St. Bonaventure University Gender-Based and Sexual Misconduct Policy

Statement of Intent:
St. Bonaventure University promotes respect for the dignity and integrity of each person. Members of the University community, guests and visitors have the right to an environment free from all forms of gender and sex-based discrimination, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence and stalking. All members of the University community are expected to conduct themselves in a manner that does not infringe upon the rights of others. St. Bonaventure University takes reports of gender-based and sexual misconduct very seriously and treats each report with the utmost care and urgency. When an allegation of misconduct is brought to an appropriate administrator’s attention, and a responding party is found to have violated this policy, serious sanctions will be applied to reasonably ensure that such actions are never repeated. This policy has been developed to reaffirm these principles, to provide a mechanism for determining when this policy has been violated, and to provide recourse for those individuals whose rights have been violated.

Overview of Consensual Relationships Policy:
The educational Mission of the University is promoted by professionalism in relationships between administrators, faculty, students and staff. Professionalism is fostered by an atmosphere of mutual trust and respect. Trust and respect are diminished when those in position of authority abuse, or appear to abuse, their power.

Sexual relationships between faculty and student, or staff and student, are expressly prohibited by University Policy. Even when both parties have consented to the development of such relationships, they can raise serious concerns about the validity of the consent, conflicts of interests, and/or unfair treatment of others. Moreover, others may be adversely affected by such behavior because it places the faculty member or supervisor in a position to favor or advance one student’s interest at the expense of others.

Sexual relationships (consensual or otherwise) between supervisor and employee are prohibited when a direct evaluative relationship exists. In such cases the University requires that the faculty member, administrator, staff member or employee divest him or herself of the professional responsibility for evaluation and/or cease such conduct.

Sexual Misconduct Policy
Sexual Misconduct, according to the following standards set forth by St. Bonaventure University, is defined as any unwanted sexual contact, or behavior of a sexual nature, made by an individual or group of individuals, upon another individual(s) without consent. Sexual misconduct can be committed by a male or female, against someone of the opposite or same sex.

Sexual Misconduct offenses include, but are not limited to:
1. Sexual Harassment
2. Non-Consensual Sexual Intercourse
3. Non-Consensual Sexual Contact
4. Sexual Exploitation

Gender-Based Misconduct is any sort of violent behavior directed at a victim where the victim has a perceived or actual relationship with the alleged perpetrator. Acts of gender-based misconduct include:
1. Stalking
2. Domestic Violence
3. Relationship/Intimate Partner Violence (Dating Violence)
Definitions:

**Sexual Harassment** - Sexual harassment is unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from the University’s educational program and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

Examples include but are not limited to: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; exposing one’s genitals in non-consensual circumstances; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence; stalking; gender-based bullying. *(see definitions for many of these contained within this policy)*

**Non-Consensual Sexual Contact** – any intentional sexual touching, however slight, with any object, by a man or woman upon a man or woman that is without consent or by force. Acts of unwanted sexual contact may include but are not limited to intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

**Non-Consensual Sexual Intercourse** – any sexual intercourse, however slight, with any object, by a man or woman upon a man or woman that is without consent or by force. Intercourse includes vaginal or anal penetration by any object or body part, and oral sexual contact with the genitals or anus, no matter how slight the penetration or oral contact.

**Sexual Exploitation** – occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation may include but are not limited to: any audio and/or visual recording of a consensual sexual act without the person’s knowledge; distributing, without the prior consent or knowledge of the victim of exploitation, an audio and/or visual recording of a consensual sexual act; going beyond the boundaries of consent (such as allowing people to hide in the closet to view consensual sexual contact/intercourse); voyeurism; knowingly spreading HIV or STI to another person without his or her knowledge; attempting to incapacitate someone for the purposes of committing sexual assault or unwanted sexual contact defined above; inducing another to expose their genitals; sexually-based stalking and/or bullying.

