. The only College employees who can offer confidentiality are those listed as confidential resources below.

A non-confidential resource is a person who is permitted to share information with others with a need to know. A College employee who is a non-confidential resource will disclose to as few individuals as possible, but a non-confidential resource does not have the ability to promise that he/she/they will not tell others within the College about the information that has been shared with him/her/them.

It is important to note that all other Villa Maria employees who do not fall within the categories listed as confidential resources are required to report known incidents of sexual assault or other forms of sexual misconduct, so they are NOT confidential resources. However, even Villa Maria offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

Be aware that certain Villa Maria officials with significant responsibility for student and employee activities may be mandated reporters required by law to disclose the occurrence of an event if and when it comes to their attention. If you make a report to an official who is required by law to disclose the occurrence of the event, but you request confidentiality and decline to file a formal complaint, the Title IX coordinator will evaluate the confidentiality request, by weighing the request against the College's obligation to provide a safe, non-discriminatory environment for all members of its community. If it is determined that the College cannot honor the individual's request for confidentiality, the individual will be informed by the Title IX Coordinator and will be offered privacy to the greatest extent possible. If it is determined that the incident can be kept confidential and the individual's request will be honored, Villa Maria will still assist with academic, housing, transportation, and other reasonable supportive measures and available accommodations.

Privacy – Privacy may be offered by an individual when such individual is unable to offer confidentiality but shall still not disclose information learned from a reporting individual

or bystander to a crime or incident more than necessary to comply with applicable laws, including informing appropriate Villa Maria officials. Although most Villa Maria employees are not confidential resources, they can still offer “privacy.” This means that an employee may have to share information pursuant to federal or state law or college policy with certain other Villa Maria employees, but they will not share the private information beyond what is required or needed to comply with law and policy, and will otherwise limit re-disclosure as much as possible. Privacy of the records specific to the investigation is maintained in accordance with New York State law and, with respect to student records, the federal Family Educational Rights and Privacy Act of 1974 (FERPA) statute. Any public release of information to comply with the timely warning provisions of the Jeanne Clery Act (Clery Act) will not release the names of victims or information that could easily lead to a victim’s identification.

Villa Maria will make every effort to ensure that you are asked to describe the incident to as few representatives of Villa Maria as possible, and are not required to unnecessarily repeat a description of the incident.

The following Confidential Resources are available to members of the College community. The College’s on-campus health, counseling and pastoral services noted below are available to students free of charge.

#### On-Campus Confidential Resources

- The Villa Maria Care Center is located on the ground floor of the Library Building. The Director is Karen Zgoda, who can be reached at (716) 961-1821 or [kzgod@villa.edu](mailto:kzgod@villa.edu).

#### Off-Campus Confidential Resources

- Crisis Services (716) 834-3131 <http://crisisservices.org/>
- 24 Hour Erie County Domestic Violence Hotline (716) 862-HELP Shelter: 716-884-6000
- 24 Hour NYS Domestic & Sexual Violence Hotline 1-800-942-6906
- NYS Police Sexual Assault Hotline – 1-844-845-7269

The following Non-Confidential Resources are available to members of the College community who may want to pursue a report and/or formal complaint.

#### On-Campus Non-Confidential Resources

- Campus Security – Individuals may, but are not required to, report Sexual Misconduct to Villa Marie Campus Security. Campus Security is not a law enforcement agency, and will communicate the report to the College Compliance

Officers responsible for receiving and responding to reports of alleged Sexual Misconduct. Campus Security can be reached at 716-870-7176.

- Title IX Coordinator, Brian Emerson, 716.961.1838, bemerson@villa.edu, Felician Hall, Room 119

### **Reporting to Law Enforcement**

Any person may call 911 or Campus Security, which can be reached at 716-870-7176, for immediate safety assistance. Campus Security can also assist the individual in making a report of a crime to local law enforcement.

Individuals may, but are not required, to report a sexual offense to local law enforcement for the purposes of documentation or investigation. Individuals may contact local law enforcement as follows:

1. **Cheektowaga Police (Villa Maria College campus is in Cheektowaga, NY).** 3223 Union Road, Cheektowaga, New York 14227. Emergencies 9-1-1. Non-Emergency Phone: (716) 686-3500. <http://cpdny.org/>
2. **Buffalo Police.** 74 Franklin Street, Buffalo, NY 14202. Emergencies 9-1-1. Non-Emergencies (716) 851-4444. <https://www.bpdny.org/>
3. **New York State Police Campus Sexual Assault Victims Unit.** Non-emergency- toll free hotline to report Campus Sexual Violence to the New York State Police: 1-844-845-7269. Specific contact: S/Inv Thomas Gibbons, Troop A (north). Non-Emergencies 716-239-0298 [Thomas.Gibbons@troopers.ny.gov](mailto:Thomas.Gibbons@troopers.ny.gov).

Villa Maria College Campus Security staff can assist students in contacting local law enforcement at any time. If you choose to contact law enforcement, you may have the further option, but are not required to, pursue the case through the criminal justice system.

You should be aware that there are significant differences between Villa Maria's formal adjudication process, meaning investigation and hearing process, and the criminal justice system. In the criminal justice system, prosecutors pursue cases when they believe there is sufficient evidence to prove, beyond a reasonable doubt, that an individual has committed a criminal act. A person who is convicted of a crime will face criminal penalties, such as incarceration, probation, or the imposition of a fine. Villa Maria's policy seeks to determine whether an individual has violated college policy. In this process, a preponderance of the evidence standard of proof is used to determine responsibility. A person who is found to have violated College policy may be suspended, expelled, terminated from employment or otherwise restricted from full participation in the College community.

