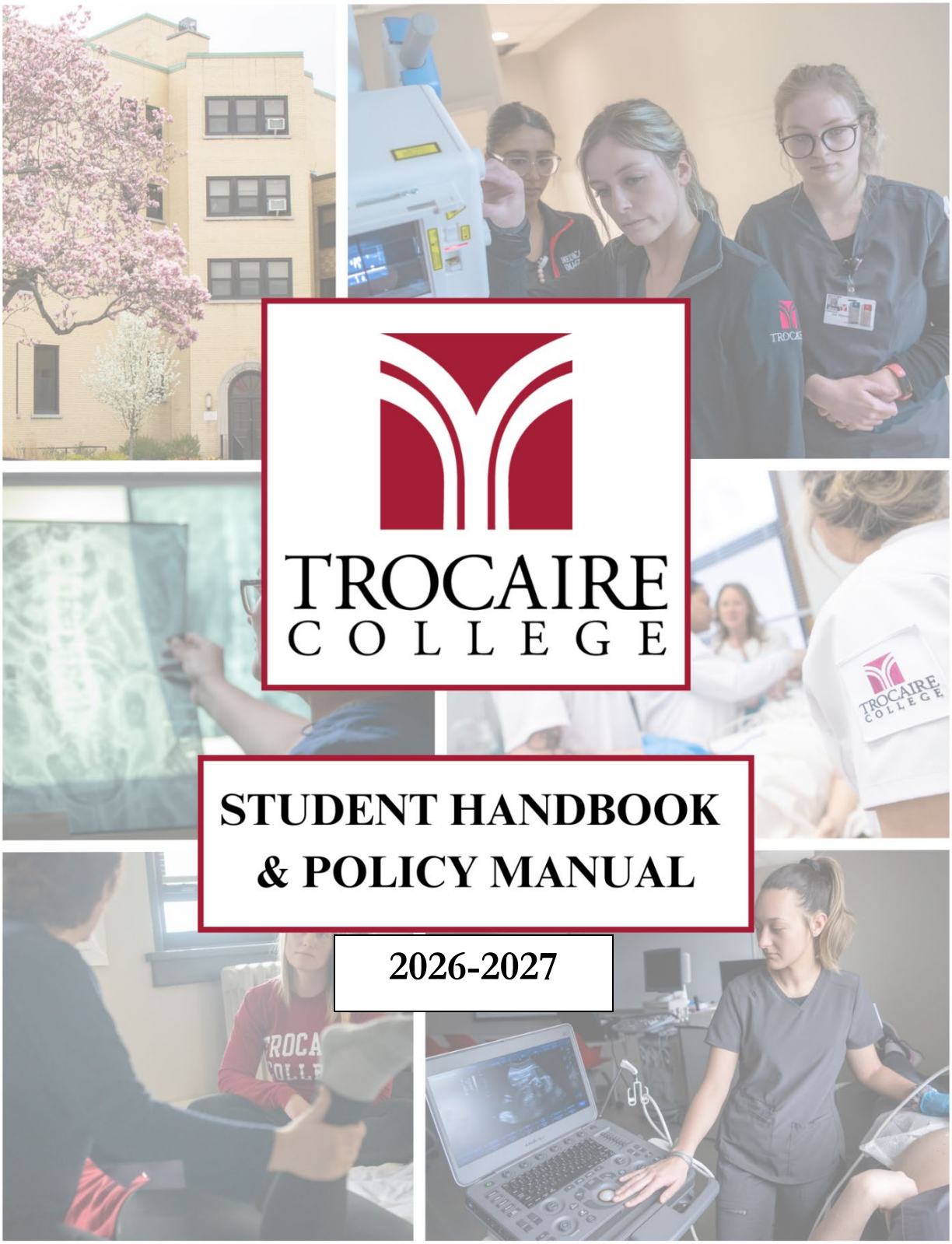


TROCAIRE
COLLEGE

STUDENT HANDBOOK & POLICY MANUAL

2026-2027

TABLE OF CONTENTS

SECTION I: COLLEGE OVERVIEW 5
2026-2027 Academic Calendar..... 5
College Catalog and Academic Policies..... 5
Mission Statement..... 5
Definition of Student Success..... 5
Our Mercy Heritage: Catherine McAuley and the Sisters of Mercy.....6
Our Trocaire History..... 6
Respiratory Illness Protocols.....7
Trocaire Locations..... 7
Vision Statement..... 7

SECTION II: MANUAL OVERVIEW 8

SECTION III: ACADEMIC AND STUDENT SUPPORT SERVICES 9
Academic Support Center 9
Academic Advisement 9
Academic Coaching.....9
Academic Success Skills Workshop.....9
Career Counseling..... 9
Career Services.....10
Group Study.....10
Laptop Loan.....10
Palisano Learning Center (PLC) 10
Peer and Professional Tutoring.....10
Program Transfer & Transfer Counseling 10
Student Services..... 10
C-Step.....11
Division of Student Success.....11
Wellness Center..... 12
Accessibility Services..... 12
Counseling Services..... 12
Health Records 12
Tranquility Room.....12
Wellness Committee.....12
Wellness Programming.....13
Student Life 13
Inclusivity/Diversity.....13
In-Person Orientation for First-Time College Students.....13
Online Orientation..... 13
Student Clubs..... 13
Student Government Association.....14
Student Planner..... 14
Student Records and Registration (Registrar's Office) 14
Financial Aid.....14
Student Accounts..... 15
Financial Hold.....15
Financial Liability Agreement..... 15

Late Payment……...16
Refunds……... 16
Tuition Liability Policy…… 17
Libraries…… **17**
Mission Office…… **18**
Campus Ministry……19
Catherine's Cupboard……. 19
Corporate Volunteer Service Days……...19
Mercy Action Project (MAP): Roadmap to Living Trocaire's Mission……. 20
Sacred Space……... 20
Sister Sally Walz RSM Student Emergency Fund…… 21
Trio Student Support Services…… **21**
Trocaire Opportunity Program (HEOP) ……... **22**
Technology……**22**
Blackboard Learn Ultra (Learning Management System) ……23
IT Help Desk……. 23
Microsoft 365 and Teams……23
Printing …… 23
Student Computer Access……23
Student Portal (E-Student)…… 23
Trocaire Email……23
Technology Requirements for IT Devices…… ... 24
Veteran Services……**24**
Beverage and Food Options……**24**
Bookstore……...**25**
Lost and Found……... **25**
Shuttle……**25**
Student Identification Cards …… **25**
Voter Registration Forms ……... **25**

SECTION IV: STUDENT POLICIES **26**
Student Code of Conduct…… **26**
Policy No. 523: Family Educational Rights and Privacy Act (FERPA)…… **41**
Non-Discrimination and Title IX…….....**46**
Policy No. 129: Nondiscrimination and Anti-Harassment Policy……**47**
Policy No. 124: Against sexual violence, dating & domestic violence, & stalking……. **53**
Policy No. 602: Bias-related Crimes…… **69**
Policy 329: Transcript Notation Policy and Appeals…… **70**
Policy No. 604: Student Drug and Alcohol Policy…… **72**
Policy No. 802: Smoke-Free and Tobacco-Free Campus Policy…… **75**
Policy No. 328: Weapons on Campus……**76**
Policy No. 522: Identifying and Providing Access to Students with Disabilities…….. **76**
Policy No. 125: Service Animals on Campus……... **78**
Policy No. 564: Student Policy on Immunizations…… **81**
Policy No. 889: Non-enrolled Minors on Campus……... **85**
Policy No. 540: Mercy Action Project (MAP) Graduation Requirement ……**85**
Policy No. 557: Fundraising by Student Organizations……**87**
Guest Speaker Policy for Student Organizations…… **88**

Policy No. 182: Acceptable Use of Technology – Employees, Students, & Guests…... 89
Policy No. 357: Closing of the College for Weather or Other Emergencies……... 90
Assessment of Late Fees for Veteran Students and Dependents…… 91

SECTION V: SAFETY & SECURITY 93
Emergency Contact Numbers…… 93
Campus Map……... 93
Ongoing Safety Messages……93
Crime Prevention…… 94
Annual Security Report Information……...94
Crime Reporting Statistics Policy……... 94
Investigation of Violence Felony Offenses…… 95
Timely Warning……95
Emergency Notification System…… 96
Emergency Procedures and Response…… 96
Access to College Facilities…… 97
Limited Voluntary Confidential Reporting…… 97
Fire…… 97

SECTION I: COLLEGE OVERVIEW

2026-2027 Academic Calendar
The Academic Calendar has all the official College dates for the school year and is found by visiting the Academic Calendar link on our Academic Resources page.

College Catalog and Academic Policies
The College Catalog is a publication describing academic programs, student services, and general regulations, requirements, and procedures. The publication describes all classes offered by the institution and provides information about academic programs and policies. This document can be found on our Academic Resources page in the Course Catalog section.

Mission Statement
Trocaire College, a private, career-oriented Catholic college, in the spirit of the Sisters of Mercy, strives to empower students toward personal enrichment, dignity, and self-worth through education in a variety of professions and in the liberal arts. Recognizing the individual needs of a diverse student body, Trocaire College provides life learning and development within a community-based environment. Trocaire College prepares students for service in the universal community.

Definition of Student Success
Individuals who seek the opportunity to transform their lives through education at Trocaire College are successful when they become employed and attain transferable skills through the completion of their academic program, which is provided through a caring and supportive community, inspired by Mercy values.

Our Mercy Heritage: Catherine McAuley and the Sisters of Mercy
All Sisters of Mercy worldwide (and the institutions they established) trace their roots to their founder, Catherine McAuley, an Irish-Catholic laywoman. Catherine recognized the many needs of people who were economically poor in early nineteenth-century Ireland and concluded that she, and women like her, could make a difference in their lives. Spending a sizable inheritance, she opened the first House of Mercy on Lower Baggot Street in Dublin, Ireland on September 24, 1827, a place to shelter and educate women and girls.

Catherine's original intention was to assemble a lay corps of Catholic social workers for the task. However, impressed by her good works and the importance of sustaining this vital work among the poor, the Catholic Archbishop of Dublin suggested that Catherine establish a religious order. Three years later, on December 12, 1831, Catherine and two companions became the first Sisters of Mercy.

In the ten years between the founding of the order and her death in 1841, she established 14 independent convents in Ireland and England dedicated to serving the most vulnerable of society, which was largely women and children. In fact, all Sisters of Mercy take a vow to serve the poor as part of their commitment to religious life. Today, the Sisters of Mercy maintain a strong presence throughout the world and are deeply involved in education, health care, pastoral ministry, and social services.

Our Trocaire History
Trocaire College was founded in 1958 in the City of Buffalo by the Sisters of Mercy as Sancta Maria College, offering higher educational opportunities to women of the order. The College gained distinction early in the field of nursing and health science education. In 1967, the College's name was officially changed to Trocaire, Gaelic for mercy, to honor the heritage of the founding sisters. Trocaire granted admission to lay female students in 1965 and male students in 1972.

The College has evolved extensively over the past 50 years as it has arrived at its current structure. It confers several associate and bachelor's degrees with an emphasis on the health care professions. In 2008, the College expanded its offerings with the Russell J. Salvatore School of Hospitality and Business, with an extension site in Williamsville, NY, and later in 2012, with a Massage Therapy Program.

The Trocaire College of today is a vibrant, multi-dimensional, co-educational Catholic college that continues to operate in the spirit of the Sisters of Mercy. Trocaire is an active member of the Conference for Mercy Higher Education.

Trocaire College changes the trajectory of the lives of its students, helping students of promise recognize their own talents and maintain their own motivation while providing them with the means by which to grow intellectually and emotionally. Buffalo employers seek graduates of Trocaire across the service industries for their exceptional character, skill, and dedication. Alumni of Trocaire College can be counted upon to work collaboratively to excel in their professions. To learn more about Trocaire's history, visit Our History.

Respiratory Illness Protocols
In accordance with New York State COVID-19 guidelines, Trocaire College has implemented several new policies and procedures designed to ensure the health and safety of everyone who steps foot on campus, while at the same time continuing to deliver a Best-in-Class educational experience to students. Guidelines continue to evolve, and the College receives updates from the state and other entities on a near-daily basis. Please visit the Respiratory Illness Resources website for the most up to date information.

Trocaire's Locations
Trocaire's address and maps to all College locations can be found here: Maps and Directions.

Vision Statement
Trocaire College is where lives are transformed. Our students will be graduates of choice in career-oriented professions.

SECTION II: MANUAL OVERVIEW

The Student Handbook and Policy Manual has been developed for students to use as a resource for important information regarding policies and procedures. The handbook is available on MyTrocaire SharePoint, Blackboard, and delivered via Trocaire email at the beginning of each semester.

When policies and procedures are updated or added throughout the academic year, students will receive the update through their Trocaire email accounts. This manual will also be updated at the time of any policy revisions or additions. The policies that have been developed are in place to ensure students of not only fair and equitable treatment but to provide the framework for a safe and welcoming educational setting.

If you have questions regarding any of the policies in this manual, please contact the Dean of Student Success at ryanc@trocaire.edu.

SECTION III: ACADEMIC AND STUDENT SUPPORT SERVICES

Trocaire College asserts "student success" as the highest-level desired outcome of the 2025 Strategic Plan. Student success not only points to desired graduation, continuing education, and career acquisition goals; it also means perfecting ways we meet students' academic, personal, and professional needs throughout their education.

Academic Support Center	
Phone	716-827-2577
Email	Academicsupportcenter@trocaire.edu
Website	Academic Support Center

The Academic Support Center fosters academic achievement and engagement by coordinating comprehensive learning support services that empower students throughout their educational journey. The Academic Support Center offers academic advisement, academic coaching, peer and professional tutoring, academic success skills workshops, and a laptop loan program for enrolled students.

Academic Advisement
All students must meet with their assigned student service advisor each semester to discuss their academic progress and develop a plan to meet their academic and career goals. Academic advisement is mandatory prior to course registration each semester. Students who are new to the College, excluding BSN, HCM, ECHO, and DMS students, are assigned to student service advisors in the Academic Support Center for advisement.

Academic Coaching
Academic coaching is a personalized, one-on-one support service designed to help students enhance their academic performance and achieve their goals. It emphasizes the development of effective learning strategies, time management, and study skills, while also fostering motivation and self-regulation. Working collaboratively, academic coaches help students identify challenges, set meaningful goals, and implement tailored action plans that support long-term academic success.

Academic Success Skills Workshops
An Academic Success Skills Workshop is a focused, interactive session designed to help students build essential skills for thriving in school and beyond. Topics often include time management, effective study strategies, note-taking techniques, test preparation, goal setting, and stress management. These workshops empower students to take control of their learning and achieve their academic goals with confidence.

Career Counseling
Career counseling is available to students and can assist with reassessing career direction or confirming career choices. We encourage you to speak to your student service advisor to support your educational experience and your career development process. A variety of career and personality assessments are offered to assist students with determining their educational and occupational choices, preferences for job duties, aptitudes and achievement in various areas, and preferences for qualities of the work environment.

Career Services
Comprehensive career preparation is available for Trocaire College students. Resume writing, cover letter development, and practicing job interview skills are offered regularly through the Palisano Learning Center. In addition, job fairs are held to allow students the opportunity to connect with local employers.

Group Study
Group study review sessions are collaborative learning meetings where students come together—often with a tutor, instructor, or peer leader—to review key concepts, prepare for exams, and reinforce understanding through discussion, problem-solving, and shared insights. These sessions encourage active participation, peer-to-peer learning, and a deeper grasp of course material.

Laptop Loan Program
The Laptop Loan Program provides enrolled students with access to laptops for academic use at no cost. This program helps ensure all students have the technology they need to complete coursework, attend online classes, and stay connected. Devices are available on a short-term or semester-long basis, depending on availability and student needs. It is a campus resource designed to support students in achieving their academic and personal goals.

Palisano Learning Center (PLC)
In support of the mission of Trocaire College, the Palisano Learning Center (PLC) offers the following resources free of charge to enrolled students:

- Peer and Professional Tutoring
- Online Tutoring
- Academic Coaching
- Group Study/Reviews
- Academic Success Skills Workshops

In addition, the PLC houses a professionally staffed health science lab equipped with anatomy and physiology models and health science resources for student use.

Peer and Professional Tutoring
Tutoring is personalized academic support designed to help students improve their understanding, confidence, and performance in specific subjects. Whether one-on-one or in small groups, tutoring provides targeted instruction, guidance, and practice tailored to each learner's unique needs and goals.

Program Change & Transfer Counseling
Student service advisors are available to assist current students who wish to apply for acceptance into another program at the College. The online Program Change form is located in the student forms area on My Trocaire. Students applying for the PN or RN programs must also take the HESI A2 exam to become eligible for program acceptance. Transfer counseling is also available to students who are interested in transferring to another college.

Student Services
The Academic Support Center promotes student success through a case management advising and service model that encourages student use of all campus resources. Student service advisors provide

educational planning assistance and guide students through their college experience by delivering individualized services including academic advisement, course selection, career counseling, obtaining academic support, referrals to campus- and community-based resources, monitoring academic progress, and interpreting College policies and procedures.

CSTEP

Phone	716-827-4343
Email	McQuillerL@Trocaire.edu
Website	CSTEP

CSTEP
The Collegiate Science and Technology Entry Program (CSTEP) empowers talented undergraduate students to pursue careers in science, technology, math, and engineering (STEM), the licensed professions, and health-related fields.