**Stalking**: Intentionally engaging in repeated acts directed at a specific person, where such behaviors result in fear of physical harm or injury, or results in significant emotional distress. This includes any behavior which attempts to establish power or control over another person. Stalking shall be misconduct that falls under this policy if it is sexually-based or motivated by a real or perceived intimate or romantic relationship with the victim. Examples of stalking behavior include but are not limited to: repeated attempts at communication (phoning, texting, emailing, messaging); physical and/or verbal confrontations; entering one’s residence hall room/apartment or vehicle without permission; following a student; vandalizing; gaining access to personal online accounts; etc.

**Domestic Violence**: Any violent behavior committed by a current or former spouse of a victim, by a person with whom a victim shares a child, or by a person with whom the victim currently or previously has cohabitated.

**Relationship/Intimate Partner Violence (Dating Violence)**: Any violent behavior committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and the act is motivated by the relationship or the end of the relationship.
Other Misconduct Offenses (will fall under Title IX when sex- or gender-based)

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of another person;
- Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of their gender;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing (see Hazing Policy of the St. Bonaventure University Student Code of Conduct for definition);
- Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or emotionally.

Additional Applicable Definitions:

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. The following conditions apply to the term “consent” according to the University:

1. Silence, lack of physical resistance, and/or the absence of a verbal “no” are not forms of consent.
2. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
3. Consent can be initially given but withdrawn at any time.
4. When consent is withdrawn or can no longer be given, sexual activity must stop. Once a person says “no,” it is established that he or she is not giving consent to a sexual act. Any activity or further encouragement beyond that point could be construed as force, coercion or intimidation.
5. Prior relationship, existing relationship, or prior sexual contact does not pre-suppose consent. A sexual act must be mutually agreed upon each time it occurs.
6. Consent to one sexual act does not indicate consent to all sexual acts.
7. Consent cannot be given if a person is incapacitated (see definition of “incapacitation”). Sexual activity with someone whom one should know to be – or based on the circumstances should reasonably have known to be – mentally or physically incapacitated (by disability, sleep, involuntary restraint, or the taking of drugs or alcohol, unconsciousness or blackout) constitutes a violation of this policy.
8. Consent cannot be given under coercion, force, or threat of physical harm or injury.
9. Consent cannot be given if someone is under the legal age defined by New York State (see NYS Penal Law below).

A person is considered unable to give effective consent under the following conditions according NYS Penal Law, Article 130, Sex Offenses:

1. He/she is unconscious or otherwise physically unable to communicate consent or lack of consent to an act.
2. He/she is mentally disabled, or suffers from a mental disorder, which renders him/her incapable of appraising or controlling his/her conduct.
3. He/she is mentally incapacitated, rendering him/her temporarily incapable of appraising the nature of his/her conduct, due to the influence of alcohol or other drugs, administered to him/her without his/her consent or due to any other act committed upon him/her without his/her consent.
4. He/she is less than 17 years old.
5. He/she is subject to forcible compulsion

Force
Force is the use of physical violence and/or imposing on someone physically to gain sexual access. It includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent. It also includes rendering someone incapacitated by administering alcohol or any other drug.
Coercion
Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes it clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Incapacitation
Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to knowingly choose to participate in the sexual activity (e.g., to understand the “who, what, when, where, why or how” of the sexual interaction). Incapacitation can result from disability, sleep, involuntary restraint, or the taking of drugs or alcohol.

NOTE: There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

Sanctioning for Gender-Based and Sexual Misconduct

Both the reporting party and the responding party shall be notified verbally and in writing of the outcome of, and/or changes to the outcome of, any investigation, hearing/administrative action and sanctions.

The following sanctions may be imposed upon any member of the community found to have violated the Gender-Based and Sexual Misconduct Policy. Ranges for violations of sexual violence are referenced below.