### **Orders of Protection**

Orders of protection and other forms of legal protection may be available to individuals who have experienced or are threatened with violence by a College community member or other person. Individuals who have been subjected to sexual assault or other forms

of sexual misconduct may have a right to obtain a court order to protect themselves from the perpetrators. Villa Maria will enforce all applicable no contact orders, restraining orders, and similar lawful orders issued by a criminal, civil, or tribunal court, to the extent required by law.

An order of protection is issued by the court to limit the behavior of someone who harms or threatens to harm another person. It is used to address various types of safety issues, including, but not limited to situations involving domestic violence. Family Courts, criminal courts, and Supreme Courts can all issue orders of protection. An order of protection may direct the offending person not to injure, threaten or harass you, your family, or any other person(s) listed in the order. You may learn more about obtaining an Order of Protection in New York State here: <https://www.nycourts.gov/faq/orderofprotection.shtml>

Campus Security, or other College officials, will, upon request, provide reasonable assistance to any member of the campus community in obtaining an order of protection or, if outside of New York State, an equivalent protective or restraining order, including providing that person with:

- A copy of an order of protection or equivalent when received by the College and providing that person with an opportunity to meet or speak with a College representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the other person's responsibility to stay away from the protected person or persons;
- An explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension; and
- Assistance in contacting local law enforcement to effect an arrest for violating such an order of protection.

If you have obtained an Order of Protection, please present the information to Campus Security, a Title IX Officer, or the Dean of Student Affairs for assistance on campus. Questions about whether incidents violate criminal laws and how the criminal process works should be directed to law enforcement officials or the local district attorney's office.

## **Reporting to the College and Formal Complaint Process**

### **Reporting to Campus Compliance Officers**

A Responsible Employee is an individual designated by the College to respond on the College's behalf to allegations of violations of this Policy. A Responsible Employee is a Non-Confidential Resource. The College has Campus Compliance Officers who are specially trained to receive reports under this policy and assist community members in understanding their rights and options.

When you disclose an incident to a representative of Villa Maria College, you will be directed to one of the following individuals listed below, who will assist you. You will be presented a copy of this policy, and will be made aware of your rights and options. All

who make a report will be informed that they have the right to make a report to local law enforcement, and/or NYS Police, or choose not to report; to report the incident to Villa Maria College Compliance Officers; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from Villa Maria College. Individuals are encouraged to report an alleged violation of this policy to any one of the **Villa Maria College Compliance Officers** identified below:

- Brian Emerson  
Title IX Coordinator, VP for Enrollment, Civil Rights Compliance Officer  
716.961.1838  
bemerson@villa.edu  
Felician Hall, Room 119
- Dr. Carrie Florea  
Deputy Title IX Coordinator/Director of Human Resources  
716.1961.2864  
cflorea@villa.edu  
Main Bldg, 1<sup>st</sup> Floor
- DJ Schier  
Deputy Title IX Coordinator, Director of Student Affairs  
716.961.1878  
dschier@villa.edu  
Library Building
- Elizabeth Kerr  
Deputy Title IX Coordinator, Director of Student Success  
716.961.1866  
ekerr@villa.edu  
Library Building

An individual who reports an incident to a College employee or office other than one of the Campus Compliance Officers listed above risks that the information may not be acted upon by the College. Therefore, a person who wishes for the College to take action is strongly encouraged to report to one of the individuals listed above.

While the individuals listed above are not a Confidential Resource, College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary and on a need-to-know basis for the Title IX Coordinator to provide individuals with their options, investigate and/or seek a resolution.

### Reporting Workplace Sexual Harassment

In compliance with New York State law, sexual harassment, when committed by an employee, is considered a form of employee misconduct. Employees who believe that

they are being subjected to harassment or discrimination in violation of this Policy, or who have witnessed or otherwise become aware of behavior prohibited by this Policy should promptly report that behavior to a supervisor, the Human Resources Manager, the Title IX Coordinator, or a member of the College's administration. With respect to sexual harassment of employees, any College supervisor or manager who receives a complaint or information about workplace sexual harassment is required to take appropriate action. Appropriate action may include immediately intervening if harassment is witnessed by the supervisor or manager, and in all instances includes reporting the situation to the Title IX Coordinator. In addition to being subject to discipline if they themselves engage in sexually harassing conduct or retaliation, individuals with supervisory authority over other College employees will be subject to discipline for knowingly allowing sexual harassment to continue.

### Anonymous Reports

Students and employees may make an anonymous report that will be sent to campus security and the Campus Compliance officers at: <https://www.villa.edu/campus-life/campus-security/anonymous-reporting>

### **Supportive Measures**

Once a report is made under this Policy, the complainant will be contacted by the Title IX Coordinator and offered individualized support as more fully described below. A report that triggers supportive measures need not be a formal complaint, and it may be made by a third-party (i.e., someone other than the complainant himself/herself). Once the respondent is informed of a report or a formal complaint, the respondent will be contacted by the Title IX Coordinator and offered individualized support as more fully described below.

Supportive measures are intended to restore or preserve, to the extent practicable, equal access to the College's educational programs and activities and protect the safety of all parties without unreasonably burdening the other party or parties. As required by federal regulation, these supportive measures must be non-disciplinary and non-punitive to the parties.

Supportive measures could include, but are not limited to:

- Changes or adjustment in academics such as the extension of deadlines or other course-related adjustments or allowing a withdrawal from a course without penalty;
- Changes to housing, transportation and campus working situations if those changes are requested by a party and reasonably available;
- Mutual "No Contact" orders and, possibly, in rare cases, such as when legal restraining orders or orders of protection have been issued, one-way no contact orders.
- Access to campus escorts or other reasonable security or monitoring measures;

- Counseling services; and
- Interim removal of a student from College will only be done pursuant to the Emergency Removal protocol, discussed below.

