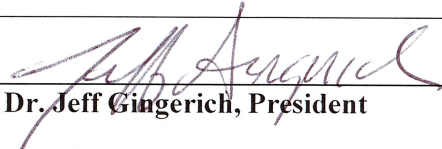




ST BONAVENTURE
UNIVERSITY

Sex Discrimination and Sex-Based Harassment Policy and Procedures	
Administered By: Student Affairs	
Approved By:  Dr. Jeff Gingerich, President	
Policy Effective Date: August 1, 2024	
Policy Number: SA-2024-002	New Policy ___ or Revision of Existing Policy <u>X</u> Name of Previous Policy: Gender-Based Discrimination and Sexual Misconduct Policy, February 2024

General Rules of Application

Effective Date

This Policy is effective on August 1, 2024 with updates as noted, and will only apply to sex discrimination that allegedly occurred on or after August 1, 2024. With respect to sex discrimination that allegedly occurred prior to August 1, 2024, regardless of when the alleged sex discrimination was reported, St. Bonaventure University will respond and comply in accordance with the Title IX statute and regulations, and University Policy, in place at the time that the alleged sex discrimination occurred.

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 sex discrimination, including sex-based harassment. 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 sex discrimination and sex-based harassment very seriously and treats each report with the utmost care and urgency. St. Bonaventure University will take prompt and effective action to end any sex discrimination in its education program or activities and to prevent its recurrence and remedy its effects. All complaints of sex discrimination will be responded to with a fair, transparent, and reliable process that includes trained, unbiased decisionmakers to evaluate all relevant and not otherwise impermissible evidence. Supportive measures, as outlined in this Policy, will be provided to Complainants and Respondents affected by conduct that constitutes sex discrimination, including sexual violence and other forms of sex-based harassment. This Policy was 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.

Nondiscrimination Policy and Notice

Policy

St. Bonaventure University does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment.

Notice

St. Bonaventure University does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment.

Inquiries about Title IX may be referred to St. Bonaventure University's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both.

Contact Information for the Title IX Coordinator

Haylie Scheer
Office Address: Reilly Center, Room 221B
Email Address: hscheer@sbu.edu
Telephone Number: 716-375-2109

Contact Information for the U.S. Department of Education, Office for Civil Rights

400 Maryland Avenue, SW Washington, DC 20202-1100
(800) 421-3481
Facsimile: 202-453-6012 TDD#: 877-521-2172
E-mail: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

St. Bonaventure's grievance procedures can be located in this Policy or @ Title IX.

To report information about conduct that may constitute sex discrimination or make a Complaint of sex discrimination under Title IX, please refer to this Policy or @ Title IX.

Jurisdiction and Non-Discrimination in Application

This Policy applies to all students, faculty, and staff of St. Bonaventure University. This Policy also applies to conduct by third parties that include visiting speakers, contracted professionals, guests of enrolled students, visiting athletic teams, conference attendees, etc.

Any member of the St. Bonaventure University community found in violation of this Policy may be subject to disciplinary action. This Policy also applies regardless of the Complainant's or Respondent's race, creed, color, gender, gender identity, gender expression, ethnicity, national origin, religion, marital status, familial status, pregnancy, age, sexual orientation, veteran status, disability, genetic predisposition status, domestic violence victim status, criminal conviction or any other protected characteristic under applicable local, state or federal law. All requirements and protections are equitably provided to individuals regardless of such status or status as Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the University's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

The disciplinary actions the University may take will differ depending on the level of control the University has over the accused. Regardless of the level of disciplinary action that can be taken, St. Bonaventure University is committed to remedying the effects of any sex discrimination or sex-based harassment and preventing its recurrence.

One or more of the University's personnel policies or faculty and staff handbook policies may overlap with this Policy in a particular situation. The processes described in this Policy apply to any situation where a student is

the Complainant or Respondent (as defined below). In all other situations, the University reserves the right to apply this process or another applicable University policy or process. The University will apply this process to any situation where the University determines that Title IX requires the application of this process.

Disability Accommodations

This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the processes described below that do not fundamentally alter the applicable process (es). The Title IX Coordinator may consult with the Office of Accessibility Services & Accommodations to provide support to students with disabilities to determine how to comply with Section 504 of the Rehabilitation Act of 1973. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the parties, even where the parties may be receiving accommodations in other institutional programs and activities.

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 positions of authority abuse, or appear to abuse, their power.

Sexual relationships between faculty and student, or staff and student, are expressly prohibited. 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 or staff member in a position to favor or advance one student's interests at the expense of others.

Sexual relationships 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 himself/herself/themselves of the professional responsibility for evaluation and/or cease such conduct.

Overview of Sex Discrimination and Sex-Based Harassment

St. Bonaventure University prohibits all forms of sex discrimination in any education program or activity that it operates. Sex discrimination refers to any discrimination based on sex, including but not limited to, sex-based harassment. Sex-based harassment is a form of sex discrimination which includes conduct of a sexual nature, as well as other forms of harassment that are not necessarily "sexual" but are based on a person's sex – such as pregnancy harassment, gender identity, or sex-based stereotypes. Sex discrimination can be committed by any person upon any other person, regardless of the sex, gender, sexual orientation, gender identity and/or gender expression of the persons involved in the acts. Sex discrimination also includes specific offenses described in this Policy, including sexual assault, domestic violence, dating and stalking (when based on sex).

St. Bonaventure University is prohibited from separating or treating any person differently based on sex in a manner that subjects that person to more than de minimis harm, except in the limited circumstances where Title IX regulations allow otherwise, such as in the context of sex-separate living facilities and sex-separate athletic teams. Policies and practices that prevent a student from participating in an institution's education program or activity consistent with their gender identity impose more than de minimis harm on that student on the basis of sex, and therefore generally violate Title IX's nondiscrimination mandate. This Policy does not address Title IX's application to sex-separate athletic teams.

Prohibited Conduct

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 and also applies to a broader range of contexts and behaviors inconsistent with the University's commitment to equal opportunity.

Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulations prohibit sex

discrimination in educational programs and activities operated by recipients of Federal financial assistance. This prohibition encompasses discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

St. Bonaventure University is required to address all sex discrimination occurring under its education program or activity in the United States. The University will address a sex-based hostile environment in its education program or activity even when some conduct alleged to be contributing to the hostile environment occurred outside the University's education program or activity, or outside the United States. Conduct that occurs under the University's education program or activity includes, but is not limited to:

- Conduct that occurs in any building owned or controlled by a student organization that is officially recognized by the University; and
- Conduct that is subject to the University's disciplinary authority.

The University recognizes the following as conduct violations under this Policy:

1. **Sex Discrimination.** Sex Discrimination is different treatment with respect to an individual's employment or participation in a University education program or activity based, in whole or in part, on sex, sex stereotypes, gender, sexual orientation, sex characteristics, pregnancy or pregnancy-related conditions or gender identity. Sex Discrimination includes, but is not limited to, Sex-Based Harassment, Sexual Assault, Domestic Violence and Dating Violence, and Stalking on the basis of sex.
2. **Quid Pro Quo Sex-Based Harassment.** An employee, agent, or other person authorized by the University to provide an aid, benefit, or service under the University's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
3. **Hostile Environment Sex-Based Harassment.** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it effectively limits or denies a person's ability to participate in or benefit from the University's education program or activity. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - i. The degree to which the conduct affected the Complainant's ability to access the University's education program or activity;
 - ii. The type, frequency, and duration of the conduct;
 - iii. The parties' ages, roles within the University's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - iv. The location of the conduct and the context in which the conduct occurred; and
 - v. Other sex-based harassment in the University's education program or activity.
4. **Specific Offenses.**
 1. *Sexual Assault*, which includes any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving affirmative 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.
 - b. Nonconsensual Sexual Contact. The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. This form of sexual assault also includes any intentional touching, however slight, for sexual gratification or with sexual intent, directly or with any object that is without affirmative consent. Acts may include but are not limited to intentional contact (directly or over clothing) with another person's breasts, buttocks, groin, genitals, inner thigh, mouth, or touching another with any of these body parts, or any other intentional sexual touching with any object by a person upon another person, without consent.

- 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.
2. *Dating Violence*, which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on the Complainant's statement with 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. Dating violence does not include acts covered under the definition of domestic violence.
 3. *Domestic Violence*, meaning felony or misdemeanor crimes of violence committed by a person who: (A) is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the applicable jurisdiction, or a person similarly situated to a spouse of the victim; (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) shares a child in common with the victim; or (D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.
 4. *Stalking*, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress. For purposes of this definition:
 - a. "Course of conduct" means two or more acts, including but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property.
 - b. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the person against whom the stalking was committed.
 5. **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: prostituting another person; 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) when there is a reasonable expectation of privacy during the activity, 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 or beyond the boundaries of consent given; 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; exposing one's genitals in non-consensual circumstances or nonconsensual disrobing of another person so as to expose the other person's private body parts; causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity, misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections; or forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity.
 6. **Retaliation.** Retaliation is an adverse act perpetrated to "get back" at a person because the person reported misconduct under this Policy, made a complaint, or participated in an investigation or proceeding conducted pursuant to this Policy by the University or by an external agency in any capacity (e.g., as a Complainant, Respondent or witness), or for the purpose of interfering with any right or privilege under this Policy. Retaliation includes intimidation, threats, coercion, or discrimination against any person for the purpose of interfering with any right or privilege secured by Title IX or its regulations or this Policy, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this

Policy, including an informal resolution process. Peer retaliation, defined as retaliation by one student against another student, is also prohibited under this Policy. Nothing in these definitions precludes the University from requiring an employee or other person authorized by the University to provide aid, benefit, or service under the University's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing.