Student Sanctions:
- Written Warning
- Disciplinary Fines
- Community Service
- Attendant Restrictions
- Participation in Educational Activities Addressing the Nature of the Violation
- Disciplinary Probation
- Loss of Campus Residency
- Organizational Sanctions
- Suspension
- Expulsion
- Withholding of Diploma and/or Degree Conferral
- Revocation of Degree

Employee Sanctions:
- Warning – written
- Performance Improvement Plan
- Required Counseling
- Required Training/Education
- Demotion
- Loss of Annual Pay Increase
- Suspension Without Pay
- Suspension With Pay
- Termination

Both the alleged perpetrator and the victim shall be notified verbally and in writing of the outcome of, and/or changes to the outcome of, any investigation, hearing, and sanctions.
Transcript Notation

The following standards for institutional transcript notation apply to any student found responsible for a violation of the code of conduct that is defined as a crime of violence reportable under the Clery Act:

- Students suspended for said violations will have the following noted on the transcript: “Suspended after a finding of responsibility for a code of conduct violation.”
- Students expelled after a finding of responsibility for a code of conduct violation will have the following noted on the transcript: “Expelled after a finding of responsibility for a code of conduct violation.”
- Students withdrawing from the University during an investigation, or any time prior to or during the completion of judicial procedures (including an appeal process), will have the following noted on the transcript: “Withdrawn with conduct charges pending.”

Students may appeal to the University through the appeals process outlined in this policy to have suspension notation, and only the suspension notation, removed from the transcript. If granted, the notation will be removed no less than one year after the suspension is imposed. This appeal does not apply to the expulsion notations or withdrawal notations.

Withdrawal Prior to Completion of Process

Students withdrawing from the University during an investigation, or any time prior to the completion of or during judicial procedures (including an appeal process), will not be eligible for re-admission to the University or re-enrollment in any courses offered by the University on campus, online, or through any affiliate programs.

Resignation Prior to Completion of Process

Employees who resign from the University during an investigation, or any time prior to the completion of or during judicial procedures or other resolution process (including an appeal process), will not be eligible for re-hire.

GUIDELINES FOR SANCTIONING

- Any person found responsible for violating the policy on Non-Consensual Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion/termination, depending on the severity of the incident, and taking into account any previous disciplinary violations/issues.
- Any person found responsible for violating the policy on Non-Consensual Sexual Intercourse will likely face a recommended sanction of suspension or expulsion (student) or suspension or termination (employee).
- Any person found responsible for violating the policy on sexual exploitation or sexual harassment will likely receive a recommended sanction ranging from warning to expulsion/termination, depending on the severity of the incident, and taking into account any previous violations/issues.

The decision-making body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

Amnesty

The health and safety of every student at St. Bonaventure University is of utmost importance. The University recognizes that students who have been drinking and/or using drugs, (whether such use is voluntary or involuntary) at the time of that violence, including but not limited to Domestic Violence, Dating/Intimate Partner Violence, Stalking, or Sexual Assault, and reporting to University officials or law enforcement will not be subject to the University’s Code of Conduct action for violations of the Alcohol and/or Drug use policies occurring at or near the time of the commission of the Domestic Violence, Dating/Intimate Partner Violence, Stalking, or Sexual Assault. 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 University officials or law enforcement will not be subject to
the University’s Code of Conduct action for violations of alcohol and/or drug use policies occurring at or near the
time of the commission of the domestic violence, dating/intimate partner violence, stalking, or sexual assault.

Confidentiality and Reporting of Offenses Under This Policy
All University employees (faculty, staff, administrators) are expected to report actual or suspected discrimination or
harassment to appropriate officials, though there are some limited exceptions. In order to make informed choices, it
is important to be aware of confidentiality and mandatory reporting requirements when consulting campus
resources. On campus, some resources may maintain confidentiality, meaning they are not required to report actual
or suspected discrimination or harassment to appropriate University officials, thereby offering options and advice
without any obligation to inform an outside agency or individual unless you have requested information to be
shared. Other resources exist for you to report crimes and policy violations and these resources take action when
you report victimization to them.

Privacy Statement
Even University offices or 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.

Confidential Assistance
If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with
counselors or health care providers in the Center for Student Wellness, clergy within the University acting in their
role as clergy (friars or sisters), and/or off-campus resources such as Victim’s Services or Olean General Hospital
(contact information is provided in this section). All of these specific employees will maintain confidentiality
except in extreme cases of immediacy of threat or danger or abuse of a minor. These employees will submit
anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client,
patient or parishioner.