The Title IX Coordinator is responsible for coordinating the implementation of supportive measures, including coordinating with the various College departments and offices that may be involved. Supportive measures will be offered free of charge.

If a party's request for a supportive measure is denied, the party will be afforded an opportunity to have the denial promptly reviewed to assess whether the supportive measure is reasonable under the circumstances. In addition, each party will, upon request, be afforded the opportunity for a prompt review of the need for and the terms of no contact orders and other supportive measures that have been implemented, including the potential modification of these measures, to the extent that the party is affected by the measure(s) being reviewed. Requests to review a decision with regard to the denial of or need for supportive measures, including a no contact order, should be submitted in writing to Deputy Title IX Coordinator, DJ Schier, who is the Director of Student Affairs. Each party will be allowed to submit evidence in support of, or in opposition to, the request to the extent the supportive measures under review affects that party. Additional information about how to request a review will be included in a written communication that will outline the supportive measures offered and any that were requested by the party but denied.

### **Emergency Removal of Student Respondents**

In some cases, the College may undertake an emergency removal of a student respondent in order to protect the safety of College community, which may include contacting local law enforcement to address imminent safety concerns.

Emergency removal is not a substitute for reaching a determination as to a respondent's responsibility for the sexual harassment allegations; rather, emergency removal is for the purpose of addressing imminent threats posed to any person's physical health or safety, which may arise out of the sexual harassment allegations.

Prior to removing a student respondent through the emergency removal process, the College will undertake an individualized safety and risk analysis. If the individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student, including the student respondent, or other individual justifies removal, then a student respondent will be removed. This is the case regardless of the severity of the allegations and regardless of whether a formal complaint was filed.

After determining a student respondent is an immediate threat to the physical health or safety of an individual, the Title IX Coordinator will provide written notice of the emergency removal to both the complainant and respondent. This notice will contain: (1) the date the removal is set to begin, (2) the reason for the emergency removal, (3) the consequences of non-compliance, and (4) how to appeal the decision.

If a student respondent disagrees with the decision to be removed from campus, the respondent may appeal the decision. The respondent must provide written notice of the intent to appeal, which shall include the substance of the appeal, to the Deputy Title IX Coordinator, DJ Schier, at dschier@villa.edu within 10 days of receiving the notice of removal. The burden of proof is on the student respondent to show that the removal decision was incorrect. The Director of Student Affairs will issue a determination in response to the request and notify both parties of the determination.

This section applies only to student respondents. Employee respondents are not subject to this section and may be placed on administrative leave pursuant to the College's policies and/or collective bargaining agreements during the pendency of a Title IX grievance process.

### **Disability Accommodation**

A Complainant or Respondent with a disability who requires accommodation in the complaint, investigation, hearing or any other phase of the process is responsible for disclosing the need for accommodation to the Title IX Coordinator. The Title IX Coordinator may consult with the appropriate College offices and officials in deciding whether to grant a disability accommodation request.

### **Amnesty for Students**

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

### **Grievance Process**

#### **Filing a Formal Complaint.**

A formal complaint is necessary to initiate the College's grievance process, meaning an investigation and adjudication process. A formal complaint must be in written form and must be signed by the complainant. A third-party or anyone other than the victim of the misconduct may not file a formal complaint. However, a formal complaint may be filed by a parent or guardian of a minor person.



A formal complaint is a document filed by a complainant or signed by the College's Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation. The respondent may be either a student or an employee or a visitor, independent contractor, intern, or volunteer of the College. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail to:

Brian Emerson  
Title IX Coordinator  
716.961.1838  
bemerson@villa.edu  
Villa Marie College  
Felician Hall, Room 119  
240 Pine Ridge Road  
Buffalo, NY 14225

In order to qualify as a formal complaint, the document must contain the complainant's physical or electronic signature, or otherwise indicate that the complainant is the person filing the formal complaint.

If a complainant declines to sign a formal complaint or does not wish to participate in the complaint and adjudication process, or the complainant's identity is unknown, and the Title IX Coordinator determines there is sufficient cause to file a formal complaint, the Title IX Coordinator may file a formal complaint. In such cases, the Title IX Coordinator is not considered to be a complainant or other party under this Policy.

The Title IX Coordinator will consider the wishes of the complainant not to proceed with the investigation and adjudication process. However, the Title IX Coordinator may file a formal complaint if the Title IX Coordinator determines that the allegations are such that it would be unreasonable not to proceed despite the wishes of the complainant.

In making this determination, the Title IX Coordinator will consider, among other factors: the risk that the alleged perpetrator will commit additional acts of sexual misconduct or other violence, which may be assessed by evaluating:

- whether there have been other complaints about the same alleged perpetrator;
- whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
- whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
- whether the sexual violence was committed by multiple perpetrators whether the sexual violence was perpetrated with a weapon;
- whether the victim is a minor;

- whether the College possesses other means to obtain relevant evidence of the prohibited conduct (e.g., security cameras or personnel, physical evidence);
- whether the victim'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.

Additionally, where the respondent is not enrolled at the College and is not employed by the College, the College may decline to process the complaint through the Grievance Process. The College may take the steps it deems appropriate under the circumstances.

If the Title IX Coordinator determines that the Complainant's request that the College not conduct an investigation can be honored, the College will still assist with academic, transportation, employment, and other reasonable and available supportive measures.

If the Title IX Coordinator determines that the Complainant's request that the College not conduct an investigation cannot be honored, and an investigation is necessary, the College will notify the Complainant and take immediate action as necessary to protect and assist him/her and, if the Complainant declines to file a formal complaint, the Title IX Coordinator will do so.

