

STUDENT RECORDS POLICY

The Family Educational Rights and Privacy Act of 1974, as amended (FERPA), is the federal law governing individuals' access to student records. The guiding principle of FERPA is that education records are private and that students have the right to limit their disclosure to third parties.

FERPA grants students the right to inspect and review their education records, the right to request to amend their education records and the right to limit disclosure of some personally identifiable information known as directory information.

For purposes of FERPA, "education records" are all records, which contain information directly related to a student and maintained by Canisius. Records that are not "education records" include, but are not limited to, sole possession, law enforcement, employment, medical, counseling, and post-attendance records. A "student" is defined as one who has attended or is attending Canisius and regarding whom Canisius maintains education records.

Normally, education records will not be released – nor access given – to third parties without written consent of the student unless the party meets one of the following:

- Parents of a dependent student.
- School officials who have a legitimate educational interest in the records.
- Appropriate parties in a health or safety emergency.
- Parents/legal guardian when their children (under age 21) are found to have violated the Canisius College alcohol or drug policy.
- Schools in which a student seeks or intends to enroll.
- An alleged victim of a crime of violence or the results of a disciplinary hearing regarding the alleged perpetrator of that crime with respect to that crime.
- Comply with a judicial order or a lawfully issued subpoena.
- Anyone who is providing financial aid to the student ("financial aid" does not include any payments made by parents).
- The Bureau of Citizenship and Immigration Services (BCIS) for purposes of the Student and Exchange Visitor Program.
- Federal, State, and local officials involving an audit or evaluation of compliance with educational programs.
- Organizations conducting certain studies for or on behalf of the College.
- Military recruiters who request "Student Recruiting Information" for recruiting purpose only.
- The Internal Revenue Service (IRS) for purposes of complying with the Taxpayer Relief Act of 1997.
- Authorized representatives of the Department of Veterans Affairs for students receiving educational assistance from the agency.
- Accrediting organizations to carry out their functions.

It should be noted that FERPA permits the disclosure of education records to the parents of a dependent student. The College, however, considers its students to be adult decision-makers; as such, students have the right and responsibility to share information about their grades and degree pursuit with their parents and/or guardians. This means that the staff of the College normally will not give out information about grades or degree pursuit and will instead suggest that parents or guardians have conversations directly with students about these matters. The college's policy provides a greater degree of privacy for dependent students than FERPA would require. If the student wishes to have this information released to the parents, the student must sign an Authorization to Disclose Grades form with the Office of Student Records, Bagen 106.

There are exceptions to the foregoing Canisius policy that may result in parent/guardian notification by the College. They are:

- When a student who is the dependent of a parent or guardian is failing a course at midterm and fails to make or keep a progress appointment with the designated academic advisor.
- When a student has conditions placed on the number and type of courses for which s/he can register because of probationary grade point average.
- When a student has conditions placed on the number and type of courses for which s/he can register because the student has been academically dismissed but reinstated through appeal. A notification of releases made to third parties shall be kept in the student's record (unless forbidden by a judicial order or subpoena). The third party shall be informed that no release of personally identifiable data is authorized without the written consent of the student.

The College has established the following procedures enabling students to have access to their records:

1. The student may inspect and review his or her record by filling out a request form at the office where the record of interest is maintained. Students may not inspect and review the following:
 - Financial information submitted by parents.
 - Confidential letters and recommendations placed in their files prior to January 1, 1975.
 - Confidential letters and statements of recommendation placed in records after January 1, 1975, to which the student has waived his or her right to inspect and review.
 - Education records containing information about more than one student; however, in such cases, students will be given access to the part of the record, which pertains only to him/herself.
2. Access is to be granted promptly and no later than 30 days from the date of the request.
3. The student may obtain copies of documents to which he or she is entitled. The college may charge for these copies.
4. The student may request and receive interpretation of his or her record from the person (or designee) responsible for maintaining the record.

Students have the right to challenge the content of their education records if they consider the information contained therein to be inaccurate, misleading or inappropriate. The process includes an opportunity for amendment of the records or insertion of written explanations by the student into such records.

Unlike education records, directory information shall be released freely unless the student files the appropriate form requesting that certain information may not be released. This form is available at the Office of Student Records, Bagen 106. Directory information includes but is not limited to name, address, email address, phone number, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards, received, and most recent education agency or institution attended.

This policy does not preclude the destruction of any record the college does not consider germane. Persons in charge of records shall ensure that only pertinent items are retained in student files. The forms for "Request for Confidential Status of Directory Information" and "Authorization to Disclose Grades" shall be removed from a student's educational records upon graduation unless the student makes a specific request that these forms remain.

COMMUNITY STANDARDS

Canisius is a community of learners dedicated to what the early Jesuits called *cura personalis*, the care of each and every individual. At Canisius, we all assume responsibility for the spiritual, intellectual, and physical growth of each person within our classrooms, residence halls, and neighborhood. We strive to assist in the development of individuals so as to ready them for responsible roles in the larger world. To enter Canisius is to accept an invitation to participate in a community where it is expected that the unique gifts of each will be used in the service of others.

ARTICLE I: STATEMENT OF RESPONSIBILITIES & RIGHTS

Canisius College, a Catholic and Jesuit university, offers outstanding undergraduate, graduate and professional programs distinguished by transformative learning experiences that engage students in the classroom and beyond. We foster in our students a commitment to excellence, service, and leadership in a global society. The Canisius Community Standards document is designed to foster a community conducive to achieving the mission of Canisius.

Canisius espouses the ideal of academic excellence along with a sense of responsibility to use one's gifts for the service of others and the benefit of society. It seeks to promote the intellectual and ethical life of its students, helping to prepare them for productive careers as well as for meaningful personal lives and positive contributions to human progress. Its curricular and co-curricular programs are designed to educate the whole person through development of intellectual, moral, spiritual, and social qualities. It aims to promote the contemporary Jesuit mission of the service of faith and the promotion of social justice.

RESPONSIBILITIES & RIGHTS

1. Care for Persons and for Property.

Canisius takes pride in itself as a community that nurtures the growth and development of leaders marked by integrity, propriety, and decency displayed toward themselves and toward others. Members of the Canisius community are expected at all times to demonstrate respect for themselves and for others. This respect includes a responsibility to show sensitivity to

differences and act justly in interactions with one another. All members of the community are entitled to and responsible for maintaining an environment of civility that is free from disparagement, intimidation, harassment and violence of any kind. Members are expected to respect college property, the private property of other members of the College community, and the property of the larger neighborhood in which we live.

2. Freedom of Expression and Participation.

As a Jesuit academic institution, Canisius fosters an environment in which a variety of ideas can be reasonably proposed and critically examined. In particular, student groups have a right to invite speakers to campus within reasonable limitations applied by the College. The College recognizes that the free exchange of ideas and expression may produce conflict. This exchange is an important element in the pursuit of knowledge. Implicit in the pursuit of this exchange is the privilege to dissent and demonstrate in a peaceful and non-disruptive manner without unreasonable obstruction or hindrance. The College expects that those who enjoy this privilege also accept the responsibility for their actions and for maintaining order. The College also recognizes the rights of those who desire not to protest and who wish to continue to participate in the normal activities of the College.

As responsible participants in the College community, students can expect fair and impartial treatment in their relations with the College and their dealings with college officials.

3. Intellectual Responsibility.

Canisius espouses the ideal of academic excellence through active learning. All members of the community have responsibilities for and rights to learning, teaching, and scholarship. Within our community, teaching and learning occur in an atmosphere of reasoned discourse, intellectual honesty, mutual respect, and openness to constructive change. All members of the community are responsible for recognizing and actively avoiding violations of academic integrity, such as cheating, plagiarizing, and stealing another's work.

4. Access and Privacy.

Even while an integral part of the Canisius community, students are entitled to their individual sovereignty, particularly in regard to matters concerning privacy about and access to their educational records.

ARTICLE II: JUDICIAL AUTHORITY

Disciplinary authority is vested in College administrators, faculty members and course instructors, committees, and organizations, as set forth in the Community Standards, or in other appropriate policies, rules, or regulations. Specifically, disciplinary authority for academic violations of the Community Standards is vested in faculty members, course instructors, academic deans and the VP for Academic Affairs. Disciplinary authority for all other violations of the Community Standards is vested in the Dean of Students (DOS) or designee.

1. The DOS or designee shall coordinate the judicial process and conduct hearings consistent with provisions outlined in Appendix B and C.
2. The DOS shall develop policies and procedures for the administration of the Community Standards. Definitions of terms are available from the DOS.
3. The DOS or designee may impose conditions on a student's continued relationship with the College during the judicial process. Established time limits and any other aspects of judicial proceedings may be altered at the discretion of the DOS.
4. The DOS shall designate the Director of Public Safety and all sworn Public Safety Officers to issue Community Standards Citations to students who violate the Community Standards or complete Public Safety reports for violations.

ARTICLE III: PROSCRIBED CONDUCT

A. Jurisdiction of the College

By voluntarily choosing to affiliate with Canisius, students accept the responsibility to comply with the regulations outlined in the Community Standards, which apply to behavior both on and off campus. Therefore, College jurisdiction and discipline shall generally include conduct which occurs on College premises, which occurs off College premises, including abroad, or which adversely affects members of the College community or the pursuit of the College mission. The DOS or designee shall decide whether the Community Standards shall be applied on a case-by-case basis.