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.

Pregnancy or Related Conditions

Title IX prohibits an institution from treating students, employees, or applicants differently based on sex in connection with parental, family or marital status. Pregnant students, employees, and applicants are afforded additional protections and accommodations due to their pregnancy or any related condition, this includes adoptive parents, stepparents, or legal guardians. The University will not discriminate based on, and prohibits discrimination based on, any student's current, potential or past pregnancy or related conditions; this includes pregnancy, childbirth, termination of pregnancy or lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy or lactation; and recovery from pregnancy, childbirth, termination of pregnancy, lactation or related medical conditions. Such conditions include but are not limited to morning sickness, fatigue, nausea, dehydration, gestational diabetes, preeclampsia, prenatal or postpartum depression, infertility, recovery from childbirth, miscarriage or abortion, lactation conditions or complications, menstruation, perimenopause and menopause.

- a. Students' Rights. The University will provide students reasonable modifications to its policies, practices and procedures for pregnancy or related conditions.
 - i. When a student informs a University employee of the student's pregnancy or related condition, the employee must provide that person with the Title IX Coordinator's contact information and inform the student that the Title IX Coordinator can implement specific actions and supports to prevent sex discrimination to ensure the student's equal access to the University's education program or activity.
 - ii. Upon learning of the student's pregnancy or related condition, the Title IX Coordinator will provide the student with the option of individualized, reasonable modifications as needed to prevent discrimination and ensure equal access to the University's education program or activity. Reasonable modifications may include, but are not limited to, breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures. The student can accept or decline any such reasonable modification offered.
 - iii. The University will allow the student a voluntary leave of absence for, at minimum, the time period deemed medically necessary by their healthcare provider.
 - iv. The University will not require supporting medical documentation from a student for modifications or leaves of absence described above, unless doing so is necessary and reasonable to determine and provide such modifications or leaves of absence.
- b. Employees rights. The University will not adopt or implement any policy, practice, or procedure or take any employment action on the basis of sex:
 - i. Concerning the current, potential, or past parental, family, or marital status of an employee or applicant for employment; or,
 - ii. Based upon whether an employee or applicant is the head of the household or principal wage earning in such employee's or applicant's family unit.

Lactation Time and Space: The University will provide access to a space for students and employees for

lactation or breastfeeding needs. The space will not be a bathroom but will be within a reasonable distance from a bathroom, and will be clean, shielded from view, and free from intrusion of others.

Additional Applicable Definitions

Admission

Admission means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an education program or activity operated by St. Bonaventure University.

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 University 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.

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. Whenever the word "consent" is used in this Policy, it should be understood to mean affirmative consent as defined here.

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. In other words, it is not an excuse that the person initiating the act was intoxicated or incapacitated due to alcohol or other drugs.
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/she/they is/are not giving consent to a sexual act. However, the absence of a verbal "no" does not constitute consent. Any activity or further encouragement beyond that point could be construed as force, coercion or intimidation.
5. A current or previous dating relationship is not sufficient to constitute consent. Further, past consent to engage in sexual activity with any person cannot be presumed to be consent to sexual activity in the future with the same or a different person. A sexual act must be mutually agreed upon each time it occurs.
6. Consent to one sexual act does not indicate consent to other 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 – incapacitated (for example, 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 of consent. In New York State, a minor (meaning a person under the age of 17 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 17 years old is a crime as well as a violation of this Policy, even if the minor wanted to engage in the act.

Bystander

A bystander means a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of the rules or policies of the University, including this Policy.

Coercion

Coercion is the use of pressure to compel someone to initiate or continue sexual activity against their will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they deprive another individual of the ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to "out" someone based on sexual orientation, gender identity or gender expression, and threatening to harm oneself if the other party does not engage in the sexual activity. Coercing an individual into engaging in sexual activity violates this Policy in the same way as physically forcing someone into engaging in sexual activity.

Complainant

The term Complainant refers to a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under this Policy; or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under this Policy and who was participating or attempting to participate in the University's education program or activity at the time of the alleged sex discrimination. In some cases, the Title IX Coordinator may file a 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 sex discrimination.

Complaint

A complaint means an oral or written request to the University that objectively can be understood as a request for the University to investigate and make a determination about alleged misconduct under this Policy.

Community Member

A community member is any person who is enrolled or deposited at the University, works for the University, or volunteers for the University.

Force

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. It includes threats and/or intimidation (implied threats) that overcome resistance or produce purported (but ineffective) consent. It also includes rendering someone incapacitated by administering alcohol or any other drug. NOTE: There is no requirement that a party resists a sexual advance or request, but resistance is a clear demonstration of non-consent. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

Gender Identity

Gender identity is one's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth.

Incapacitation

Incapacitation is a state where someone lacks the ability to knowingly choose to participate in a specific activity. Incapacitation can result from disability, sleep, lack of consciousness, involuntary restraint, or other factors that prevent voluntary choice. 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, but consumption of such substances alone is insufficient to establish incapacitation. In assessing capacity, the University will consider whether the individual had the ability to understand the nature of the act (e.g., to understand the who, what, when, where, why or how of the sexual interaction) and/or was physically helpless. Possession, use and/or distribution of any of the so-called "date rape" drugs (including Rohypnol, Ketamine, GHB, Burundanga and others) is prohibited, and administering any of these drugs to another and engaging in sexual activity with that person is a violation of this Policy.

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 University at no charge to the party. This advisor is referred to an "institution advisor." An institution advisor's primary role is to ask questions of the other party during a hearing. An institution advisor does not represent a party in any legal sense. Except for respective questions permitted below, the institution advisor doesn't advocate or participate in the hearing. Their role is to support and advise

the party. The party is responsible for formulating the questions the institution advisor will pose during the hearing.

Non-Community Member

A non-community member is any person who is not enrolled or deposited at the University, does not work at the University, and does not volunteer for the University. This may include, but is not limited to, a student from another institution, an alumnus or alumna, a parent, a visitor to the campus, an employee at a local business, or any member of the public.

Party

A party means a Complainant or Respondent.

Privacy vs. Confidentiality

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

Relevant Evidence and Questions

“Relevant” means related to the allegations at issue. Questions are relevant when they seek evidence that may aid in showing if the alleged conduct occurred. Evidence is relevant when it may aid a decisionmaker in determining if the alleged conduct occurred.

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.

Respondent

The term Respondent refers to the person alleged to have committed a violation of this Policy. The term “accused” may be used in this Policy to refer to the Respondent prior to the time that a Complaint has been made.

Sex Characteristics

Sex characteristics are defined as physiological sex-based characteristics. Sex discrimination based on a person’s physiological sex characteristics may include discrimination based on a person’s anatomy, hormones, and chromosomes associated with male and female bodies.

Sex Stereotype

Sex stereotype is defined as fixed or generalized expectations regarding a person’s aptitude, behavior, self-presentation, or other attribute based on sex.

Sexual Orientation

An inherent or immutable enduring emotional, romantic or sexual attraction to other people. Note: an individual’s sexual orientation is independent of their gender identity.

Student

A student means a person who has gained admission. An individual remains a student for purposes of this Policy during academic breaks, between academic years and while on a leave of absence from the time of admission through graduation or permanent departure from the University.

Non-Investigatory Measures Available Under the Policy

Supportive Measures

It is not necessary for a Complaint or report to be made to receive resources or supportive measures. Certain resources and supportive measures may be provided, as reasonably available, by the Title IX Coordinator, or appropriate designee, in an effort to protect the safety and/or well-being of any member(s) of the campus community and restore or preserve access to the University's education program or activity during the University's grievance process or during an informal resolution process. The University Victim Advocate (representative from Connecting Communities in Action Victim Services) can also assist in obtaining supportive measures. Any person needing resources or supportive measures should request them from the Title IX Coordinator or a Deputy Title IX Coordinator. The University will maintain as confidential any resources or supportive measures provided, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the resources or protective measures. Supportive measures are intended to address the immediate and ongoing effects of harassment, discrimination, sexual assault, sexual exploitation, dating or domestic violence, stalking or retaliation, or to prevent further harm to a party and to prevent further violations. Supportive measures cannot be unreasonably burdensome to a party, cannot be imposed for punitive or disciplinary reasons and are offered without fee or charge. The University, as appropriate, may modify or terminate supportive measures at the conclusion of the grievance process or informal resolution process, or may continue measures beyond that point. Supportive measures may include, but are not limited to:

- counseling
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus escort services
- mutual restrictions, and in certain circumstances one-directional restrictions, on contact between the parties (no contact orders – see below)
- changes in work or housing locations
- leaves of absence
- increased security and monitoring of certain areas of the campus

When supportive measures are provided, affected students have the right to request review of them by an appropriate University Official, appointed by the Title IX Coordinator, or appropriate designee, to reconsider the need for and/or terms of the supportive measures. In addition, if a party's request for a supportive measure is denied, the party will be afforded an opportunity to have the denial promptly reviewed by such a University Official to assess whether the supportive measure is reasonable under the circumstances. The request for review of the denial of, or the need for or details of, supportive measures should be made to the Title IX Coordinator and may be made at any time. 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 affect that party. The University Official's determination is not subject to further review absent changed circumstances.