CSTEP Services:
- Paid research experiences
- Graduate school preparation
- Free tutoring
- Workshops and seminars
- Summer research program
- Academic and career support
- Educational trips and tours
- Funding opportunities for conferences

Who is Eligible for CSTEP?
- Must be a United States citizen or legal resident
- Income eligible according to NYS guidelines
- Full-time student status
- 2.0 GPA

Division of Student Success
The Division of Student Success is dedicated to supporting the whole student: academically, emotionally, socially, and physically. Through the Wellness Center and Student Life offices, the Division of Student Success provides a comprehensive range of services and programs designed to foster well-being, promote personal growth, and enhance the college experience. The division oversees key areas of campus life, including wellness and prevention, health records and compliance, counseling services, accessibility support, and student life and engagement activities. The division of Student Success is committed to creating an inclusive, supportive environment where every student has the opportunity to succeed, connect, and grow.

Wellness Center

Phone	716-827-2579
Email	WellnessCenter@trocaire.edu
Website	Wellness Center

Accessibility Services
Trocaire College ensures equal access to educational programs by providing reasonable accommodations to qualified students with disabilities. Students who are seeking accommodations must self-identify as a student with a disability with Accessibility Services. Students must provide documentation from a licensed provider stating the history of diagnosed disability, how the disability impacts their everyday life and functionality, and the provider's recommendation to support the student in accessing courses and materials. Students will have an intake interview with Accessibility Services to review documentation and are given the opportunity to discuss their specific needs and ask questions. Student accommodations are determined on an individual basis. Find additional information and resources on our website: Accessibility Services.

Counseling Services
The goal of Counseling Services is to provide triage for crisis and individual services for students. For students with issues that require counseling or more intensive treatment, Counseling Services will refer students to an appropriate community mental health provider, Horizon Health Services, whom Trocaire College works with for swift referral process and connections to appropriate services. Additional support, referral information, and resources are available as needed. Students can contact the Wellness Center or the Title IX coordinator to get more information on community resources and referrals. Find additional information and resources on our website: Counseling Services.

Health Records
All students must submit required health documents and updates for entrance to the College and maintain clinical compliance. Students will be placed on an automatic health hold upon acceptance to the College and must submit their initial required documentation (MMR, Meningococcal), or the student will not be allowed to register for classes. Documentation must be submitted electronically to CastleBranch.

Tranquility Room
The Tranquility Room (room 302) is a welcoming space where students can take a brief break and recharge during the day. Students may reserve the room for up to 30 minutes at a time for quiet relaxation, mindfulness, or other stress-reduction activities. The room is available for individual use. When booking a session, students will be asked to review and agree to the Tranquility Room Terms of Use policy. Additional information and reservations are available through the Wellness Center.

Wellness Committee
The Wellness Committee consists of faculty, staff, and students with the mission of promoting health and wellness within the College community through education and initiatives that inspire and empower individuals to take responsibility for their own health. If you are interested in joining the Wellness Committee, contact WellnessCenter@Trocaire.edu.

Wellness Programming
The Wellness Center offers education, wellness programming, and events on various topics throughout the year. Information about our programming can be found via social media, on the online College calendar, as well as advertisements around the College.

Student Life

Phone	716-827-2487
Email	StudentLife@Trocaire.edu
Website	Student Life

The Student Life Office provides students with the opportunity for co-curricular involvement in an inclusive, student-centered environment. Whether students are seeking involvement in student government, programming, clubs/organizations, or participating in the many activities and events offered, Student Life provides access and opportunity. In addition, students' professional skills are enriched through leadership and multicultural workshops to ensure success after completion of their educational journey at Trocaire. Veteran students are supported through specialized programming at Trocaire. From orientation to commencement, Student Life is here to support student success.

Inclusivity/Diversity
We embrace all students at Trocaire and strive to develop and educate citizen leaders. We foster intercultural engagement through heritage celebrations, dialogue, and events. Student Life provides opportunities for self-awareness and reflection across differences to create a community where all people feel valued for who they are.

In-Person Orientation for First-Time College Students
Student Life hosts a mandatory, in-person orientation called Start Strong for all first-time college students prior to the semester. Students will connect with staff from student services at Trocaire, tour the campus, and connect with current students to hear about their experiences. Student Life holds a Welcome Week, where students can become acquainted with the College mission, connect with other students, and learn about resources and events available during the semester.

Online Orientation
New and transfer students participate in an online, pre-registration new student orientation program designed to introduce them to college life at Trocaire. This program acquaints students with both the academic resources of the College and support services that will assist them in making a smooth transition to college life. This online orientation takes thirty minutes to complete while describing various facets of Trocaire. Once completed, students will be prepared to start their first semester.

Student Clubs
The Student Life Office manages various clubs and activities open to all students. Each club has a separate advisor who oversees its function. Clubs help sponsor many activities each semester, provide a forum for the development of student leaderships skills, and present opportunities to form relationships with other students. Student clubs are also fantastic ways to build professional development to ensure you stand out in the workforce. There are several academic and social clubs on campus, and if Trocaire does not have a club you are interested in, it is very easy to start one. Connect with Student Life to learn more.

Student Government Association
The purpose of the Student Government Association (SGA) is to represent the student body as it relates to college matters, help oversee student clubs, and to create and promote co-curricular programs through student activities. The SGA is comprised of elected and appointed students involved in the planning and integration of student activities so that students have a full and balanced life outside the classroom. The SGA also promotes a sense of group responsibility and plays the critical role of student representation for all aspects of campus life. The Coordinator of Student Life advises the body of student leaders.

Student Planner
We understand how hectic your life can be. To provide you with some assistance, Student Life provides free student planners for the first week of every semester. This calendar contains information such as the academic calendar, a schedule of important holidays and events, and information about student services. Student planners are available to all students in the Student Life Office after Welcome Week.

Student Records and Registration (Registrar's Office)

Phone	716-827-2469
Email	RegistrarOffice@trocaire.edu
Website	Registrar

The Office of the Registrar provides services for course registration, transcripts, and academic records for students and alumni. Whether you are enrolling in classes for the first time or requesting a transcript after graduation, the Registrar's Office is here to assist you! The Office of the Registrar recognizes the individual needs of the diverse student body and ensures that all students are treated fairly and with respect, while continuing to uphold its obligation to preserve the academic integrity of Trocaire College. The staff members practice a high standard of ethical behavior and handle all issues regarding student records in a confidential manner. The Office of the Registrar will provide high-quality customer service to ensure that all services are accessible to meet the needs of the student and college community.

Financial Aid

Phone	716-827-2545
Email	FinAid@trocaire.edu
Website	Tuition and Financial Aid

The Financial Aid team is ready to help you realize how affordable Trocaire College can be. Students must complete the Free Application for Federal Student Aid (FAFSA) each year to determine eligibility for federal, state, and Trocaire College aid. You can find the FAFSA form at https://studentaid.gov. The Trocaire College school code for the FAFSA is 002812.

In addition, the NYS Student Aid Payment Application should be completed for students applying for the New York State Tuition Assistance Program (TAP), or by visiting NYS Student Aid Payment Application after completing the FAFSA form online.

- The Trocaire College code for the TAP application for two-year degree and certificate programs is 2144.

- The TAP code for four-year degree programs is 6144.

Students borrowing Direct loans (subsidized and/or unsubsidized) must also complete the Master Promissory Note and Entrance Counseling at https://studentaid.gov .

Student Accounts

Phone	716-827-2427
Email	StudentAccounts@trocaire.edu
Website	Student Accounts

Students become liable for all tuition charges and fees upon registration. Completion of the Trocaire Financial Liability Agreement is required at that time to affirm understanding of financial obligations to pay all tuition and fees associated with registration.

Payment of semester balances is due by a specified date each semester as posted in the College catalog. Acceptable methods of payment include checks or money orders made payable to Trocaire College and mailed to the attention of the Student Accounts Office. The Student ID number must be included in the memo line of checks or money orders. The College accepts all major credit cards and debit cards. There are no convenience or processing fees. Cash payments are not accepted. For additional details regarding payment methods, please visit our website: Student Accounts.

Monthly billing statement notifications and reminders are emailed to students' Trocaire email addresses beginning one month prior to the start of each semester. These notifications detail available payment plan options and enrollment deadlines. All payment plans are accessible through the student portal and are maintained by Nelnet Campus Commerce. Monthly plan installments are automatically deducted on the 15th of each month from the credit card, debit card, or bank account indicated by the student. A one-time, non-refundable fee of $35 is assessed upon enrollment. Sign up for a payment plan through the student portal under "My Ledger".

Failure to pay an outstanding balance in full or enroll in a payment plan by the specified deadline will result in a late fee of 5% which will be assessed to all accounts with remaining unpaid balances at the end of each semester. Delinquent accounts will then be forwarded to Collections.

Payment is due on the first day of each semester.

Financial Hold

Students who fail to pay their student account bill or any monies due to Trocaire College by the scheduled due date will have a balance hold placed on their student account. The hold will prevent future class registration and the release of a diploma until the balance has been paid in full.

Financial Liability Agreement Language

I understand that upon registration for any class or service at Trocaire College, I am responsible for payment of all tuition, fees, and other associated costs assessed because of my registration and/or receipt of services. In addition, I authorize Trocaire College and its agents and contractors to contact me at my current and any future cellular phone number(s), email address(es), or wireless device(s) regarding my delinquent student account(s)/loan(s), any other debt I owe to Trocaire College, or to

receive general information from Trocaire College. I authorize Trocaire College and its agents and contractors to use automated telephone dialing equipment, artificial or prerecorded voice or text messages, and personal calls and emails, in their efforts to contact me. Furthermore, I understand that I may withdraw my consent to call my cellular telephone by submitting my request in writing to the applicable contractor or agent contacting me on behalf of Trocaire College.

I further understand and agree that my registration and acceptance of these terms constitute a promissory note agreement (i.e., a financial obligation in the form of an educational loan as defined by the U.S. Bankruptcy Code in which Trocaire College is providing me educational services).
I understand and agree that if for any reason I drop/withdraw, or I am dropped/withdrawn by administrative College personnel, from any or all the classes for which I registered, I will be responsible for paying all or a portion of tuition and fees in accordance with the Trocaire College refund schedule. I understand that my failure to attend class or receive a bill does not absolve me of financial responsibility as described above.

I understand that my financial aid is contingent upon continued enrollment in and attendance of all classes upon which my financial aid eligibility was originally calculated. I must also meet and maintain all Satisfactory Academic Progress (SAP) standards. I acknowledge that based on federal regulations, some or all aid may be removed because of my withdrawal. I agree to pay any and all remaining charges associated with mandatory return of aid.

Late Payment Charge
Students that fail to pay their student account bill or any monies due to Trocaire College by the scheduled due date and their account is not enrolled in a payment plan, will be charged a late charge of 5% of the total balance due.

Refunds
Semester refunds are issued for accounts with eligible credit balances after the disbursement of all federal and institutional aid. Disbursement of aid occurs after the add/drop period each semester. As all aid is not received by Trocaire at the same time, refund disbursement timing will vary per student throughout the semester.

For the College to be able to credit a student's account with financial aid and then issue a disbursement to a student, five requirements are necessary:

1. The student aid file must be complete, meaning the Financial Aid Office has received all the necessary paperwork and documentation to process your aid.
2. The College has received the money from the funding source.
3. The student is attending all classes consistently and instructors are marking them "present." Failure to attend classes could jeopardize your financial aid eligibility.
4. The student has incurred liability for tuition and fee charges, and the processing date has arrived. See the information previously mentioned in this section for processing dates.
5. The posting of aid creates a credit balance on the account. This means that the amount of aid on the account is greater than the amount the College is charging for tuition and fees. Approximately two weeks after a credit balance appears on the account, the College will issue the student a refund for the credit balance. Remember, the College may not post all aid at the same time; therefore, the student may receive more than one disbursement per semester.

Tuition Liability Policy

Upon student withdrawal from Trocaire College, the institutional refund schedule is as follows. All fees are non-refundable. The tuition refund schedule is calculated according to the date of official withdrawal from the College. A student who has been granted permission to withdraw shall be liable for all fees and a percentage of the tuition as outlined. This policy is subject to change.

15-Week Courses		
Week	Refund %	Liability
1	100%	0%
2	80%	20%
3	50%	50%
4	0%	100%

10-Week Courses		
Week	Refund %	Liability
1	100%	0%
2	80%	20%
3	50%	50%
4	0%	100%

7-Week Courses		
Week	Refund %	Liability
1	100%	0%
2	50%	50%
3	0%	100%

5-Week Courses		
Week	Refund %	Liability
1	100%	0%
2	50%	50%
3	0%	100%

Libraries

Phone	716-827-2434
Email	LibraryHelp@trocaire.edu
Website	Library

Trocaire College libraries strive to provide the Trocaire community with tools and resources needed for academic and professional success. Our libraries at Choate and Penfold Commons in the Transit Achievement Complex are available to meet your needs. We offer computers and printers for student use, program and research guides, printed books, and eBooks. We participate in Interlibrary Loan and AcademicSHARE, services that allow you to use and borrow materials from other college libraries.

Access to nearly all these resources is through the library's website. On-campus, users only need to log on to a Trocaire computer or connect to the college's Wi-Fi network using a personal laptop, smartphone, or tablet. From off-campus, users must log in with their network ID and password to access library resources.

Library users must present a valid Trocaire College ID to use library materials. Books may be checked out for twenty-eight (28) days. DVDs, magazines, and print journals may be checked out for seven (7) days. Reserve materials may only be used within the library. For complete details, please see the policies page on our website.

Trocaire Library Hours

Choate Avenue Rachel R. Savarino Library	**Transit Achievement Complex** Penfield Commons
Monday-Thursday: 8:00 AM – 8:00 PM Friday: 8:00 AM – 4:00 PM Saturday and Sunday: Closed	Open during regular building hours. A librarian is present by appointment.

Visit our Library website for up-to-date information. Librarians are available by phone or email, or by using our online chat service, located on the Library homepage. The chat service is available 24/7, so if the Trocaire College library is closed, you will be connected to a librarian from another college, who can provide you with research assistance.

In addition to assisting students in the library and online, we offer Library Research and Information (LRI) sessions and numerous subject and research guides in both print and online formats. All our resources help students develop research and information literacy skills, which are crucial in today's academic environment and tomorrow's employment market.

Mission Office

Phone	716-827-2451
Email	SaltarelliM@trocaire.edu
Website	Mission and Campus Ministry

The Mission Office exists to serve and advance the mission of the College on all levels of institutional life.

1. On the administrative level: orienting students and staff to our mission as a Catholic and Mercy institution and by helping to craft and implement policies that align with our values and support students as they aspire to careers of achievement and lives of purpose.
2. On the ministerial level: offering pastoral care to all members of the community and designing programs that promote a holistic approach to education (mind, body, and spirit).
3. Through active engagement with the surrounding community via volunteer and community-

based learning approaches (See 'Mercy Action Project') that enrich student learning while serving the common good.

In all these ways, we seek to honor and preserve the legacy of Catherine McAuley and the Sisters of Mercy who founded Trocaire College in 1958.

Campus Ministry
As the Mercy College of Western New York, Trocaire strives to create a welcoming, inclusive, and communal environment where human dignity, self-discovery, and holistic growth are cultivated in ways that are transformative for our students. Campus Ministry contributes to this endeavor by offering programs and services that support student development on all levels: mind, body, and spirit. Examples include Mass, communal prayer (room 316), interfaith prayer and meditation (room 354), guided meditation sessions in Lent, and service/retreat experience. Additionally, each year, programs sponsored by the Conference for Mercy Higher Education (CMHE) provide an opportunity for students to participate in programs at the United Nations and in Washington D.C. Programs for staff include the Carlow Roundtable (Dublin, Ireland) and the Mercy Roundtable on alternate years at Mercy colleges and universities.

Catherine's Cupboard
Catherine's Cupboard, located in Room 349, is a free food pantry on campus designed to serve Trocaire students and staff who experience food insecurity. By addressing issues of hunger and food insecurity, the College seeks to aid and support the health and well-being of our students while promoting student success. Catherine's Cupboard is open to all Trocaire students and staff. A student or staff ID is the only requirement to access the pantry. Catherine's Cupboard is named after Catherine McAuley, foundress of the Sisters of Mercy, who in turn, founded Trocaire College in 1958. It provides microwaveable and non-perishable food items to students for immediate use or to take home for their families. Toiletries and personal supplies including toothbrushes, feminine hygiene items, diapers, and shampoo are also available. All items are provided freely and discreetly to any student or employee who needs them. Information and/or counseling regarding additional community and social services are also available through the pantry. In the spirit of our mission as a Catholic and Mercy institution, called to address the unmet needs of our students and society alike, Catherine's Cupboard represents one key effort by the College, among others, to address the needs of our students and staff. For more information, visit our website: Catherine's Cupboard.

Corporate Volunteer Service Days
Each semester, the College will provide all members of the Trocaire community (students, faculty, and staff) with a formal opportunity to engage in group volunteer service with a designated organization and/or event in the Buffalo area. These sponsored service events are designed to accomplish the following:

- Advance the Mercy spirit of service to those in need
- Assist neighboring agencies and organizations in meeting the needs of their clients and fulfilling their purpose
- Build solidarity with our neighbors in need and with each other through engagement in common service endeavors
- Cultivate among our Trocaire students and staff a sense of civic responsibility, concern for the common good, and the cultivation of a social conscience
- Expand Trocaire's visibility, presence, and impact in the region through service

Each semester, a working group, under the auspices of the Office of Mission, Ministry, and Service, will identify, plan, coordinate, and promote a group service project offered to all members of the Trocaire Community. Proposed events will be identified one semester in advance to allow for effective planning, scheduling and promotion. All members of the Trocaire community are encouraged to participate in these mission-related events each semester. The committee will give preference to service projects that reflect our mission, Mercy values, and the critical concerns of the Sisters of Mercy. Depending on their suitability, some projects may occur during the school day/workday, after school/workday, or on weekends.

Mercy Action Project (MAP): Roadmap to Living Trocaire's Mission
The Mercy Action Project (MAP) is a community-based learning experience designed to support student learning while meeting community needs. Students in all programs (certificate, associate, and baccalaureate) must complete at least one (1) MAP learning experience prior to completing their program to be eligible to graduate.