B. Conduct – Rules and Regulations

Any student or organization alleged to have committed or alleged to have attempted to commit any of the following acts is subject to the judicial process found in Article IV:

1. Physical abuse, verbal abuse, threats, intimidation, harassment, menacing, stalking, coercion and/or other conduct which threatens or endangers the health, well-being or safety of any person. Harassment is defined as verbal, written or physical conduct directed at a person or a group based on color, race, national origin, ethnicity, gender or sexual orientation where the offensive behavior is intimidating, hostile or demeaning, or could or does result in mental, emotional or physical discomfort, embarrassment, ridicule or harm.
2. All forms of sexual misconduct, sexual discrimination or sexual violence. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or other incapacity, such as being a minor or having an intellectual or other disability. Examples of sexual violence include, but are not limited to: rape; sexual assault; sexual battery; sexual coercion; sodomy; and fondling. A "no" or absence of resistance is not required to prevent sexual contact; whereas a verbal or "yes" is required to permit sexual contact.
3. Retaliation by any person against any person for filing or supporting a discrimination or harassment complaint.
4. Hazing, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. Consent of the student or participant is not a defense. Apathy or acquiescence in the presence of hazing are not neutral acts and are considered violations.
5. Behavior or conduct, which is disorderly, lewd, or indecent.
6. Use, possession or distribution of illegal drug-related paraphernalia, narcotics or other controlled substances except as expressly permitted by federal, state and/or local law.
7. Public intoxication or the use, possession or distribution of alcoholic beverages except as expressly permitted by federal, state and/or local law and College regulations (see College Alcohol Policy). Intoxication is not a mitigating circumstance.
8. Unauthorized possession of firearms, replica firearms, ammunition, explosives, other weapons, or replica weapons, or unauthorized use of dangerous chemicals or substances on College premises.
9. Tampering with/falsely activating fire equipment.
10. Attempted or actual theft of, damage to, or unauthorized possession or alteration of property of the College, property of a member of the College community or other personal or public property.
11. Attempted or actual theft or other abuse of computer resources and systems pursuant to the Acceptable Use Policy for Canisius Computer Facilities. Using the College's Internet access in a malicious manner is a violation of the Canisius College community standards. Engaging in activities that harass, degrade, intimidate, demean, slander, defame, interfere with, or threaten others is a violation of the Canisius College community standards. This includes but is not limited to electronic bullying via email, personal or public blog, Facebook, MySpace, Twitter, Tumblr, Instagram, Pinterest, Formspring, Hot or Not, and Rate My Professor, or any other social networking site. This includes downloading copy-righted material.
12. Behavior or conduct resulting in the disruption or obstruction of teaching, research, administration, disciplinary proceedings, student organization, other College activities or events, including its public-service functions on- or off-campus, or other authorized non-College activities, when the act occurs on College premises.
13. Failure to comply with directions of members of the College community or emergency or service personnel acting in performance of their official duties and/or failure to identify oneself to these persons when requested to do so.
14. Obstruction of or dangerous interference with the free flow of pedestrian or vehicular traffic on College premises or at College sponsored or supervised functions.
15. Unauthorized possession, duplication or use of keys, combinations, or access cards to any College premises or unauthorized entry to or use of College property.
16. Engaging in illegal gambling activities.
17. Violation of published College policies, rules, regulations, notices or statements, including, but not limited to, those contained in or pertaining to the Student Handbook, Alcohol and Drug Policies, Smoking Policies, Discrimination and Harassment Policy, Statement on Sexual Assault, Notice of Nondiscrimination, Information Technologies Policies, Housing and Dining Contract, Treatment of Animals, Speaker Policy, Parking and Traffic Policies and Regulations, and the College Catalog.
18. Abuse of the Judicial System, including, but not limited to, the following:
 - a. Failure to comply with the directive to appear before a hearing panel or hearing officer.

- b. Falsification, distortion, or misrepresentation of information before a hearing panel or hearing officer.
 - c. Disruption or interference with the orderly conduct of a judicial proceeding.
 - d. Knowingly instituting a judicial proceeding without cause.
 - e. Influencing or attempting to influence another person to commit an abuse of the judicial system.
 - f. Attempting to discourage an individual's proper participation in, or use of the judicial system.
 - g. Attempting to influence the impartiality of a member of a hearing panel or of a hearing officer prior to, and/or during the course of, the judicial proceeding.
 - h. Inappropriate behavior or conduct (verbal or physical) and/or intimidation of any person involved in a judicial proceeding prior to, during, and/or after that judicial proceeding.
 - i. Failure to comply with a sanction imposed under the Community Standards.
19. Any off-campus conduct-demonstrating disregard for the rights of others.
20. Any violation of federal, state and/or local laws/ordinances regardless of whether such violation occurred on or off the College premises.

Students shall be responsible for the behavior and conduct of any guests. Any violations of the Community Standards by a guest may result in a complaint against the hosting student and a judicial hearing for the host student.

C. Neighborhood Respect

Canisius values a strong relationship with the local community. Every student of the College should act respectfully while in the community. This means each student should follow a basic code of conduct in the neighborhood:

- Loud, disruptive noises are unacceptable at any time, especially after 11pm (i.e. screaming, loud music, excessive crowd noise)
- Consumption of alcohol or illegal substances while on the streets or sidewalks of the neighborhood is prohibited.
- Trespassing on private property is prohibited.

Any violation of proper conduct in the neighborhood will be considered a violation of the Community Standards.

D. Violation of Law & College Discipline

1. College judicial proceedings may be instituted against a student charged with violation of a law, which is also a possible violation of the Community Standards, for example, if both violations result from the same factual situation. Proceedings under the Community Standards shall normally be carried out without regard to the status of off-campus civil or criminal proceedings. Determinations made and/or sanctions imposed under the Community Standards, shall not be subject to change because criminal/civil charges arising out of the same facts were dismissed, reduced, or resolved in favor of the defendant.
2. When a student is charged by federal, state or local authorities with a violation of law, the College shall not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also the subject of a federal, state or local proceeding, the College may advise off-campus authorities of the existence of the Community Standards and of how such matters shall be handled internally within the College community.

ARTICLE IV: JUDICIAL POLICIES

A. Interim Suspension

1. In certain circumstances, the DOS or designee may impose an interim suspension for the following reasons:
 - a. To ensure the safety and well-being of members of the College community or to preserve College property; or
 - b. If a student poses a threat of disruption or interference with the normal operations of the College.
2. During the interim suspension, a student may be denied access to College activities, facilities and/or classes or other privileges for which the student might otherwise be eligible, as the DOS or designee may determine to be appropriate.
3. The interim suspension or altered privileges shall remain in effect until a final decision has been made regarding pending complaints or until the DOS or designee determines that the reason for imposing the interim suspension no longer exists.

B. Complaints & Hearings

1. Any member of the Canisius community may file a complaint against a student for alleged violation of the Community

Standards. All complaints shall be in writing and directed to the appropriate Associate Academic Dean or DOS or designee. Complaints may be filed via incident reports, Public Safety reports, Community Standards Citations, or Police Reports. All complaints should be filed as soon as possible after an alleged violation of the Community Standards. However, the College is not required to respond to any allegations within a prescribed time limit.

2. The adjudication process for all other violations of the Community Standards is outlined in Appendix B and Appendix C. Normally, the DOS shall assign a hearing officer for a conduct conference or convene a hearing panel, drawn from the membership of the Community Standards Board, based upon the severity of the alleged violation of Community Standards.

A complaint filed with the DOS shall normally be directed to a hearing panel if it fulfills one or more of the following criteria:

- i) the potential sanction falls within items l, m, n, and o of Article IV, Section C; (although a lesser sanction may be imposed);
- ii) the alleged violation has wide ranging community implications;
- iii) the alleged violation has not been previously encountered within the College community; However, the DOS or designee may choose to hear any case as a conduct conference and may impose any sanction(s) listed in Article IV, Section C.

3. The conduct conference-hearing officer shall make a determination of responsibility for the alleged violation and, if appropriate, may impose sanction(s) found in Article IV, Section C.

4. The hearing panel shall make a determination of responsibility for the alleged violation and impose any sanction(s) listed in Article IV, Section C.

5. Decisions made by the Conduct Conference Hearing Officer (HO), Hearing Panel, DOS or designee shall be final except in the case of suspension, expulsion, or degree revocation which may be appealed to the VP of Student Affairs.

6. The judicial process is intended to provide the student an opportunity to respond to allegations of violations of the Community Standards, thereby enabling the HO to make an informed decision about responsibility and appropriate sanctions. However, if a student fails to respond to three communications (in the form of written notification, telephone, email, or oral requests) attempting to schedule a meeting, or fails to attend a scheduled meeting, a decision based upon available information may be rendered in absentia. No student may be found to have violated the Community Standards solely because the student failed to appear.

7. In some rare situations, where the behavior is sufficiently egregious or warranted by institutional interests, the DOS may institute formal procedures even though the original complainant does not personally wish to, or is not able to proceed. In such cases the DOS shall submit the formal complaint and recuse herself/himself from any further role in the adjudication.

8. Any violation of the Community Standards using computer networks, including, but not limited to, harassment, threats or hate related postings in chat-rooms, through weblogs, sent by email, instant messaging or posted in online social networks such as Facebook; copyright violations via downloading; stalking; or posting images depicting any other type of policy violations shall be addressed in the same manner as the equivalent violation conducted in an non-virtual environment.

C. Sanctions

1. One or more of the following sanctions may be imposed upon any student found responsible for violating the Community Standards:

- a. Warning – A written or verbal notice to the student that the student has been found responsible for violating Community Standards.
- b. Fines – A monetary fee may be imposed.
- c. Restitution – Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- d. Discretionary Sanctions – Work assignments, community service, participation in or completion of College service or program, service to the College and/or other related discretionary assignments.
- e. Educational Program or Project – Participation in or completion of a program or project specifically designed to help the student understand why the Community Standards violation was inappropriate.
- f. Loss of Privileges – Denial of specified privileges for a defined period of time. (e.g. guest, computer, housing selection, residence hall visitation, dining services, representing the College, co-curricular activities, athletics participation, campus employment).