A written summary of rights, options, supports, and procedures, is provided to all reporting parties, Complainants and Respondents, whether they are students, employees, guests, or visitors. All reporting parties, Complainants and Respondents receive information about the following in writing:

- evidence preservation;
- availability of orders of protection and issuance of no contact orders;
- options for, assistance in, and how to request changes to academic, living, transportation, and work situations or protective measures, if requested and reasonably available;
- procedures for institutional disciplinary proceedings;
- how to report the offense, on and off campus, and assistance with reporting;
- notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available within the University and/or in the community;
- sanctions under the University grievance process; and
- an explanation of rights and options provided under this Policy.

No Contact Orders

A no contact order defines specific restrictions on contact between the parties. A no contact order can forbid both direct and indirect contact between the involved parties. Indirect contact includes electronic communication and messages sent via other people. A no contact order does not require a party to refrain from attending an event (such as an athletic contest, a campus speaker presentation, etc.) in circumstances where simultaneous attendance can occur without otherwise prohibited interaction, for example because the parties are not in close proximity to one another. Restrictions on contact can be applied to one or more parties.

Orders of Protection

The Associate Dean for Campus Safety or designee 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. The Associate Dean or designee will, additionally:

- provide a copy of an order of protection or equivalent to affected parties when received by the University and provide an opportunity to meet or speak with a University 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;
- provide an explanation of the potential consequences for violating these orders, including but not limited to arrest, additional conduct charges, and emergency removal; and
- provide assistance in contacting local law enforcement to effect an arrest for violating such an order.

Emergency Removal

St. Bonaventure University retains the authority to remove a student Respondent from its program or activity on an emergency basis, where the University (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the health or safety of a Complainant, or any students, employees or other person arising from the allegations of violations under this Policy justifies a removal. Emergency removal determinations are not based on the severity of the allegations or whether a complaint was made.

If the University determines such removal is necessary, the Title IX Coordinator, or their designee, will provide written notice of the emergency removal to both the Complainant and Respondent. This notice will contain the date/time the removal is scheduled to begin, the reason for the emergency removal, the consequences of non-compliance, and how to challenge the decision. Any challenge shall be submitted to and decided on by Title IX Coordinator.

The emergency removal process does not apply to employee Respondents. St. Bonaventure University retains the authority to place a non-student employee Respondent on administrative leave during the grievance process outlined in this Policy, consistent with any Staff Handbook or Faculty Status and Welfare Handbook.

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

Confidentiality, Access to Resources and Reporting of Prohibited Conduct

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. The University offers a number of confidential and non-confidential resources and reporting options for violations of the Sex Discrimination and Sex-Based Harassment Policy, which include but are not limited to violations of Sexual Assault, Dating or Domestic Violence, and Stalking.

Certain University employees are considered “confidential” employees. As described below, confidential resources generally will not share information about an individual without the individual’s express written permission. Confidential employees must share the following information:

- That they are confidential, including when they are not required to notify the Title IX Coordinator about conduct that reasonably may constitute sex discrimination;
- How to contact the University’s Title IX Coordinator and how to make a complaint of sex discrimination; and
- That the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the grievance procedures.

All other employees at the University are considered non-confidential and are required to report sex discrimination they observe or learn about to the Title IX Coordinator so the University may take steps to offer resources and supportive measures, and/or prevent the recurrence of sex discrimination or sex-based harassment. If you are unsure of an individual’s reporting obligations, please ask before disclosing any information you wish to remain confidential.

Even University 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, or for the Associate Dean for Campus Safety to report statistical information about Clery reportable crimes.

Confidential Assistance and Resources

Confidential disclosure is defined as seeking resources and/or assistance without personally identifiable information about the disclosure being shared with anyone else. 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 Connecting Communities in Action Victim’s Services or Olean General Hospital. All of these resources will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. Confidential resources that are University employees will not submit anonymous statistical information for Clery Act purposes.

Quick Reference Contact Information for On-Campus Confidential Resources:

- **University Center for Student Wellness:** 122 Doyle Hall (first floor right side entrance)- 716-375-2310
- **University Chaplain:** McGinley-Carney Center for Franciscan Ministries, Rm. 111 – 716-375-7841
- **Connecting Communities in Action- Victim Services:** Toll Free Crisis Hotline- 1-888-945-3970
(*Advocate housed on campus*)

Quick Reference Contact Information for Off-Campus Confidential Resources:

- Olean General Hospital Sexual Assault Forensic Examiner (SAFE) Unit: Report to the OGH Emergency Room- 716-372-0614
- New York State Domestic and Sexual Violence Hotline-1-800-942-6906
- New York State Police 24 Hour Hotline- 1-844-845-7269
- The New York State Office for the Prevention of Domestic Violence hotlines:
<http://www.opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options that can be found and are presented in several languages can also be found here:
<http://www.opdv.ny.gov/help/index.html> (or by calling 1-800-942-6906)
- SurvJustice: <http://survjustice.org/our-services/civil-rights-complaints/>
- Legal Momentum: <https://www.legalmomentum.org/>
- NYSCASA: <https://nyscasa.org/responding>
- NYSCADV: <http://www.nyscadv.org/>
- Pandora’s Project: <http://www.pandys.org/lgbtsurvivors.html>
- GLBTQ Domestic Violence Project: <http://glbtqdv.org/>

- RAINN: <https://www.rainn.org/get-help>
- Safe Horizons: <http://www.safehorizon.org/>

Employees conducting research under the auspices of an institutional review board (IRB) on sex -based discrimination (whether the University's or another IRB), are confidential with respect to that approved study.

Non-Confidential Resources and Reporting Options

University employees other than confidential resources must report sex misconduct they observe or learn about to the Title IX Coordinator, so that the University may take steps to offer resources and supportive measures and/or prevent the recurrence of misconduct. Non-Confidential employees will provide privacy, but not confidentiality, upon receiving a report of or learning about conduct prohibited under this Policy.

Making a Report to the University (Title IX Coordinator)

Any person may report prohibited conduct under this Policy (whether or not the person reporting is the person alleged to be the victim of the conduct), in person, by mail, by telephone, or electronically via email using the contact information listed for the Title IX Coordinator or the on-line report form @ Report Form or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact Information for the Title IX Coordinator

Name: Haylie Scheer
 Title: Title IX/Student Affairs Compliance Coordinator
 Office Address: Reilly Center, Room 221B
 Email Address: hscheer@sbu.edu
 Telephone Number: 716-375-2109

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

Mandatory Reporters

All St. Bonaventure University employees, except those identified in this Policy as confidential, must report all prohibited conduct under this Policy they observe or learn about to the Title IX Coordinator.

All employees MUST complete training annually, on:

- St. Bonaventure University's obligation to address sex discrimination in its education program or activity;
- The scope of conduct that constitutes sex discrimination under Title IX and this Policy, including the definition of sex-based harassment; and
- all applicable notification and information requirements for:
 - pregnancy and related conditions –including the responsibility to provide Title IX Coordinator contact information and that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the University education program or activity
 - notifying the Title IX Coordinator when the employee has information about conduct that may reasonably constitute sex discrimination under this Policy

Training must be completed within thirty (30) days of hire or when an employee changes role/designation under this Policy.

Deputy Title IX Coordinators

Deputy Title IX Coordinators are Mandatory Reporters and have authority to take corrective action on behalf of the University, and will ensure the reporting party has information regarding their resources and reporting options. Deputy Title IX Coordinators are required to share all information regarding potential violations of this Policy, including personally identifiable information, with the Title IX Coordinator. Deputy Title IX Coordinators will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this Policy.

The Deputy Title IX Coordinators are:

- Vice President for Student Affairs
 - Kathryn O'Brien-Phone: 716.375.2011 or Email: kobrien@sbu.edu
- Associate Dean for Campus Safety
 - Gary Segrue-Phone: 716.375.2526 or Email: gsegrue@sbu.edu
- Dean of Students
 - Rob DeFazio-Phone: 716.375.2190 or Email: RDEFAZIO@sbu.edu
- Director of Talent Acquisition, HRIS & Employee Services
 - Kyle Leslie-Phone: 716.375.2074 or Email: kleslie@sbu.edu
- Executive Director, Student Success Center
 - Adriane Spencer-Phone: 716.375.2065 or Email: aspencer@sbu.edu
- Senior Executive Deputy Director of Athletics/
 - Ryan Clingan-Phone: 716.375.2249 or Email: rclingan@sbu.edu
- Assistant Athletics Director for Compliance
 - Sarah Wolcott-Phone: 716.375.2288 or Email: swolcott@sbu.edu

In addition to all other training requirements detailed under this Policy, Title IX Coordinators and Deputy Title IX Coordinators will be trained on their specific duties and responsibilities including:

- coordinating compliance with Title IX;
- taking prompt and effective action to end any sex discrimination, prevent its recurrence and remedy its effects;
- providing equitable treatment;
- providing supportive measures;
- record keeping; and
- any other training necessary to coordinate the University's compliance with Title IX.

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 that violence 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. The University strongly encourages students to report Domestic Violence, Dating Violence, Stalking or Sexual Assault to University 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 University officials or law enforcement will not be subject to the University's Student 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.