MAP is a tuition-free, non-credit, value-added, co-curricular program. MAP provides service opportunities that integrate the College's mission through an action-reflection approach that links academic learning, civic engagement, and personal reflection in ways that advance the mission of the College and highlight our Mercy identity.

The purpose of MAP is to:

- Support student learning while meeting community needs in ways that advance the mission of Trocaire College.
- Promote student success through community engagement, personal reflection, and academic growth.
- Encourage a college-wide culture of service.
- Foster citizenship, academic and social skills, and Mercy values.
- Be mutually beneficial to the student, community partner, and recipients of service.

MAP includes the following components that correlate with our mission:

- Understanding the mission: A mission workshop (1 hour online).
- Living the mission: Service in the community (12 hours or alternative completion of projects listed on the MAP Blackboard page).
- Integrating the mission: Reflection on the service experience (final reflection paper).

For more information, please visit our website: Mercy Action Project.

Sacred Space
A multi-faith sacred space (room 316) is open to students and staff for personal prayer, group prayer, and meditation daily. It is also available for spiritual and religious programing throughout the year. Spiritual direction and pastoral counseling round off services offered to our students. An Interfaith Prayer and Meditation space is found in room 354. Additional programming extends the spirit of the Sisters of Mercy, our founders, by celebrating our Catholic and Mercy Heritage, including the Sisters' Critical Concerns. By advancing the cause of mercy both on and beyond the campus, we fulfill our mission. Programming includes Mercy Heritage Week, Pledge of Non-

Violence, Toward the Common Good: An Exercise in Catholic Social Teaching, speakers on key topics, and panel discussions on critical social and cultural issues of our day. These are all parts of the fabric of life at Trocaire- a community of caring, where Mercy lives. Students are invited to participate in and/or initiate programming that aligns with our mission and enhances the quality of life on our campus. We welcome your participation, ideas, and involvement.

Sister Sally Walz RSM Student Emergency Fund

The Student Emergency Fund supports student success, retention, and completion by helping to address unforeseen financial situations that may hinder student progress. All current students are eligible to apply for emergency funding should they experience an urgent financial need that creates hardship and poses a significant barrier to continuing academic pursuits or achieving academic goals. Funds are not to be used for routine expenses but are reserved for situations and circumstances of urgent need where other avenues of recourse are not available. Some examples include housing and transportation issues, medical and safety needs, replacement of belongings due to fire or other natural disasters, plus some academic costs (not including books or tuition reduction, etc).

Applications are reviewed on a case-by-case basis. If approved, allocation of funds, up to, but not to exceed $250, will be dispersed either incrementally or in a lump sum depending on the circumstances. Important: funds are not paid directly to students but rather to those community entities seeking payment (e.g. landlords, service providers, etc.). Thus, students are required to produce relevant documents (statements, invoices, etc.), to verify need and must provide contact information for cut checks. Since funds are limited, students typically can apply for emergency funding one time during their tenure at Trocaire. For more information, visit our website: Sister Sally Walz RSM Student Emergency Fund

Online Application Process

1. Initial review by the Mission Manager, including a conversation (in person and/or phone) with the applicant.
2. Student notification of Mission Manager's decision (3-5 days from receipt of application). Note: approval and/or release of funding is contingent upon receipt of all relevant documentation.

TRIO Student Support Services

Phone	716-827-2556
Email	TRIO@Trocaire.edu
Website	TRIO

TRIO Student Support Services is a federally funded outreach and student services program designed to provide support, guidance, and assistance for individuals from challenging backgrounds. TRIO is targeted to serve and help income-eligible, first-generation college students, and individuals with documented disabilities. Services include tutoring, academic coaching, supplemental instruction, academic advising, support with financial aid and financial literacy, and support with post-graduation career and continuing education planning.

TRIO Eligibility

- Must be a U.S. citizen or legal resident.

- Must be an enrolled student at Trocaire.
- Must demonstrate academic need.
- Meet one or a combination of the following:
    - Income eligible.
    - First generation college student (neither parent has earned a four-year degree).
    - Have a documented disability.

Trocaire Opportunity Program (HEOP)

Phone	716-827-2440
Email	Kervina@trocaire.edu
Website	Trocaire Opportunity Program

The primary objective of The Arthur O. Eve Higher Education Opportunity Program (HEOP), or Trocaire Opportunity Program (TOP), is to help provide a broad range of services to promising underprivileged students seeking a college degree. TOP is sponsored jointly by the State Education Department and Trocaire College.

The eligible HEOP student receives a full-need financial aid package including TAP and PELL. Additional grants and stipends are available to all HEOP students. Necessary support services are provided to the HEOP student to successfully complete an associate or bachelor's degree.

Academic Eligibility

- Applicants should demonstrate academic potential and motivation for success at the collegiate level.
- Consideration for acceptance will be based on your complete academic profile, including high school grades and academic history that would indicate inadmissibility under Trocaire's regular admissions standards.

General Requirements

- High school diploma or state-approved equivalency diploma.
- Resident of New York State for at least one year prior to enrollment.
- First-time college student. Age is not a factor.
- Meet both academic and economic guidelines as defined in the following sections.

Financial Eligibility

- To be considered, the applicant must meet the economic criteria established by the New York State Education Department.
- All income must be verified by appropriate documentation.

Technology

Phone	716-827-4330
Email	HelpDesk@trocaire.edu
Website	Office of Information Technology

Blackboard Learn Ultra (Learning Management System)
Blackboard (BB) is Trocaire's LMS (Learning Management System), an online course platform where students can access course content and complete course activities and assessments. Students can log into Blackboard by going to Trocaire.Blackboard.com using Google Chrome. Blackboard can also be accessed through the Blackboard Learn mobile app. Students have access to courses on Blackboard approximately seven days prior to the start of a semester. If you have any questions or need help, contact Blackboard@Trocaire.edu, or visit Choate campus rooms 341, 353, or 355. The Blackboard website is Blackboard Support Information.

IT Help Desk
Help desk technicians are available in Choate Room B-14 from 7:00am to 7:00 pm to help students with account setup, passwords, and other technological needs. Students who need assistance can visit them on campus, call 827-4330, or submit a help ticket via email (HelpDesk@trocaire.edu). The IT Help Desk website can be found at Helpdesk Support Information.

Microsoft 365 and Teams
Trocaire students have access to web-based Microsoft Office applications, such as Word, Excel, and PowerPoint through Microsoft Office 365. Use My.Trocaire & SharePoint for more information. Trocaire College uses Microsoft Teams as its primary web conferencing platform. Through Teams meetings, students can meet with their instructors, peers, and Trocaire staff. Teams meetings are also used for online synchronous class sessions and virtual office hours.

Printing
Multi-function devices (MFDs) for copying, printing, and scanning are centrally located for student use in areas designated for students. There are two MFDs in the library, one MFD in room 320, one MFD outside the second-floor labs, and one MFD in room 129. There is one MFD at the Trocaire Achievement Complex (Transit Road). The devices require authentication before using by scanning your college ID badge which has a HID sticker on it. HID stickers can be picked up at the library.

Student Computer Access
Students will have access to approximately 100 computers on Choate campus. Computer labs/classrooms will have computers available when classes are not in session in those dedicated rooms (204, 205, 303) and the library computers will be available during open library hours. Trocaire also has a set of computers in the Choate Commons, as well as two computer resource rooms (201a and 248) with approximately 20 computers at our Trocaire Achievement Complex (Transit Road) location, which are open when the building is open.

Student Portal
Trocaire maintains a Student Portal to allow electronic access to College announcements and other College documents. Through the portal, students have access to online registration, coursework, grades, academic planning, online bill payment, schedules, calendars, and more. calendars, and more. The portal is accessible by going to My Trocaire and selecting Student Portal Login on the Trocaire Helpful Resources Links menu, then entering your student login and password.

Trocaire Email
Email is the official communication channel of Trocaire College. Students are issued a Trocaire.edu email address upon acceptance to the College. Students must use their Trocaire email when communicating with offices and members of the Trocaire community. It is the student's

responsibility to check their email regularly and to delete unimportant messages due to limited storage capacity. Students can access their Trocaire email at outlook.office.com or on the My.Trocaire.edu Helpful Resource Links menu. Email passwords do not expire.

Technology Requirements for Personal Devices

The following is a list of minimum requirements recommended for your personal devices.

- i5 or higher equivalent processor
- minimum of 8GB RAM
- 512GB SSD/HDD (256GB Minimum)
- Windows 11
- Highspeed Internet
- Webcam: Integrated camera or external USB camera supported by your operating system. Virtual cameras are not supported. Most classes require cameras to be on for exams or online class meetings and office hours. Cameras are needed for ExamSoft proctoring software that is used across all academic areas.
- Microphone and Speakers that function so you can contribute to conversations.
- **Highly Recommended:** Check with your division/department about other system requirements prior to making a purchase.
- **NOT recommend:** Chromebooks, Surface Pro or Linux computers. They are not compatible with the software used at Trocaire College. Devices that have an ARM processor are not compatible with ExamSoft /Examplify test taking software. Visit **ExamSoft** for additional details and requirements.
- **Note:** This information is also available at **OIT Recommendations for Minimum Computer Requirements**.

Veteran Services

Thanks to the support of federal, state, and Trocaire College's financial aid programs, most veterans and their dependents can attend Trocaire with little or no financial obligation. There are a variety of financial assistance programs available to reservists, veterans, and their dependents, all based on an individual's personal military service record. Our hard-working staff will go above and beyond to help military families that have served our country. In appreciation of the hard work and sacrifice of our military, Trocaire provides a Veteran Lounge on the second floor. This lounge is equipped with a mini fridge, computers, tables for studying, and couches for relaxing. This is a quiet place on campus that veterans can call their own. Veterans are welcome to join the Veteran Student Club to connect with other veterans at Trocaire College.

Find more information on veteran benefits at our website: Veterans Benefits. If you have questions or concerns about your certification, Post 9-11 GI Bill®, or tuition, contact the Registrar's Office at RegistrarOffice@trocaire.edu. For more information on veteran engagement, contact the Student Life Office at StudentLife@trocaire.edu, or call (716) 827-2487.

Beverage and Food Options

At our Choate Campus, the Trocaire Bookstore has snacks, drinks, coffee, and microwaveable

options. There are onsite vending machines in the Commons. At our Trocaire Achievement Complex (Transit Road), there are adjacent dining options in the area including Dunkin Donuts, Picasso Pizza, Starbucks, and Tim Hortons.

Bookstore

Phone	716-827-2437
Email	Bookstore@trocaire.edu
Website	Trocaire Bookstore

The bookstore is operated by Barnes and Noble College. Hours are posted on the door. The bookstore handles textbooks, school supplies, and Trocaire clothing/merchandise. Purchases can be shipped to your home (UPS rates apply). Starting with the 2026–27 school year, all your required course materials, physical or electronic, are bundled and delivered before your first class. The program is included in your tuition, so there are no separate charges. Materials can be picked up or delivered to your home (UPS rates apply).

Lost and Found

Students may check with the security desk at each location for lost items. Items will be kept for a period of 30 days after which any unclaimed items may be disposed of.

Shuttle

Trocaire offers a free shuttle service at the Choate campus location. The shuttle travels between the campus and the designated parking lot at Salem Lutheran Church. For the parking location map and schedule, visit our website: Getting Around.

Student Identification Cards

Student identification cards are processed and distributed through the Choate Campus security desk. This card is needed for borrowing books from the College library, identification at clinical and/or internship sites, admission to college-sponsored functions, admission to inter-collegiate functions, and any bookstore purchase using financial aid. Your ID badge should be always accessible.

To obtain a replacement ID, students should first go to the Student Accounts Office to pay a $10 replacement fee (credit or debit only). From there, the receipt can be taken to the Choate Security Desk to have the replacement ID printed by the security guard.

Voter Registration Forms

Trocaire College encourages all students to register and vote. Voter registration forms are available anytime from the Student Life Office (Choate Campus room 141). The College will mail in the registration form for all current students. Staff are also available to assist students with updating their voter information virtually and have computers available. For more information regarding registering to vote in New York State, visit New York State Voter Registration. Students may also check into the online voter resource page on the library website for more details regarding upcoming elections and voter information: Voter Requirements and Information .

SECTION IV: STUDENT POLICIES

Student Code of Conduct

Purpose: Trocaire College (the "College") is committed to fostering a safe and healthy campus environment conducive to education, study, work and personal development. In order to establish and maintain this desired environment, the College has adopted this *Student Code of Conduct* (the "Code") by which all students and student organizations are expected to abide at all times. The Code is the product of the combined efforts of the administration, faculty, and students, and is approved by the College President.

Policy: Every student is responsible for reading and understanding the Code, as well as other expectations identified by individual departments or organizations relevant to an academic major. This Code is intended to identify the basic rights and responsibilities of, and expectations for, all students and student organizations and thereby serve as a guide for the overall student experience at the College

Procedures: The College expects students to act as responsible, courteous, and as law-abiding citizens and treat others with respect and civility. As members of an intellectual community, students are expected to maintain standards of personal and academic honesty in all learning environments and examinations, and to refrain from behaviors that are disruptive to the teaching and learning of others within the instructional environment.

Individual rights are best protected by a collective commitment to mutual respect. A student who accepts admission to the College agrees to:

- Be ethical in their participation in the academic community;
- Take responsibility for what they say and do;
- Behave in a manner that is respectful of the dignity of others, treat others with civility and understanding; and
- Use College resources and facilities in appropriate ways consistent with their purpose and in accordance with applicable policies.

This Code applies to conduct that occurs on College premises, at College sponsored activities or functions, online platforms and applications, and to off campus conduct that adversely affects the College community or poses a threat to the College's educational mission or the health or safety of individuals (regardless of whether affiliated with the College). A student organization and its officers may be held collectively and/or individually responsible for violations of this Code.

Relevant Definitions:

1. **Student** means an individual taking and/or enrolled in courses at the College either full time or part time, matriculated or non-matriculated, pursuing undergraduate, or work force training, including, individuals on College premises for any purpose related to enrollment, such as orientation activities. Individuals who are not officially enrolled for a particular term, but who have a continuing relationship as a student with the College, are considered "students" for purposes of this Code. This includes individuals who withdraw after an alleged violation of the Code.

2. **College official** includes faculty, staff, and/or any individuals employed by the College

performing assigned administrative or professional responsibilities.

3. **College Premises** include all land, buildings, facilities, and other property, in the possession of, or owned, used or controlled by, the College (including adjacent streets and sidewalks). The Code applies to all College locations and its affiliates for instructional purposes (e.g. clinical sites).

4. **Student organization** includes any officially recognized group or organization which is comprised of College students and are accountable to the College for compliance with this Code.

5. **Policy** means the written regulations of the College as found in, but not limited to, the Code, policy statements regarding sexual harassment and non-discrimination as well as bias and bias-related incidents, any policy listed on the College's website, the College's Policy Manuals, and the College Catalog.

6. **Investigator** means an individual(s) assigned to investigate allegations of a violation(s) of the Code.

7. **Student Conduct Officer** means the College official authorized by the President to conduct a hearing, conference or investigative meeting with a student to discuss allegations of misconduct or Code violations.

8. **Student Charged, Student Organization Charged, or Accused**, means any student or student organization accused of violating this Code.

9. **Reporting Individual** means any individual or individuals who have brought allegations against a student or student organization alleging a violation of the Code.

10. **Student Conduct Board** consists of members appointed annually by the College President to review all student conduct cases.

11. **Student Conduct Appeals Board** consists of members appointed annually by the College President to review cases being appealed by accused students or student organization and to decide upon the appeal outcome. The membership of the Student Conduct Appeals Board will consist of different members than the Student Conduct Board, with exception of the Student Conduct Officer, who may be on both Boards, if so determined by the College President.

12. **Business Days** means, for purposes of this Code, days in which the College's administrative offices officially open for business.

PROHIBITED CONDUCT:

The following non-exhaustive list of prohibited behaviors may result in disciplinary sanctions and/or disciplinary action:

1. Use of, or threatened use of abusive, threatening or dangerous behavior, including, but not

limited to, fighting, physical abuse, verbal abuse, threatening statements or behavior, coercion and/or conduct which threatens or endangers the mental or physical health, safety or well-being of any person, or any aspect of the College community. This also includes deliberate behavior that could instigate violence or abuse, intimidation and harassment either in person or via electronic format.

2. Physical or verbal harassment of another person; to include harassment based on actual or perceived race, color, creed, religion, religious practice, national origin, ethnic group, sex, gender identity, sexual orientation, political affiliation, age, marital status, military status, veteran status, disability, domestic violence victim status, genetic or any other protected class as defined by relevant federal and state statutes and regulations.

3. Discrimination. Any conduct that adversely affects or impacts an individual's or group's ability to function and participate as a member of the College community because of their age, color, disability, ethnicity, marital status, military status, national origin, race, religion, veteran status, or any other protected class as defined by relevant federal and state statutes and regulations, or because of their perceived or actual affiliation or association with such individuals or groups.

4. Retaliation. Any adverse action taken against an individual for making a good faith report of prohibited conduct or participating in any proceeding under this Code. Retaliation includes, but is not limited to, threatening, intimidating, harassing, or any other conduct that would discourage a reasonable person from engaging in activity protected under this Code.