#### **Mandatory Dismissal of Title IX Category Charges**

The Title IX Coordinator will review a formal complaint filed by a Complainant. In order to comply with Title IX regulations, the Title IX Coordinator must "dismiss" the Title IX Category violation(s) if it is apparent that the allegations are not within the scope of Title IX, including that the conduct alleged:

- would not constitute sexual harassment as defined in Section XX, even if proved,
- did not occur in the College's education program or activity, or
- did not occur against a person in the United States.

Notice of dismissal of the Title IX Category violation(s) will be in writing and issued to both the Complainant and Respondent. The Title IX Coordinator may determine at any point in the process that facts have emerged that require the dismissal of a Title IX Category violation. A decision to dismiss a Title IX Category violation is immediately appealable by the complainant, pursuant to the appeals section set forth in this Policy.

Even if Title IX Category violations are subject to dismissal, the College may continue to process the allegations as College Category violations, assuming that the allegations, if true, would constitute College Category violations.

#### **Discretionary Dismissal of Title IX Category Charges**

The Title IX Coordinator may, but is not required to, dismiss formal complaints in the following circumstances:

- When the complainant withdraws a formal complaint;
- When the respondent is no longer enrolled in or employed by the College; and
- Where specific circumstances prevent the College from gathering evidence (such as where a complainant refuses to cooperate but does not withdraw a formal complaint).

The decision to dismiss or not to dismiss a charge under these circumstances will depend on the totality of the situation.

## X. **Informal Resolutions Policy**

### A. **Informal Resolution Process**

An Informal Resolution Process is a voluntary process in which a trained facilitator assists the parties in resolving the allegations made by a complainant. An Informal Resolution prioritizes educational and conciliatory approaches over more adversarial contestation of the facts. One objective of the Informal Resolution is to provide to the parties an opportunity to hear each other's concerns and address them as collaboratively and usefully for the parties as possible, with the assistance of the facilitator.

The intent of an Informal Resolution Process is for the parties to undertake a facilitated discussion regarding the matters at issue related to the allegations to see if they can reach agreement on a resolution that leaves both parties feeling satisfied with that resolution. The Informal Resolution Process is not available if the respondent in a sexual misconduct complaint is a faculty or staff member of College and the complainant is a student. Supportive measures are available to both parties in the same manner as they would be if the formal complaint were proceeding under the formal grievance and hearing process.

### B. **Steps Prior to the Informal Resolution Process**

The Title IX Coordinator will offer the Informal Resolution Process to the parties after a formal complaint is filed by a complainant. Both parties must consent to use the Informal Resolution process. Either party in an Informal Resolution process may terminate it at any time and the complaint will proceed to the formal grievance and hearing process. In some instances, as detailed below, the facilitator in the Informal Resolution process may terminate the process as well.

A written notice will be given to both parties before entering an Informal Resolution Process, and both parties must consent to the process in writing. No party should feel intimidated, coerced or threatened to participate in an Informal Resolution Process, or to withdraw from an Informal Resolution Process.

If both parties consent to participate in the Informal Resolution process, the College will assign a facilitator who will act in an independent, impartial manner to facilitate a resolution between the parties. The facilitator will be trained on how to perform the role.

The facilitator will also be screened to ensure that such person is free from conflicts of interest and bias.

### **C. How the Process Works**

The facilitator will schedule one or more meetings with the parties. The facilitator will assist the parties in communicating information and opinions to the facilitator and each other regarding the allegations in an effort to find common ground and a resolution of the allegations that is satisfactory to both parties. The facilitator may meet separately with each party to explore the party's views about the allegations and desired outcome from the process. Either party can elect to have any meeting occur so that the parties are in different rooms and the facilitator "shuttles" between the parties.

The facilitator's role is to conduct the Informal Resolution process in a way that is impartial and does not favor one party over the other. The facilitator will not be available as a witness in any hearing that may occur should either party terminate the Informal Resolution process before a resolution. This is in keeping with the concept that the facilitator is impartial and is only facilitating the interaction between the two parties and is not listening or taking notes for any purpose other than assisting the parties.

Should the Formal Complaint be returned to the formal grievance and hearing process of this policy, the parties may not disclose information shared by the other party during the informal resolution process in the hearing. This confidentiality protection does not apply to information that is learned outside the Informal Resolution process through the investigation or otherwise.

### **D. Possible Outcomes of the Process**

A resolution is reached only if both parties agree. The facilitator will not impose an outcome, although they may assist the parties in suggesting resolutions that appear to meet the parties' needs. If there is no agreement on a resolution, the complaint is returned to the formal grievance and hearing process outlined in this policy. A party may terminate the informal process at any time before the final written resolution is signed. If an agreement is reached, the facilitator will draft a document reflecting the agreement between the parties that becomes final once it is signed by both parties. This written and signed resolution indicates that the complaint has been resolved under this policy without the need for further investigation or to pursue the formal grievance and hearing process. If an Informal Resolution Process does not result in an agreed-upon resolution, the complaint returns to the formal grievance and hearing process outlined in this Policy.

## **Investigation Procedures**

### **A. Appointment of Investigator**

Where a formal complaint has been filed, and in the absence of an informal resolution, the College will appoint an investigator to conduct an investigation into the allegations in the formal complaint. The investigation is an impartial fact-finding process.

The College may appoint any qualified investigator, who may be a person internal or external to the College. The College also may appoint more than one investigator in the College's sole discretion. Generally, if the formal complaint involves employees, the Director of Human Resources will conduct the investigation. If the Title IX Coordinator is implicated in the report, the President will be responsible for designating an investigator to conduct the investigation. If, in a rare case, it would be inappropriate for the Title IX Coordinator or President to designate an investigator to conduct the investigation, then the Chair of the Board of Trustees will make this designation.