Campus Security Authorities

The Jeanne Clery Act mandates that certain crimes are reported for inclusion in the annual security report. In an effort to achieve the most accurate statistics possible, the Jeanne Clery Act has identified Campus Security Authorities as mandated reporters. Campus Security Authority is a Clery specific term that encompasses four groups of individuals:

- A campus police or security department
- Any individual(s) who have responsibility for campus security, but do not constitute a campus police or security department
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses
- An official of an institution who has significant responsibility for student and campus activities, including but not limited to, student housing, student discipline and campus judicial proceedings

CSAs must report information about any Clery reportable crime, including Sexual Assault, Dating or Domestic Violence, and Stalking, to the Associate Dean for Campus Safety. They are required to report non-personally identifiable information (nature, date, time, general location, current disposition). CSAs will generally be able to honor a reporting party's request to anonymously report an incident. In compliance with the Clery Act, the University will complete publicly available record keeping, including Clery Act reporting and disclosures, excluding any personally identifying information. A full list of CSAs can be found in the Office of Safety & Security.

How Decisions about Confidentiality and Taking Action are Handled

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 a request to the Title IX 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 involving alleged or apparent pattern, predation, physical threat, weapons, and/or violence, the University will likely be unable to honor a request for confidentiality or anonymity. The Title IX Coordinator will take the following factors into consideration when determining if the Coordinator should initiate a complaint:

- The Complainant's request not to proceed with initiation of a complaint;
- The Complainant's reasonable safety concerns regarding initiation of a complaint;
- The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- Whether the Respondent has a history of violent behavior or is a repeat offender;
- Whether the alleged incident represents escalation in unlawful conduct on behalf of the Respondent from previously noted behavior;
- Whether the Respondent allegedly used a weapon or force;
- Whether the University possesses other means to obtain evidence such as security footage;
- Whether available information reveals a pattern of perpetration at a given location or by a particular group;
- The age and relationship of the parties, including whether the Respondent is an employee of the University;
- The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- Whether the University could end the alleged sex discrimination and prevent its recurrence without initiating a grievance procedure under this Policy.

If the Title IX Coordinator determines that the conduct as alleged present an imminent and serious threat to the health or safety of the Complainant or another person, or that the conduct as alleged prevents the University from ensuring equal access on the basis of sex, the Title IX Coordinator may initiate a complaint. If the Title IX Coordinator does initiate a complaint, the Complainant will be notified prior to doing so, and the Title IX Coordinator will appropriately address any reasonable concerns about safety, including by providing supportive measures.

In cases where the reporting party requests confidentiality or anonymity, and the circumstances allow the University to honor that request, the University will offer supportive measures and remedies to the reporting party and the community, but will not otherwise pursue formal action.

Public Awareness Events

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

However, the University will use this information to inform its efforts to prevent sex-based harassment, including by providing tailored training to address alleged sex-based harassment in a particular part of its education program or activity or at a specific location when information indicates there may be multiple incidents of sex-based harassment.

First Disclosure of a Report

St. Bonaventure University shall ensure that, at a minimum, at the first instance of disclosure by a Complainant to a University employee (*confidential or non-confidential*), the following information shall be presented to the Complainant: “You have the right to make a report to university campus safety, local law enforcement, and/or state police or choose not to report; to report the incident to St. Bonaventure University; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your St. Bonaventure University.”

Confidentiality During Processes

The University will take reasonable steps to protect the privacy of the parties and witnesses during the pendency of its processes contemplated by this Policy, provided that such steps do not restrict the ability of the parties to obtain and present evidence, to speak to witnesses, to consult with their family members, Confidential Resources, or advisors, or otherwise prepare for or participate in a process. The University will also take reasonable steps to prevent and address the parties’ and their advisors’ unauthorized disclosure of information and evidence obtained solely through the processes contemplated by this Policy. However, disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of Sex-Based Discrimination will be authorized.

Medical Attention and the Importance of Preserving Evidence

For your safety and well-being, immediate medical attention is encouraged. The preservation of evidence relating to sexual violence (including sexual assault) is essential for both law enforcement investigations and campus investigations. All involved parties are encouraged to preserve all evidence relating to the incident. In most cases, DNA evidence needs to be collected within 72 hours in order to be analyzed by a crime lab—but a sexual assault forensic exam can reveal other forms of evidence beyond this time frame that can be useful if you decide to report. Place your belongings, including the clothes you were wearing, in a **paper bag** to safely preserve evidence. Physical evidence should also be collected through a medical examination. Olean General Hospital has a Sexual Assault Forensic Examiner program, designed specifically to conduct physical examinations after an incident of sexual violence, and evidence is collected during this examination. Having this examination does not commit a person to pursuing legal charges against an individual. However, failure to have an accurate examination to collect physical evidence in a timely manner may negatively affect a person’s ability to pursue legal charges in the future. Victim Advocates from Connecting Communities in Action Victim Services can explain options for victims to be reimbursed for medical examinations. Even after the immediate crisis has passed, consider seeking support from the University’s Health and Wellness Center, or from Victim’s Services of Connecting Communities in Action. Other examples of relevant evidence that should be preserved include electronic communications (e.g., e-mails, Twitter, Instagram and text messages), photographs, clothing, bedding, and medical information.

**Olean General Hospital Sexual Assault Forensic Examiner (SAFE) Unit:
Report to the OGH Emergency Room- 716-375-4149**

Law Enforcement

All violent felony offenses, including hate crimes, reported to the University, occurring on campus or on University-owned property, will be reported to an appropriate law enforcement agency. In sexual offense incidents, the University will inform each victim of a of their options to notify proper law enforcement authorities, including on-campus and local police; inform the victim of the right to report or not to report such offense to local law enforcement agencies; and offer the option to be assisted by campus authorities in notifying such authorities, if the victim of sexual assault so chooses. A victim of a crime is encouraged to, but is not required to, report the incident to law enforcement authorities and pursue criminal charges. The criminal process and the University’s disciplinary processes are not mutually exclusive or dependent on each other, meaning that a person may pursue either a criminal complaint, a University complaint, both, or neither.

Victims have the option to notify law enforcement directly, or to be assisted in doing so by campus authorities. If requested, campus officials can facilitate reporting to campus or law enforcement, but may also respect a victim's request not to do so.

- **New York State Police 24-Hour Hotline** – 1-844-845-7269 (for reporting to law enforcement, know that your report may not be confidential, but law enforcement is not obligated to share information with the University)
- **Cattaraugus County Sherriff's Department** – 716-938-9191
- **Allegany Police Department** – 716-373-0873
- **911** – Calling 911 is always an option in reporting incidents of sexual assault, domestic/dating violence, and/or stalking. The most appropriate first available law enforcement agency will respond.

Discrimination and Misconduct Officials

Discrimination and misconduct officials are investigators, Hearing Panel members, Appeals Panel members and individuals who facilitate any informal resolution process and are involved in investigating and adjudicating alleged violations under this Policy. Discrimination and Misconduct Officials, and the Title IX Coordinator, will be individuals who receive annual training and participate in ongoing development on issues related to sex discrimination, sex-based harassment, domestic violence, dating violence, sexual assault, stalking and other forms of conduct prohibited under this Policy.

In addition to the training requirements for all employees detailed under this Policy, discrimination and misconduct officials also receive annual training on the definition of sex discrimination and sex-based harassment, the scope of the University's education program or activity, how to conduct an investigation and grievance process, how to serve impartially, including avoiding pre-judgement of the facts at issue, conflicts of interest, and bias, the meaning and application of the term "relevant" in relation to questions and evidence, the effects of trauma, and the rights of the Respondent, including the right to a presumption that the Respondent is "not responsible" until a finding of responsibility is made pursuant to this Policy. Decision-makers must also receive training on any technology to be used at live hearings. Individuals facilitating an informal resolution process must also be trained on the rules and practices associated with the University's informal resolution process. All materials used to train Discrimination and Misconduct Officials for these purposes will be made available upon request to the Title IX Coordinator.

Any Discrimination and Misconduct Official assigned to a case shall not have been a party to the case, nor a witness to the case, nor the current faculty advisor to any party in the case, nor a current instructor to or supervisor of any party in the case, nor have any familial relation, professional relationship or close friendship to any party or witness to the case, nor otherwise have any actual or perceived conflict of interest or bias that may give the perception of a lack of ability to fairly perform their role under this Policy in connection with the case. If assigned as a Hearing Panel member or Appeals Panel member, they shall not have been an investigator on the case. Any potential conflict of interest or bias shall be disclosed by the affected Discrimination and Misconduct Official as soon as practicable; similarly, any Complainant or Respondent who objects to the participation of a Discrimination and Misconduct Official based upon a conflict of interest or bias shall identify the conflict of interest or bias as soon as practicable. Any conflicts of interest should be reported to the Title IX Coordinator, and the Title IX Coordinator will make the determination as to whether recusal is warranted, and if so, will appoint a non-conflicted replacement. If a party believes the Title IX Coordinator to have a conflict of interest or bias, it should be reported to the Vice President for Finance and Administration, who will make this determination.

Delegation of Authority, University Counsel and Use of External Resources

Any University administrator or official whom this Policy empowers to act may request that the Title IX Coordinator delegate that authority to another appropriate University official, or the Title IX Coordinator in his/her/their own discretion may delegate that administrator's or official's authority to act to another appropriate person.

Delegation of authority may be necessary to avoid conflicts of interest or where time constraints

or other obligations prevent a University official named in this Policy from fulfilling his/her designated role.

The Title IX Coordinator may delegate his/her/their responsibilities and/or authorities under this Policy to any other appropriate official.

The University may also utilize appropriately trained personnel for any role under this Policy as it may deem necessary or appropriate.

Any University administrator or official involved in implementing this Policy may seek the advice of the University's legal counsel, to be coordinated through the Title IX Coordinator.

The Grievance Process

St. Bonaventure University strongly encourages any individual who has been subjected to sex discrimination or sex-based harassment, including but not limited to sexual assault, dating or domestic violence, and/or stalking, to report the misconduct to University officials and/or law enforcement. The proceedings under this Policy will be prompt, fair and impartial from the initial investigation to final result.