5. Misuse, theft, damage, defacement, destruction, or other abuse of College property, personal property or public property, including, but not limited to:
    a. Arson;
    b. Possession of stolen property;
    c. Unauthorized possession, duplication or use of any key/entrance device to any College premises;
    d. Tampering with fire or other safety equipment and/or devices;
    e. Unauthorized entry into a College system (voice/data/video/mechanical/security), to use, read or change the contents, or for any other purpose;
    f. Unauthorized transfer of a file;
    g. Unauthorized use of another individual's identification and password;
    h. Intentional use of computing facilities to interfere with the operation of any College computer system;
    i. Use of electronic mail/instant messages or social media to phish, spam, infect or send harassing messages;
    j. Use of College computing facilities for commercial activities;
    k. Unauthorized transfer/copying of copyright material (e.g., software, mp3 files) that is not protected by fair use;
    l. Gaining unauthorized access to data or information on College files or otherwise stored on the College's electronic computer media;
    m. Any violation of the College's Technology Acceptable Use Policy, including, accessing, copying, or transmitting material that is offensive, obscene, harassing, insulting, or otherwise abusive or discriminatory).

6. Dishonesty, including, but not limited to, providing false information, modification or misuse of documents, records, or instruments of identification, plagiarism, cheating, or other forms of academic dishonesty.

7. Possession, use, storage, manufacturing, distributing, or sale of alcohol, intoxicants, or drugs (including, but not limited to, illegal drugs, controlled substances and prescription medication) while on any College property, premises, field sites or clinical placements, and/or while participating in academic field work, College-affiliated volunteer or community service, or other events at which an individual is serving in a student capacity or as a representative of the College. While New York State has legalized the recreational use of cannabis for adults over the age of 21, the College continues to prohibit the possession, consumption and/or distribution of cannabis on College property or at College-sponsored events and functions in accordance with federal law which still classifies cannabis as a Schedule 1 illegal drug.

8. Alcohol violations. The College adheres to all local, state, and federal laws related to alcohol use. Individuals under the age of 21 cannot lawfully purchase, possess, or consume alcohol. The College may disclose an alcohol or drug related violation to a parent or legal guardian of a student who is under the age of 21. The following non-exhaustive list of behaviors related to alcohol are strictly prohibited:
    a. Consumption of alcohol by an individual under 21;
    b. Possession of alcohol by an individual under 21;
    c. Purchase or attempt to purchase alcohol by an individual under 21 with the use of false or fraudulent documentation (i.e. driver's license belonging to another person);
    d. Sell or Distribute alcohol to an individual under 21;
    e. Possession of alcohol paraphernalia (i.e. funnels, beer pong tables, etc.);
    f. Possession of, or being under the influence of, alcohol at College events or functions;
    g. Public intoxication (i.e. alcohol-related conduct that is disorderly, offensive, or annoying to others or a potential risk to one's own or another's health and well-being);
    h. Driving while intoxicated.

9. Drug violations. The unlawful possession, use, misuse, and/or distribution of illegal drugs, narcotics, and other controlled substances on or off campus is strictly prohibited. While New York State has legalized the recreational use of cannabis for adults over the age of 21, the College continues to prohibit the possession, consumption and/or distribution of cannabis on College property or at College-sponsored events and functions in accordance with federal law which still classifies cannabis as a Schedule 1 illegal drug. Thus, the following non-exhaustive list of behaviors related to drugs are prohibited:
    a. Unlawful possession, sale, purchase, manufacturing, or distribution of any drug, narcotic, or controlled substance;
    b. Unlawful use or being under the influence of any drug, narcotic, or controlled substance as defined by relevant federal and state law;
    c. Abuse, exchange, use and/or distribution of prescription drugs prescribed to self or other persons (NOTE: Prescription drugs are intended solely for the use of the prescription holder and must be maintained in their original containers);
    d. The unlawful possession of drug paraphernalia including, but not limited to,

hookahs, pipes, and other smoking devices, weights, scales, and/or rolling papers; and

e. Being in the presence of a drug, narcotic or controlled substance.

10. Smoking, vaping, and/or using, burning, or carrying a lighted cigarette, cigar, pipe, e-cigarette, or any other matter or substance containing tobacco and/or nicotine while on College or College affiliated property or at College sponsored events or functions.

11. Possession, distribution, use and/or storage of weapons of any kind, including, but not limited to, firearms, pistols, revolvers, rifles, shotguns, air guns, stun guns, tasers, BB or pellet guns, knives, explosives, dangerous objects or chemicals, even if considered legally possessed, or ammunition relating to any of the above, on College property, at College affiliated sites, or at College sponsored events or functions. A disarmed weapon still counts as a weapon. The determination of whether an item is considered a weapon for purposes of this Code will be made on the totality of the circumstances surrounding the item's possession and use.

12. Breaching the peace of the College campus, community, operations, and/or events including exposing others to conduct that is disorderly, harassing, annoying, uncivil, indecent, lewd, or otherwise inappropriate for members of an academic community, and/or inciting, coercing, or aiding others in doing so.

13. Unauthorized use or abuse of electronic or other devices to make, share, post, stream, or otherwise distribute any image, photo, video or audio recording depicting or otherwise recording another person while on College property without prior knowledge or consent, except as permitted by law. This includes, but is not limited to, surreptitiously taking pictures of another person in a location that violates the standard of reasonable expectation of privacy.

14. Violating any College policy, rule, or regulation published on the College's website or distributed in hard copy.

15. Harassment, including sexual harassment, is a form of discrimination which includes unwelcome verbal, written, physical or electronic conduct that is intended to cause or which would reasonably be expected to cause an individual or group to feel intimidated, demeaned, abused, or fearful, or to have concern for their personal safety because of a protected class when:
    a. The conduct rises above a petty slight or trivial inconvenience (which shall depend on the circumstances and the parties involved, as well as the nature and duration of the conduct); or
    a. The conduct has the purpose or effect of unreasonably interfering with an individual's access to the educational or working environment, or otherwise creates an intimidating, hostile, offensive or objectionable educational or working environment.

16. Physical Assault. Any act that intentionally or recklessly causes physical injury to another person and/or causes such injury to the person or a third person. Physical assault includes, but is not limited to, inflicting bodily harm upon any person, taking any action for the

purpose of inflicting harm upon any person, or subjecting another person to unwanted physical contact.

17. Hazing. Any act that has the effect of or should reasonably be expected to have the effect of, degrading, humiliating, intimidating, demeaning, abusing or endangering the mental, emotional, or physical health or safety of a student, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group, team or organization, whether officially recognized or not, by the College. Hazing includes being present during activities that constitute hazing or having knowledge of it and failing to report it. The express or implied consent of the victim(s) does not mean that hazing did not occur or make the conduct permissible.

18. Sexual/Gender-Based Misconduct comprises a broad range of prohibited behaviors. Any allegations of sexual misconduct will be addressed in accordance with the College's Gender-Based and Sexual Misconduct Policies & Procedures (e.g. Discrimination & Harassment Grievance Procedure (Policy 129), Policy Against Sexual Harassment (Policy 875), and Policy Against Sexual Violence, Dating Violence, Domestic Violence & Stalking (Policy 124) For the purposes of this Code, these behaviors include:
    a. Dating violence;
    b. Domestic violence;
    c. Stalking;
    d. Sex and/or Gender-based discrimination;
    e. Sexual harassment;
    f. Non-consensual sexual contact;
    g. Non-consensual sexual intercourse; and
    h. Sexual exploitation.

19. Abuse of the Student Conduct System, including, but not limited to:
    a. Failure to comply with the instructions of a student conduct officer, student conduct body or College official.
    b. Disruption or interference with the orderly conduct of a student conduct proceeding.
    c. Providing false or misleading information to the student conduct officer, student conduct body, or College official.
    d. Attempting to discourage an individual's participation in, or use of, the student conduct system through intimidation or any other means.
    e. Retaliating against an individual who made a complaint/report, served as a witness, opposed the reported conduct, is a friend or acquaintance of the person who made a complaint/report, or participated in the student conduct process.
    f. Attempting to influence the impartiality of a student conduct officer or the student conduct body prior to, and/or during the course of, the student conduct proceeding.
    g. Harassment (verbal or physical) and/or intimidation of a member of a student conduct body, a student conduct officer, witness, or complainant prior to, during, and/or after a student conduct proceeding.
    h. Influencing or attempting to influence another person to commit an abuse of the student conduct system.
    i. Violating any disciplinary sanction imposed in accordance with this Code.

20. Failing to comply with the reasonable and/or lawful directions of any College faculty, staff

member, or student employee acting within the scope of their duties and/or failure to identify oneself or present a valid student identification card when requested to do so by any faculty, staff, or student staff or law enforcement officer in the performance of official duties.

21. Forgery or any other act of knowingly furnishing false information to the College in the form of a false complaint or report or unauthorized alteration or use of College documents, including those stored on electronic or computer media, or instruments of identification (such as an ID card), or intentionally providing incomplete information in connection with an investigation of alleged policy infractions.

22. Falsifying information or failing to report required information (such as a previous college attendance, prior conduct sanction or felony history) on any admissions application or related materials.

23. Bullying of another student, employee, or visitor. Bullying is defined as the aggressive and hostile acts of an individual or group of individuals which are intended to humiliate, mentally or physically injure or intimidate, and/or control another individual or group of individuals.

24. Gambling on College property or at College-sponsored activities or functions or otherwise engaging in games of chance, unless sanctioned by the College. Unauthorized solicitation of money in the form of any type of donation or any charge for goods or services on College premises.

25. Conduct that occurs off-campus, over social media, online, or outside the context of a College program or activity may be subject to disciplinary action if the conduct disrupts the regular operations of the College or threatens the safety and security of the College community.

26. Violations of federal or New York State Law, whether occurring on or off campus, may be processed as a violation of the Student Code of Conduct. Student conduct proceedings may occur prior to, simultaneously with, or following criminal proceedings at the discretion of the College. Reports of certain crimes occurring in certain geographic locations will be included in the College's Clery Act Annual Security Report in an anonymized manner.

Guest Misconduct

Students will be held accountable for the behavior of all guests in accordance with this Code and relevant College policies. Therefore, all students are responsible for the actions of their guests for any violations of the Code when committed on College premises or at College sponsored or supervised functions. Accordingly, students may be required to reimburse the College, or the student's account may be charged, for damage to or loss of College property caused by the actions of their guest(s). Students are expected to take reasonable action to prevent their guests from violating College policies and are expected to remain with their guests for the length of their visit. The College reserves the right to restrict any guests from campus in the interest of the general welfare of the College community.

Student Organization Misconduct

Student Organizations may be held accountable for a violation of College policy committed by an

individual, regardless of the individual's membership in the student organization if such organization, or a substantial segment of it, authorizes, directs, or encourages the violation or fails to reasonably prevent it. Violations committed by a Student Organization will be resolved at the discretion of the Student Conduct Board.

Medical Amnesty

Students who seek medical attention for others related to consumption of alcohol or other drugs will not be charged with possession (unless with intent to distribute) or consumption of alcohol or other drugs. Likewise, students who receive medical attention related to the consumption of alcohol and/or drugs

STUDENT RIGHTS

The College is obligated to determine whether an individual has violated the Code. The College may find an individual "responsible" of a violation upon an admission of responsibility, or the Student Conduct Board finds the student responsible pursuant to a conduct proceeding.
All student members of the College community have certain rights. These rights include:

1. The right to a fair, reasonable, and impartial process for addressing Code violations and/or charges of misconduct; and
2. The right to be informed of the procedures that will be used in adjudicating the charges against them, including, but not limited to, notice of the charges, associated deadlines, the kinds of evidence that may be submitted, the right to an advisor, the availability of appeals processes, and an opportunity to be heard.

If a complaint falls within the jurisdiction of Title IX, or is made pursuant to Title IX, any grievance and/or hearing procedures will be dictated by the College's policies and procedures outlined within separate policy [Title IX Policy – the College's Sexual Harassment policy only contains brief references to Title IX].

PARENTAL NOTIFICATION

The College recognizes and encourages students to become independent self-advocates charged with their own academic success. However, in those cases in which a student displays a pattern of inappropriate, unsafe, or irresponsible behavior and/or when a student fails to reasonably respond to the College's directives or attempts at providing assistance, parents may be notified. The College's parental notification procedures will comply with the federal Family Educational Rights and Privacy Act ("FERPA").

ASSISTANCE AND RESOURCES

In facing the challenge of creating a drug free society, the College endeavors to educate by providing on-campus drug awareness programs, literature and resource/referral services to appropriate community-based agencies for all members of the College community. Good faith efforts will include strict enforcement as well as implementation of this Code. The Wellness Center provides assessment and outside referral services to students, as well as serving as an alcohol and other drug information/education resource. For further information about these programs or individual assistance, students can email WellnessCenter@trocaire.edu, call the Wellness Center at 716-827-2579, or access the Counseling Services' website at: Counseling Services.

CONDUCT PROCEDURES

The College can only act to prevent harassment, discrimination, and other instances of prohibited conduct – and to remediate any such conduct that has occurred – if it is made aware of such conduct. Therefore, any member of the College community (student, College employee, or College official) may file a Discipline Incident Report of an alleged violation of the Code, which includes time, place, and circumstances surrounding the event, at Reporting a Violation of Trocaire's Student Code of Conduct form. All Discipline Incident Reports should be submitted to the Student Conduct Officer as soon as possible but no later than three (3) business days after the event takes place. The Student Conduct Officer may waive the 3-day notification period when late submission is reasonable.

The College's **Student Conduct Board** manages all charges brought against any student or student organization for alleged violation of the Code and maintains the exclusive authority to impose disciplinary sanctions.

1. **Charges/Complaint.** Allegations of misconduct may be submitted online at Reporting a Violation of Trocaire's Student Code of Conduct, or directly to the Student Conduct Officer.

2. **Preliminary Meeting.** When a student is reported to have engaged in prohibited behavior, the Student Conduct Officer will contact the student to schedule a preliminary meeting of **the Student Conduct Board** at which time the student may present their version of events. In those cases in which a student fails to appear at the scheduled preliminary meeting, the case will be referred for a hearing. The student will be notified of the date and time of this hearing at least five business days in advance.

   a. Membership of Student Conduct Board
      (1) One Administrator, appointed by the President to act as Chairperson
      (2) Two faculty members appointed by Faculty Senate
      (3) One staff member appointed by Staff Advisory Council
      (4) One student services staff member appointed by the Dean of Student Success.

   b. A quorum is three members and must include one member from each category

3. **Investigation.** The **Student Conduct Board** assigned to the case may complete further investigation of the incident and bring charges against an accused student, if reasonable information supports the charge(s), or whether the charges of misconduct can be disposed of administratively by mutual consent of all parties.

4. **Notice of Student Conduct Charges/Hearing**.
   a. The Student Conduct Officer will contact the accused student in writing to notify them, as appropriate, of the charges against them within five (5) business days of receiving the complaint by any of the following methods: in-person, electronically via Trocaire College e-mail address, or mailed to the student's local and/or home address that appears in official College records. The written notice will state the charges, a brief description of the incident, and, where possible, the date, time, and location that the alleged incident occurred. Review or hearing will be scheduled within 10 business days.

   b. With respect to charges alleging sexual violence or misconduct, the accused student will

be informed of their right to an advisor who may attend any scheduled student conduct proceedings with the accused student in accordance with the procedures set forth in the College's Title IX policy.

5. **Informal Resolution**. When a case involves conflict among students, groups, or organizations, the Student Conduct Board will assess whether mediation or restorative conferencing would be an appropriate means for resolution. Informal resolution will not be available in cases involving allegations of sexual violence, sexual assault, or other similar serious offenses.

6. **Hearing Process:**
   a. **Privacy of the Hearing Process**. Conduct proceedings will not be open to the general public to ensure an orderly process for the presentation and consideration of relevant testimony and evidence.

   b. Procedure for Hearings for Non-Sexual Misconduct Violations. The **Student Conduct Board** will determine the order of witnesses and will resolve any questions of procedure that arise during the hearing. Students may be accompanied to the hearing by an advisor who may confer and assist the student during the hearing. Advisors, however, may not speak on behalf of the student, question witnesses, or participate in the hearing in any way other than advising the student.
      (1) Students will be given the opportunity to provide an oral statement at the beginning of the hearing.

      (2) The Reporting Individual and the Accused Student may present witnesses, subject to the right of questioning by the Student Conduct Board and other documentary evidence as may be permitted by the Student Conduct Officer. Witnesses will not be allowed in the hearing room prior to their testimony.

      (3) If the **Student Conduct Board** determines that unresolved issues exist that would be clarified by the presentation of additional evidence, they may delay an immediate decision in order to collect such relevant information.

      (4) In cases involving more than one student, the **Student Conduct Board** will hear each case separately or as part of a group.

      (5) If an Accused Student who has been provided the requisite written notice does not appear before the **Student Conduct Board** for the scheduled hearing, the information in support of the charges of misconduct will be presented and considered regardless of the Accused Student's absence.

      (6) The **Student Conduct Board** will consider and accommodate, as appropriate, any concerns expressed by a Reporting Individual or witness as it relates to fear of confrontation of the Accused Student. This may involve the use of remote participation (video), telephone, or other similar means as determined by the **Student Conduct Board**.

      (7) Strict conformity to the legal rules of evidence is not required at hearings.

(8) Any person who engages in obstructive, disruptive, or disorderly behavior during the hearing will be removed from the hearing at the consensus of the **Student Conduct Board.**

c. **Decision.** The **Student Conduct Board** will make a determination about the Accused Student's misconduct by using the preponderance of evidence standard (i.e. whether it is more likely than not that the Accused Student violated the Code) and provide a decision in writing to the Accused Student and Reporting Individual (if a college employee) within five (5) business days after the conclusion of the hearing.

In cases involving sexual violence or misconduct, both the Reporting Individual and the Accused Student will be informed simultaneously in writing of the outcome, essential findings, and proposed sanctions within five (5) business days of the hearing

The decision will be binding, pending the College's established appeal process.