#### **B. Temporary Delay Due to Concurrent Law Enforcement Investigation**

The College's investigation may be temporarily delayed where there is a concurrent law enforcement investigation if necessary to avoid interference with the law enforcement investigation. Any such delay shall not exceed ten (10) days unless the law enforcement agency requests and justifies a longer delay.

#### **C. Notice of Investigation**

The Complainant and Respondent shall receive a Notice of Investigation & Allegations (NOIA) referencing the violation(s) of this policy alleged to have been committed and the range of possible disciplinary sanctions and remedies following any determination of responsibility. The NOIA will include, to the extent known:

- the identities of the involved parties;
- the date, time, location and factual allegations concerning the alleged violation;
- the policy provisions allegedly violated;
- a description of the investigation and adjudication process;
- potential sanctions;
- the right to an advisor of their choice, who may be, but is not required to be, an attorney;
- their right to inspect and review evidence in accordance with this policy;
- notice that knowingly making false statements or knowingly submitting false information is prohibited under the Student Code of Conduct; and
- that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process

If, in the course of the investigation, the College decides to investigate allegations that are not included in the notice initially provided to the parties, the Title IX Coordinator or designee will provide notice of the additional allegations to the parties.

#### **D. Notice of and Opportunity to Object to Investigator**

The Complainant and Respondent will be provided with notice of the name of the appointed investigator and an opportunity of not more than two (2) days after the notice to raise an objection to the investigator based on any alleged conflict of interest known to

the party. If an objection is raised, the Title IX Coordinator will determine whether a conflict of interest in fact exists and necessitates the replacement of the investigator.

#### **E. Meetings and Interviews to Gather Information**

The Complainant and Respondent will be provided with advance written notice of the date, time, location, participants, and purpose of any meeting or interview in which they are invited to or expected to participate. The Complainant and Respondent have a right to be accompanied by an advisor of their choice, who may be an attorney. The College does not appoint an advisor for a party during the investigation phase of the process.

The Complainant and the Respondent will be given an equal opportunity to present information. This includes the opportunity to present fact or expert witnesses and other evidence that the party believes tends to prove or disprove the allegations. However, at all times, the burden of gathering evidence remains with the College. The investigator may decline to interview any witness or to gather information the investigator finds to be not relevant or otherwise excludable (e.g., sexual history of the complainant with a person other than the respondent, materials subject to a recognized privilege, medical records in the absence of a release by the subject of the records, etc.). The investigator will determine the order and method of investigation.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, other than questions and evidence about the Complainant's prior sexual behavior that (a) are offered to prove that someone other than the Respondent committed the alleged misconduct, or (b) concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

No unauthorized audio or video recording of any kind is permitted during investigation meetings or interviews. If the investigator elects to audio and/or video record interviews, all involved parties involved in the meeting or interview will be made aware that audio and/or video recording is occurring.

#### **F. Opportunity for Inspection and Review of Evidence**

The Complainant and Respondent will be provided an equal opportunity to inspect and review any evidence obtained in the investigation directly related to the allegations gathered in the investigation and regardless of whether the information will be relied on in reaching a determination. The parties and their advisors may not make photocopies or take photographs of the materials and are prohibited from disseminating any of the materials subject to inspection and review with any individuals outside of those engaged in the grievance process. Prior to the conclusion of the investigative report, the Complainant and Respondent, and each party's advisor of choice, if any, will be provided a copy (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform) of the evidence, subject to redaction permitted and/or required by law. The Complainant and Respondent will be provided with at least ten (10) days to submit a written response, which the investigator will consider prior to completion

of the investigative report. The investigator will determine if additional investigation is necessary and, if so, will complete any additional investigative steps.

### **G. Investigative Report**

At the conclusion of the investigation, the investigator will complete a written investigative report that fairly summarizes the relevant evidence. The investigator need not include information in the investigative report that the investigator determines not relevant or otherwise excludable. The investigator will submit the investigative report to the Title IX Coordinator.

At least ten (10) days prior to a hearing to determine whether there is responsibility for the allegations, the Complainant and Respondent, and each party's advisor if any, will be provided a copy of the investigative report (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform), subject to redaction permitted and/or required by law.

### **H. Consolidation of Cases**

The Title IX Coordinator may determine that cases where the allegations arise out the same set of facts should be consolidated for purpose of the investigation and/or adjudication. Instances where consolidation of complaints may occur include but are not limited to cross-complaints filed by the parties against each other, multiple complaints by a single complainant against a respondent, or multiple complaints by a single complainant against multiple respondents.

### **I. Investigation Timeframe**

The College will endeavor to complete an investigation within forty (45) days. An investigation may be extended for good cause, such as witness unavailability, breaks in the academic schedule, or other similar circumstances.

## **Hearing Procedures**

### **A. General**

A hearing before a Hearing Officer designated by the Title IX Coordinator will be convened not less than ten days after the parties have been provided access to the final investigative report, for the purpose of determining whether the Respondent is responsible or not responsible for the charge(s). The Hearing Officer may be a member of the campus community or may be external to the College, as determined by the Title IX Coordinator.

The Title IX Coordinator will notify the parties in writing of the date, time, and location of the hearing, the name of the Hearing Officer, and how to challenge participation by the Hearing Officer for bias or conflict of interest. Bias or conflict of interest will be judged by an objective standard (whether a reasonable person would conclude the decision maker is biased).

Participants in the hearing will include the Hearing Officer, the Complainant and the Respondent, their respective advisors, the investigator(s) who conducted the investigation, and witnesses (solely during their own testimony). Hearings are private. Observers or additional support personnel, other than the parties' advisors, are not allowed unless deemed necessary by the Title IX Coordinator for purposes such as accommodation of a disability. Cell phones and recording devices may not be used by the parties or their advisors in the hearing room(s).