Making a Complaint

The timeframe for the grievance process under this Policy begins when a Complainant makes a Complaint, which can be written or verbal so long as it is objectively understood that a request has been made for the University to investigate an incident. The Grievance Process will be concluded within a reasonably prompt manner, typically no longer than one hundred and twenty (120) business days after a Complaint is made, provided that the process may be extended with notification to the parties for good reason, including but not limited to the absence of party, a party's advisor, or a witness; concurrent law enforcement activity; breaks in the academic schedule; or the extensions described below. The timeframes of the major stage of the grievance process are estimated as follows: Intake: 5 business days; Investigation: 25 business days; Evidence Review and Investigative Report Review /Response: 45 business days; Adjudication (*including pre-hearing meetings and issuance of Notice of Outcome*): 30 business days; and Appeal Process: 15 business days. Both parties will be notified simultaneously if the University determines the Grievance Process cannot be concluded within one hundred and twenty (120) business days. The notification will outline the reasons for extension.

To make a Complaint, a Complainant must verbally or in writing request the Title IX Coordinator to investigate the facts alleged. If a Complainant does not wish to make a Complaint, the Title IX Coordinator may determine if the University will make a Complaint if necessary, as described above. St. Bonaventure University will inform the Complainant of this decision in writing, and the Complainant need not participate in the process further but will receive all notices issued under this Policy.

Nothing in this Policy prevents a Complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

Informal Resolution

A Complainant or Respondent may, at any time, request to address the matter through the Informal Resolution Process. St. Bonaventure University offers mediation as an informal resolution process. A Complaint is not required before requesting or initiating an Informal Resolution Process. Informal resolution processes can only be used when both parties and the Title IX Coordinator, or designee, agree informal resolution is an appropriate option to resolve the alleged allegations. Factors that the Title IX Coordinator, or designee, may weigh in considering the appropriateness of the informal resolution process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to the campus, whether the Respondent is a repeat offender, and whether the parties are participating in good faith. This determination is not subject to appeal. No party should feel intimidated, coerced or threatened to participate in an informal resolution process, and the Title IX Coordinator or designee will not authorize use of the informal resolution process where there is reason to believe that a party's consent to use the process is not truly voluntary.

An Informal Resolution Process is a voluntary process in which a trained facilitator assists the parties in resolving the allegations made by a Complainant. One objective of informal resolution is to provide to the parties an opportunity to understand 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, through 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 in circumstances involving more than two parties unless (1) all parties consent to use the Informal Resolution Process, (2) there is an understanding among all parties about what happens when the right of any party to stop the Informal Resolution Process and return or proceed to the formal grievance and hearing process is invoked, and (3) there is an understanding among all parties about whether some parties, but not all, can agree to a resolution.

Supportive measures are available to the parties in the same manner as they would be if a Complaint were proceeding under the formal grievance and hearing process.

The Title IX Coordinator, or designee, will offer the Informal Resolution Process to the parties if appropriate and requested by a party. The Title IX Coordinator, or designee, and all parties must consent to use the Informal Resolution Process. At any time prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution Process and resume (or commence) the grievance process with respect to a Complaint. In some instances, the facilitator in the Informal Resolution Process may terminate the process as well if the facilitator believes at any point in the Informal Resolution Process that one party is not behaving in a way that allows for a productive resolution between the parties. In such circumstances, the University will have discretion to require that the Informal Resolution Process be cancelled and the complainant will return to the formal investigation and hearing process.

All Parties must agree to enter the informal resolution process through an informed written consent. A written notice will be given to the parties before entering an Informal Resolution Process, and the parties must consent to the process in writing. Before the initiation of an informal resolution process, the Title IX Coordinator will provide to the Parties a written notice that explains:

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

If the parties consent to participate in the Informal Resolution process, the University will assign a trained facilitator who will act in an independent, impartial manner to facilitate a resolution between the parties. The facilitator will also be screened to ensure that such person is free from conflicts of interest and bias.

During the Informal Resolution Process, a facilitator will guide a discussion between the parties. In circumstances where the parties do not wish to meet face to face, either party can request a "caucus" process, and the facilitator will conduct separate meetings and may "shuttle" between the parties.

For the Informal Resolution Process to have the best chance for success, the parties should be free to express themselves. As a result, the information received from both parties during the Informal Resolution Process will be kept confidential by the facilitator. In addition, 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/among the

parties and is not listening or taking notes for any purpose other than assisting the parties. Should the formal investigation and adjudication process under this Policy commence or resume following an attempt at informal resolution, the parties may not disclose information shared by the other party during the process in the investigation or hearing. This confidentiality protection does not apply to information that is learned outside the Informal Resolution Process through the investigation or otherwise.

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 the parties reach agreement on a resolution, the facilitator will draft a document reflecting the agreement between the parties that becomes final once it is signed by the parties. This written and signed resolution indicates that the report has been resolved under this Policy without the need for further investigation or to pursue the formal grievance and hearing process. The Title IX Office will monitor adherence to the resolution and close the matter when compliance is satisfactory.

After a written resolution has been finalized, the University will keep a record of the parties' written consent to the Informal Resolution Process and the written resolution. An Informal Resolution is a final resolution of the matter. In unusual circumstances, the University may decline to accept the parties' Informal Resolution, in which case the formal investigation and hearing process can commence or resume. If a Party breaches the resolution agreement or if the University has other compelling reasons, such as if it learns of any fraud by a Party in entering into the agreement, the University may void the agreement and initiate or resume the formal grievance process.

Multi-Party Situations

The University may, but is not required to, consolidate complaints of sex discrimination under this Policy against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances.

Dismissal of a Complaint

The University may dismiss a complaint under this Policy if:

- The University is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in the University's education program or activity and is not employed by the University;
- The Complainant voluntarily withdraws any or all of the allegations in the complaint in writing, the Title IX Coordinator declines to initiate a complaint, and the University determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute prohibited conduct under this Policy even if proven; or
- The University determines the conduct alleged in the complaint, even if proven, would not constitute prohibited conduct under this Policy. Before dismissing the complaint, the University will make reasonable efforts to clarify the allegations with the Complainant.

Upon dismissal, St. Bonaventure University will promptly notify the Complainant of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then St. Bonaventure University will notify the Complainant and Respondent of the dismissal and the basis for the dismissal simultaneously in writing. Any party may appeal a dismissal determination using the process set forth in "Appeals," below.

When a complaint is dismissed, the University will:

- Offer supportive measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
- To the extent necessary, take other prompt and effective steps, as appropriate, through the Title IX Coordinator, to ensure that sex discrimination does not continue or recur within the University's education program or activity.

Notice of Allegations and Investigation

When a Complaint has been made, and in the absence of an informal resolution, the Title IX Coordinator will

draft and provide the Notice of Allegations and Investigation to the parties. The parties will be notified by their University email accounts if they are a student or employee, and by other reasonable means if they are neither. To the extent the Title IX Coordinator has reasonable concerns for the safety of any person as a result of providing the Notice of Allegations and Investigation, the Title IX Coordinator may reasonably delay providing the Notice in order to address the safety concerns appropriately. Reasonable concerns must be based on an individualized safety and risk analysis and not on mere speculation or stereotypes. In any event the University will provide sufficient time for the parties to review the Notice of Allegations and Investigation and prepare a response before any initial interview.

Contents of Notice

The Notice of Allegations and Investigation will include the following:

- Notice of the University's Sex Discrimination and Sex-Based Harassment Policy and Informal Resolution Process and a hyperlink to a copy of the processes;
- 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; and potential sanctions;
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- A statement that the parties may inspect and review evidence obtained as part of the investigation in accordance with this Policy;
- A statement that as defined in the Student Code of Conduct (*if applicable*) the University's prohibition on Dishonest Behavior prohibits knowingly making false statements or knowingly submitting false information in the course of a judicial/grievance process, including but not limited to, an investigation, hearing, appeal or informal resolution process; and
- A statement about the University's policy on retaliation.

Ongoing Notice

If, in the course of an investigation, the University decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Allegations and Investigation and are otherwise covered within this Policy, the University will notify the parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means.

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional allegations.

Advisor of Choice and Participation of Advisor of Choice

The Complainant and Respondent have a right to be accompanied by an advisor of their choice, who may be an attorney, as described below. Any restrictions on advisor participation will be applied equally.

The University has a long-standing practice of requiring parties to participate in its processes directly and not through an advocate or representative. Individuals participating as Complainant or Respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing they are required or are eligible to attend. The Advisor of Choice is not an advocate. Except where explicitly stated by this Policy, Advisors of Choice shall not participate directly in the process as per standard policy and practice of the University.

St. Bonaventure University will not intentionally schedule meetings or hearings on dates where the Advisors of Choice for all participating parties are not available, provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

The University's obligations to investigate and adjudicate in a prompt timeframe apply to matters governed under this Policy, and the University cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. The University will not be obligated to delay a meeting or hearing under this process more than five

(5) days due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by the University.

Notice of Meetings and Interviews

St. Bonaventure University will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

Delays

Each party may request a delay in the Grievance Process for good cause (granted or denied in the sole judgment of the Title IX Coordinator or designee) provided that the requestor provides reasonable notice and the delay does not overly inconvenience other parties.