7. **Sanctions.** The following sanctions (one or collectively for a single violation) may be imposed upon an individual found to have violated the Code. In determining an appropriate sanction student's past disciplinary record, the nature and severity of such past violation(s), and whether the student poses a continuing risk to the College community may be considered.

a. **Interim Measures.** May include no contact orders, scheduling changes, and other reasonable measures. Students may challenge imposition of interim measure(s) by submitting a letter and any supporting documents, to the Student Conduct Officer within three (3) business days of the interim measure imposed. A written decision will be provided to the appealing student within five (5) business days of the request.

(1) **Interim Suspension**. An interim suspension may be implemented immediately and without prior notice, by the recommendation of the **Student Conduct Board**:

(a) to ensure the safety and well-being of members of the College Community
(b) to ensure the student's physical safety and well-being; or
(c) if the student poses a significant threat of disruption of, or interference with the normal operations of the College.

This is a temporary suspension, during which the student will be restricted from all or any portion of the College premises, including classes or other campus facilities, and/or all other College activities or privileges for which the student might otherwise be eligible, as determined to be appropriate by the **Student Conduct Board**.

The student may request a review in writing within three (3) business days of the imposed interim suspension, to challenge the basis for such suspension. Absent such a request, these restrictions will remain in effect until the conclusion of:

(a) an investigation and/or hearing before the **Student Conduct Board**; or
(b) a pending criminal proceeding against the student, if applicable, has been

resolved; at which time conditions for reinstatement to the College may be specified.

b. **Loss of Privileges**. Denial of specific privileges for a designated period of time, even if no conduct charges have been brought. Loss of privileges may include, but is not limited to:

(1) **Facility Restriction**. The student may be denied use of or may otherwise be restricted from specified campus facilities.

(2) **Social Restriction**. The student may be restricted from participation in College-sponsored activities for a specified period of time.

(3) **No Contact Order**. This may include a directive that the parties refrain from having contact with one another, directly or through proxies, whether in person or via electronic means, and may be for a specified period of time.

c. **Disciplinary Actions and Sanctions**.

(1) **Official Written Warning**. This is an official acknowledgment that the student's behavior violated a rule(s) and indicates more severe disciplinary sanctions may result if the student is found responsible for further violations

(2) **Conduct Probation**. A written reprimand issued for a period of up to four semesters, during which it includes a probability of more severe disciplinary sanctions if the student is found responsible for further violations. Any violation committed during the probationary period may result in a review of the student's status at the College.

(3) **Conduct Suspension**. Separation of the student from the College for a definite period of time. Conduct suspension may be issued for up to four semesters. Students who have been suspended are restricted from College premises and sponsored activities or functions except by written permission from the Student Conduct Officers. Conditions for readmission may be specified.

(4) **Conduct Dismissal (expulsion).** Permanent separation of the student from the College without the opportunity to re-enroll in the future. Students who have been dismissed are restricted from access to College premises and sponsored activities or functions except by written permission from the Student Conduct Officer. A dismissal will become part of the student's conduct record maintained by the College.

(5) **Persona non Grata**. Prohibition from College premises and sponsored activities or functions for a specific period.

c. **Discretionary Sanctions:** The student conduct system promotes an educational response in an effort to enhance student development. Thus, sanctions that promote safety, education, and student development may be applied, such as:

(1) **Developmental Experience**. Attendance at, or participation in, a workshop, group, program, and/or other related assignment as determined by the College. Students may bear the responsibility for any associated costs.

(2) **Behavioral Agreement**. A written agreement with clearly defined behavioral expectations and standards. Failure to follow any provision of a behavioral agreement may result in further disciplinary action.

(3) **Restitution.** Compensation for the loss, damage, defacement, theft, injury, or unauthorized use of property. This may take the form of monetary or material replacement and/or appropriate service.

(4) **Community Service**. Assigned College community service, work in a campus department, or at a specified site within the local community. Failure to complete the assignment may result in a more severe sanction.

NOTE: More than one stated disciplinary action/sanction may be imposed for any single conduct violation.

d. **Effective Date of Sanction**. Sanctions are effective once the Student Conduct Officer issues the notice of the outcome and sanctions to the Accused Student.

e. **Noncompliance**. If a student found to have violated the Code, or suspected to have done so, does not comply with the sanction(s) rendered as written, the student will be subject to further and more severe sanction(s).

8. **Student Conduct Appeals Board**. A decision or sanction issued by the **Student Conduct Board** may be appealed to the Student Conduct Appeals Board.

a. Membership of *Student Conduct Appeals Board*

(1) One Administrator, appointed by the President to act as Chairperson.
(2) Two faculty members appointed by the Faculty Senate
(3) One staff member appointed by the Staff Advisory Council
(4) One student services staff member appointed by the Dean of Student Success.
(5) One student member appointed by the Student Association

b. A quorum is four members and must include one member from each category

c. Appeal Timeline
A student's written appeal must be received by the Student Conduct Appeals Board (in care of the Office of the President) within five (5) business days of written notification of the decision or sanction(s).

d. Cases Involving Sexual Violence or Sexual Misconduct
In cases involving sexual violence or misconduct, including sexual harassment, the Reporting Individual and Accused Student may both file a written appeal relative to the **Student Conduct Board's** written determination or outcome. In the event only

one party appeals the **Student Conduct Board's** written determination, the non-requesting party will receive notice of the appeal and may submit their own appeal or a written response to the requesting party's appeal within five (5) business days of receipt of notification. The **Student Conduct Board** will consider all materials it has timely received when rendering a decision. Further information relative to appeals in cases involving sexual violence or misconduct is located in the College's Title IX policy.

e. Grounds for Appeal

(1) The grounds for an appeal will be limited to the following:

(a) There is new and compelling evidence that was not available at the time of the initial investigation that could significantly impact the outcome of the case.

(b) There were procedural irregularities that substantially affected the outcome of the case to the detriment of the Reporting Individual or the Accused Student.

(c) The sanction is substantially disproportionate to the factual findings. The Student Conduct Appeals Board will determine if the appeal meets the grounds of the appeal process. The Board Chairperson will send a letter within five (5) business days of receiving the written appeal outlining if the submission met, or did not meet, the grounds for the appeal process. This decision is final.

(d) Students will receive notification of the scheduled date, time, and location of the appeals meeting within three (3) days of the Appeals Boards' determination as set forth above.

f. Appeal Meeting Procedures

Students may have an advocate of their choice present during the appeal meeting. The advocate may not participate directly in the appeal meeting but may render advice to the student. The student must submit the name of their advocate to the Student Conduct Appeals Board within twenty-four (24) hours in advance of the review. If the appealing student does not appear for the appeal meeting, then the original disciplinary action and/or sanction(s) will stand.

(1) The Chairperson will read the appeal procedures at the beginning of the meeting.

(2) The Chairperson will lead introductions of every person in the meeting and the purpose of their presence.

(3) All individuals present during the appeal meeting must direct their statements and questions to the Student Conduct Appeals Board only.

(4) The Student Conduct Officer will provide their findings to the Student Conduct Appeals Board. The appealing student will present their case first, specifically, by providing a foundation for contesting the imposed disciplinary action and/or sanction(s).

(5) Both the Student Conduct Officer and the appealing student may present witnesses on their behalf. The Chairperson will bring in one witness at a time to speak.

(6) The Student Conduct Appeals Board may ask questions of all parties, including witnesses, for purposes of clarification.

(7) Upon conclusion of the meeting during which all parties had an opportunity to speak, as appropriate, the parties will be dismissed, and the Student Conduct Appeals Board shall enter executive session to review and discuss all information presented.

(8) The Chairperson of the Student Conduct Appeals Board will provide a decision in writing, to the appealing student and Student Conduct Officer within two (2) business days of the appeal meeting.

(9) No student whose case is pending review by the Student Conduct Appeals Board shall be barred from classes or campus functions, except to ensure the safety and well-being of the student or members of the College community or the student poses a direct threat of disruption of, or interference with, the normal operations of the College.

In all cases, the decision of the Student Conduct Appeals Board is final.

9. **Academic Freedom and Free Speech**
   Intellectual creativity and the pursuit of knowledge wherever it may lead is critical to the College's success. With that in mind, the College seeks to provide a setting that respects the contributions of all individuals in its community, that encourages intellectual and individual development, and that promotes the free changes of ideas and opinions. This Code, or portions thereof, are not intended to regulate the content of speech, discussion, and debate in the classroom, on campus or in any College forum reasonably related to academic activity or creative expression. While the College will protect academic freedom, it will not tolerate and expressly prohibits the use of any speech or expression that discriminates against those protected by this Code or that otherwise creates a hostile learning or working environment.

10. **Changes and Updates**
    The College reserves the right to modify the policies, procedures, and guidelines contained within this Code without notice. In the event of a policy or procedure change, students will be subject to the policies that were in effect at the time of the violation, however, the violation will be adjudicated using current procedures.

Policy No. 523: Family Educational Rights and Privacy Act (FERPA)

Purpose: To describe the College's approach towards protection of and access to student education records. These rights are afforded under the federal Family Education Rights and Privacy Act of 1974 (as amended), hereafter referred to as FERPA.

Policy: It is the College's policy to protect the confidentiality of student education records and to provide access to students who wish to review their education records in accordance with established federal guidelines and regulations.

Definitions:
The College adopts, by reference, the definitions used by the United States government as codified in Title 20, Section 1232g of the United States Code (20 U.S.C. § 1232g), and enacted as section 444 of the General Education Provisions Act (GEPA). Consistent with that regulation, the College also adopts the following definitions:

1. *Act*
   The Act means the Family Education Rights and Privacy Act of 1974, as amended, enacted as section 444 of the General Education Provisions Act under the authority of 20 U.S.C. 1232g.

2. *Attendance*
   Attendance includes, but is not limited to:
   a. Attendance in person or by correspondence; and
   b. The period during which a person is working under a work-study program.

3. *Directory Information*
   Directory information means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous education agency or institution attended. [Note: See subsection A of the Procedures section of this document for information about how Trocaire College implements the Directory Information component of FERPA.]

4. *Disciplinary action or proceeding*
   Disciplinary action or proceeding means the investigation, adjudication, or imposition of sanctions by an educational agency or institution with respect to an infraction or violation of the internal rules of conduct applicable to students of the agency or institution.

5. *Disclosure*
   Disclosure means to permit access to, or the release, transfer, or other communication of personally identifiable information contained in education records to any party, by any means, including oral, written, or electronic means.

6. *Educational agency or institution*
   Educational agency or institution means any public or private agency or institution to which this part applies under Title 34, Sec. 99.1(a) of the Code of Federal Regulations (34 C.F.R. §

99.1(a)). Specifically, this part applies to an educational agency or institution to which funds have been made available under any program administered by the Secretary, if--

a. The educational institution provides educational services or instruction, or both, to students; or
b. The educational agency provides administrative control of, or direction of, or performs service functions for public elementary or secondary schools or postsecondary institutions.

7. *Education records*

The term education records mean those records that are:

a. Directly related to the student; and
b. Maintained by an educational agency or institution or by a party acting for the agency or institution.

The term does not include:

c. Records of instructional, supervisory and administrative personnel and educational personnel activity ancillary to those persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;
d. Records of the law enforcement unit of an educational agency or institution, subject to the provisions of Title 34, Sec. 99.8, of the Code of Federal Regulations (34 C.F.R. § 99.8);
e. Records relating to an individual who is employed by an educational agency or institution, that:
    1. Are made and maintained in the normal course of business;
    2. Relate exclusively to the individual in that individual's capacity as employee; and
    3. are not available for use for any other purpose.

    Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and not excepted under paragraph (b) (3) (i) of this definition.

f. Records on a student who is 18 years of age or older, or is attending an institution of post-secondary education, that are:
    1. made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
    2. made, maintained, or used only in connection with treatment of the student; and
    3. disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution; and

g. Records that only contain information about an individual after he or she is no longer a student at that agency or institution.

8. *Eligible student*

Eligible student means a student who has reached 18 years of age or is attending an

institution of postsecondary education.

9. *Institution of postsecondary education*
   Institution of postsecondary education means an institution that provides education to students beyond the secondary school level; "secondary school level" means the educational level (not beyond grade 12) at which secondary education is provided as determined under State law.

10. *Parent*
    Parent means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

11. *Party*
    Party means an individual, agency or organization.

12. *Personally identifiable information*
    Personally identifiable information includes, but is not limited to:
    a. The student's name;
    b. The name of the student's parent or other family member;
    c. The address of the student or student's family;
    d. A personal identifier, such as the student's social security number or student number;
    e. A list of personal characteristics that would make the student's identity easily traceable; or
    f. Other information that would make the student's identity easily traceable.

13. *Record*
    Record means any information recorded in any way, including but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

14. *Secretary*
    Secretary means the Secretary of the U.S. Department of Education or an official or employee of the Department of Education acting for the Secretary under a delegation of authority.

15. *Student*
    Student, except as otherwise specifically provided in this part, means any individual who is or has been in attendance at an educational agency or institution and regarding whom the agency or institution maintains education records.

<u>Procedures</u>
A. In implementing its FERPA policy, the College will publish on an annual basis the following statement in locations accessible to all students:

Notification of Rights Under Family Educational Rights and Privacy Act
The Family Educational Rights and Privacy Act (FERPA) affords students with certain rights with respect to their education records. They are:

1. The right to inspect and review the student's education records within 45 days of the day the College receives a request for access. Students should submit to the Office of Admissions and Records or other appropriate official, written requests that identify the record(s) they wish to inspect. The College official will arrange for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, the official shall advise the student of the correct official to whom the request should be addressed.

2. The right to request the amendment of the student's education records that the student believes are inaccurate or misleading. Students may ask the College to amend a record that they believe is inaccurate or misleading. They should write the College official responsible for the record, clearly identify the part of the record they want changed and specify why it is inaccurate or misleading.

   If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosures without consent.

   Directory Information may be released without the student's consent. Trocaire College designates the following items as Directory Information: student name, address, e-mail address, telephone numbers, photograph, date and place of birth, major field of study, grade level, name of academic advisor, participation in officially recognized activities, dates of attendance, enrollment status, degrees, date of graduation, honors and awards received, and most recent previous school attended.

   A student who wishes to have Directory Information withheld must notify the Office of Admissions & Records. Forms requesting the withholding of Directory Information are available in the Office of Admissions & Records. Trocaire College will assume a student's failure to request the withholding of Directory Information as their consent to the release of this information.

4. Disclosure Without Consent
   Trocaire College may disclose personally identifiable information from an education record of a student without consent if the disclosure meets one or more of the following conditions:
   a. The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests.

   b. The disclosure, subject to the requirements of Title 34, Sec. 99.34, of the Code of Federal Regulations (34 C.F.R. § 99.34), is to officials of another school, school system, or institution of post-secondary education where the student seeks or intends to enroll.

c. The disclosure is, subject to the requirements of Title 34, Sec. 99.35, of the Code of Federal Regulations (34 C.F.R. § 99.35), to authorized representatives of 1) The Comptroller General of the United States; 2) The Secretary; or 3) State and local educational authorities.

d. The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to: 1) determine eligibility for the aid; 2) determine the amount of the aid; 3) determine the conditions for the aid; or 4) enforce the terms and conditions of the aid.

e. The disclosure is to State and local officials or authorities to whom this information is specifically: 1) allowed to be reported or disclosed pursuant to State statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or 2) allowed to be reported or disclosed pursuant to State statute adopted after November 19, 1974, subject to the requirements of Sec. 99.38.

f. The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to 1) develop, validate or administer predictive tests; 2) administer student aid programs; or 3) improve instruction.

g. The disclosure is to accrediting organizations to carry out their accrediting functions.

h. The disclosure is to parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954.

i. The disclosure is to comply with a judicial order or lawfully issued subpoena.

j. The disclosure is in connection with a health or safety emergency, under the conditions described in Title 34, Sec. 99.36, of the Code of Federal Regulations (34 C.F.R. § 99.36). Accordingly, Trocaire College may release personally identifiable information from an education record to appropriate parties if knowledge of the information is necessary to protect the health or safety of the student or other individuals. If, based on the totality of the circumstances, Trocaire College determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

k. The disclosure is information the educational agency or institution has designated as "directory information", under the conditions described in Title 34, Sec. 99.37, of the Code of Federal Regulations (34 C.F.R. § 99.37).

l. The disclosure is to the parent of a student who is not an eligible student or to the student.

m. The disclosure is to an alleged victim of any crime of violence, as that term is defined in Section 16 of Title 18, United States Code, of the results of any disciplinary proceeding conducted by an institution of postsecondary education against the alleged perpetrator of

the crime with respect to that crime.

5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by Trocaire College to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:
   Family Policy Compliance Office
   U.S. Department of Education
   600 Independence Avenue, SW
   Washington, D.C. 20202-4605

B. The Registrar's Office will serve as the entity responsible for day-to-day monitoring and implementation of FERPA regulations on campus. All requests for release of student education records must be submitted to the Registrar.

C. A student has the primary responsibility for requesting access to education records as defined above. Requests for access to education records must be made in writing and submitted to the Office of Admissions & Records. Students should submit requests that identify the record(s) they wish to inspect. Assuming that the request meets the established criteria, the College will comply within 45 days of the day the College receives the request for access. The College official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, the official shall advise the student of the correct official to whom the request should be addressed.

D. The student also has the primary responsibility to notify the College that he/she does not want Directory Information made available. The process for doing this includes, as noted above, contacting the Office of Admissions & Records and specifically requesting in writing using the form provided that Directory Information be withheld. A request to withhold Directory Information must be on file for each semester for which it is in effect.

E. The College is responsible for making members of the College community aware of the FERPA policy and procedures by, for example:

1. Addressing the issue in college publications including the College Catalog, the Student Handbook, the College internet website, and, as appropriate, handbooks for employees or groups of employees; and
2. Including procedures for accessing education records in the Catalog and the Student Handbook.

F. A student may appeal a decision relating to the subjects of this procedure through the Student Complaint/Concern Form on MyTrocaire.