Formal Reporting Options
All University employees have a duty to report, unless they fall under the “Confidential Assistance” section.
Reporting parties may want to consider whether they share personally identifiable details with non-confidential
employees, as those details must be shared by the employee with the Title IX Coordinator and/or Deputy
Coordinators. Otherwise, employees must share all details of the reports they receive. If a reporting party does not
wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal
resolution to be pursued, the reporting party may make such request to the Title IX Coordinator or Deputy
Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with
federal law.

In cases of pattern, predation, physical threat, weapons, and/or violence, the University will likely be unable to
honor a request for confidentiality. In cases where the reporting party requests confidentiality, and the
circumstances allow the University to honor that request, the University will offer interim supports and remedies to
the reporting party and the community, but will not otherwise pursue formal action. A reporting party has the right
and can expect to have reports taken seriously by the University when formally reported, and to have those incidents
investigated and properly resolved through these procedures. The University’s main concern is that reporting parties
receive the help and guidance essential for beginning the process of healing, while giving special consideration to
the welfare of the campus community. Students have several options for receiving assistance if they are the victim
of gender-based or sexual misconduct. Faculty, administration, staff, and religious at the University have different
roles and responsibilities. Procedures for reporting Gender-Based and Sexual Misconduct are outlined under
“University’s Procedures for Reporting Sexual Violence” below.
University’s Procedures for Investigation of Gender-Based and Sexual Misconduct

Anyone wishing to report incidents of gender-based or sexual misconduct should do so through Safety and Security Services, Residential Staff (RAs or RDs), person’s supervisor, a CODAH Advocacy Officer, or directly with the Title IX Coordinator (Director of Human Resources). Investigations should take no longer than 60 days, according to the following procedure:

1. Once a report is received, information is shared with the Title IX Coordinator and/or Deputy Coordinator.
2. Preliminary information gathering will occur to determine whether or not a formal investigation is appropriate.
3. If an investigation is deemed appropriate, the Title IX Coordinator and/or Deputy Coordinator will appoint investigators to the case. If it is determined a formal investigation is not appropriate, the University will offer the reporting party and/or victim accommodations, which may also include “No Contact” orders if appropriate.
4. Investigators will conduct interviews with any individuals whom may be able to provide information pertaining to the potential violation, or other violations that may arise through the course of the investigation. They will also gather, examine and assess relevance of evidence, or other resources, brought forward throughout the course of the investigation.
5. After the investigation is complete, and based on the preponderance of the evidence standard ("more likely than not"), investigators will determine whether it is “more likely than not” the respondent(s) violated one or more policies and prepare the final report. Investigators will provide the final report to the Title IX Coordinator. This is the finding in the case. Final reports will include documented summary of interviews, evidence, credibility assessments and any other factual support for the investigators’ findings.
6. If the finding is that the responding party is responsible for one or more violations of these policies, the Title IX Coordinator and/or Deputy Coordinator will determine the appropriate sanctioning party dependent on whether the responding party is a faculty/staff member, or student.
7. Should a student be found responsible for a violation of policies outlined under the Gender-Based or Sexual Misconduct Policy, they are NOT subject to the same process and procedure outlined in the Code of Conduct under the “Judicial Process”. There is no hearing to determine responsibility, as that is the purpose of the investigation process. If there is a determination by the Title IX Coordinator and/or Deputy that the case should move forward for sanctioning, a Judicial Board will be called to determine sanctions.
8. If the responding party found responsible for a violation is a faculty or staff member, sanctions will be determined by that responding party’s appropriate executive officer, and follow the guidelines outlined in the University’s Discrimination and Harassment Policy found in the Governing Documents.

Judicial Sanctioning Board for Gender-Based and Sexual Misconduct (for students only)

The Judicial Sanctioning board will be called to determine sanctions in cases where it is determined further action should be taken against a student found responsible for violation of the Gender-Based and Sexual Misconduct Policy throughout the course of an investigation. The board composition shall be the:

- Chief Judicial Officer, or appropriate designee of the Vice President for Student Affairs, and
- one faculty member, and
- one staff person.