- g. Residence Hall Probation – A written reprimand for violation of Community Standards. Probation is for a defined period of time and includes the probability of more severe disciplinary sanctions if the student is found responsible for violating any Community Standards during the probationary period.
 - h. Administrative Relocation – Requirement to relocate within the residence hall system on a space-available basis. Requirement to relocate to another section of the same academic course.
 - i. Residence Hall Suspension – Separation of the student from the residence halls for a defined period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 - j. Residence Hall Expulsion – Permanent separation of the student from the residence halls.
 - k. College Probation – A written reprimand for violation of specified Community Standards. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found responsible for violating the Community Standards during the probationary period.
 - l. College Suspension – Separation of the student from the College for a defined period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 - m. College Expulsion – Permanent separation of the student from the College.
 - n. Revocation of Admission and/or Degree – Revoking admission to or a degree awarded from Canisius for fraud, misrepresentation, or other violations of Community Standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
 - o. Withholding Degree – Withholding awarding a degree otherwise earned until the completion of the process set forth in the Community Standards including the completion of all sanctions imposed, if any.
2. The proper College authorities shall be notified of any sanction. Parent(s)/guardian(s) shall be notified of alleged violation of the Community Standards and/or sanction(s) when deemed appropriate.
 3. Sanctions shall not normally be made part of the student’s permanent record except for suspension and expulsion or revocation. In cases where notation on the official transcript, is imposed, the file shall be retained as part of the student’s permanent record. All other disciplinary records shall be kept in the student’s confidential file (paper copy and/or electronic) maintained with the DOS and/or Office of Residence Life for a period of seven years after separation from the College.
 4. In situations involving both a respondent(s) (or group or organization) and a complainant(s), the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the respondent(s) and complainant(s).
 5. All appropriate sanctions may be imposed upon groups and organizations. Groups and organizations may further receive the sanction of deactivation, resulting in a loss of College recognition and/or funding for a specified period of time.
 6. Failure to abide by or complete any sanction shall result in a separate violation for an abuse of the judicial system.

ARTICLE V: WITHDRAWAL & READMISSION

If a respondent voluntarily withdraws from the College while a complaint is pending, a registration hold shall be placed on the respondent’s account and the respondent shall not be permitted to re-enroll until after the complaint has been resolved. Normally, the judicial process shall continue and a decision may be rendered based on available information whether or not the respondent is available. No student may be found to have violated the Community Standards solely because the student failed to appear.

If the complaint cannot be resolved because the complainant, witnesses or evidence are not available, re-enrollment shall normally be denied. Permission for readmission shall be granted solely at the discretion of the DOS or designee.

ARTICLE VI: INTERPRETATION & REVISION

Any question of interpretation regarding the Community Standards shall be referred to the DOS or designee for final determination.

A review of the Community Standards shall be coordinated by the DOS every three years, but the Community Standards may be revised when deemed appropriate.

[Reviewed and revised 7/2014.]

Appendix A: Code of Academic Integrity

Visit the College’s web site at www.canisius.edu/integrity/ for a full description of the policy.

Appendix B: Conduct Conference Procedures

The conduct conference procedures apply to all violations of the Community Standards, except those that are directed to the Community Standards Board.

A. Procedures:

1. A complaint is filed with the DOS, Public Safety, or Residence Life.
2. The DOS or designee serves as the Hearing Officer (HO) and contacts the student (respondent) to discuss the incident.
3. A conference shall occur between the HO and respondent and the following shall occur:
 - a. The HO shall inform respondent of the alleged violation(s) of Community Standards.
 - b. The respondent may make a statement regarding the allegations.
 - c. The respondent may bring forth witnesses to the alleged incident if deemed pertinent by the HO.
4. Upon completion of the conduct conference the HO shall make a determination of responsibility for the incident. This determination shall be based upon the facts of the incident, and whether it is more likely than not that the student is responsible for the alleged violation(s).
5. Normally, the respondent shall be provided written notification of the decision and, if appropriate, sanction(s) within five business days after the conduct conference.

B. Procedural Review:

The decision of a hearing officer shall not normally be subject to appeal unless sanctions i-o of Article IV Section C are imposed. However, the student may request in writing a procedural review of the conduct conference by the DOS or designee. The written request shall be submitted to the DOS or designee not more than two business days after written notification of the decision/sanction is received. The DOS or designee shall review the case. If it is determined that there was procedural error, normally, the case shall be remanded to the hearing officer originally assigned to the complaint for further consideration. If the DOS is the hearing officer, the request for a procedural review shall be submitted to the VP for Student Affairs.

C. Appeal:

Requests for appeals of decisions by a HO (only if sanctions i-o are imposed) are directed to the DOS or designee. Requests for appeals shall be made in writing within two business days of the written decision.

In the written appeal, it shall be the responsibility of the student pursuing the appeal to provide evidence of one or more of the following grounds for appeal:

- a. the original hearing was not conducted in conformity with prescribed procedures.
- b. the facts in the case were not sufficient to establish that a violation of the Community Standards occurred.
- c. the sanction imposed was not appropriate for the violation of the Community Standards for which the student was found to be responsible.
- d. the existence of new relevant facts, sufficient to alter the decision, which were not brought out in the original hearing, and which could not have been known to or available to the appellant at the time of the original hearing.

If an appeal is granted by the DOS or designee, the following determination may be instituted: 1) the sanction may be replaced with another which may be more severe, less severe, or otherwise different; 2) the matter may be remanded to the original hearing officer for reconsideration of the original determination and/or sanction; or 3) the matter may be directed to a new hearing officer for a new hearing.

If the DOS or designee finds no merit to the appeal, the decision of the hearing officer shall stand.

During the appeal process, the imposition of the sanction(s) shall not occur; however, the DOS or designee may impose limitations or conditions on the appealing respondent's continued relationship with the College during the appeal process.

D. Failure to Appear

The judicial process outlined above is intended to provide the student an opportunity to respond to allegations of violations of the Community Standards, thereby enabling the HO to make an informed decision about responsibility and appropriate sanctions. However, if a student fails to respond to three communications (in the form of written notification, telephone, electronic communication, or oral requests) attempting to schedule a meeting or fails to attend a scheduled meeting, a decision based upon available information may be rendered in absentia. No student may be found to have violated the Community Standards solely because the student failed to appear.

Appendix C: Hearing Procedures

The following procedures apply when a complaint has been directed to the Community Standards Board.

1. Composition of the Community Standards Board and Hearing Panel

The Community Standards Board shall comprise 21 members of the Canisius Community. Seven shall be faculty members appointed by the VP for Academic Affairs. Seven shall be administrative and support staff appointed by the appropriate VP. The remaining seven shall be students appointed by the Undergraduate Student Association in consultation with the DOS.

The DOS or designee (hereafter known as the Hearing Panel Coordinator (HPC)) shall assign a hearing panel from the Community Standards Board. A hearing panel shall comprise seven members. At least two members of each hearing panel shall be students. If sufficient members of the Community Standards Board are not available to create a panel, the HPC may appoint interim members of the Community Standards Board for the purpose of serving on the hearing panel.

A Hearing Panel Chairperson shall be selected from within the individual panel.

2. Pre-Hearing Procedures

A. Complainant

A complaint alleging a violation of the Community Standards shall be filed in writing with the HPC. The complainant shall have a pre-hearing meeting with the HPC to discuss the following: the hearing process, the complainant's responsibilities while preparing for the hearing, and the available services.

At the pre-hearing meeting:

- a. The complainant shall be informed that an advisor may be obtained to provide assistance while preparing for the hearing and to be present at the hearing.
- b. The role of the advisor shall be explained.
- c. The complainant shall be informed that if he or she chooses to have an advisor during the hearing process, the name of that advisor shall be presented to the HPC as soon as possible, and not less than two business days prior to the scheduled hearing.
- d. The permitted types of witnesses and information shall be explained.
- e. The complainant shall be informed that if he or she chooses to present witnesses and/or written statements, the names of all witnesses and/or copies of the statements shall be presented to the HPC not more than two business days after the pre-hearing meeting.
- f. The complainant shall be informed of the opportunity to present a statement about the incident in question at the hearing.
- g. The process of the hearing shall be explained.
- h. The complainant shall be informed of the availability of the HPC to answer any procedural questions pertaining to the hearing.

The complainant shall be responsible for securing an advisor and determining and contacting appropriate witnesses prior to submitting their names to the HPC.

B. Respondent

The respondent shall be notified in writing of the complaint alleging a violation of the Community Standards not more than two business days after the complaint has been filed. A scheduled pre-hearing meeting shall be indicated in the notification letter. During the pre-hearing meeting the respondent shall be notified of the options for responding to the complaint. The respondent shall file the response to the complaint not more than one business day after the pre-hearing meeting. Failure to respond shall not be considered an admission of responsibility; however, the hearing process shall proceed.

The respondent shall have a pre-hearing meeting with the HPC to discuss the following: the hearing process, the respondent's responsibilities while preparing for the hearing, and the available services. At the pre-hearing meeting:

- a. The respondent shall be informed that an advisor may be obtained to provide assistance while preparing for the hearing, and to be present at the hearing.
- b. The role of the advisor shall be explained.
- c. The respondent shall be informed that if he or she chooses to have an advisor during the hearing process, the name of that advisor shall be presented to the HPC as soon as possible, and not less than two business days prior to the scheduled hearing.
- d. The permitted types of witnesses and information shall be explained.

e. The respondent shall be informed that if he or she chooses to present witnesses and/or written statements, the names of all witnesses and/or copies of the statements shall be presented to the HPC not more than two business days after the pre-hearing meeting.

f. The respondent shall be informed of the opportunity to present a statement about the incident in question at the hearing.

g. The process of the hearing shall be explained.

h. The respondent shall be informed of the availability of the HPC to answer any procedural questions pertaining to the hearing.

The respondent shall be responsible for securing an advisor and determining and contacting appropriate witnesses prior to submitting their names to the HPC.

C. Advisors

The complainant and respondent may be advised by any member of the Canisius community. Advisors may be present during the hearing; however, advisors shall not address the hearing panel or question witnesses.

D. Hearing Panel Preparation

The hearing panel shall receive all materials prior to the scheduled hearing. The hearing panel shall meet before the scheduled hearing in order to review the complaint and prepare for the process of the hearing.

In order to preserve the fairness and integrity of the judicial process for a particular complaint, a member of the hearing panel may request to be excused by notifying the HPC not less than four business days prior. If a hearing panel member is excused, the HPC shall select another member of the Community Standards Board to serve on the hearing panel for that complaint.

E. Notification of Hearing Panel Members

The complainant and respondent shall be informed of the names of the members of the hearing panel scheduled to hear the complaint not fewer than three business days prior to the hearing. The complainant and/or the respondent may object to the membership of the hearing panel only for reasons of official or personal conflict. Objections shall be submitted in writing to the HPC not fewer than one business day after receiving the names of the hearing panel members. The HPC shall make the final determination about panel membership.