Investigation

General Rules of Investigations

Where a Complaint has been made, and in the absence of an informal resolution, the University will appoint an investigator to conduct an investigation into the allegations in the Complaint. The University may appoint any qualified investigator, who may be a person internal or external to the University. The University also may appoint more than one investigator in the University's sole discretion. The investigation is an impartial fact-finding process. The Complainant and Respondent will be provided with notice of the name of the appointed investigator in the Notice of Allegations and an opportunity of not more than three (3) 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.

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

The University's investigation may be temporarily delayed where there is a concurrent law enforcement investigation if necessary to avoid interference with the law enforcement investigation; such a delay will not exceed ten (10) days unless a longer time period is requested and justified by the law enforcement agency.

St. Bonaventure University, and not the parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing whether a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof and does not, in and of itself, indicate whether there is responsibility.

St. Bonaventure University cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include medical information. St. Bonaventure University will provide an equal opportunity for the parties to present relevant witnesses and inculpatory and exculpatory evidence, (i.e. evidence that tends to prove or disprove the allegations) as described below. The investigator may decline to interview any witness if they determine that the expected testimony is not sufficiently relevant to the charges. The investigator may also interview witnesses on their own initiative.

The University does not appoint an advisor for a party during the investigation phase of the process.

Inspection and Review of Evidence

Prior to the completion of the investigation, at a time designated by the Title IX Coordinator, the parties will have an equal opportunity to inspect and review relevant and not impermissible evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation. For purposes of this Policy, the

following types of evidence will be excluded as impermissible (even if otherwise relevant):

- (i) evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a Confidential Resource, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- (ii) a party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the University obtains that party's or witness's voluntary, written consent for use in the investigation and adjudication process; and
- (iii) evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the alleged Complainant's prior sexual conduct with the Respondent that is offered to prove consent.

All parties must submit any evidence they would like the investigator(s) to consider prior to when the parties' time to inspect and review evidence begins.

The University will make the evidence available for each party and each party's advisor, if any, to inspect and review (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform). The Institution is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The parties will have ten (10) business days to inspect and review the evidence and, if desired submit a written response by email to the investigator. Based on the parties' written responses the investigator(s) will determine if additional investigation is necessary (and, if so, will complete any additional investigative steps), and will incorporate relevant elements of the responses and any additional relevant evidence into the report.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the grievance process outlined in the Policy. The parties and their advisors agree not to photograph or otherwise copy the evidence.

Investigative Report

The investigator(s) will create an Investigative Report that fairly summarizes relevant and not impermissible evidence (including both inculpatory and exculpatory evidence), and will provide that Report to the Title IX Coordinator. At least ten (10) business 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 access to 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, for each party's review and (if desired) written response. Both parties have the right to review any written response submitted by the other party. The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence.

Hearing

General

St. Bonaventure University will not issue a disciplinary sanction arising from an allegation of a conduct violation under this Policy without holding a live hearing, unless otherwise resolved through an informal resolution process. A hearing before a 3-member Hearing Panel 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 Title IX Coordinator will notify the parties in writing of the date, time, and location of the hearing, the names of the Hearing Panel members, and how to challenge participation by any Hearing Panel member for bias or conflict of interest. Hearings are private, and the only individuals permitted to participate in the hearing are

indicated below. 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 hearing virtually, with technology enabling the Hearing Panel and the parties to simultaneously see and hear any party or witness while they are speaking. 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.

All proceedings will be recorded through audio or audio-visual recording. That recording will be made available to the parties as outlined in this Policy.

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. If so, the Title IX Coordinator will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

Participants in the Live Hearing

Participants in the hearing will include the members of the Hearing Panel, the Complainant and the Respondent (the Parties), their respective advisors, the investigator(s) who conducted the investigation, and witnesses (solely during their own testimony).

Hearing Panel Members

No member of the Hearing Panel will also have served as the Title IX Coordinator, investigator, or advisor to any party in the case, nor may any member of the Hearing Panel serve on the appeals body in the case. No member of the Hearing Panel will have a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor or against the parties to the particular case. The parties will have an opportunity to raise any objections regarding a Hearing Panel member's actual or perceived conflicts of interest or bias at the commencement of the live hearing. The Hearing Panel members may be members of the campus community or may be external to the University, as determined by the Title IX Coordinator.

The Hearing Panel may be advised by and/or consult with the University's legal counsel as the Chair of the Hearing Panel deems necessary or appropriate.

Complainant and Respondent (the Parties)

The parties cannot waive the right to a live hearing. The University may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence. The University will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party's participation. If a party does not appear and submit to questioning by a party's advisor at the hearing as described below, the Hearing Panel may nevertheless rely on statements of that party, during the hearing or otherwise, in reaching a determination regarding responsibility, but may also determine what significance to afford those statements in view of the lack of questioning (for example, the Hearing Panel may choose to place less or no weight upon statements by a party or a witness who does not attend or refuses to respond to questions deemed relevant and not impermissible). The Hearing Panel will not, however, draw an inference as to responsibility based solely on a party's absence from the hearing or refusal to answer questions posed by the other party's advisor. The parties shall be subject to the Rules of Decorum outlined below

Advisors

The Complainant and the Respondent may each have present with them during the hearing an Advisor of Choice (at the party's expense, if the advisor is a paid advisor). The parties are not permitted to conduct questioning; it must be conducted by the advisor. If a party does not have an advisor present at the hearing, the University will provide, without fee or charge to that party, an advisor of the University'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 Panel 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 Chair of the Hearing Panel.

An advisor's questioning of the other party and any witnesses must be conducted in accordance with the Rules of Decorum outlined below. If the Chair determines that an advisor is not adhering to those rules 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 University will assign an advisor of the University's choosing, without charge, for the purpose of conducting questioning on behalf of the party as provided below.

The advisor is not prohibited from having a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor or against the parties to the particular case. If a party does not attend the live hearing, the party's advisor may appear and conduct questioning on their behalf. If neither a party nor their advisor appear at the hearing, the University will provide an advisor to appear on behalf of the non-appearing party for purposes of conducting questioning of the other party and witnesses as described below.

Witnesses are not permitted to bring an advisor or other person to the hearing, absent an approved disability accommodation.

Witnesses

Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation. If a witness does not submit to questioning by a party's advisor at the hearing, the Hearing Panel may nevertheless rely on statements of that witness, during the hearing or otherwise, in reaching a determination regarding responsibility, but may also determine what significance to afford those statements in view of the lack of questioning (for example, the Hearing Panel may choose to place less or no weight upon statements by a party or a witness who refuses to respond to questions deemed relevant). The Hearing Panel will not, however, draw an inference as to responsibility based solely on a witness's absence from the hearing or refusal to answer questions posed by the other party's advisor.

Rules of Decorum

The following Rules of Decorum are to be observed in the hearing and applied equally to all parties (meaning the Complainant and Respondent) and advisors:

1. Questions must be conveyed in a neutral tone.
2. Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning.
3. No party or advisor may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decision-makers.
4. While an advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum.
5. The advisor may not ask questions that are harassing, and may not yell, scream, badger, or physically "lean in" to a party or witness's personal space. Advisors may not approach the other party or witnesses without obtaining permission from the Hearing Panel Chair.
6. The advisor may not use profanity or make impermissible ad hominem attacks upon a party or witness.
7. The advisor may not ask repetitive questions if the repeated question does not seek additional information and is therefore irrelevant. This includes questions that have already been asked by the Hearing Panel or the advisor during questioning. When the Hearing Panel Chair determines a question has been "asked and answered" or is otherwise irrelevant or impermissible, the advisor must move on.

8. Parties and advisors may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

Warning and Removal Process

The Hearing Panel Chair shall have sole discretion to determine if the Rules of Decorum have been violated. The Hearing Panel Chair will notify the offending person of any violation of the Rules. Upon a second or further violation of the Rules, the Hearing Panel Chair shall have discretion to remove the offending person or allow them to continue participating in the hearing or other part of the process.

Where the Hearing Panel Chair removes a party's advisor, the hearing will proceed without an opportunity for the party to obtain a replacement advisor; provided, however, that the University will assign an advisor of the University's choosing, without charge, for the purpose of conducting questioning on behalf of the party as provided below.

Relevant and Not Impermissible Questions Asked in Violation of the Rules of Decorum

Where an advisor asks a relevant and not impermissible question in a manner that violates the Rules of Decorum, such as yelling, screaming, badgering, or leaning-in to the witness or party's personal space, the question may not be deemed impermissible by the Hearing Panel Chair simply because of the manner it was delivered. Under that circumstance, the Hearing Panel Chair will notify the advisor of the violation of the Rules, and, if the question is relevant not impermissible, will allow the question to be re-asked in a respectful, non-abusive manner by the advisor (or a replacement advisor, should the advisor be removed for violation of the Rules).

Hearing Procedures

The Chair of the Hearing Panel 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) Hearing Panel Chair will open and establish rules and expectations for the hearing
- 2) Opportunity for Opening Statement by the Complainant
- 3) Opportunity for Opening Statement by the Respondent
- 4) Questions for the investigator(s) by the Hearing Panel and, if desired, on behalf of Complainant and the Respondent (as described below)
- 5) Questions for the Complainant by the Hearing Panel and, if desired, on behalf of the Respondent (as described below)
- 6) Questions for the Respondent by the Hearing Panel and, if desired, on behalf of the Complainant (as described below)
- 7) Questions for each witness by the Hearing Panel and, if desired, on behalf of Complainant and the Respondent (as described below)
- 8) Opportunity for Closing Statement by the Complainant
- 9) Opportunity for Closing Statement by the Respondent

Formal rules of evidence will not apply. Except as otherwise expressly prohibited by this Policy, any information that the Chair of the Hearing Panel determines is relevant and not impermissible may be considered, including hearsay, history and information indicating a pattern of behavior, and character evidence. Absent extraordinary circumstances as determined by the Chair of the Hearing Panel, no party may seek to introduce at the hearing any evidence not previously made available for review by the parties, other than the investigative report itself and any responses to the investigative report submitted by the parties pursuant to this Policy.