No member of this board shall have been a party to the case, a witness to the case, worked as an investigator on the case, the faculty advisor to any party in the case, be a current or former instructor to any party in the case, have any familial relation, professional relationship or close friendship to any party or witness to the case, or otherwise have any conflict of interest that may give the perception of a lack of ability to fairly determine any sanctions. Any potential conflict of interest shall be disclosed prior to the Board convening and if there is a perceived conflict of interest, the conflicted person shall recuse him or herself and a non-conflicted replacement shall be named prior to the Board convening.

The board will allow the reporting party and respondent to present impact statements. The board may also call upon the investigators to answer questions they may have regarding the final report. Both reporting and responding parties have the right to be present for any gathering of information by the board. The Board will convene privately to review the case file, impact statements, and prior violations of the responding party. Based on all information available, and guidelines outlined in this policy, the board will determine the sanctions, and inform both the reporting party and responding party of the sanctions and rationale for sanctions. Sanctions will also be provided in writing to the reporting party and responding party.
**Appeals (for students only)**

An Appeals Board shall be convened when either the reporting party or the responding party choose to appeal the sanction decision of the Judicial Sanctioning Board, or choose to appeal the finding of the investigating officers. No member of the Judicial Sanctioning Board who determined the sanctions in this case shall be part of the Appeals Board. The same rules that apply in selecting members of the Judicial Sanctioning Board shall apply here as well. The Appeals Board composition shall be:

- The Vice President for Student Affairs (VPSA) or his/her designee, and
- One faculty or staff member, and
- One student.

**Appeal of Finding**

The appealing student shall file a written appeal to the VPSA. Appeals may be filed for the following reasons:

- Material procedural defect in the original investigation, and/or
- Presence of new material evidence that was not available through no fault of the appealing party throughout the course of the investigation, and/or
- Erroneous finding of fact, or factual evidence was blatantly disregarded.

**Appeal for Review of Sanction**

The Appeals Board will hear appeals in cases where the sanction is expulsion, suspension, loss of good disciplinary standing, or loss of campus residency, and the student believes that the sanction is disproportionate to the offense. Other sanctions are not subject to review.

**Appeal Procedure**

The appealing party must file the appeal electronically as a Word Document attachment via University email to the VPSA within five class days of notification of the outcome of the hearing stating the specific reason and justification for the appeal. The VPSA will review the appeal request and determine whether or not the appeal request meets the criteria outlined under “Appeal of Finding” or “Appeal for Review of Sanction”. If the VPSA determines the appeal meets the criteria, the Appeal Board will convene.

1. The Appeal Board is not a “re-hearing” of the case. It will only consider facts and issues relevant to the basis for the appeal, and will not be conducting new investigations.
2. It will be assumed by the board that the original investigation and sanctions are sound, and the burden is on the appealing party to prove otherwise. Small procedural errors that do not affect the overall outcome of a case, such as typos, misspellings, or other errors or mistakes that have no bearing on the bearing on the outcome will not be considered grounds to overturn a decision.
3. The Board shall meet with the appealing party, and may meet with anyone else deemed necessary to make their determination, including the investigators in the case.
4. Within 5 class days, the Board will make one of the following decisions:
   a. **Finding/Sanction Stands:** If upon review of relevant information the Board finds that there is no merit to the appeal, or that any issue brought up in the appeal would not change the finding or the appeal, then the Board will affirm the finding and sanction. This decision is final, and the case is closed.
   b. **Remand to Investigators:** Only in cases where new evidence is available, or a procedural defect occurred, should a case be remanded to the investigators. The purpose for remanding to investigators is not for an entire new investigation, but only to correct the procedural defect, or consider the new evidence. Upon correcting defect or considering new evidence, the investigators should determine whether their finding would change in light of this information. Any changes or new information should be prepared as an addendum to the original report, and should be re-submitted to the Appeals Board. The Appeals Board will review the addendum with the Title IX Coordinator to ensure its efficacy, and determine proper courses of action. Should the original report’s finding change, and a student is now found “Not Responsible” for the violation, and the Board upon review accepts this new finding, all sanctions will be overturned and the case will be closed. Accommodations may
remain in place, including no-contact orders. Should the original report’s finding change, and a student is now found “Responsible” for the violation, then a Sanctioning Board will be convened, and follow the procedures outlined under “Sanctioning Board”. The Sanctioning Board will submit their finding to the Appeal’s Board, whom will review to ensure efficacy and notify the reporting and responding parties. The case will then be considered closed.