Hearings may be conducted with all parties physically present in the same location or, at the Title IX Coordinator's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling the Hearing Officer and the parties to simultaneously see and hear any party or witness providing information or answering questions. If either party so requests, the hearing will be conducted with the parties located in separate rooms using technology as described in the preceding sentence.

The Title IX Coordinator may postpone the hearing for good cause as determined by the Title IX Coordinator. Good cause may include, without limitation, unavailability of one or more participants due to unanticipated events or circumstances, the timing of academic breaks or holidays, or other extenuating circumstances.

## **B. Procedural Matters**

The Hearing Officer is in charge of organizing the presentation of information to be considered at the hearing. Generally, the hearing will proceed in the following order:

1. Opportunity for Opening Statement by the Complainant
2. Opportunity for Opening Statement by the Respondent
3. Questions for the investigator(s) by the Hearing Officer and, if desired, on behalf of Complainant and the Respondent (as described below)]
4. Questions for the Complainant by the Hearing Officer and, if desired, on behalf of the Respondent (as described below)
5. Questions for the Respondent by the Hearing Officer and, if desired, on behalf of the Complainant (as described below)
6. Questions for each witness by the Hearing Officer and, if desired, on behalf of Complainant and the Respondent (as described below)
7. Opportunity for Closing Statement by the Respondent
8. Opportunity for Closing Statement by the Complainant

Formal rules of evidence will not apply. Except as otherwise expressly prohibited by this Policy, any information that the Hearing Officer determines is relevant may be considered, including hearsay, history and information indicating a pattern of behavior, and character evidence. All evidence previously made available to the parties for inspection and review prior to completion of the investigative report as described above will be made available



at the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of questioning. Absent extraordinary circumstances as determined by the Hearing Officer, no party may seek to introduce at the hearing any evidence not previously made available in accordance with the preceding sentence, other than the investigative report itself and any responses to the investigative report submitted by the parties pursuant to review and exchange provision above.

The Hearing Officer will address any concerns regarding the consideration of information prior to and/or during the hearing and may exclude irrelevant information. Subject to the terms of this Policy, the Hearing Officer will have discretionary authority to determine all questions of procedure, to determine whether particular questions, evidence or information will be accepted or considered, to call breaks or temporary adjournments of the hearing, and/or to recall parties or witnesses for additional questions as the Hearing Officer deems necessary or appropriate. The Hearing Officer may impose additional ground rules as the Hearing Officer may deem necessary or appropriate for the orderly and efficient conduct of the hearing, which will apply equally to both parties.

### **C. Advisors**

The Complainant and the Respondent may each have present with them during the hearing an advisor of their choice (at the party's expense, if the advisor is a paid advisor). If a party does not have an advisor present at the hearing, the College will provide, without fee or charge to that party, an Institution Advisor of the College's choice for the limited purpose of conducting questioning on behalf of that party as provided in this Policy.

Except with respect to questioning as described below, the advisor's role is limited to consulting with their advisee, and the advisor may not present evidence, address the Hearing Officer during the hearing, object to any aspect of the proceeding, or disrupt the hearing in any way, and any consultation with the advisee while the hearing is in progress must be done in a quiet nondisruptive manner or in writing. The advisor may consult with the advisee verbally outside the hearing during breaks, when such breaks are granted by the Hearing Officer. An advisor's questioning of the other party and any witnesses must be conducted in a respectful, nonintimidating and non-abusive manner. If the Hearing Officer determines that an advisor is not adhering to these or other ground rules, the advisor may be required to leave the hearing, and the hearing will proceed without an opportunity for the party to obtain a replacement advisor; provided, however, that the College will assign an Institution Advisor of the College's choosing, without charge, for the purpose of conducting questioning on behalf of the party as provided below.

Witnesses are not permitted to bring an advisor or other person to the hearing, absent an approved disability accommodation. The Hearing Officer may be advised by and/or consult with the College's legal counsel as the Hearing Officer deems necessary or appropriate.

#### **D. Questioning Procedures**

The Hearing Officer will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility; provided that questions that seek disclosure of information protected under a legally recognized privilege will not be permitted unless the person or entity holding the privilege has waived the privilege in writing. Questioning must be conducted by the party's advisor in a respectful, nonintimidating and non-abusive manner, and never by a party personally. If a party does not have an advisor present at the hearing, the Title IX Coordinator will arrange for the College to provide, without fee or charge to that party, an Institution Advisor of the College's choice to conduct cross-examination on behalf of that party.

Only relevant questions may be asked by a party's advisor to a party or witness. Before the party or witness answers a question posed by an advisor, the Hearing Officer will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Such decisions by the Hearing Officer are final and not subject to objection or reconsideration during the hearing.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, other than questions and evidence about the Complainant's prior sexual behavior that (a) are offered to prove that someone other than the Respondent committed the alleged misconduct, or (b) concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the hearing by a party's advisor as described above, the Hearing Officer may not rely on any statement of that party or witness, during the hearing or otherwise, in reaching a determination regarding responsibility. The Hearing Officer will not draw an inference as to responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination questions.

The hearing will be recorded through either an audio recording or transcript. That recording or transcript will be made available to the parties, upon request, for inspection and review. Prior to obtaining access to the recording or transcript, the parties and their advisors must acknowledge in writing that they will not disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the grievance process.

#### **E. Hearing Determinations**

Following conclusion of the hearing, the Hearing Officer will deliberate and render a determination as to whether the Respondent is responsible or not responsible for the alleged violation(s). The Hearing Officer will use "preponderance of the evidence" as the standard of proof to determine whether each alleged violation of the Policy occurred. "Preponderance of the evidence" means that the Hearing Officer must determine whether,

based on the evidence presented, it is more likely than not that the Respondent engaged in the conduct charged.