Non-Discrimination and Title IX

Trocaire College does not discriminate in admission, employment, in the administration of its educational policies, scholarship and loan programs, and other institutionally administered programs on the basis of an individual's actual or perceived, race, color, creed, religion, religious practice, national origin, ethnic group, sex, gender identity, sexual orientation, political affiliation, age, marital status, military status, veteran status, disability, domestic violence victim status, genetic information,

or any other basis prohibited by New York State and/or federal non-discrimination laws. Retaliation against an individual because he or she made a complaint, testified, or participated in any manner in an investigation or proceeding will not be tolerated and is unlawful under civil rights laws.

The College's policy is in accordance with federal and state laws and regulations prohibiting discrimination and harassment, including the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and the New York State Human Rights Law.

Inquiries concerning the College's non-discrimination policies should be directed to:

Civil Rights Compliance Officer /Title IX Coordinator
Choate Campus, Room 337, Buffalo, NY 14220, 716.827.2461.
CivilRightsCompliance@trocaire.edu

For further information on the notice of non-discrimination, please contact:

New York Office for Civil Rights, U.S. Department of Education
32 Old Slip, 26th Floor, New York, NY 10005-2500
Telephone: 646-428-3900. Fax: 646-428-3843; TDD: 800-877-8339.
Email: OCR.NewYork@ed.gov
http://www2.ed.gov/about/offices/list/ocr/docs/howto.pdf

Policy No. 129 – Nondiscrimination and Anti-Harassment Policy

Purpose:

Trocaire College is committed to creating and maintaining a working and learning environment which is free of discrimination and intimidation. All complaints of discrimination and harassment will be thoroughly investigated to determine whether the totality of the alleged behavior and circumstances may constitute harassment, sexual harassment, discrimination or sexual violence. This procedure outlines the steps a complainant should take in order to have their complaint investigated and resolved. This prohibition against discrimination and harassment applies to all students, faculty, and staff, to other members of the College community, and to contractors, consultants, and vendors doing business or providing services to the College.

Policy:

Trocaire College does not discriminate in admission, employment, in the administration of its educational policies, scholarship and loan programs, and other institutionally administered programs, on the basis of an individual's actual or perceived, race, color, creed, religion, religious practice, national origin, ethnic group, sex, gender identity, sexual orientation, political affiliation, age, marital status, military status, veteran status, disability, domestic violence victim status, genetic predisposition or carrier status, or any other basis prohibited by New York state and/or federal non-discrimination laws or regulations. Sexual harassment, including acts of sexual assault, sexual violence or sexual exploitation, is a form of sex discrimination and is prohibited by the College. Retaliation against an individual because he or she made a complaint, testified or participated in any manner in an investigation or proceeding is unlawful under Civil Rights laws and will not be tolerated.

This policy is designed to promote a safe and healthy learning and work environment and to comply with the laws that prohibit discrimination, including but not limited to: Title VI of the Civil Rights

Act of 1964, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act Amendments Act, the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Age Discrimination Act, Title IX of the Education Amendments Act of 1972, the Pregnancy Discrimination Act of 1978, the Uniformed Services Employment and Re-employment Act, the Veteran's Readjustment Act of 1974, the Genetic Information Nondiscrimination Act of 2008, the Campus Sexual Violence Act ("SaVE Act") provision, Section 304, and any related NYS laws or regulations.

This procedure applies to all students and employees of Trocaire College who would like to bring forward a complaint of discrimination, harassment, or sexual assault or sexual violence regardless of where the alleged conduct occurred. Conduct that occurs off campus can be the subject of a complaint or report and will be evaluated to determine whether it violates this policy, e.g. if off-campus harassment has continuing effects that create a hostile environment on campus.

The Civil Rights Compliance Officer/Title IX Coordinator can be contacted at smiths@trocaire.edu. Up-to-date Civil Rights Compliance Advocate/Title IX Coordinator contact information can be found at https://trocaire.edu/title-ix/.

Definitions:

Discrimination:
Discrimination is the materially adverse treatment of an individual or group of individuals because they possess a protected characteristic. Protected characteristics include an individual's actual or perceived race, color, creed, religion, religious practice, national origin, ethnic group, sex, gender identity, sexual orientation, political affiliation, age, marital status, military status, veteran status, disability, domestic violence victim status, genetic predisposition or carrier status, or any other basis prohibited by New York State, local, and/or federal non-discrimination laws or regulations.

Harassment:
Harassment is a form of discrimination which involves unwelcome conduct, based on a protected characteristic, where the conduct creates an intimidating, hostile, or offensive academic environment or otherwise adversely effects academic opportunities or participation in the College's activities or benefits.

Claimant:
Shall encompass the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of a violation.

Respondent:
A person accused of a violation who has entered an institution's judicial or conduct process.

Retaliation:
No individual who makes a complaint alleging a violation of this policy or who participates in the investigation or resolution of such a complaint shall be subject to retaliation as a result of such activity or participation. Retaliation includes harassment and intimidation, including but not limited to violence, threats of violence, property destruction, adverse educational or employment consequences, and bullying.

Retaliation exists when action is taken against a Reporting Individual or participant in the complaint process that

i. adversely affects the individual's opportunity to benefit from the College's programs or activities, and
ii. is motivated in whole or in part by the individual's participation in the complaint process.

Any acts of retaliation, as defined in this policy, shall be grounds for disciplinary action.

Sex Discrimination

Sex discrimination includes all forms of sexual harassment, sexual assault, and other sexual violence by employees, students, or third parties against employees, students, or third parties. Students, employees, and third parties are prohibited from harassing students and/or employees whether or not the harassment occurs on Trocaire campuses and whether or not the incidents occur during working hours. All acts of sex discrimination including sexual harassment, sexual assault, and other sexual violence are prohibited by Title IX.

Sexual Harassment:

Sexual harassment may consist of repeated actions or may even arise from a single incident if sufficiently extreme. The Reporting Individual and the accused individual may be of either gender, and need not be of different genders. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature where:

- submission to such conduct by the individual is made a term of conditional employment or scholastic status, either explicitly or implicitly;
- submission to, or rejection of, such conduct by the individual influences personnel or scholastic decisions concerning that individual; or
- such conduct has the purpose or effect of interfering with the individual's work or academic performance or of creating an intimidating, hostile, or offensive working or scholastic environment for the individual.

Examples

1. Physical contact of a sexual nature, including unwelcome touching, patting, hugging or brushing against a person's body.
2. Explicit or implicit propositions to engage in sexual activity.
3. Comments of a sexual nature, including:
   - Sexually explicit statements or questions
   - Sexually explicit jokes or anecdotes
   - Remarks of a sexual nature regarding a person's clothing or body
   - Whistling, ogling or leering.
4. Inappropriate exposure to sexually oriented graffiti, pictures, posters or other such materials.
5. Physical interference with or restriction of an individual's movements.

Employee Reporting:

All College employees, including faculty, staff, and administrators, except those employees who are statutorily prohibited from reporting such information, are required to share with the Civil Rights Compliance Advocate/Title IX Coordinator any report of sexual misconduct they receive or of which they become aware. All College community members, even those who are not obligated by this policy, are strongly encouraged to report information regarding any incident of sexual misconduct to the Civil Rights Compliance Advocate/Title IX Coordinator. The College will

conduct a prompt, thorough, and impartial investigation of sexual misconduct or harassment allegations regardless of whether or not a formal complaint is filed.

Procedures:

1. Any student or employee of the College who wishes to file a complaint regarding discrimination or harassment shall, if possible, make such a complaint in writing using the Discrimination and Harassment Complaint Form.

2. Students filing a complaint of Sexual Violence, Dating Violence, Domestic Violence or Stalking will follow the procedures outlined in named Policy #124.

3. The Discrimination and Harassment Complaint Form may be obtained by going to Discrimination & Harassment Complaint Form.

4. The Discrimination and Harassment Complaint Form is also available from the Civil Rights Compliance Advocate/Title IX Coordinator.

5. If unable to make the complaint in writing, students should contact the Civil Rights Compliance Advocate/Title IX Coordinator. Employees may contact their department head and the Civil Rights Compliance Advocate/ Title IX Coordinator, to assist with putting the complaint in writing.

6. The written complaint must be signed by the complainant, dated, and include at a minimum, the following information:
   - Date(s), time(s), place(s) of alleged incident(s)
   - Alleged perpetrators of discrimination or harassment (names, identifiers, etc.)
   - Description of each incident, by date
   - Witnesses, if any (names and identifying information)
   - Other relevant information
   - Desired resolution – what you would like to see change as a result of the investigation

7. The written Discrimination and Harassment Complaint Form should be forwarded to the Civil Rights Compliance Advocate/Title IX Coordinator by yourself or the administrator/ department head assisting you. If given to an administrator/department head, s/he will forward the Complaint Form to the Civil Rights Compliance Advocate/ Title IX Officer.

8. Individuals have the right to file criminal complaints. Any pending criminal investigation or criminal proceeding may have an impact on the timing of the College's investigation, but the College will commence its own investigation as soon as practicable under the circumstances.

9. It may be possible to resolve a complaint through a voluntary conversation between the Claimant and the Respondent which would always be facilitated by a designated college employee or the Civil Rights Compliance Advocate/ Title IX Coordinator. If the Claimant and the Respondent feel that a resolution has been achieved, then the conversation may remain confidential, and no further action needs to be taken. If the Claimant, the Respondent or the facilitator choose not to use the informal procedure, or feels the informal procedure is inadequate or has been unsuccessful, the Claimant may still proceed to the

formal procedure.

10. Mediation/informal resolution processes will not be used for an allegation of sexual violence.

11. To start the formal procedures regarding matters related to Title IX, the Civil Rights Compliance Advocate/Title IX Coordinator or his/her designee will:
    a. Begin a fact-finding and full investigation which will be prompt, thorough and impartial to all parties. The investigation may include interviews of appropriate witnesses.
    b. Both parties will have an equal opportunity to present relevant witnesses or submit other evidence on their behalf, speak on their own behalf, review any information that will be offered by the other party in support of the other party's position (to the greatest extent possible and consistent with the Family Educational Rights and Privacy Act ("FERPA") or other applicable law. Parties may not cross-examine one another but will have an opportunity to question each other through the hearing process.
    c. Both parties will select an advisor of choice, or one will be assigned during the investigation and/or hearing process.
    d. Put in place temporary and reasonable remedies while the investigation takes place if merited by the allegations.
    e. Both parties will be given periodic status updates.
    f. Both parties will have an opportunity to review the investigative notes and have ten (10) days to respond with any revisions and/or updates.
    g. A decision will be made as soon as possible, taking into account the ability for both parties to review all investigative notes and summaries. The decision will be made as soon as reasonably possible. If the decision is to be delayed for good cause (e.g., key witnesses cannot be interviewed in a timely manner), the claimant, the respondent and other material parties shall so be notified. An estimated date for a decision will be noted. Decisions will be made based on the preponderance of evidence standard.
    h. The Title IX Coordinator or his/her designee will prepare a written report at the conclusion of an investigation. The Investigator's written report will generally contain, at a minimum:
        - a summary of the investigation
        - the Investigator's findings
    i. Hearing Panel. They will provide the following:
        - Conduct a hearing with Claimant, Respondent, their advisors of choice, any witness(es) and members of the hearing panel;
        - include a recommendation concerning whether the Respondent should be found responsible for the alleged sexual misconduct, sexual harassment or Title IX covered action;
        - a summary of the rationale in support of the findings and the violations of the Title IX Policy of which was violated; and
        - if applicable, a recommendation regarding any actions the College will take to provide accommodations to the Claimant, Respondent or safety measure(s) for the college community.
    j. If the Hearing Panel concludes that the Title IX policy was not violated, they will communicate their findings with the Claimant, Respondent, and advisors in writing.

12. To start the formal procedures regarding the Non-Discrimination and Harassment Policy excluding Title IX matters: the Civil Rights Compliance Advocate/Title IX Coordinator or his/her designee will:
    a. Begin a fact-finding and full investigation which will be prompt, thorough and impartial to all parties. The investigation may include interviews of appropriate witnesses.
    b. Both parties will have an equal opportunity to present relevant witnesses or submit other evidence on their behalf, speak on their own behalf, review any information that will be offered by the other party in support of the other party's position (to the greatest extent possible and consistent with the Family Educational Rights and Privacy Act ("FERPA") or other applicable law. Parties may not cross-examine one another but will have an opportunity to question each other through the hearing process.
    c. Put in place temporary and reasonable remedies while the investigation takes place if merited by the allegations.
    d. Both parties will be given periodic status updates.
    e. Both parties will have an opportunity to review the investigative notes and have the ability to respond with any revisions and/or updates.
    f. A decision will be rendered as soon as possible with taking into account the ability for both parties to review all investigative notes and summaries. The decision will be made as soon as reasonably possible. If the decision is to be delayed for good cause (e.g., key witnesses cannot be interviewed in a timely manner), the claimant, the respondent and other material parties shall so be notified. An estimated date for a decision will be noted. Decisions will be made based on the preponderance of evidence standard.
    g. The Title IX Coordinator or his/her designee will prepare a written report at the conclusion of an investigation. The Investigator's written report will generally contain, at a minimum:
        - a summary of the investigation;
        - the Investigator's findings
        - include a recommendation concerning whether the Respondent should be found responsible for the alleged misconduct, harassment or discriminatory action;
        - a summary of the rationale in support of the findings and the violations of the Non-Discrimination and Harassment Policy of which was violated; and
        - if applicable, a recommendation regarding any actions the College will take to provide accommodations to the Claimant, Respondent or safety measure(s) for the college community.
    h. If the Title IX Coordinator/Civil Rights Compliance Advocate concludes that the Non-Discrimination Policy was not violated, s/he will communicate their findings with the Claimant and Respondent in writing.

13. Sanctions/Corrective Action
    If the results of the investigation indicate that the College should impose sections and/or remedies, the matter will be referred to the appropriate Leadership Council Member. If the Respondent is a student, the Dean of Student Success, or designee, will implement sanctions in accordance with the Student Code of Conduct (Policy #600). If the Respondent is an employee, the Council Member or designee, will implement sanctions. If the Respondent is a

Council Member, the President will implement sanctions. If the Respondent is the President or a Board member, the matter will be referred to the chair of the Board of Trustees who will proceed according to Board guidelines. The College will take reasonable steps to prevent the recurrence of any violations of this policy and to correct the discriminatory effects on the reporting individual (and others, if appropriate).

14. Written determination of the final outcome and sanctions (if any) will be provided to the Claimant and Respondent concurrently.

    Once written notice of the resolution has been provided, if the Respondent or Claimant is a student, she or he has the opportunity to appeal the outcome to the Judicial Appeals Board, pursuant to the process and procedures contained within Policy #605.

    No individual who makes a complaint alleging a violation of this policy or who participates in the investigation or resolution of such a complaint shall be subject to retaliation as a result of such activity or participation.

15. If, at the conclusion of an investigation, it is determined that a Claimant, Respondent, or witness knowingly gave false or misleading information, it may be recommended that the individual be subject to disciplinary action, up to and including dismissal for students and termination of employment for faculty and staff.

16. For further discrimination grievance issues, please contact:
    New York Office for Civil Rights, U.S. Department of Education
    32 Old Slip, 26th Floor, New York, NY 10005-2500
    Telephone: 646.428.3900, Fax: 646.428.3843; TDD: 800.877.8339
    E-mail: OCR.NewYork@ed.gov
    http://www2.ed.gov/about/offices/list/ocr/docs/howto.pdf

Policy No. 124 – Against Sexual Violence, Dating Violence, Domestic Violence & Stalking

Purpose: Trocaire College is fully committed to ensuring that its Campus is a place where students and employees are able to feel secure in their physical safety and their emotional well-being.

Policy: Trocaire College condemns and will not tolerate sexual violence, dating violence, domestic violence and stalking. This policy applies to all students, employees, (faculty, administration or staff member), and to other members of the Trocaire College community, including contractors, consultants, and vendors doing business or providing services to Trocaire College.

Applicable Federal Laws

This policy supplements the general policy statement set forth in Trocaire College's Non-Discrimination policy and addresses the requirements of NYS Educational Law 129B (Enough is Enough), Title IX of the Education Amendments of 1972 ("Title IX"), the Campus Sexual Violence Act ("SaVE"), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery"), Title IV of the Civil Rights Act of 1964 ("Title IV"), Violence Against Women Act (VAWA), and the Family Educational Rights and Privacy Act of 1964 ("FERPA").

Civil Rights Compliance Advocate/Title IX Coordinator
The Civil Rights Compliance Advocate/College's Title IX Coordinator is responsible for implementing and monitoring Title IX Compliance on behalf of the College. This includes coordination of training, education, communications, and administration of the complaint and grievance procedures for the handling of suspected or alleged violations of this policy. The Civil Rights Compliance Advocate/Title IX Coordinator is also responsible for conducting the investigation of an alleged violation of the policy. The Civil Rights Compliance Advocate/ Title IX Coordinator will be available to meet with or talk to students and employees regarding issues relating to Title IX and this policy. The Civil Rights Compliance Advocate/Title IX Coordinator can be reached at 360 Choate Avenue, Buffalo, NY 14220 at (716) 827-2461, or via e-mail at smiths@trocaire.edu.

Definitions and Examples of Conduct Prohibited Under this Policy
Prohibited conduct includes all forms of sexual violence, as well as acts of dating violence, domestic violence, and stalking.

Respondent
A person accused of a violation who has not yet entered an institution's judicial or conduct process.

Affirmative Consent
Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

Here are some important points to keep in mind with respect to affirmative consent:

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

Bystander
A person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of an institution.

Clery Act
The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery

Act is a federal statute (20 U.S.C. §1092(f)) that requires colleges and universities that participate in federal financial aid programs to keep and disclose statistics about crime on or near their campuses. Compliance is monitored by the U.S. Department of Education.