F. Scheduling the Hearing

A hearing shall be scheduled to take place not less than five nor more than 20 business days after the respondent has been notified of the complaint. The availability of the hearing panel members shall be the first consideration when scheduling the hearing. The scheduling of the hearing shall take into consideration only scheduled classes. Normally, the hearing shall proceed without regard to pending civil or criminal litigation. Established time limits for scheduling of hearings may be altered at the discretion of the HPC.

3. Hearing

A. Attendance

The hearing shall be private and closed and shall be attended only by members of the hearing panel, the complainant, the respondent, their advisors, their witnesses and the HPC. In hearings involving more than one respondent, the HPC, in his or her discretion may permit the hearings concerning each respondent to be conducted either separately or jointly.

The Hearing Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, respondent and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the HPC.

B. Hearing Panel Coordinator (HPC)

The HPC shall be available to the hearing panel for consultation regarding procedure and/or sanctions at any time during the hearing, including the deliberations. The HPC may request that the Hearing Panel Chairperson recess the hearing at any time.

C. Record of the Hearing

A single verbatim recording of the hearing shall be made by the HPC. Deliberations shall not be recorded. No other recording

shall be made. This record shall be confidential and shall be the property of the College. It shall be destroyed at the end of the appeal process. The recording shall be available to the complainant and respondent for use only during an appeal and only in the Office of Student Affairs.

D. Role of the Hearing Panel Chairperson

The chairperson of the hearing panel shall preside over the hearing and shall be responsible for governing the hearing procedure. All procedural questions shall be subject to the final direction and discretion of the chair. The Chair of the hearing panel shall introduce members of the hearing panel and ask all hearing participants to identify themselves. All statements and questioning shall be at the direction and discretion of the chair. The chair may limit or exclude the statements or questioning of any hearing participant to the extent that such statements or questioning is repetitive of matters previously presented or is not relevant to the incident in question. The chair may recess the hearing at any time.

4. Hearing Procedures

A. Process

- a. The chair shall make opening remarks.
- b. The complainant shall have the opportunity to present a statement about the incident in question. The respondent shall then have the opportunity to present a statement about the incident in question.
- c. After the statements by the complainant and the respondent, members of the hearing panel shall have the opportunity to question both the complainant and the respondent. Only questions relevant to the alleged incident, and not repetitive of the hearing panel's questioning, shall be allowed.
- d. The complainant shall be offered the opportunity to present pertinent records, exhibits and written statements (including student impact statements) relevant evidence and witnesses, one at a time, in accordance with the explanation provided during the pre-hearing meeting. Members of the hearing panel shall have the opportunity to question at the conclusion of each witness' statements. The complainant and respondent shall have the opportunity to question at the conclusion of each witness' statement. The chairperson shall permit witnesses to be present in the hearing room only during their statements and subsequent questions, if appropriate.
- e. The respondent shall be offered the opportunity to present, one at a time, pertinent records, exhibits and written statements (including student impact statements) in accordance with the explanation provided during the pre-hearing meeting. Members of the hearing panel shall have the opportunity to question witnesses at the conclusion of each witness' statements. The complainant and respondent shall have the opportunity to question witnesses at the conclusion of witness statement.
- f. Members of the hearing panel shall have the opportunity to ask final questions. Prior to deliberations, the complainant and the respondent shall be asked if they have any other statements they wish to present.
- g. After the presentation of all statements, witnesses and evidence, and subsequent questioning, the chairperson shall call the panel to deliberate. The chairperson shall direct the complainant and respondent to leave a contact phone number with the HPC so that they may be contacted at the conclusion of the deliberations. The HPC shall excuse the complainant, the respondent, and their advisors.
- h. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Community Standards proceedings.

B. Deliberations

Normally, deliberations shall be carried out and completed immediately following the hearing. Deliberations shall take place in private, with only the members of the hearing panel present. The HPC shall be available to the hearing panel during the deliberations for consultation regarding procedure and sanctioning. Deliberations shall not be recorded.

C. Decision

Upon hearing all statements and after deliberations, the hearing panel shall either dismiss the complaint or find the respondent responsible for violating the Community Standards.

Determinations of responsibility shall be made on the basis of whether it is more likely than not that the respondent violated the Community Standards. A respondent shall be presumed not responsible for a violation of the Community Standards until it has been demonstrated that it is more likely than not that the student committed the violation. Final decisions shall reflect the

majority opinion of the hearing panel. Names of panel members shall not be attached to the final decision and the vote shall not be made public.

If the hearing panel determines that the respondent shall be considered responsible for a violation of the Community Standards, it shall then be their responsibility to determine an appropriate sanction.

The Hearing Panel also has the right to consider the behavior of the complainant in connection with the incident and to make any appropriate recommendations with respect to the complainant. To encourage reporting of sexual misconduct complaints, however, the complainant in such cases may not be found responsible for violations of the Community Standards in connection with the incident. Even though the complainant in a sexual misconduct case may not be found responsible for a violation, the Hearing Panel may make appropriate recommendations with respect to the complainant (including educational programs).

D. Communication/Implementation of Decision

The chairperson, upon the panel's reaching a decision, shall notify the HPC to request that the complainant and the respondent meet with the hearing panel. The chair, with the hearing panel present, shall first inform the respondent and then the complainant of the decision and recommendation for sanction. This may be waived in favor of written communication only if deemed appropriate by the HPC. The chair and the HPC shall be responsible for providing written notification to the complainant and the respondent not more than two business days after the decision is rendered.

If no appeal is filed, the sanction of the hearing panel shall be imposed.

E. Appeals

Requests for appeals are directed to the VP for Student Affairs. Requests for appeals shall be made in writing within two business days of the written decision.

In the written appeal, it shall be the responsibility of the student pursuing the appeal to provide evidence of one or more of the following grounds for appeal:

- a. the original hearing was not conducted in conformity with prescribed procedures.
- b. the facts in the case were not sufficient to establish that a violation of the Community Standards occurred.
- c. the sanction imposed was not appropriate for the violation of the Community Standards for which the student was found to be responsible.
- d. the existence of new relevant facts, sufficient to alter the decision, not brought out in the original hearing, which could not have been known to or available to the appellant at the time of the original hearing.

The VP may review the single verbatim recording of the hearing, the written appeal, and documents pertaining directly to the grounds for appeal, and a decision regarding the appeal shall be rendered not more than five business days after the end of the hearing.

If an appeal is granted by the VP, the following determination may be instituted: 1) the sanction may be replaced with another which may be more severe, less severe, or otherwise different; 2) the matter may be remanded to the original hearing panel for reconsideration of the original determination and/or sanction; or 3) the matter may be directed to a new hearing panel for a new hearing.

If the VP finds no merit to the appeal, the decision of the hearing panel shall stand.

During the appeal process the imposition of the sanction(s) shall not occur; however, the VP may impose limitations or conditions on the appealing respondent's continued relationship with the College during the appeal process.

GENERAL POLICIES

DISCRIMINATION AND HARASSMENT POLICY

Statement of Policy

Canisius strives to provide an educational and working environment that is free from all forms of discrimination and harassment and is committed to providing an environment that treasures diversity and emphasizes the dignity and worth of every individual, and environment in which every individual is treated with respect. Discrimination or harassment in any form is inimical to these goals and fundamentally at odds with the values of Canisius. They are unacceptable behaviors and will not be tolerated.

The College prohibits discrimination on the basis of sex in its education programs and activities, including in employment and admissions, in compliance with Title IX of the Education Amendments of 1972. Prohibited sex discrimination includes sexual harassment and sexual violence. The College also prohibits discrimination or harassment based on any other legally protected status,

including, but not limited to race, religion, sexual orientation, age, disability, marital, and military status, and harassment in general based on any other factor.

The College also prohibits retaliation by any person against any person for filing or supporting a complaint under this policy. The protections and prohibitions in this policy apply to all Canisius employees and students and third parties visiting or doing business with the College. Employees and students may file complaints under this policy regarding conduct prohibited by it. Visitors to and persons doing business with the College may notify the College of a violation of this policy by contacting Human Resources.

This policy is designed to do the following:

- reaffirm the College's commitment to providing a positive, humane environment for study and work free from discrimination, harassment and retaliation;
- let all members of the College community know what kind of conduct is expected and what kind of conduct is proscribed;
- inform victims of discrimination, harassment and retaliation, including sexual harassment and sexual violence, of their options and rights;
- inform all members of the College community about the procedures available at the College for addressing, investigating, and resolving discrimination, harassment and retaliation complaints, including sexual harassment and sexual violence complaints;
- protect the rights and confidentiality of all parties to complaints to the extent possible; and
- prevent retaliation against persons making complaints under this policy.

II. PROHIBITED CONDUCT DEFINED

A. Discrimination

Discrimination is any disparate or unequal treatment. In the case of an employee it relates to an employee's terms, privileges and conditions of employment. In the case of a student it relates to the student's enrollment, attendance or academic progress. In the case of a third party, it relates to the third party's relationship with the College. In all cases, it also relates to the person's participation in all aspects of the College community.

B. Harassment

Harassment is any conduct that creates an intimidating, demeaning, offensive or abusive environment that unreasonably interferes with a person's work or academic performance or participation in the College community.

Examples of impermissible harassment, including racial harassment, include the following:

- The use of physical force or violence to restrict the freedom or movement of another person or to endanger the health and safety of another person based on that person's race, ethnicity, gender, sexual orientation, disability, etc.
- Physical or verbal behavior that involves an express or implied threat to interfere with or has as its purpose the reasonably foreseeable effect of interfering with an individual's personal safety, academic efforts, employment, or participation in college-sponsored activities because of that individual's race, ethnicity, gender, sexual orientation, disability, etc. and which causes that individual to have a reasonable apprehension that harm is about to occur;
- Any type of conduct that has the effect of unreasonable interfering with an individual's work or academic performance or creates an intimidating, hostile or offensive working or learning environment, including electronic bullying, epithets, slurs or derogatory comments based on a person's race, ethnicity, gender, sexual orientation, disability, etc. It should be emphasized, however, that isolated instances (e.g. a single comment or joke) ordinarily will not constitute harassment unless it is repeated or egregious.