Each party may submit a written personal impact statement to the Title IX Coordinator for consideration by the Hearing Officer in determining an appropriate sanction if there is a finding of responsibility on one or more of the charges. The parties must submit their statements to the Title IX Coordinator within 24 hours after the conclusion of the hearing. The Title IX Coordinator will provide each of the parties an opportunity to review any statement submitted by the other party.

In addition to the impact statement(s), if any, factors considered when determining sanctions may include:

- the nature and severity of, and circumstances surrounding, the violation(s);
- the Respondent's state of mind at the time of the violation(s) (intentional, knowing, bias-motivated, reckless, negligent, etc.);
- the Respondent's previous disciplinary history;
- the need for sanctions to bring an end to the conduct; and/or to prevent the future recurrence of similar conduct;
- the need to remedy the effects of the conduct on the Complainant and/or the community;
- the impact of potential sanctions on the Respondent;
- sanctions imposed by the College in other matters involving comparable conduct; and
- any other lawful factors deemed relevant by the Hearing Officer.

The following are the sanctions that may be imposed upon students or organizations singly or in combination:

- Warning: A formal statement that the behavior was unacceptable and that further infractions of any College policy, procedure, or directive may result in more severe disciplinary action.
- Probation: A written reprimand for violation of the Policy, providing for more severe disciplinary sanctions in the event that the Respondent is found in violation of any College policy, procedure, or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified privileges, exclusion from extracurricular activities, no-contact orders, and/or other measures deemed appropriate.
- Suspension: Cessation of student status for a definite period of time and/or until specific criteria are met.
- Expulsion: Permanent termination of student status.

- Withholding Degree and/or Diploma: The College may withhold a student's degree and/or diploma for a specified period of time and/or deny a student participation in commencement activities.
- Other Actions: In addition to or in place of the above sanctions, the Hearing Officer may assign any other sanctions as deemed appropriate, including but not limited to the following:
  - Mandated counseling so the Respondent has the opportunity to gain more insight into his/her/their behavior.
  - A "no contact" directive (including but not limited to continuation of a no contact directive imposed as a supportive measure) prohibiting contact with one or more identified persons, in person or through telephonic, electronic, written or other means. A no contact directive may include additional restrictions and terms.
  - Requiring the Respondent to write a letter of apology.
  - Requiring unpaid service to the campus or local community stated in terms of type and hours of service.
  - Restitution for damage to or misappropriation of property, or for personal injury, and other related costs.
  - Loss, revocation or restriction of housing privileges (e.g., exclusion from specified locations).
  - Monetary fines.

#### **F. Notice of Outcome**

The Hearing Officer will issue a written determination including the following information:

- A description of the charges that were adjudicated;
- A description of the procedural steps taken from the submission of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies designed to restore or

preserve equal access to the College's educational programs or activities will be provided to the Complainant; and

- The procedures and permissible bases for the Complainant and Respondent to appeal.

The Title IX Coordinator will provide the written determination to the parties simultaneously.

### **Appeals**

A respondent or complainant may appeal: (1) a determination regarding responsibility, and (2) the College's dismissal of a formal complaint or any allegations therein.

If a party wishes to appeal a determination regarding responsibility or the dismissal of a formal complaint, the party must submit written notice to the Title IX Coordinator of the party's intent to appeal within five (5) business days of receiving the written notification of the appealable decision.

A respondent or complainant may appeal on the following bases:

- Procedural irregularity that affected the determination regarding responsibility or dismissal of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the determination regarding responsibility or dismissal of the matter; and
- The Title IX Coordinator, investigator(s), or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the determination regarding responsibility or dismissal of the matter. The professional experience of an individual need not disqualify the person from the ability to serve impartially. Furthermore, bias is not demonstrated by working in complainants' or respondents' rights organization.

In the case of a claimed procedural irregularity, bias or new information, the appeal must also include a statement of the likely impact of the claimed irregularity, bias, or newly discovered information on the proceedings. A preponderance of the evidence standard will be applied on appeal. In addition to the three bases for appeal, College reserves the right to add additional bases for appeal that will be available equally to both the respondent and the complainant. Any additional bases of appeal that are added will not be applied retroactively to previous determinations and dismissals.

When a party submits a written notice of its intent to appeal to the Title IX Coordinator within 5 business days of the appealable decision, College will notify the other party in writing and implement appeal procedures equally for both parties. If no written notice of

either party's intent to appeal is sent, then the written determination becomes final after the time period to file an appeal (5 days) has expired.

Each party will be given a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. Each party will have at least three (3) business days to submit its written appeal statement. If a party needs additional time, it can request such additional time from the decision-maker for the appeal. Such requests will be granted on a case-by-case basis. If the decision-maker for the appeal grants a request for additional time to submit a written appeal statement, all parties will be granted the additional time.

In cases involving a student respondent, the appeal will be decided by a three-member Appeal Panel appointed by the Title IX Coordinator. In cases where the respondent is an employee of the College, the Title IX Coordinator will assign an Appeal Officer. The decision-maker for the appeal will not be the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

The decision-maker(s) for the appeal will issue a written decision describing the result of the appeal and the rationale for the result. This decision will be provided to both parties simultaneously and in writing. Once the appeal decision has been sent to the parties, the appeal decision is final.

### **Timeframe for Resolution**

The College seeks to resolve every report of sexual misconduct within 90 calendar days of the filing of the formal complaint, excluding any appeal. The time frames included in this policy may vary depending on the details of the complaint and, in some cases, extenuating circumstances that may require an extension of the time frames.