The Chair of the Hearing Panel will address any concerns regarding the consideration of information prior to and/or during the hearing and may exclude irrelevant or impermissible information. Subject to the terms of this Policy, the Chair 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, to alter the order of the proceedings from that described above, and/or to recall parties or witnesses for additional questions as the Chair deems necessary or appropriate. The Chair may impose additional ground rules as Chair may deem necessary or appropriate for the orderly and efficient conduct of the

hearing, which will apply equally to both parties.

Questioning Procedures

The Hearing Panel will permit each party's advisor to ask the other party and any witnesses all relevant and not impermissible questions and follow-up questions, including those challenging credibility to the extent credibility is both disputed and relevant to evaluating one or more allegation under this Policy. For purposes of the preceding sentence, following types of questions are impermissible even if otherwise relevant:

- (i) questions regarding information that is protected under a privilege as recognized by Federal or State law or information provided to a Confidential Resource, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- (ii) questions regarding a party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the University obtains that party's or witness's voluntary, written consent for use in this process; and
- (iii) questions that relate to the Complainant's sexual interests or prior sexual conduct, unless evidence about the prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent.

Questioning must be conducted by the party's advisor in accordance with the Rules of Decorum, 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 University to provide without fee or charge to that party, an advisor of the University's choice to conduct questioning on behalf of that party.

Only relevant and not impermissible 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 Chair of the Hearing Panel will first determine whether the question is relevant and not impermissible, and explain any decision to exclude a question as impermissible. If the Chair determines that an advisor's question is relevant and not otherwise impermissible, then the question may be asked, provided that the Chair will not permit questions that are unclear. The Hearing Panel Chair must give an advisor an opportunity to clarify a question that the Chair has determined is unclear and, if the advisor sufficiently clarifies the question, the question may be asked. The advisor posing a question may request that the Chair reconsider any decision to exclude or require clarification of a question and the Chair, after soliciting the other party's advisor's opinion, will render a final determination. Such decisions by the Chair are final and not subject to further objection or reconsideration during the hearing.

Review of Hearing Recording

The recording of the hearing may be accessed by the parties prior to any appeal. The recording will not otherwise be released except if the University is legally required to do so, such as by an order from a court.

Hearing Determinations

Following conclusion of the hearing, the Hearing Panel will deliberate and render a determination by majority vote as to whether the Respondent is responsible or not responsible for the alleged violation(s). The Hearing Panel will use "preponderance of the evidence" as the standard of proof to determine whether each alleged violation occurred. "Preponderance of the evidence" means that the Hearing Panel must determine whether, based on the evidence presented, it is more likely than not that the Respondent engaged in the alleged conduct in violation of University policy.

Sanctioning Procedures

When a Respondent is found responsible for a violation, the Hearing Panel will determine appropriate sanctions. Each party may submit a written personal impact statement to the Title IX Coordinator for consideration by the Hearing Panel 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 prior to 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 University in other matters involving comparable conduct; and
- any other lawful factors deemed relevant by the Hearing Panel.

Sanctions

The following sanctions may be imposed upon any community member found to have violated the Sex Discrimination and Sex-Based Harassment Policy. Ranges for violations are referenced below.

Student Sanctions (where applicable, as defined in the Student Code of Conduct):

- Verbal/Written Disciplinary Warning
- Disciplinary Fines
- Community Service
- Attendant Restrictions
- Participation in Educational Activities Addressing the Nature of the Violation
- Disciplinary Probation
- Residence Hall Probation
- Deferred Loss of Campus Residency
- Loss of Campus Residency
- Organizational Sanctions
- Deferred University Suspension
- Suspension
- Expulsion
- Temporary Withholding of Degree/Diploma; Denial of Participation in Commencement
- Revocation of Degree

Other Actions: In addition to or in place of the above sanctions, the Hearing Panel may assign any other sanctions as deemed appropriate, including 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 or alteration of status in the housing lottery or other selection system).
- Monetary fines.

Employee Sanctions: Potential Employee sanctions include the following:

- Warning – written
- Performance Improvement Plan
- Required Counseling
- Written Reprimand
- Formal Apology
- Transfer or reassignment
- Disciplinary Probation
- Non-Renewal of Employment Agreement
- No Contact Order
- Required Training/Education
- Demotion
- Loss of Annual Pay Increase
- Suspension Without Pay
- Suspension With Pay
- Termination

No corrective action will be implemented that violates any provision of a St. Bonaventure University employment contract or collective bargaining agreement.

Notice of Outcome

The Hearing Panel will issue a written determination regarding responsibility to the Title IX Coordinator including the following information:

- A description of the charges that were adjudicated;
- A description of the policies and procedures used to evaluate the allegations;
- The Hearing Panel’s evaluation of the relevant and not otherwise impermissible evidence and determination whether prohibited conduct occurred;
- 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 University’s educational programs or activities will be provided to the Complainant or other affected individual(s); and
- The procedures and permissible bases for the Complainant and Respondent to appeal (described below in “Appeals”).

The Title IX Coordinator will provide the written determination to the parties simultaneously. The determination regarding responsibility will be issued to the parties as soon as practical.

Finality

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in “Appeals” below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

Transcript Notation

The following standards for institutional transcript notation apply to any student accused of a violation of any St. Bonaventure University policy that is defined as a crime of violence reportable under the Clery Act:

- Students suspended after a finding of responsibility 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 said violations 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 the completion of judicial procedures (including an appeal process), with respect to allegations of said violations, will have the following noted on the transcript: “Withdrew with conduct charges pending.”

Transcript notations for suspensions may be removed by an Appeals Panel as described below. The Appeals Panel may consider appeals for removal of a suspension notation from the official transcript. If granted, the suspension notation will be removed no less than one year after the suspension is completed. Transcript notations for expulsion may not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation will be removed.

Withdrawal Prior to Completion of Process

Students withdrawing from the University during an investigation, or any time prior to the completion of judicial procedures (including an appeal process), to which they are subject as a Respondent, may 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, unless and until the pending charges are resolved to the University’s satisfaction.

Resignation Prior to Completion of Process

Employees who resign from the University during an investigation, or any time prior to the completion of judicial procedures or other resolution process (including an appeal process), to which they are subject as a Respondent, may not be eligible for re-hire unless and until the pending charges are resolved to the University’s satisfaction.

Temporary Withholding of Degree/Diploma; Denial of Participation in Commencement

The University may withhold a student’s degree and/or diploma for a specified period of time and/or deny a student participation in commencement activities if the student is the subject of a pending complaint or investigation, or has disciplinary charges pending. This is not a disciplinary sanction, but is intended to facilitate an equitable resolution of the process.

Appeals

Dismissal and Determination

Each party may appeal (1) the dismissal of a Complaint or any included allegations and/or (2) a determination regarding responsibility. An Appeals Panel shall be convened when either the Complainant or the Respondent choose to file an appeal. The Appeals Panel composition under this Policy shall be three (3) Discrimination and Misconduct Officials. Appeal Panel members will be free of conflict of interest and bias, and may not have served as investigator, Title IX Coordinator, or Hearing Panel member in the same matter. To appeal, a party must submit their written appeal to the Title IX Coordinator within five (5) business days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

- Procedural irregularity that would change the outcome of the matter;
- New evidence that would change the outcome and that was not reasonably available at the time the determination regarding responsibility or dismissal was made;
- The Title IX Coordinator, investigator(s), or Hearing Panel members had a conflict of interest or bias for or against an individual party, or for or against Complainants or Respondents in general, that affected the outcome of the matter;
- A claim that the sanction imposed is substantially disproportionate to the severity of the violation.

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

If a party appeals, the University will as soon as practicable notify the other party in writing of the appeal, and shall provide the other party an opportunity to submit a statement in support of, or challenging, the outcome.

If the Title IX Coordinator determines the appeal states a proper basis, the Appeals Panel will convene. Principles applicable to consideration of an appeal include the following:

1. The Appeals Panel process 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 Appeals Panel that the original investigation and sanctions of the Hearing Panel are sound, and the burden is on the appealing party to prove otherwise.
3. The Panel may meet with the appealing party and the non-appealing party (if requested), and may meet with anyone else deemed necessary to make their determination, including the investigators in the case.
4. The Panel will make one of the following decisions:
 - a. **Finding/Sanction Stands:** If upon review of relevant information the Panel finds that there is no merit to the appeal, or that any issue brought up in the appeal would not change the result of the matter, then the Panel will affirm the finding and (if applicable) the sanction or the dismissal. This decision is final, and the case is closed.
 - b. **Appeal Granted:** If upon review of relevant information the Panel finds that the appellant has met the burden of establishing that one or more grounds for appeal have merit, the Panel has discretion to take action consistent with that determination. That may include, without limitation, in the case of procedural error or new information, remanding the case in whole or in part to the original Hearing Panel or a new Hearing Panel; in the case of disproportionality of a sanction, modifying that sanction as appropriate; or, in the case of a dismissal, reinstating the Complaint or specific allegations in the Complaint that were dismissed.
5. Once an appeal of a case is concluded, no further appeals are allowed, except to the extent that one or more parties seek review of proceedings ordered by the Appeals Panel on remand.