Harassment may not be present if the conduct is welcomed and encouraged.

The foregoing must be interpreted in light of one of the fundamental purposes of a Canisius education, which is to teach students to think, write and express themselves critically. This is a demanding skill and students must confront in stark and sometimes painful ways the comfortable assumptions that they bring to the college experience. Instruction in critical thinking very well may involve saying or presenting materials that are felt by individuals to be offensive or embarrassing. In such cases, students should communicate directly with the faculty member involved, the department chair or the associate dean of the applicable school. See Section IV below regarding Academic Freedom. Nor is this policy intended to address normal differences of opinion that arise but are not based on a person's protected status. In the case of students, those matters can be addressed through the procedures set forth in the Community Standards. In the case of employees, those matters can be addressed through procedures set forth in the Faculty Handbook, the Administrator's Handbook, and the Librarian's Handbook or through the Personnel Office.

C. Sexual Harassment

For the same reasons listed above, it is the policy of Canisius that all faculty, staff, students and visitors work, learn and participate in an environment free from sexual harassment. Sexual harassment is also a violation of both federal and state law.

1. Definition

The Equal Employment Opportunity Commission defines sexual harassment in an employment situation as follows: Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive environment.

This definition for the employment context may be extrapolated to apply as well to non-employment situations, such as relationships between faculty and students, academic decisions regarding students, and the environment in which students function. This is explained more fully below.

2. Examples of Sexual Harassment

Sexual harassment can take many different forms. The determination of what constitutes sexual harassment will vary according to the particular circumstances.

Examples of sexual harassment include but are not limited to the following situations, whether or not there is the presence of a relationship that puts one person in a position of authority:

- unwelcome sexual propositions, invitations, solicitations, and flirtations; leering;
 - unwelcome and inappropriate touching, patting, fondling, pinching, or obscene gestures;
 - seeking sexual favors or relationships in return for the promise of a favorable grade or other academic or employment benefit or opportunity;
 - conditioning an employment-related action (such as hiring, promotion, salary increase, performance appraisal, or refraining from discipline or termination) on a sexual favor or relationship;
 - conditioning an academic-related action (such as a grade, assignment, or refraining from discipline) on a sexual favor or relationship;
 - unwelcome communications of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendos; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, text messages or social media postings;
 - sexually suggestive objects, pictures, videotapes, audio recordings or literature, or electronic transmissions placed in the work or study area, that may embarrass or offend individuals, subject to general principles of academic freedom discussed in Section I below;
- or
- in the case of co-workers or individuals in positions of authority, conduct of the nature set forth above when the effect is to unreasonably interfere with the ability of a person to perform his or her employment or academic responsibilities, or when the effect is to create an offensive, intimidating and/or hostile working or learning environment for that person.

Unwelcome sexual behavior toward another employee or student, which is sufficiently severe or pervasive to alter the conditions of the victim's employment or academic surroundings and results in a work or educational environment that a reasonable person would find abusive or offensive creates a "hostile environment."

Isolated instances (e.g., a single sexual overture, comment, invitation or joke) ordinarily will not constitute sexual harassment unless there is repetition or the circumstances are egregious. In this regard, occasional compliments also do not constitute sexual harassment. Sexual behavior that is welcomed and consensual may not constitute sexual harassment.

D. Sexual Violence

Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or other incapacity, such as being a minor or having an intellectual or other disability.

Examples of sexual violence include, but are not limited to: rape; sexual assault; sexual battery; sexual coercion; sodomy; and fondling.

E. Retaliation

Retaliation means any action taken against a person who has filed a complaint under this policy in reprisal for having done so that might dissuade a reasonable person from making or supporting a complaint under this policy.

III. REPORTING PROCEDURES

Complaints of violations of this policy, including complaints of retaliation, should be made to the College's Title IX Coordinator ("Coordinator") who is responsible for implementing this policy and the College's efforts to comply with its Title IX responsibilities. In the event that the coordinator is the subject of a complaint, the VP for Academic Affairs will assume the coordinator role. If the President is the subject of a complaint, the Chair of the Board of Trustees will assume the President's role in the process. Inquiries concerning application of Title IX may also be made to the United States Department of Justice's Office for Civil Rights. Persons filing a complaint also have the right to file a criminal complaint with local law enforcement agencies in appropriate cases. A student who perceives himself/herself to be the victim of discrimination, harassment or retaliation by another student may also report the incident to the DOS or designee instead of the coordinator.

IV. ACADEMIC FREEDOM

The Board of Trustees of Canisius has accepted and endorsed as its own a definition of academic freedom published by the AAUP and AAC as set forth in Chapter V of the Faculty Handbook although in taking this action the Board reserved to itself the interpretation and application of that published document. That definition of academic freedom is incorporated herein by reference. Conduct claimed to constitute harassment and sexual harassment must be interpreted in light of the principle of academic freedom so

as to protect a faculty member's right to teach, research and publish freely. The college does not intend that this Policy will be used to address the normal differences of opinion that may arise in the academic setting and are part of the normal process of teaching and learning.

V. CONSENSUAL RELATIONSHIPS

Because of the imbalance of power between faculty/staff members and undergraduate students, real or perceived, and the special risks and issues that can arise as a result, the College prohibits romantic and/or sexual relationships between faculty/staff members and undergraduate students regardless of whether the relationship is consensual. The College also prohibits romantic and/or sexual relationships between faculty/staff members and those graduate students over whom the faculty/staff member has direct academic/administrative responsibility or is likely to have academic/administrative responsibility for in the future (for example, because the student is in the faculty member's department), regardless of whether the relationship is consensual. Nor may a faculty member exercise academic responsibility over an undergraduate or a graduate student with whom the faculty member has or had a romantic and/or sexual relationship, regardless of whether the relationship was consensual. For purposes of this policy, "faculty member" includes any graduate student teaching assistants with respect to students whom they teach, supervise or evaluate.

The College also actively discourages consensual relationships of an intimate or sexual nature between supervisory personnel and those staff who report to them. The College discourages such relationships because, among other reasons, there is an implicit imbalance of power in them. The College expects its supervisors and administrators to act in a fair, impartial manner when making administrative decisions, avoiding every appearance of impropriety or favoritism that might arise from consensual relationships.

VI. DUTIES OF MEMBERS OF CANISIUS COMMUNITY

A. All Associated with Canisius College

All members of the College community should assume the responsibility to see that the College is free from all forms of discrimination and harassment and that any discrimination and harassment is properly reported. Obviously, the College cannot take action to punish and deter discrimination and harassment if it is not aware that has occurred.

B. Supervisors

It is the responsibility of supervisors, deans, department chairs, program directors and other managers to:

- inform employees and students under their direction or supervision of this policy;
- inform visitors, independent contractors, vendors and their representatives and others transacting business with the college of this policy;
- notify the Coordinator for the Implementation of the Harassment Policy when they receive reports of complaints of discrimination and harassment;
- notify the Coordinator when they observe or otherwise become aware of incidents of discrimination and harassment; and
- implement any corrective actions imposed as a result of findings of discrimination and harassment.

Any employee or student in a supervisory or managerial capacity who has knowledge of incidents of discrimination or harassment, including sexual harassment or sexual violence, who does not report the matter can be subject to disciplinary action up to and including dismissal or expulsion.

C. Faculty, Staff and Students

It is the responsibility of the faculty, staff, and students to discourage discrimination and harassment and to report incidents of discrimination and harassment, including sexual harassment and sexual violence. This is regardless of whether they are the person or persons subject to the conduct prohibited by this policy. Any faculty member, staff member, or student who believes he/she has been victimized by discrimination or harassment is encouraged to promptly report the incident to and confer with the Coordinator or with one of the designated College Counselors for Issues of Discrimination and Harassment ("Counselors"). Information can be found in the DOS Office (Old Main 102).

VII. PROCEDURES FOR DEALING WITH DISCRIMINATION; HARASSMENT; SEXUAL VIOLENCE OR RETALIATION

Any person who perceives himself or herself to be the victim of discrimination, harassment, sexual violence or retaliation in violation of this policy should promptly take one or more of the procedural steps described below, as applicable. It is not necessary that they all be taken or that they be taken in order. The College encourages, but does not require, that prior to invoking the Formal Complaint Procedure an individual utilize the Informal Complaint Procedure. If the Informal Complaint Procedure is utilized it may be ended and the process may be moved to the Formal Complaint Procedure at any time. The Informal Complaint Procedure will not be used for complaints involving sexual violence.

A. Self-Help

An initial course of action for any faculty, staff, or student who feels that he/she has been discriminated or retaliated against or harassed may be for that person to emphatically tell or otherwise inform the person that the conduct is unwelcome, offensive, violates this policy, and must stop. This may solve the problem, and, if it does, further proceedings will usually not be necessary. It is not required that self-help be used before utilizing any of the other procedural steps.

B. Counseling

An individual who perceives himself/herself as victim of discrimination, harassment or retaliation may also contact one of the designated Counselors for advice and counsel. This should be done promptly. The Counselor initially will:

1. Help the person determine if the perception of discrimination, harassment or retaliation is valid;
2. Discuss the rights of the person under this policy;
3. Discuss possible methods the person could take to eliminate the unwanted conduct, whether or not it is discrimination, harassment or retaliation;
4. Counsel the person. If the Counselor believes that an issue of discrimination, harassment or retaliation is not present, the Counselor will advise the person of this. If the Counselor believes such an issue is or may be present, the Counselor will help the person determine the proper steps to take, including any further steps under this policy, to eliminate the improper conduct and prevent similar incidents in the future.
5. Keep all information confidential to the greatest extent possible. The Counselor must, however, notify the Coordinator of the incident so that the Coordinator can decide whether to pursue an independent investigation of the incident.
6. Decide whether the matter should be documented. If the matter is documented, the file will be sent to the Coordinator to be maintained for at least six (6) years.