Extenuating circumstances may include the time of the academic year (e.g., during Institute breaks or final exams), the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation by local law enforcement, or other unforeseen circumstances. In the event that the investigation and resolution exceed this time frame, Villa Maria College will notify the Complainant and Respondent of the reason(s) for the delay and the expected adjustment in the time frame.

### **Notation on Student Transcripts for Crimes of Violence**

If a student is suspended or expelled as a result of being found responsible for a Crime of Violence, Villa Maria must make a notation on the student's transcript that the student was "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." If a student withdraws from Villa Maria while such conduct charges related to crimes of violence are pending against the student, and declines to complete the disciplinary process, Villa Maria must make a notation on the student's transcript that he or she "withdrew with conduct charges pending."

These transcript notations can be appealed by contacting the Vice President for Enrollment Management, Brian Emerson at bemerson@villa.edu. Transcript notations for violence-related suspensions shall not be removed prior to one year after conclusion of the suspension. Transcript notations for violence-related expulsions shall never be removed from a student's transcript. A notation for an expulsion may not be removed via an appeal to Villa Maria. If a finding of responsibility is vacated for any reason, however, the transcript notation must be removed. Further, if a court vacates a finding of responsibility for a violation of College policy, the transcript notation memorializing that finding will also be vacated.

### **Application to Faculty and Staff**

One or more of the College's personnel policies or faculty and staff handbook policies may overlap with this policy in a particular situation. This policy applies to any situation where a student is the complainant or respondent. In all other situations, the College reserves the right to apply this policy or another applicable College policy or process. The College will apply this policy to any situation where the College determines that Title IX requires the application of this policy.

### **Academic Freedom**

The College is an academic institution at which academic freedom possessed by those who are teaching/conducting research and their students is necessary and valued. The College will not construe this policy to prevent or penalize a statement, opinion, theory, or idea offered within the bounds of legitimate, relevant, and responsible teaching, learning, working, or discussion.

### **Clery Act Compliance**

The College is required to include for statistical reporting purposes the occurrence of certain incidents in its Annual Security Report (ASR). Neither the names of individuals involved in incidents nor the specific details of the incidents are reported or disclosed in ASRs. In the case of an emergency or ongoing dangerous situation, the College will issue a timely warning to the campus, except in those circumstances where issuing such a warning may compromise current law enforcement efforts or when the warning itself could potentially identify the reporting individual. In such circumstances, the name of the alleged perpetrator may be disclosed to the community, but the name of the victim/Complainant will not be disclosed.

### **Education & Training**

Because Villa Maria College recognizes that prevention of Sexual Misconduct as an important issue, the College offers educational programming to a variety of groups such as: campus personnel (Campus Safety, faculty, and staff); incoming students participating in orientation; and, members of student organizations, among others.

Awareness and prevention of Sexual Misconduct educational programming offered to all first-year and transfer students, during the course of their onboarding, address topics (using a method and manner determined by Villa Maria), including but not limited to: relevant definitions of sexual assault, domestic violence, dating violence, stalking, confidentiality, privacy, and consent; assurance that policies apply equally to all students regardless of sexual orientation, gender identity, or gender expression; the role of the Title IX Coordinator, campus security, and other relevant offices that address domestic violence, dating violence, stalking, and sexual assault prevention and response; awareness of sexual violence, its impact on victims and survivors and their friends and family, and its long-term impact; bystander intervention and the importance of taking action to prevent violence when one can safely do so; and consequences and sanctions for individuals who violated this policy.

Villa Maria requires student leaders and officers of student organizations, as well as student-athletes, to complete training on domestic violence, dating violence, stalking, or sexual assault prevention prior to the start of such activities and/or participating in intercollegiate athletic competition.

Awareness and prevention of Sexual Offenses educational programming offered to all new employees at time of hire, as well as periodically through other employee training venues.

### **Climate Surveys**

Villa Maria will conduct a biannual or annual anonymous survey of students and employees to examine (1) the prevalence and incidence of Sexual Offense, (2) the perceptions of the campus climate, (3) the general awareness and knowledge of students and employees about the provisions of the New York Enough is Enough law, and (4) student experience with and knowledge of reporting and college adjudicatory processes. Participation in such climate survey shall be voluntary but is encouraged. Villa Maria will take steps to ensure that answers to climate assessments remain anonymous and that no individual is identified. The College will publish an executive summary of the climate assessment survey results on Villa Maria website, provided that no personally identifiable information or information which can reasonably lead a reader to identify an individual is shared.

### **Coordination with Other Policies**

A particular situation may potentially invoke one or more College policies or processes. The College reserves the right to determine the most applicable policy or process and to utilize that policy or process.

### **Designation of Authority**

Any College administrator or official empowered by this policy, may delegate their authority to any other appropriate College official. Delegation of authority may be



necessary to avoid conflicts of interest or where time constraints or other obligations prevent a College official named in this policy from fulfilling their designated role.

### **Policy Enforcement**

The person responsible for the implementation of this policy internally is:

Brian Emerson  
Title IX Coordinator  
716.961.1838  
bemerson@villa.edu  
Villa Marie College  
Felician Hall, Room 119  
240 Pine Ridge Road  
Buffalo, NY 14225

Inquiries and complaints may be made externally to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Customer Service Hotline #: 800-421-3481  
Facsimile: 202-453-6012 TDD#: 877-521-2172  
E-mail: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

This policy shall be effective August 14, 2020.

### **Student Bill of Rights**

All students have the right to:

- Make a report to local law enforcement and/or state police;
- Have disclosures 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 from Maria Villa College;
- 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 Maria Villa College 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 institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident.
  - Be free from retaliation by the College, the accused and/or the respondent, 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 respondent throughout the judicial or conduct process including during all meetings and hearings related to such process;
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the College.