c. **Determine New Sanction:** Should the Board determine that disproportionate sanctions were given, the Appeals Board will determine new sanctions. The Appeals Board Sanctions are final. No corrective action will be implemented that violates any provision of a St. Bonaventure University employment contract. All sanctions/corrective actions shall be in accordance with the University’s Discrimination and Harassment Policy found in the Governing documents.

**Accommodations**

Certain accommodations may be made by the Title IX Coordinator and/or Deputy, or appropriate designee, in an effort to mitigate any situations where further threat and/or harassment could occur as a result of a victim filing a report or bringing forward allegations. These accommodations could include, but are not limited to: changes in academic, living, transportation, and working situations if those changes are requested by the victim and reasonably available; “No Contact” orders; Summary Suspension; attendant restrictions; all other restrictions outlined in the Code of Conduct under “Interim Sanctions”; any other interim restriction or sanction deemed appropriate by the Title IX Coordinator or Deputy, or appropriate designee. A written summary of rights, options, supports, and procedures, is provided to all reporting and responding parties, whether they are students, employees, guests, or visitors.

When no-contact orders are issued, students have the right to review the order with an appropriate University Official, appointed by the Title IX Coordinator or Deputy, or appropriate designee, to discuss the need for and terms of the order, other interim measures and/or accommodations.

If an outside agency or court of law has put in place an order of protection, the University will assist in upholding the order, including explaining the legal consequences for violating the order. If the University receives a report of an official order of protection being violated, the University will provide assistance in contacting the appropriate law enforcement agency.

**Title IX Investigators, Judicial Board Officers, etc.**

All Title IX officials (investigators, hearing officers, appeals officers, Title IX Coordinator and Deputy) will be individuals whom receive Title IX training and participate in ongoing development on issues related to sexual harassment, domestic violence, dating violence, sexual assault and stalking. They will also receive training on how to sanction appropriately while protecting reporting party safety and promoting accountability.

**Advisor of Choice**

The reporting party and/or victim, and the responding party, have the right to an advisor of their choice present with them through any interviews throughout the investigation, and proceedings resulting from Title IX investigations. The role of the advisor is to be of support to the parties. Advisors are not permitted to represent the parties. Thus, advisors are not permitted to ask or answer questions, nor are they to interfere in the process for any reason at any time. Additionally, the University will determine its own schedule, and it is incumbent upon the reporting party, victim and responding party to ensure their advisors are available. The schedule for interviews, hearings, appeals, or any meeting necessary will not be driven by advisor availability.

**Retaliation**

Reporting parties have the right to continue their educational endeavors free from retaliation or further harassment as a result of filing a report or participating in a judicial process. Retaliation exists when an individual harasses, intimidates or takes other adverse action(s) against a person because of the person’s participation in an investigation of discrimination, or gender-based or sexual misconduct, or their support of someone involved in such an investigation. Retaliatory actions include but are not limited to threats or actual violence against a person or their property, adverse educational or employment consequences, ridicule, intimidation, bullying, or ostracism. Sanctions
will be imposed on any faculty, staff or student found engaging in retaliation. Any evidence of such behavior from a responding party throughout the course of an investigation, or on behalf of the responding party, could warrant immediate summary suspension from the University pending the completion of the investigation and subsequent judicial process.