C. Informal Complaint Procedure

If the person who believes that he/she has been the victim of discrimination, harassment or retaliation decides that he/she wishes to file a complaint, and that the matter should be pursued with the alleged offender, the person must notify a Counselor and give that Counselor written permission (e-mail from College e-mail address is acceptable) to initiate the informal complaint procedure. The person who believes that he/she has been the victim of discrimination, harassment or retaliation will be identified as the "complainant" and the alleged offender will be identified as the "respondent". The Counselor shall notify the Coordinator who shall appoint an Investigator from the pool of Counselors (which may include the Coordinator) to:

1. Apprise the respondent of the charge.
2. Elicit from the respondent an explanation of what occurred from his/her perspective.
3. Gather any other information or conduct any investigation or other interviews the Investigator believes necessary.
4. Attempt in a non-legalistic, non-threatening manner to facilitate a solution acceptable to both the complainant and the respondent.
5. Act as a mediator if this appears to be advisable, including, if deemed appropriate by the Investigator and Coordinator, conducting a meeting between the complainant, the respondent, and the Investigator, if the complainant agrees.
6. Keep the Coordinator apprised of the status of the complaint and, when appropriate, secure advice from the Coordinator regarding the handling of the complaint.
7. Take such other steps deemed appropriate by the Investigator and/or the Coordinator. During this informal complaint procedure, it shall be the responsibility of the Counselor to the complainant to:
 - If deemed appropriate by the Counselor, assist the complainant with the development of a written communication to the alleged offender outlining the perceived improper behavior and asserting that the complainant would like the behavior to stop.
 - Assist the complainant in preparation for any facilitated meetings with the respondent.
 - Outline to the complainant the options available under this policy. Including the formal procedure described below.

If, after conferring with both the complainant and the respondent, the Investigator believes that an issue of discrimination harassment or retaliation is or may be present which cannot be successfully mediated, and provided the complainant agrees, the case will proceed to the Formal Complaint Procedure phase. If the Investigator believes that such an issue is or may be present and the complainant does not agree to proceed with these remedies, the Investigator shall refer the matter to the Coordinator who shall decide whether to proceed in accordance with Section VII of this policy. If the Investigator believes mediation (e.g. informal dispute resolution managed by the Investigator in consultation with the Coordinator) is an option, the Investigator will attempt mediation, forwarding the case to the Formal Complaint Procedure phase only if, in the judgment of the Investigator, mediation has not been successful, and provided the complainant also agrees to the Formal Complaint Procedure. (A respondent does not have the option to move a charge to the Formal Complaint Procedure phase.) If the Investigator believes an issue of discrimination, harassment or retaliation is not present, or that mediation or other steps taken have successfully resolved the problem, the Investigator will advise the complainant of this, and no further proceedings will result; however, this determination will be made only after the Investigator's consultation with the Coordinator and with the approval of the Coordinator. In the case of a disagreement between the Coordinator and the Investigator, the Coordinator's decision shall control.

A written summary of the investigation and of the actions taken under this informal complaint procedure will be prepared by the Investigator and, together with any other documentation, will be maintained in a file in the office of the Coordinator for at least six (6) years.

D. Formal Complaint Procedure

1. A written complaint will be given to the President within a reasonable time, not to exceed sixty (60) working days, excluding summer months, from completion of the informal complaint procedure or in the case of sexual violence at the time the complaint is filed. The complaint will be prepared by the complainant with the assistance of the Counselor who assisted the complainant during

the informal complaint procedure. A copy of the complaint shall be delivered to the respondent at the time that it is delivered to the President.

2. Formal Hearing Committee Pool

A pool of Canisius personnel to serve as members of formal hearing committees ("Pool") will be established as follows:

a. The pool will consist of four (4) representatives, two (2) of whom shall be females and (2) of whom shall be males, from each of the following constituencies:

- Faculty - members selected with input from the Faculty Senate
- Administration - selected by the President
- Students - members chosen by U.S.A. in consultation with the Dean of Students (DOS)
- Administrative Associate/technical - selected by the Director of Human Resources
- Maintenance/Housekeeping - selected by the Director of Human Resources in consultation with the Director of Facilities
- Public Safety - selected by the DOS in consultation with the Director of Public Safety
- "Counselors" as defined in this policy may not be members of the Formal Hearing Committee Pool.

b. The President may consider the appointment of additional members to ensure that the Pool has sufficient diversity to represent the college community generally.

c. The term of service in the Pool (except students) will be for (3) years with the possibility of re-appointment. The term for students will be one year with the possibility of re-appointment.

d. Members of the Pool may be augmented in the event more than one formal hearing is being or is to be conducted or at the discretion of the President.

3. Within ten (10) working days after receipt of the written complaint, the President will appoint a chair of the hearing committee from the Pool. There will be five (5) persons on the hearing committee, including the chair.

4. The remaining four (4) members of the hearing committee will be selected from the Pool by the complainant and the respondent within ten (10) working days after appointment

of the chair, with two (2) members to be designated by the complainant and two (2) members to be designated by the respondent.

5. Within twenty (20) working days of finalizing the hearing committee, the chair will call (an) organizational meeting(s) of the committee, at which the committee will review the specific

procedures for the conduct of the hearing set forth in Appendix A of the Hearing Procedures Section of the Community Standards.

The complainant and respondent will be apprised of the procedure by the chair of the committee. The committee will also set a meeting time for a formal hearing. The chair will endeavor to schedule the hearing no later than twenty (20) working days after the organizational meeting(s), but in no event later than forty (40) working days after the organizational meeting(s).

6. Prior to the hearing date, the chair of the committee will also contact the Coordinator to determine if either the complainant or the respondent have previously made or been the subject of a discrimination, harassment or retaliation complaint. Such evidence will be admissible at the hearing if it is deemed relevant to the present complaint by the chair of the committee. If such evidence is admitted, the chair of the committee will notify the affected party at least two (2) days prior to the hearing date. The affected party shall have the opportunity to comment or present evidence with regard to those prior complaints.

7. At the formal hearing, the hearing committee will observe the guidelines outlined in Appendix A of the Hearing Procedures Section of the Community Standards. Within five (5) working day of the end of the hearing either party may submit a written statement to the chair. A copy of that statement must be given to the other party. Rebuttal may be allowed at the sole discretion of the chair in consultation with the committee.

8. Within ten (10) working days after the submission of written statements, including any rebuttal statements, the committee will meet and render a written recommendation to the President that will contain detailed findings of fact with respect to the incident and how those facts do or do not constitute discrimination, harassment or retaliation within the meaning of this policy. Copies of the recommendation will be sent to both parties.

9. Parties who are members of the faculty may request review of the committee's recommendation by the Committee on Faculty Status in accordance with the Faculty Handbook. This request must be made in writing within ten (10) working days after receipt by that party of the hearing Committee's recommendation. The Committee on Faculty Status shall submit a recommendation to the President, consistent with the scope of the Committee's charge within thirty (30) working days of a request for review.

10. After receiving the recommendation from the hearing committee, and in the case of faculty, after also receiving a recommendation from the Committee on Faculty Status in the event a faculty member requests review by that body, the President will render a decision in writing setting forth the reasons for the action taken. The decision will be rendered within ten (10) working days and communicated to both parties, the chair of the hearing committee, and, if appropriate, to the chair of the Committee on Faculty Status.

11. The President is not bound by the recommendation of the hearing committee or, where applicable, the recommendation of the Committee on Faculty Status. The President's decision is in the President's own judgment and discretion and is final.

12. All records concerning the Formal Complaint Procedure process shall be forwarded to the Office of the President together with the recommendation of the hearing committee. After decision by the President, the entire file shall be forwarded to the Coordinator where it will be maintained for a period of at least six (6) years.

13. Any determination as to whether discrimination, harassment or retaliation has occurred shall be based on a preponderance of the evidence standard.

E. Discrimination, Harassment and Retaliation

Involving Only Students

Every effort has been made to make this policy and the procedures set forth herein consistent with the Community Standards Policy for students. Normally, a complaint by a student of discrimination, harassment or retaliation by another student made to the Coordinator will be referred to the DOS or designee and will be handled in accordance with the Community Standards Policy if it proceeds past the Informal Complaint Procedure.

F. College Investigations

There are times when an individual who perceives himself/herself to be the victim of discrimination, harassment, sexual violence or retaliation in violation of this policy will be reluctant to pursue the remedies provided in this section. Similarly, the College may become aware of an alleged incident of discrimination, harassment, sexual violence or retaliation even though the alleged victim has not reported it. Such incidents pose legal risks for the College as an institution and, therefore, the College retains the right to conduct its own investigations into such incidents and take appropriate measures even in the case of an alleged victim who is unwilling to report or pursue the matter.

G. Disciplinary Sanctions

Disciplinary actions for employees for discriminatory, harassing, or retaliative behavior as determined following an informal or formal hearing may include one or more of the following: work restrictions • requirement to attend training or other education • requirement to obtain counseling • salary reduction or limitation • an oral warning • a written reprimand • suspension • dismissal • expulsion.

H. Malicious, False Accusations

If a claim of discrimination, harassment or retaliation (whether made through the Informal or Formal Complaint Procedure) is determined by the Coordinator (in the case of the Informal Complaint Procedure) or the hearing committee (in the case of the Formal Complaint Procedure) to be both false and brought with malicious intent, the matter will be sent to the President by the Coordinator with a report and a written recommendation. The complainant may be subject to the disciplinary sanctions set forth in Section G. The determination of whether a complaint is both false and brought with malicious intent shall be determined under a substantial evidence standard, which is higher than a preponderance of the evidence, and shall consider the matter from the perspective of both an objective reasonable person and the subjective view of the person making the complaint.

I. Notification of Findings

All parties to a complaint will be notified of the outcome of the college's processing of the complaint. Typically, such notification will only be whether or not discrimination, harassment or retaliation was found to have occurred. In certain situations, the complainant may also be informed of the discipline imposed on the respondent where the discipline directly relates to the complainant.

VIII. DOCUMENTATION

Documentation can be informal handwritten notes taken by the Coordinator or a Counselor while speaking with an individual; it can be documentary or testimonial evidence submitted during an investigation or a hearing; it can be a written recounting of a process or its results; or it can be an explanation prepared for the record or for the President as to why an investigator or a hearing committee took a particular step or reached a particular decision with regard to a discrimination, harassment, or retaliation complaint.