Code of Conduct
The written policies adopted by an Institution governing student behavior, rights, and responsibilities while such student is matriculated in the Institution.

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

Dating Violence
Dating violence is defined as violence committed by a person:

a. who has been in a social relationship of a romantic or intimate nature with the victim; and
b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - the length of the relationship
    - the type of the relationship
    - the frequency of the interaction between the persons involved in the relationship

Discrimination
Discrimination is the materially adverse treatment of an individual or group of individuals because they possess a protected characteristic. Protected characteristics include an individual's actual or perceived race, color, creed, religion, religious practice, national origin, ethnic group, sex, gender identity, sexual orientation, political affiliation, age, marital status, military status, veteran status, disability, domestic violence victim status, genetic predisposition or carrier status, or any other basis prohibited by New York State, local, and/or federal non-discrimination laws or regulations.

Domestic Violence
Domestic violence is defined as felony or misdemeanor crimes of violence perpetrated by:

a. a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common,
b. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
c. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or
d. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Harassment
Harassment is a form of discrimination which involves unwelcome conduct, based on a protected characteristic, where the conduct creates an intimidating, hostile, or offensive academic environment or otherwise adversely effects academic opportunities or participation in the College's activities or

benefits.

Institution
Any college or university chartered by the regents or incorporated by special act of the legislature that maintains a campus in New York.

Privacy
May be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a Claimant or bystander to a crime or incident more than necessary to comply with applicable laws, including informing appropriate institutional officials.

Claimant
Shall encompass the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of a violation.

SaVE Act
The Campus Sexual Violence Elimination Act amends the Clery Act. It was signed into law as part of the Violence Against Women Reauthorization Act (VAWA). The SaVE Act provision, Section 304, requires colleges and universities to report domestic violence, dating violence, and stalking beyond the crime categories that the Clery Act already mandates; adopt certain student conduct procedures, such as for notifying victims of their rights; and adopt training protocols and policies to address and prevent campus sexual violence.

Sexual Act
The term "sexual act" means:

a. Contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight;
b. Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
c. The penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or
d. The intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

Sexual Activity
Shall have the same meaning as "sexual act" and "sexual contact."

Sexual Assault
Sexual assault is any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Falling under the definition of sexual assault are sexual activities as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape.

Sexual Contact
The intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast,

inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

Sex Discrimination
Includes all forms of sexual harassment, sexual assault, and other sexual violence by employees, students, or third parties against employees, students, or third parties. Students, employees, and third parties are prohibited from harassing other students and/or employees whether or not the harassment occurs on Trocaire campuses and whether or not the incidents occur during working hours. All acts of sex discrimination including sexual harassment, sexual assault, and other sexual violence are prohibited by Title IX.

Sexual Violence
Physical acts perpetrated without consent or when a person is incapable of giving consent. A number of acts fall into the category of sexual violence including, rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

Stalking
Engaging in a course of conduct; directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others or (b) suffer substantial emotional damage.

Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means, with such person(s) in a manner likely to intimidate, annoy, or alarm him or her.

Title IX
Part of the Educational Amendments of 1972, Title IX prohibits sexual discrimination in any form; to include any form of sexual harassment and gender discrimination. Federal law states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Violence Against Women Act (VAWA)
VAWA is a federal law initially passed in 1994 and reauthorized three times, most recently in 2013 (Title IV, sec. 40001-40703 of the Violent Crime Control and Law Enforcement Act of 1994, H.R. 3355). VAWA's initial focus has expanded from domestic violence and sexual assault to also include dating violence and stalking. The Act provides funding for investigation and prosecution of violent crimes against women, imposes mandatory restitution by those convicted, and allows civil remedy in certain cases. The Act created the Office on Violence Against Women within the U.S. Department of Justice. While the title of the law refers to women victims of violence, the actual text is gender-neutral, providing coverage for male victims of domestic violence as well.

Trocaire College is committed to providing options, support and assistance to students who report incidents of sexual misconduct, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in college-wide and campus programs, activities, and employment. All Claimants of these crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal

conviction, have the following rights, regardless of whether the crime or violation occurs on or off campus.

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

Additionally, and in the accordance with the SaVE provision of the Violence Against Women Act (VAWA), the College will work with the Claimant to ensure that he/she is able to continue their studies safely while the matter is addressed. This includes applying, at the discretion of the CRC Officer/Title IX Coordinator, Dean of Student Success, or designee, and as dictated by the situation and the needs of the Claimant, the use of administrative location changes, if available, Orders of No Contact, and/or other steps deemed necessary.

Policy for Alcohol and/or Drug use Amnesty

The health and safety of every student at Trocaire College is of utmost importance. Trocaire recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence (including but not limited to domestic violence, dating violence, stalking, or sexual assault) occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct.

Trocaire strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a Claimant acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to college officials or law enforcement will not be subject to Trocaire's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

This language is also included in the Student Drug and Alcohol Policy #604

Options for Disclosing and Filing a Report

Trocaire College wants you to get the information and support you need regardless of whether you would like to move forward with a report of sexual violence, dating violence, domestic violence or stalking, to campus officials or to police. You may want to talk with someone about something you observed or experienced, even if you are not sure that the behavior constitutes an act of sexual violence, dating violence, domestic violence or stalking. A conversation where questions can be answered is far superior to keeping something to yourself. Confidentiality varies, and this section is aimed at helping you understand how confidentiality applies to different resources that may be available to you.

Confidential Resources

Individuals who are confidential resources will not report crimes to law enforcement or college officials without your permission, except for extreme circumstances, such as a health and/or safety emergency.

Trocaire College:

- Trocaire Mission Manager, Mercy Center L-10, (716) 827-2451

Community:

Off-campus options to openly or anonymously disclose sexual violence *confidentially* include (note that these outside options do not provide any information to the campus):

- Crisis Services: http://crisisservices.org/
- New York State Coalition Against Sexual Assault: http://nyscasa.org/
- Office for the Prevention of Domestic Violence: http://www.opdv.ny.gov/help/index.html
- Legal Momentum: https://www.legalmomentum.org/
- New York State Coalition Against Domestic Violence: http://www.nyscadv.org/
- Pandora's Project: http://www.pandys.org/lgbtsurvivors.html
- GLBTQ Domestic Violence Project: http://www.glbtqdvp.org/
- RAINN: https://www.rainn.org/get-help
- Safe Horizons: http://www.safehorizon.org/

Local Hospitals:

- Catholic Health System: http://www.chsbuffalo.org/
- Kaleida Health: http://www.kaleidahealth.org/
- Erie County Medical Center: http://www.ecmc.edu/

Sexual contact can transmit Sexually Transmitted Infections (STI). Testing for STIs is available. Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital which will include testing for STIs. While there should be no charge for a rape kit, there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. The New York State Office of Victim Services may be able to assist in compensating victims/ survivors for health care and counseling services, including emergency funds. More information may

be found at https://ovs.ny.gov/help-crime-victims, or by calling 1-800-247-8035.

- To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.
- These hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the campus. Claimants are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases.
- Even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to him or herself or others and the mandatory reporting of child abuse.

Non-Confidential Resources

The following college officials can offer privacy and can provide information about remedies, accommodations, evidence preservation, and how to obtain resources. These officials will also provide the information contained in the Students' Bill of Rights, including the right to choose when and where to report, to be protected by the institution from retaliation, and to receive assistance and resources from the institution. These college officials will disclose that they are private and not confidential resources, and they may still be required by law and college policy to inform one or more college officials about the incident, including but not limited to the Title IX Coordinator. They will notify Claimants that the criminal justice process uses different standards of proof and evidence than internal procedures, and questions about the penal law or the criminal process should be directed to law enforcement or district attorney:

- Civil Rights Compliance Advocate/Title IX Coordinator; Room 337, (716) 827-2461
- Dean of Student Success, Room 122 (716) 827-2467
- Security (for all locations), 360 Choate Ave., (716) 827-2500, and Transit Road (716) 827-4300

In addition to these disclosure/reporting options, Claimants also have the right:

- To file a criminal complaint with local law enforcement and/or state police:
    - City of Buffalo Police Department Headquarters
      (716) 851-4444, 74 Franklin Street Buffalo, NY 14202
    - Town of Lancaster Police Department
      (716) 683-2800, 525 Pavement Rd., Lancaster, NY 14086
    - State police 24-hour hotline to report sexual assault on a NY college campus: 1-844-845-7269, or go to https://consentfirst.troopers.ny.gov/.

- To receive assistance from the Civil Rights Compliance Advocate/Title IX Coordinator in initiating legal proceedings in family court or civil court;
- To have emergency access to the Title IX Coordinator or other appropriate officials trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a Claimant to provide information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and detailing that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the District

Attorney. Such officials shall also explain whether he or she is authorized to offer the Claimant privacy, and shall inform the Claimant of other reporting options;

- To disclose confidentially the incident to instruction representatives, who may offer confidentiality pursuant to applicable laws and can assist in obtaining services for Claimants;
- To disclose confidentially the incident and obtain services from the state or local government;
- To disclose the incident to institution representatives who can offer privacy or confidentially, as appropriate, and can assist in obtaining resources for Claimants;
- To file a report of sexual violence, domestic violence, dating violence, and/or stalking, and the right to consult the Civil Rights Compliance Advocate/Title IX Coordinator for information and assistance. Reports will be investigated in accordance with institution policy and the Claimant's identity shall remain private at all times if said Claimant wishes to maintain privacy.
- When the Respondent is an employee, a Claimant may also report the incident to the Office of Human Resources or may request that the above-mentioned confidential or non-confidential employees assist in reporting to Human Resources. Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements. When the Respondent is an employee of an affiliated entity or vendor of the college, college officials will, at the request of the Claimant, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and college policy,
- To withdraw a complaint or involvement from the institution process at any time.
- **Every college shall ensure that, at a minimum, at the first instance of disclosure by a Claimant to a college representative, the following information shall be presented to the Claimant: "You have the right to make a report to Campus Security, local law enforcement, and/or State Police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution."**

<u>Plain Language Explanation of Confidentiality</u>
Even Trocaire offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX coordinator, or designee, who is responsible under the law for tracking patterns and spotting systemic issues. Trocaire will limit the disclosure as much as possible, even if the Title IX coordinator determines that the request for confidentiality cannot be honored.

<u>Requesting Confidentiality: How Trocaire Will Weigh the Request & Determine Continuing Threat:</u>
If you disclose an incident to a Trocaire employee who is responsible for responding to or reporting sexual violence but wish to maintain confidentiality or do not consent to the institution's request to initiate an investigation, the Civil Rights Compliance Advocate/Title IX Coordinator must weigh your request against our obligation to provide a safe, non-discriminatory environment for all members of our community, including you. You may withdraw your complaint or involvement from the College process at any time.

We will assist you with all reasonable and available accommodations regardless of your reporting choices. We also may take proactive steps, such as training or awareness efforts, to combat sexual

violence in a general way that does not identify you or the situation you disclose.

We may seek consent from you prior to conducting an investigation. You may decline to consent to an investigation, and that determination will be honored unless Trocaire's failure to act would not adequately mitigate the risk of harm (continuing threat) to you or other members of the Trocaire community. Honoring your request may limit our ability to meaningfully investigate and pursue conduct action against a Respondent. If we determine that an investigation is required, we will notify you via writing and take immediate action as necessary to protect and assist you.

When you disclose an incident to someone who is responsible for responding to or reporting sexual misconduct, but wish that an investigation not be undertaken, Trocaire will consider many factors to determine whether there is a continuing threat to the campus community and may proceed despite that request. These factors include, but are not limited to:

a. Whether the Respondent has a history of violent behavior or is a repeat offender;
b. Whether the incident represents escalation, such as a situation that previously involved sustained stalking;
c. The increased risk that the Respondent will commit additional acts of violence;
d. Whether the Respondent used a weapon or force;
e. Whether the Claimant is a minor; and
f. Whether we possess other means to obtain evidence such as security footage, and whether the report reveals a pattern of perpetration at a given location or by a particular group.

If the College determines that it must move forward with an investigation, the Claimant or victim/survivor will be notified, and the College will take immediate action as necessary to protect and assist the Claimant.

Public Awareness/Advocacy Events

If you disclose a situation through a public awareness event such as "Take Back the Night," candlelight vigils, protests, or other public event, the College is not obligated to begin an investigation. Trocaire may use the information you provide to inform the need for additional education and prevention efforts.

Institutional Crime Reporting

Reports of certain crimes occurring in certain geographic locations will be included in the College Clery Act Annual Security Report in an anonymized manner that neither identifies the specifics of the crime or the identity of the Claimant or victim/survivor.

Trocaire is obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when potentially compromising law enforcement efforts and when the warning itself could potentially identify the Claimant or victim/survivor). A Claimant will never be identified in a timely warning.

The Family Educational Rights and Privacy Act allows institutions to share information with parents when (1) there is a health or safety emergency, or (2) when the student is a dependent on either parent's prior year federal income tax return. Generally, Trocaire will not share information about a report of sexual misconduct, dating violence, domestic violence or stalking with parents without the permission of the Claimant.

Response to a Report

All reports of sexual violence, dating violence, domestic violence or stalking will be investigated unless the Respondent decides to withdraw the complaint (if no continuing threat exists). Allegations involving acts of sexual violence may not be resolved using an informal resolution process (i.e. mediation).

Protection and Accommodations:

a. When the Respondent is a student, to have the college issue a "No Contact Order," consistent with college policies and procedures, whereby continued intentional contact with the Claimant would be a violation of college policy subject to additional conduct charges; if the Respondent and a Claimant observe each other in a public place, it shall be the responsibility of the Respondent to leave the area immediately and without directly contacting the Claimant.

   Both the Respondent and Claimant shall, upon request and be consistent with institution policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of a no contact order, including potential modification, and shall be allowed to submit evidence in support of his or her request.

   The college may establish an appropriate schedule for the Respondent and Claimant s to access applicable institution buildings and property at a time when such buildings and property are not being accessed by the Claimant.

b. To have assistance from either Security, the Dean of Student Success or his/her designee in obtaining a court-ordered Order of Protection or, if outside of New York State, an equivalent protective or restraining order

c. To receive a copy of the court-ordered Order of Protection or equivalent when received by the institution and have an opportunity to meet or speak with the Dean of Student Success or his/her designee who can explain the order and answer questions about it, including information from the Order about the Respondent's responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s).

d. To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.

e. To have the College call on and assist local law enforcement in effecting an arrest for violating such a court-ordered Order of Protection.

f. When the Respondent is a student determined to present a continuing threat to the health and safety of the community, to subject the Respondent to interim suspension pending the outcome of a judicial or conduct process consistent with Trocaire's policies. Both the Respondent and the Claimant, upon request and consistent with Trocaire's policies and procedures be afforded a prompt review, reasonable under the circumstances, of the need for and in terms of an interim suspension, including potential modification, and shall be allowed to submit evidence in support of his or her request.

g. When the Respondent is not a student but is a member of the college community and

presents a continuing threat to the health and safety of the community, to subject the Respondent to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and College policies and rules.

h. To obtain reasonable and available interim measures and accommodations that affect a change in academic, employment, transportation or other applicable arraignments in order to help ensure safety, prevent retaliation, and avoid an ongoing hostile environment, consistent with Trocaire's policies and procedures. Both the Respondent and the Claimant shall, upon request and be consistent with Trocaire's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need and terms of any such interim measure and accommodation that directly affects them and shall be allowed to submit evidence in support of their request.

Conduct Process:

Every student will be afforded the following rights:

a. The right to request that student conduct charges be filed against the Respondent. Conduct proceedings are governed by the procedures set below as well as federal and New York State law.

b. The right to a process in a student judicial or conduct cases, where a student is responding to an accusation of sexual violence, domestic violence, dating violence, talking or sexual activity that may otherwise violate the institution's code of conduct, that includes, at a minimum:

    1. Notice to Respondent describing the date, time, location and factual allegations concerning the violation, reference to the specific code of conduct provisions alleged to have been violated and possible sanctions;

    2. Opportunity to offer evidence during an investigation, and to present evidence and testimony at a hearing, and have access to a full and fair record of any such hearing, which shall be preserved and maintained for at least seven years from such a hearing and may include a transcript, recording or other appropriate record;

    3. Access to at least one level of appeal of a determination before a panel, which is fair and impartial and does not include individuals with a conflict of interest. In order to effectuate an appeal, a Respondent and Claimant in such cases shall receive written notice of the findings of fact, the decision and the sanction, if any, as well as the rationale for the decision and sanction. In such cases, any rights provided to a Claimant must be similarly provided to a Respondent and any rights provided to a Respondent must be similarly provided to a Claimant.

c. Throughout proceedings involving such an accusation of sexual violence, domestic violence, dating violence, stalking, or sexual activity that may otherwise violate the institution's code of conduct, the right:

    1. For the Respondent and Claimant, the same opportunity to be accompanied by a non-participating advisor of their choice, who may only assist and advise the parties throughout the conduct process and any related hearings or meetings.

    2. The right to a prompt response to any complaint and to have their complaint

investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the Respondent, including the right to a presumption that the Respondent is "not responsible" until a finding of responsibility is made pursuant to New York law and the College's policies and procedures, and other issues including but not limited to related to sexual violence, domestic violence, dating violence, sexual assault, and stalking.

3. The right to an investigation and process that is fair, impartial and provides a meaningful opportunity to be heard, and is not conducted by individuals with a conflict of interest.

4. The right to have a conduct process run concurrently with a criminal investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.

5. To review and present available evidence in the case file, or otherwise in the possession or control of the college, and relevant to the conduct case, consistent with institution policies and procedures. The right to a range of options for providing testimony via alternative arrangements, including telephone, video-conferencing or testifying with a room partition.