**Distribution of Policies and Procedures**
The University Policy and Procedures for Gender-Based and Sexual Misconduct as they relate to SBU students can be found in the Student Code of Conduct, Appendix S. The Code of Conduct is located online at [www.sbu.edu/codeofconduct](http://www.sbu.edu/codeofconduct), or by going to the student affairs webpage at [www.sbu.edu](http://www.sbu.edu). Students, faculty and staff can also locate the Code of Conduct and the Gender-Based and Sexual Misconduct policy and procedures on MySBU under general links. Hard copies of the Code of Conduct can be obtained by contacting the Student Affairs Division, 716-375-2512, or by going to the Student Affairs Office, Reilly Center 201. Additionally, the Gender-Based and Sexual Misconduct policy and procedures are available in the annual crime report, published on the Student Affairs page of the University website, and hard copies are available in both the Safety and Security Office on the first floor of Robinson Hall, and in the Student Affairs Office. *St. Bonaventure University’s Guide to Understanding Sexual Misconduct* is a comprehensive booklet dedicated to the understanding of issues related to Gender-Based and Sexual Misconduct, and includes extensive information about policies, procedures, local resources, bystander intervention, the importance of timely evidence collection, myths and facts, etc. This is distributed to each first year student as they attend an educational program focused on sexual violence during Welcome Days, is available in print upon request, and online as outlined above.

**Training and Prevention Programming**
In an effort to reduce the risk of gender-based and sexual misconduct occurring among its students, St. Bonaventure University utilizes a range of campaigns, strategies and initiatives to provide awareness, educational, risk reduction and prevention programming.

It is the policy of the St. Bonaventure University to offer programming to prevent domestic violence, relationship/intimate partner violence, sexual violence (including stranger and known offender assaults) and stalking each year. Educational programs are offered to raise awareness for all incoming students and employees, and are often conducted during new student and new employee orientation and throughout an incoming student’s first semester. These programs and others offered throughout the year include strong messages regarding not just awareness, but also primary prevention (including normative messaging, environmental management and bystander intervention), and discuss institutional policies on gender-based and sexual misconduct as well as the New York State definitions of domestic violence, dating violence, sexual assault, stalking and consent in reference to sexual activity. Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies and/or creating distractions.

Programs also offer information on risk reduction that strives to empower victims, how to recognize warning signals and how to avoid potential attacks, and do so without victim-blaming approaches. Throughout the year, ongoing awareness and prevention campaigns are directed to students and employees, including faculty, often taking the form of campaigns, guest speakers and events such as “Drunk Sex or Date Rape” (an NCHERM Program), “Sex Signals”, and other programs promoted by student clubs and organizations such as VOICES (the University women’s issues student organization). In addition, the University requires all first year students to complete Haven, an online sexual violence education program presented by EverFi.

**Title IX Coordinator**
In accordance with Office of Civil Rights legislation pertaining to Title IX of the Education Amendments of 1972, the University is required to appoint and maintain a coordinator for Title IX Compliance on campus. St. Bonaventure University’s Title IX Coordinator is the Director of Human Resources, 716-375-2102, or sburke@sbu.edu. All reported incidents of sexual violence and subsequent documentation of investigations, findings, and judicial hearing outcomes will be kept on record with the Title IX Coordinator in accordance with University policies regarding records management.
Students’ Bill of Rights

All students have the right to:
1. Make a report to local law enforcement and/or State Police
2. Have disclosures of domestic violence, dating/intimate partner violence, stalking and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justices free from pressure by the University;
4. Participate in a process that is fair, impartial and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the University courteous, fair and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few University representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the University, any student, the accused and/or the Respondent, and/or their friends, family, and acquaintances within the jurisdiction of the University;
9. Access to at least one level of appeal of determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial process including all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the University.

FACULTY & STAFF Bill of Rights

All St. Bonaventure employees have the right to:
1. Make a report to local law enforcement and/or State Police;
2. Have disclosures of domestic violence, dating/intimate partner violence, stalking and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justices free from pressure by the University. This applies only if the employee is the person the crime is against;
4. Participate in a process that is fair, impartial and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the University courteous, fair and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few University representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the University, any student, the accused and/or the Respondent, and/or their friends, family, and acquaintances within the jurisdiction of the University;
9. Access to at least one level of appeal of determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial process including all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the University.