Documentation can be in any form; it is what is created in order to better explain in the future what went on or occurred in the past. Except for the counseling stage, any resolutions under this policy must be documented, even if there is no corrective action taken beyond informal mediation by an investigator.

The amount of documentation which is reasonable and prudent with regard to any of the processes outlined in this policy is left to the judgment of the Coordinator and the Coordinator shall from time to time prescribe forms or required documents for the process established by this Policy.

All documentation required to be maintained by the Coordinator shall be available only to the Coordinator or any other person conducting an investigation under Section VII of this policy (except as may be required for a formal hearing as provided in Section VII.E.6), the College's legal counsel and the President.

IX. CONFIDENTIALITY

It is to be expected that, at all stages of any proceedings under this policy, confidentiality will be maintained to the greatest extent possible. It is believed that, as a general rule, this is the best course to be followed by all involved and the best situation for a collegial community such as Canisius College.

Consistent with their obligations, the Coordinator, Counselors, Investigators, members of any hearing committees, members of the President's staff, and staff members necessarily involved such as College human resources personnel, are expected to maintain the highest standards of confidentiality. Communication by these persons with others with regard to harassment, discrimination, or retaliation complaints can be only on a required "need to know" basis. (However, claims of confidentiality about a discrimination,

harassment, or retaliation matter cannot be asserted when the person requesting information has the requisite “need to know.”) Others necessarily involved such as the complainant, the respondent, witnesses, etc., should be encouraged by Counselors and/or the hearing committee to keep confidential to the greatest extent possible matters about which they or others provide testimony or information. However, it must be recognized by those involved in procedures under this policy that, with regard to such individuals, other than by attempting persuasion, the College has no means by which to ensure strict confidentiality.

X. DUTIES OF THE COORDINATOR

The Coordinator for the Implementation of the Discrimination and Harassment Policy shall:

- A. Publicize this policy on a periodic basis;
- B. Conduct any training considered advisable with regard to this policy or issues under this policy;
- C. Act on complaints directed to the Coordinator or which otherwise come to the Coordinator’s attention;
- D. With the approval of the President, appoint College Counselors for Issues of Discrimination and Harassment in sufficient numbers to implement this policy;
- E. Coordinate a regular review of, and update as necessary, the formal hearing committee pool.
- F. Assign Counselors to assist persons who perceive themselves victims of harassment; discrimination or retaliation and monitor the handling of the matters by the Counselors;
- G. Act as an advisor to the Counselors;
- H. Implement any corrective actions to be taken under this policy;
- I. Act as an advisor to the President with regard to this policy and perform such other duties as may be assigned by the President in connection therewith;
- J. Act as an advisor to the College community with regard to issues of discrimination, harassment and retaliation; and
- K. Maintain the records required to be kept under this policy.

XI. RELIGIOUS FREEDOM

Nothing in this policy shall or is intended to restrict the ability of the College to exercise its religious freedom under federal or state law.

APPENDIX A: HEARING PROCEDURES

1. Pre-Hearing Procedures

Once the President has appointed a Chair for the hearing committee, the chair will contact both the complainant and respondent to schedule a pre-hearing meeting. The complainant and respondent shall have separate pre-hearing meetings with the chair to discuss the following: the hearing process, the complainant’s/respondent’s responsibilities while preparing for the hearing, and the available services. At the pre-hearing meeting:

- a. The complainant/respondent shall be informed that an advisor/counselor may be obtained to provide assistance while preparing for the hearing and to be present at the hearing.
- b. The role of the advisor/counselor shall be explained.
- c. The complainant/respondent shall be informed that if he or she chooses to have an advisor/counselor during the hearing process, the name of that person shall be presented to the chair as soon as possible, and not less than two (2) business days prior to the scheduled hearing.
- d. The permitted types of witnesses and information shall be explained.
- e. The complainant/respondent shall be informed that if he or she chooses to present witnesses and/or written statements, the names of all witnesses and/or copies of the statements shall be presented to the chair not more than two business days after the pre-hearing meeting.
- f. The complainant/respondent shall be informed of the opportunity to present a statement about the incident in question at the hearing.
- g. The process of the hearing shall be explained.
- h. The complainant/respondent shall be informed of the availability of the chair to answer any procedural questions pertaining to the hearing. The complainant/respondent shall be responsible for securing an advisor/counselor and determining and contacting appropriate witnesses prior to submitting their names to the chair.

2. Advisors

The complainant and respondent may be advised/counseled by any member of the Canisius community. Advisors/counselors may be present during the hearing; however, advisors/counselors shall not address the hearing committee or question witnesses.

3. Hearing Committee Preparation

The hearing committee shall receive all written materials prior to the scheduled hearing. The hearing committee shall meet before the scheduled hearing in order to review the complaint and prepare for the process of the hearing.

4. Hearing

a. Attendance

The hearing shall be private and closed and shall be attended only by members of the hearing committee, the complainant, the respondent, their advisors/counselors, and their witnesses. In hearings involving more than one respondent, the chair, in his or her discretion may permit the hearings concerning each respondent to be conducted either separately or jointly. The hearing committee may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, respondent and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined by the sole judgment of the chair.

b. Record of the Hearing

A single verbatim recording of the hearing shall be made by the chair. Deliberations shall not be recorded. No other recording shall be made. This record shall be confidential and shall be the property of the College. All records concerning the Formal Complaint Procedure process shall be forwarded to the Office of the President together with the recommendation of the hearing committee.

After the decision by the President, the entire file shall

be forwarded to the Coordinator where it will be maintained for a period of at least six (6) years. The recording shall be available to the complainant and respondent for use only during an appeal and only in the office of the chair.

c. Role of the Hearing Committee Chair

The chairperson of the hearing committee shall preside over the hearing and shall be responsible for governing the hearing procedure. All procedural questions shall be subject to the final direction and discretion of the chair. The chair of the hearing committee shall introduce members of the hearing panel and ask all hearing participants to identify themselves. All statements and questioning shall be at the direction and discretion of the chair. The chair may limit or exclude the statements or questioning of any hearing participant to the extent that such statements or questioning is repetitive of matters previously presented or is not relevant to the incident in question. The chair may recess the hearing at any time.

5. Hearing Procedures

a. The chair shall make opening remarks.

b. The complainant shall have the opportunity to present a statement about the incident in question. The respondent shall then have the opportunity to present a statement about the incident in question.

c. After the statements by the complainant and the respondent, members of the hearing panel shall have the opportunity to question both the complainant and the respondent.

d. The complainant shall be offered the opportunity to present pertinent records, exhibits and written statements (including impact statements) relevant evidence and witnesses, one at a time, in accordance with the explanation provided during the pre-hearing meeting. Members of the hearing committee shall have the opportunity to question at the conclusion of each witness statement. The complainant and respondent shall have the opportunity to question at the conclusion of each witness statement. The chair shall permit witnesses to be present in the hearing room only during their statements and subsequent questions, if appropriate.

e. The respondent shall be offered the opportunity to present, one at a time, pertinent records, exhibits and written statements (including impact statements) in accordance with the explanation provided during the pre-hearing meeting. Members of the hearing committee shall have the opportunity to question witnesses at the conclusion of each witness statement. The complainant and respondent shall have the opportunity to question witnesses at the conclusion of each witness statement.

f. Members of the hearing committee shall have the opportunity to ask final questions. The complainant and the respondent shall be asked if they have any other statements they wish to present.

g. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in these proceedings.

JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY

Canisius complies with the Jeanne Clery Disclosure of Campus Security Policy and the Campus Crime Statistics Act by making available information on campus security and personal safety. This information includes crime prevention, public safety, law-enforcement authority, crime reporting policies, disciplinary procedures, and other important matters about security on campus.

Also available are statistics for three previous calendar years on reported crimes that occurred on campus, in certain off-campus buildings or property owned or controlled by Canisius, and on public property within or immediately adjacent to and accessible from the campus. The Canisius Advisory Committee on Campus Safety will provide upon request all campus crime statistics as reported to the United States Department of Education.

This information is available on-line at canisius.edu/campus-life/public-safety/.

ALCOHOL/DRUG/SMOKING POLICY

I. INTRODUCTION

It is the position of Canisius to promote informed choices about the use of alcohol and drugs on and off campus by all members of the community.

Members of the College community are subject to all federal, state, county and municipal laws and ordinances as well as College regulations and policies regulating the possession, use, sale, and purchase of alcoholic beverages and drugs. Students must be at least 21 years of age to consume or possess alcohol on Canisius property. Furthermore, the use, possession or distribution of illegal drug-related paraphernalia, narcotics or other controlled substances except as expressly permitted by federal, state and/or local law is prohibited. The misuse of prescription drugs and other products being used other than intended is also prohibited.

Since the responsible use of alcohol by those of legal drinking age is permitted, the following policies and procedures apply for the possession, use, sale, purchase, and service of alcoholic beverages:

II. GENERAL

Engaging in activities that promote irresponsible drinking (e.g. drinking games, chugging contests, or any means where alcohol is consumed as part of a competition) is not permitted. Public intoxication and/or drunken behavior, which result in the destruction of property, or actions that are disrespectful is prohibited. Open alcohol containers are not permitted in public areas of the College, nor may open containers of alcohol be transported on College property.

Alcohol at athletic events is strictly prohibited, except at events held at the First Niagara Harbor Center, which shall be governed strictly by Center policy. Any violation of Center policy shall be considered a violation of the Canisius policy.

No consumption or possession of alcoholic beverages will be permitted on buses or other transportation to and/or from on or off campus events.

Possession and/or use of false identification for the purpose of, but not limited to, obtaining alcohol or gaining access to an establishment that serves alcohol is a violation of this policy.

Providing alcoholic beverages to any person who is under 21 years of age is prohibited.

III. SPECIFIC

A. Residence Life

The possession and consumption of alcoholic beverages on college property is not permitted by anyone who is not of legal drinking age, 21. Legal-age residents are permitted to possess and responsibly consume alcoholic beverages in their rooms or in the room of another legal-age resident as long as the doors to the rooms remain closed. Legal-age residents may be held responsible for irresponsible drinking. No guest may provide or bring alcohol into any residence hall.