The outcome of appeal will be provided in writing simultaneously to both parties, and include rationale for the decision.

The above process is not exclusive of rights afforded to employees and Faculty under the Staff Handbook or Faculty Status and Welfare Handbook.

Transcript Notations

A Respondent may request to have a suspension transcript notation removed by submitting a request in writing to the Title IX Coordinator, who will share the request with the Provost/Vice President for Academic Affairs and the Vice President for Student Affairs, who shall serve as the Appeal Panel in transcript notation appeals. They will make all decisions about notation removal.

A request for transcript notation removal will not be considered if submitted before the expiration of one year after the suspension is completed.

All requests for transcript notation removal must include:

- A statement describing the incident and what was learned over the time away from the University;
- The rationale for removal of the notation; and

- Documentation of successful completion of any terms imposed as sanctions in the underlying grievance process (*ie. educational programming, etc.*)

Requests will be reviewed and a decision will be provided by the Vice Presidents in writing, generally within 30 days of submission. The Vice Presidents and/or the Title IX Coordinator may request additional information from the Respondent. Decisions regarding the removal of transcript notations are within the discretion of the Vice Presidents.

If the Vice Presidents decide against removing a notation, the student may submit subsequent requests seeking removal after three (3) years from the Vice Presidents' most recent determination. These requests will be made with the same process as the first request and include updated information about the student's experience since the earlier request(s).

Students' Bill of Rights

Pursuant to Article 129-B, Section 6443, of the New York State Education Law, in matters related to sexual assault, domestic violence, dating violence and stalking, 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 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.

Rights in Cases Involving Sexual Assault, Domestic/Dating Violence and Stalking

Pursuant to Article 129-B, Section 6444 of the New York State Education Law, anyone reporting an incident of sexual assault, domestic or dating violence or stalking shall be advised of their rights to:

1. Notify Campus Safety and Security, local law enforcement, and/or New York State Police;
2. Emergency access to a Title IX Coordinator or other appropriately trained official who shall be available upon the first instance of disclosure by a reporting individual and who can provide information, including:
 - a. options to proceed, including the right to make a report to Safety and Security (reports to Safety and Security are reported to the Title IX Coordinator), Local Law Enforcement, and/or the New York State Police or choose not to report; to report the incident to the University; to be protected by the University from retaliation for reporting an incident; and to receive assistance and resources from the University, as set out in this Policy;
 - b. where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible;

- c. that the criminal justice process utilizes different standards of proof and evidence than the University's judicial procedures and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney;
 - d. whether the person they are reporting to is authorized to offer confidentiality or privacy; and
 - e. any other reporting options.
3. If they are a student, to contact the University Center for Student Wellness (716-375-2310) where they may be offered confidential resources pursuant to applicable laws/policies and can be assisted in obtaining services for reporting individuals; if they are not a student but are otherwise a member of the University community, or if they are a student but prefer to seek off-campus assistance, to contact non-University confidential resources, including:
 - a. Olean General Hospital Sexual Assault Forensic Examiner (SAFE) Unit (716-372- 0614)
 - b. Connecting Communities in Action –Victim Services(1-888-945-3970)
 - c. New York State Domestic and Sexual Violence Hotline (1-800-942-6906)
4. Disclose confidentially the incident and obtain services from the state or local government;
5. Disclose the incident to an official of the University who can offer privacy or, in appropriate cases determined by the Title IX Coordinator, confidentiality, subject to the limitations set forth in this Policy, and can assist in obtaining resources for reporting individuals;
6. File a report of sexual assault, domestic violence, dating violence, and/or stalking and consult the Title IX Coordinator and other appropriate University personnel for information and assistance. Reports shall be investigated in accordance with University policy. A reporting individual's identity shall remain private if that is what the reporting individual wishes, however privacy is not the same as confidentiality; private information can be shared to implement and fulfill the University's obligations under the law and its Sex Discrimination and Sex-Based Harassment Policy;
7. Disclose, if the Respondent is a University employee, the incident to Human Resources or to request that a private employee assist in reporting to Human Resources;
8. Receive reasonable assistance from appropriate University representatives if interested in initiating legal proceedings in family court or civil court; and
9. Withdraw a complaint or involvement from the University processes at any time, with the understanding that in appropriate cases, the University may nonetheless be required to proceed even if the reporting individual does not wish to do so.

For information on filing a report or seeking resources, including intervention, mental health counseling, and medical services go to Title IX or contact the Title IX Coordinator (Haylie Scheer) at 716-375-2109 or by email at hscheer@sbu.edu. In addition, information on sexually transmitted infections and sexual assault forensic examinations can be obtained from University Center of Student Wellness, if a student, or from the hospital listed above, if an employee or student. Certain resources are also available to victims of crimes through the New York State Office of Victim Services, www.ovs.ny.gov.

Additional Information

Title IX Coordinator Role and Responsibilities

While St. Bonaventure University retains the ultimate responsibility for complying with Title IX, the Title IX Coordinator is vested with the responsibility for ensuring the University's consistent compliance with its responsibility under Title IX. Title IX Coordinator is responsible for monitoring the University's education program or activity for barriers to reporting information about conduct that reasonably may constitute sex discrimination under Title IX; and taking steps reasonably calculated to address such barriers.

The University, through its Title IX Coordinator, will take steps to promptly and effectively end any sex discrimination in its education program or activity, prevent its recurrence, and remedy its effects, when notified of conduct that may reasonably constitute sex discrimination. The Title IX Coordinator will:

- Treat the Complainant and Respondent equitably;
- Offer and coordinate supportive measures at appropriate times for Complainants and Respondents;
- Notify the Complainant of the grievance procedures and informal resolution if available/appropriate;
- Initiate grievance procedures if a complaint is made;
- In the absence of a complaint or withdrawal of allegations/complaint, determine whether to initiate a

- complaint;
- If the Title IX Coordinator initiates a complaint, notify the Complainant prior to initiation of complaint and address reasonable concerns about safety; and
- Whether or not a complaint is initiated, take other prompt and effective steps to ensure that discrimination does not continue or recur.

Recordkeeping

St. Bonaventure University shall maintain for a period of at least seven years:

- For each complaint of sex discrimination, records documenting the informal resolution process or the grievance procedures and resulting outcome;
- For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX or this Policy, records documenting the actions St. Bonaventure University took to meet its obligations under Section 106.44 of the Department of Education's 2024 Title IX Final Rule; and
- All materials used to provide training under Section 106.44(d) of the Department of Education's 2024 Title IX Final Rule. Trainings materials must be made available upon request for inspection by members of the public.

Distribution of Policies and Procedures

The St. Bonaventure University Sex Discrimination and Sex-Based Harassment Policy and Procedures as they relate to SBU students can be found in the Student Code of Conduct. The Student Code of Conduct is located online at www.sbu.edu/codeofconduct, or by going to the Student Affairs webpage at www.sbu.edu.

Students, faculty and staff can also locate the Student Code of Conduct and the Sex Discrimination and Sex-Based Harassment Policy and procedures on MySBU under general links. Hard copies of the Student 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 203. Additionally, the Sex Discrimination and Sex-Based Harassment Policy and Procedures are available in the University's Clery Act Annual Security 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 Doyle Hall, and in the Student Affairs Office.

Student Prevention Education

All students new to the St. Bonaventure University community (first years, transfers and graduate students) are required to complete on-line Sexual Assault Prevention training prior to their arrival on campus, as well as participate in bystander education sessions offered during Welcome Days. All student DI athletes and club sport team members must have documentation of completion of additional annual training prior to competition. Student club and organization executive officers must have documentation of completion of annual training prior to recognition as a club officer. Returning students (undergraduate and graduate) must complete on-line prevention education annually.

Interpretation/Other Issues

Final interpretation of this Policy is vested in the Title IX Coordinator, who will have discretion to construe any uncertain or disputed provisions. Issues that are not specifically addressed in this Policy may be resolved by the Title IX Coordinator in his/her/their discretion.

Coordination with Other Policies

A particular situation may potentially invoke one or more University policies or processes. The University reserves the right to determine the most applicable policy or process and to utilize that policy or process. Without limiting the foregoing, if determined appropriate by the Title IX Coordinator, the processes described in this Policy may be used to respond to, investigate and adjudicate conduct allegedly violating other policies if the alleged conduct is related to or arises out of the same facts, circumstances or incidents as allegations to be addressed pursuant to this Policy.

This Policy does not apply to decisions relating to requests for reasonable accommodation due to a disability.

Academic disability accommodations are handled by the Office of Accessibility Services & Accommodations and pursuant to that office's policies. Work-related disability accommodations are handled by the Office of Human Resources and pursuant to that office's policies.

Clery Act Compliance

The University is required to include for statistical reporting purposes the occurrence of certain incidents in its Annual Security Report (ASR). Names of individuals involved in incidents are not reported or disclosed in ASRs.

Federal Timely Warning Reporting Obligations

Victims/Complainants should also be aware that the University must issue timely warnings for reported incidents that represent a serious or continuing threat to members of the campus community. In such circumstances, the name of the alleged perpetrator may be disclosed to the community, but the name of the alleged victim/Complainant will not be disclosed.

Disclosure of Results of Disciplinary Proceedings to Next of Kin

Upon request, St. Bonaventure University will disclose the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of any crime of violence or non-forcible sex offense (incest or statutory rape) to the alleged victim's next of kin if the victim is deceased as a result of the offense.