No large quantities of alcohol are permitted, including, but not limited to, beer balls and kegs. Any person found responsible for possessing a beer ball or keg shall be removed from residence. While the definition of a large quantity of alcohol remains subjective, responsible drinking is an expectation of community standards.

Delivery of alcohol by a retail or wholesale distributor to any College housing facility is prohibited.

Alcohol consumption and/or any alcohol open or closed container will only be permitted in private and not public areas of the residence halls. Based on the residential occupancy of the room, a party is defined as twice the number of residents assigned to that room, plus one ($2n + 1$).

Alcohol containers used as decorations or empty alcohol containers may be deemed as proof of consumption and are prohibited.

Being in the presence of anyone who is illegally consuming, possessing or selling alcohol or drugs is prohibited.

Anyone who is of legal drinking age cannot consume or possess alcohol in the presence of anyone who is not of legal drinking age (with the exception of one's roommate).

Registered guests who are of legal age also may responsibly consume alcoholic beverages in room(s) of legal-age residents. Residents may not make alcohol available to anyone who is not of legal age. Guests, even of legal drinking age, may not bring alcoholic beverages onto College property. Residents are responsible for the behavior of their guests and their following of this policy

B. Caffeinated Alcoholic Beverages

Alcoholic energy drinks or alcoholic beverages that contain caffeine are those that combine alcohol and caffeine, as well as other stimulants. These beverages normally have higher alcohol content than beer and contain stimulant additives that are not officially approved by the FDA for use in alcoholic drinks. While these additives can reduce a person's sense of intoxication by masking

alcohol's depressant effects, impairments to judgment and reaction time associated with drunkenness are not. This effect wears off faster than alcohol's effect so the drinker is left with more alcohol than he or she would have been able to tolerate, leading to "blacking out" and increased risk of engaging in violent or other high-risk physical behaviors.

Caffeinated alcoholic beverages include, but are not limited to, Bud Extra, CORE, Max Vibe, Four Loko, Joose, Sparks, Tilt, and Torque. Use or distributions of these beverages are prohibited for all members of the Canisius Community.

C. Events

Guidelines for public and private student-sponsored social events at which alcohol will be served can be obtained at the Office of Student Life.

IV. ADJUDICATION PROCESS

Anyone in violation of this policy shall be held accountable for their behavior through the College's Community Standards. In addition, alcohol or drugs possessed in violation of this policy are subject to confiscation.

All monies collected as a result of individual or group fines shall be placed into the DOS budget specifically for the administration of alcohol education programs.

The decision to notify parents of violations of the Alcohol and Drug Policy will be at the discretion of the DOS or designee. This decision shall be based upon the following considerations:

- Seriousness of the incident
- Previous disciplinary history
- Best interest of the student.

V. SMOKING

Canisius prohibits tobacco use and/or e-cigarettes, in any form, in all indoor areas and public areas on campus. Indoor and public areas also include, but are not limited to, restrooms, all campus buildings and college-owned housing, private offices, vestibules, entrances, exits, stairwells, college-owned vehicles and the Demske Sports Complex. Tobacco and/or e-cigarette use is limited to areas outside entrances and exits providing doors, windows, and air intake vents are closed. Any use must take place at least 25 feet away from any college owned building. Smokers must extinguish cigarettes and cigars in smoking receptacles located throughout the campus.

Canisius encourages all users of tobacco, in any form, to quit. Information on smoking cessation programs are available in the Student Health Center.

DRUG-FREE SCHOOLS & COMMUNITIES ACT

In accordance with the Drug-Free Schools and Communities Act Amendments of 1989, Canisius College is informing you about the College's policies on drugs and alcohol and about the health risks associated with their use.

The abuse of alcohol and the use of illegal drugs by members of the Canisius community are incompatible with the goals of an academic institution. In order to ensure that alcohol and illegal drugs do not interfere with the goals of the College, substance abuse programs have been developed which apply to the College as both an educational institution and a workplace. The programs are designed to:

- Establish and enforce clear policies for employees and students that promote an educational environment free from the abuse of alcohol, abuse of prescription drugs, and use and abuse of illegal drugs.
- Educate all members of the campus community about the health risks associated with the use of illegal drugs, the abuse of alcohol, and the abuse of prescription drugs.
- Create a campus environment that promotes and reinforces healthy, responsible living and respect for community and campus standards and regulations.
- Provide a reasonable level of care for individuals experiencing chemical use and abuse problems through counseling, treatment and referral.

Canisius prohibits the unauthorized possession, use, manufacture, distribution, or sale of alcoholic beverages by its employees or students on its property or as part of any of its activities. Further, while on its property or as part of any College activity employees and students are prohibited from using drugs, possessing drugs or drug paraphernalia and from selling or otherwise distributing drugs.

Violations of these policies will result in immediate sanctions consistent with the College's employee and student disciplinary procedures, and local, state and federal law. This may include but is not limited to counseling, mandatory participation in an appropriate rehabilitation program, fines, participation in community service, unpaid suspension from employment, loss of certain campus privileges, termination of employment, and/or referral for prosecution.

HEALTH RISKS

Canisius is committed to educating members of the community on alcohol abuse and other drug use. Teaching and learning can be impaired by alcohol and drug use. The College, therefore, has an explicit concern for the alcohol and drug use of its students, faculty, and staff.

Alcohol – Alcohol consumption causes a number of changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely. Low to moderate doses of alcohol can increase the incidence of a variety of aggressive acts, including harassment and assault. Recent studies have shown that in incidents of campus date and acquaintance rape increase when, both the perpetrator and the victim had been using alcohol. When alcohol is abused, all systems of the body are affected. The effects on the central nervous system include poor memory, premature aging of the brain and loss of reasoning ability. Continued abuse can lead to dependence, which can lead to permanent damage to vital organs such as the liver.

Cannabis (Marijuana, Hashish) – Users of marijuana can experience increased heart rate, dry mouth, and throat and increased appetite. Smoking Marijuana irritates the lungs and can lead to chronic cough, phlegm production, and lung infections. Some research has identified a link between marijuana use and increased risk for mental illnesses such as depression, psychosis, anxiety and personality disorders. Additional research suggests that marijuana use affects brain development when used by adolescents and young adults. In this age group there is a decline in cognitive functioning that could be permanent. In 2014 New York State passed the Compassionate Care Act, which allows the use of non-smoke able marijuana for individuals with identified medical conditions that are severely debilitating or life threatening for which marijuana is likely to be therapeutic or palliative. Use of medical marijuana at work or school can threaten productivity, work quality, personal and work place safety.

Cocaine/Crack – Cocaine users often have a stuffy, runny nose with eczema around the nostrils and possible perforation of the nasal septum. Immediate effects of cocaine include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature. Crack or freebase rock cocaine is extremely addictive, and its effects are felt within 10 seconds. Crack and cocaine can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, convulsions, and even death.

Hallucinogens – Lysergic acid (LSD), mescaline, and psilocybin cause delusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness and tremors. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashback, can occur even when use has ceased. Phencyclidine (PCP) interrupts the functions of the neocortex, the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries. The effects of PCP vary, but users frequently report a sense of distance and estrangement. Speech is incoherent, coordination worsens, and senses are dulled. In later stages of chronic use, users often exhibit paranoid and violent behavior and experience hallucinations.

Heroin – Heroin is an opiate drug that causes the body to have diminished pain reactions. Some of the risks associated with the use of heroin include the slowing of the heart rate so much so that coma and death can be induced.

Narcotic Analgesics – Narcotic analgesics, such as hydrocortone, oxycodone, lortab, vicodin or other opiate derivatives, either medically prescribed or illicit use, can lead to physical and psychological dependency. Health effects can include drowsiness, anxiety, nausea, mood swings, impaired judgment, delayed response or reaction, and emotional numbness. Use of narcotic analgesics while at school can threaten productivity, work quality, personal safety and the safety of fellow students.

Synthetic Cathinones (“Bath Salts”) – The term “bath salts” refers to an emerging family of drugs containing one or more synthetic chemicals related to cathinone, an amphetamine-like stimulant found naturally in the Khat plant. Reports of severe intoxication and dangerous health effects associated with the use of bath salts have made these drugs a serious and growing public health and safety issue. Bath salts are typically taken orally, inhaled, or injected, with the worst outcomes being associated with snorting or needle injection. The synthetic cathinones in bath salts can produce euphoria and increased sociability and sex drive, but some users experience paranoia, agitation, and hallucinatory delirium; some even display psychotic and violent behavior, and deaths have been reported in several instances.

MDMA (Ecstasy or Molly) – MDMA (3,4-methylenedioxy-methamphetamine), popularly known as ecstasy or, more recently, as Molly, is a synthetic, psychoactive drug that has similarities to both the stimulant amphetamine and the hallucinogen mescaline. MDMA is taken orally, usually as a capsule or tablet. It produces feelings of increased energy, euphoria, emotional warmth and empathy toward others, and distortions in sensory and time perception. Health effects include increased heart rate and blood pressure, which are particularly risky for people with circulatory problems or heart disease. MDMA users may experience other symptoms such as muscle tension, involuntary teeth clenching, nausea, blurred vision, faintness, and chills or sweating. Some heavy MDMA users experience long-lasting confusion, depression, sleep abnormalities, and problems with attention and memory.

Please note the above list is only a sampling of drugs, and by no means a complete one. Non-labeled use of prescription drugs, abuse of prescription drugs, unsafe use of prescription drugs, club drugs, nicotine, as well as inhalants are other drugs that pose health risks. For a complete list, go to the National Institute on Drug Abuse web site at <http://www.drugabuse.gov/>.

All members of the Canisius community are urged to familiarize themselves with the specific policies on alcohol and drug use. Additional information about the health risks associated with use and abuse can be found in the Library, the Student Health Center

and the Counseling Center. Information about New York State statutes and applicable penalties for violations can be found in the Library and by contacting Canisius Public Safety at Ext. 2330.