6. The right to exclude their own prior sexual history with persons other than the other party in the judicial or conduct process or their own mental health diagnosis and or treatment from admittance in the college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual misconduct may be admissible in the disciplinary stage that determines sanction.

7. To receive written or electronic notice, provided in advance pursuant to college policy and reasonable under the circumstances, of any meeting they are required to or are eligible to attend, of the specific rule, rules or laws alleged to have been violated and in what manner, and the sanction or sanctions that may be imposed on the Respondent based upon the outcome of the judicial or conduct process, at which time the designated hearing or panel shall provide a written statement detailing the factual findings supporting the determination and the rationale for the sanction imposed.

8. The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.

9. The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including any sanctions.

10. To be informed of the sanction or sanctions that may be imposed on the respondent based upon the outcome of the judicial or conduct process and the rationale for the actual sanction imposed.

11. The right to choose whether to disclose or discuss the outcome of a conduct or judicial process.

12. The right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

Investigation

Time Frame

An investigation conducted pursuant to this policy, the investigator's preparation of his/her initial report and pass to the appropriate hearing panel for their review, hearing panel meeting, their subsequent recommendation, and the imposition of sanctions should normally be completed within 60 calendar days after the College has notice of an allegation of sexual misconduct. The Civil Rights Compliance Advocate/Title IX Coordinator, or his/her designee, may extend this time frame for good cause, including College breaks. If the time frame is extended, notice of the extension and the reasons for such extension will be provided to the Claimant and Respondent.

Impact of Criminal Investigation

Where the Claimant has also reported the sexual misconduct to local law enforcement, resulting in the commencement of a criminal investigation, the College will not wait for the conclusion of a criminal investigation or criminal proceeding to begin its own investigation. While the College may need to delay temporarily the fact-finding portion of its investigation under this policy while law enforcement is gathering evidence, the College will still take any necessary interim accommodation and safety measures, as described above. The College will promptly resume and complete its investigation once it learns that the local law enforcement has completed its evidence gathering stage of the criminal investigation. During any delay in the College's investigation process caused by a criminal investigation, the College will update the parties on the status of its investigation and inform the parties when the College resumes its investigation pursuant to this policy.

Investigation Process

1. Assigning an Investigator. When a determination is made to proceed with an investigation pursuant to this policy, the Civil Rights Compliance Advocate/Title IX Coordinator, or designee will investigate. At any point during this process, the investigator may, in his/her discretion, be accompanied by a qualified individual to assist in the documentation of the investigation.

2. Standard of Review. This investigation procedure will determine findings of fact using the "preponderance of the evidence" standard (i.e., it is more likely than not that sexual violence, dating violence, domestic violence or stalking occurred).

3. Cooperation. All Trocaire College faculty, staff, students, community members, and third parties (including contracted service providers and vendors) are expected to cooperate in the investigation process. As early as possible in this investigation process, the Civil Rights Compliance Advocate/Title IX Coordinator will direct the Claimant, Respondent, witnesses, and other involved individuals to preserve any relevant evidence.

4. Fact Finding. In most cases, the investigation will involve conducting a thorough fact-

finding investigation, which includes meeting separately with the Claimant (if participating), Respondent, and pertinent witnesses, and reviewing other relevant information. If during the investigation it is found that the claim does not fall under the Title IX for sexual misconduct, sexual harassment, the Title IX Coordinator/Civil Rights Compliance Advocate or their designee, have the ability to dismiss the case under the Federal Title IX Department of Education Regulations and apply to other college policies and procedures if applicable. Occasionally, a different or less formal response to the report may be warranted. At any time during the course of an investigation, the Claimant, Respondent, or any witnesses may provide a written statement, other supporting materials, or identify other potential witnesses or relevant documentary evidence, regarding the matter under review. All proceedings will be documented and filed with the Title IX Coordinator for a minimum of seven years.

5. Support Persons. The Claimant and Respondent may have an advisor or support person (silent advocate) accompany them through the process. A support person may not speak for the Claimant or Respondent, present evidence or question witnesses. The Claimant and Respondent are responsible for presenting evidence on their own behalf. Support persons may speak privately to their advisee during the investigation process. Either party may request a recess from an investigatory meeting to consult with their support person which will be granted at the discretion of the Civil Rights Compliance Advocate/Title IX Coordinator or his/her designee.

6. Investigation Outcome and Report. The Civil Rights Compliance Advocate/Title IX Coordinator or his/her designee will prepare a written report at the conclusion of an investigation. The Investigator's written report will generally contain, at a minimum:
    1. summary of the investigation;
    2. the Investigator's findings;
    3. prior to the investigator's finding being turned over to the Hearing Panel, both Claimant, Respondents and their advisors will have the ability to review and make revisions to the findings. The time period for the written response will be 10 (ten) days;
    d. the Investigator's findings will be turned over to the Hearing Panel;
    e. the Hearing Panel will make a recommendation concerning whether the Respondent should be found responsible for the alleged sexual misconduct;
    f. a summary of the Hearing Panel's rationale in support of the findings; and
    g. if applicable, a recommendation regarding any actions the College will take to provide accommodations for the Claimant or safety measure(s) for the College community.

7. Hearing Panel

    a. The hearing panel will be formed by members of the Trocaire College community. It will not include any members that have any involvement in the sanctions/ corrective action processes at the college.

    b. Prior to the hearing, the hearing panel will approve all questions that the parties are able to ask during the hearing. The hearing panel will decide what questions are appropriate in order to make a determination of policy violation.

    c. Both the Claimant and Respondent are able to attend the hearing meeting with their advisor of choice present. If any of the parties does not wish to participate in the hearing, the information provided by that party will not be considered in the

decision made by the Hearing Panel.

8. If the Hearing Panel the Policy Against Sexual Violence, Sexual Harassment, Dating Violence, Domestic Violence or Stalking Policy was not violated, s/he will communicate their findings with the Claimant and Respondent in writing within the (60) sixty calendar days outlined above.

Sanctions/Corrective Action

If the results of the investigation indicate that the College should impose sections and/or remedies, the matter will be referred to the appropriate Leadership Council Member. If the Respondent is a student, the Dean of Student Success, or designee will implement sanctions in accordance with the Student Code of Conduct (Policy #600). If the Respondent is an employee, the Council Member, or designee, after consultation with Human Resources, will implement sanctions. If the Respondent is a Council Member, the President will implement sanctions. If the Respondent is the President or a Board member, the matter will be referred to the chair of the Board of Trustees who will proceed according to Board guidelines. The College will take reasonable steps to prevent the recurrence of any violations of this policy and to correct the discriminatory effects on the Claimant (and others, if appropriate).

The following is a list of possible Code of Conduct student sanctions that may be imposed singularly or in any combination. The Dean of Student Success or designee is not limited to the following sanctions as they may impose other sanction(s) considered appropriate.

Possible Sanctions:

a. Verbal Warning: A discussion about the incident. No written follow-up notification issued.
b. Warning: Written notice to the student that his/her conduct is in violation of college regulations and that continuation of said conduct for a stated period of time may be cause for more serious disciplinary action.
c. Restitution: Financial reimbursement for damages to property.
d. Community Service: A stated number of hours of donated service commensurate to the alleged violation.
e. Disciplinary Probation: A stated trial period of time set in writing, during which the student is expected to demonstrate appropriate conduct as a member of the College community.
f. Disciplinary Suspension: A stated period of time which the student is excluded from classes or activities.
g. Disciplinary Dismissal: Termination of status as a student at the College.
h. Transcription Notation: (See Policy No. 329: Transcription Notation and Appeals Policy for Crimes of Violence).

Notification of Outcome

After the conclusion of the investigation, the College will provide written notification to the Claimant Individual and the Respondent of the outcome which includes the underlying decision, sanction, and rationales for decision and sanction within the sixty (60) day-time limit unless the College determines that additional time is required. This notice shall be issued contemporaneously to both parties. The College will maintain documentation of all hearings or other proceedings, which can take various forms (e.g. notes, written findings of fact, transcripts, or audio recordings, etc.) In

no event will students in matters involving an alleged violation of this policy be required to abide by a nondisclosure agreement that would prevent disclosure of the outcome. This applies to Respondents and Claimants. Respondents and Claimants are not themselves barred by FERPA from sharing this information. Note, however, that this does not allow students to unreasonably share private information in a manner intended to harm or embarrass another individual, or in a manner that would recklessly do so regardless of intention. Such sharing may be retaliation which can result in separate charges under the code of conduct.

Right to Appeal
Once written notice of the resolution has been provided, if the Claimant and or Respondent is a student, she or he has the opportunity to appeal the outcome to the Judicial Appeals Board (Policy #605), via its processes and procedures. Both the determination as to whether there is a policy violation and any sanction(s) imposed may be appealed using these processes and procedures.

Retaliation
No individual who makes a complaint alleging a violation of this policy or who participates in the investigation or resolution of such a complaint shall be subject to retaliation as a result of such activity or participation. Retaliation includes harassment and intimidation, including but not limited to violence, threats of violence, property destruction, adverse educational or employment consequences, and bullying.

Retaliation exists when action is taken against a Claimant or participant in the complaint process that

a. adversely affects the individual's opportunity to benefit from the College's programs or activities, and
b. is motivated in whole or in part by the individual's participation in the complaint process. Any acts of retaliation, as defined in this policy, shall be grounds for disciplinary action.

Privacy in Legal Challenges
Pursuant to subdivision (I) of rule three thousand and sixteen of the Civil Practice Law and Rules, in any proceeding brought against an institution which seeks to vacate or modify a finding that a student was responsible for violating an institution's rules regarding a violation covered by Article 129-B of the Education Law, the name and identifying biographical information of any student shall be presumptively confidential and shall not be included in the pleadings and other paper from such proceeding absent a waiver or cause shown as determined by the court. Such witnesses shall be identified only as numbered witnesses. If such a name or identifying biographical information appears in a pleading or paper filed in such a proceeding, the court, absent such a waiver or cause shown, shall direct the clerk of the court to redact such name and identifying biographical information and so advise the parties.

Policy No. 602: Bias-related (Hate) Crime

Purpose: Trocaire College values the innate dignity of the human person and cultivates a welcoming, inclusive, and communal environment. We recognize that discrimination because of a perceived identity is wrongful, and we seek to prevent Hate Crimes and Bias Incidents whenever possible. In compliance with the New York State Education Law, Section 6436, Bias Related Crime Act of 2000, the following information is designed to provide Trocaire College's policy and procedures with respect to Bias-Related (Hate) Crimes.

Policy: Trocaire College shall inform incoming students about bias related crime prevention measures through programs which may include workshops, seminars, discussion groups, video and multi-media presentations, in order to disseminate information about bias related crime, promote discussion, encourage reporting of incidents of bias related crime, and facilitate prevention of such incidents.

Procedures:

1. To be in compliance with Education Law Section 6436, the Trocaire Student Handbook and Policy Manual will contain information on bias-related crime and its prevention. Such information will be updated annually and will include, at minimum:
   - The applicable laws, ordinances, and regulations on bias-related crime, including the provisions and coverage of the Hate Crimes Act of 2000 codified in article four hundred eighty-five of the penal law;
   - The penalties for commission of bias-related crimes;
   - The procedures in effect at the college for dealing with bias-related crime;
   - The availability of counseling and other support services for the victims of bias related crime;
   - The nature of and common circumstances relating to bias related crime on college campuses;
   - The methods the college employs to advise and to update students about security procedures.

2. The Trocaire Student Handbook and Policy Manual will also contain information on the services available to students if they are a victim of a bias-related crime, or if a student knows or suspects that a member of the college community is a victim of a bias-related crime.

3. In addition to posting this policy in the Student Handbook and Policy Manual located on the college's website, the Handbook is also emailed to each student in the first week of the semester, along with a reminder to read through the policies.

4. The Civil Rights Compliance Advocate/Title IX Coordinator will provide, on an annual basis, programming for students in order to disseminate information about bias-related crime, promote discussion, encourage reporting of incidents of bias-related crime, and facilitate prevention of such incidents.

Policy No. 329: Transcript Notations and Appeal Policy for Crimes of Violence

Purpose: To comply with Article 129-B of the New York State Education Law requiring transcript notations for students found responsible for crimes of violence.

Policy: Trocaire College will place notations on transcripts of students when two factors are met:

- The student is found responsible, after a process (or takes responsibility) for a Student Code of Conduct violation that is equivalent to the definitions for Clery Act (as updated by the Violence Against Women Act Final Regulations) Part I Primary Crimes, and
- The student is expelled, suspended, and/or withdraws with Student Code of Conduct

charges pending

As defined by the Clery Act, crimes of violence include murder, manslaughter, arson, robbery, aggravated assault, burglary, motor vehicle theft, and all sexual assaults (rape, fondling, incest, statutory rape), as well as VAWA offenses (dating/domestic violence, stalking).

Procedures: Pursuant to Article 129-B, section 6444(6) of the New York State Education Law, if a student is found responsible through the College's Student Code of Conduct Process for crime(s) of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act, established in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII), the Dean of Student Success will direct the Registrar's Office to place a notation on the student's transcript.

Notations will be placed based on the following:

- Where a sanction is suspension, the following notation will be listed: "Suspended after a finding of responsibility for a Student Code of Conduct violation" or "Dismissed after a finding of responsibility for a Student Code of Conduct violation."
- Where the sanction is expulsion, the following notation will be listed: "Expelled after a finding of responsibility for a Student Code of Conduct violation."

If a student withdraws from the College while conduct charges are pending and declines to complete the Disciplinary Procedures regarding Violations of the Student Code of Conduct, the College will make the following notation on the student's transcript: "Withdrew with Student Code of Conduct charges pending."

Conduct charges are considered "pending" once a student is informed in writing that there are allegations that the student may have violated the Student Code of Conduct.

If a finding of responsibility is vacated for any reason, the transcript notation will be removed. As such, if a court of competent jurisdiction vacates a finding of responsibility for violation of college policy, 129-B requires that the transcript notation memorializes the court's finding.

Appeals: Students with the following transcript notation "Suspended after a finding of responsibility for a Student Code of Conduct Violation" may appeal in writing. Appeals must include rationale for the request submitted to the Dean of Student Success or designee. Upon receiving the request, the Dean of Student Success, or designee will determine whether the appeal should be granted or denied based on:

a. One year has passed since the conclusion of the suspension.
b. The term of the suspension has been completed and any conditions thereof; and
c. The Dean of Student Success has determined that the student is once again "in good standing" with all College academic and non-academic standards.

The Dean of Student Success, or designee will review the request and provide a written response within 30 calendar days of when the appeal was received. Appeals received (7) years after the incident occurred will not be reviewed.

Policy No. 604: Student Drug and Alcohol Policy

Purpose: Trocaire College recognizes that substance abuse is a major health problem throughout the United States and thus is committed to establishing a drug-free environment. Henceforth, and in accordance with the Drug-Free and Communities Act Amendments of 1989 (Public Law 101-226) and HEOA Section 120 (a) (2) (B)-(C), and HEOA amendment effective 2008 34 CFR 86, the following standards will apply.

Policy:
The possession, use, manufacturing, or distribution of illicit drugs and alcohol by students on campus or at a college-sponsored, off-campus activity is expressly prohibited. The misuse of prescription drugs and other products being used other than intended is also prohibited. Students violating the drug and alcohol policy at clinical or internship locations are regulated by specific program policies. A federal or state drug conviction can disqualify a student for Federal Student Aid (FSA) funds.

This policy authorizes the academic use of various alcoholic beverages, products, and related activities in accordance with New York State Alcohol Beverage Control Law Section 65-c, "a person who is a student in a curriculum-licensed or registered by the state education department and the student is required to taste or imbibe alcoholic beverages in on-campus or off-campus courses which are a part of the required curriculum, provided such alcoholic beverages are used only for instructional purposes during class conducted pursuant to such curriculum."

In facing the challenge of creating a drug-free society, Trocaire endeavors to educate by providing on- campus drug awareness literature and resource/referral services to appropriate community-based agencies for all members of the College community. Good faith efforts will include strict enforcement as well as implementation of this policy.

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

A student self-certifies a federal or state drug conviction in applying for aid that he/she is eligible. A conviction for any offense involving sale or possession of illegal drugs that occurred during a period of enrollment for which the student was receiving Title IV aid will result in loss of eligibility for any Title IV, HEA grant, loan, or work-study assistance. A student regains eligibility the day after the period of ineligibility ends or when he successfully completes a qualified drug rehabilitation program. HEA Section 484(r), 34 CFR 668.40.

The Wellness Center provides outside referral services to students, as well as serving as an alcohol and other drug information/education resource. For further information about these programs or

individual assistance, contact Counseling Services at 716-827-2579, or at Student Counseling Services .

Procedures

I. Trocaire shall annually distribute in writing to each student who is taking one or more classes for any type of academic credit except for continuing education units, regardless of the length of the student's program of study, the following:

1. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students on its property or as part of any of its activities;
2. A description of the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol;
3. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
4. A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to students; and
5. A clear statement that the college will impose disciplinary sanctions on students (consistent with local, State, and Federal law), and a description of those sanctions, up to and including expulsion and referral for prosecution, for violations of the standards of conduct required by paragraph (a)(1) of this section. For the purpose of this section, disciplinary sanctions may include the completion of an appropriate rehabilitation program.

II. Trocaire shall conduct a biennial review of its drug and alcohol program to

1. Determine its effectiveness and implement changes to the program if they are needed; and
2. Ensure that the disciplinary sanctions described in paragraph (a)(5) of this section are consistently enforced.

III. The biennial review will be made available on the Trocaire College website.

IV. Record Keeping

1. The college shall retain the following records for three years after the fiscal year in which the record was created:
   a) The items described in paragraph (a) of this section.
   b) Any other records reasonably related to the IHE's compliance with the drug prevention program certification.
2. If any litigation, claim, negotiation, audit, review, or other action involving the records has been started before expiration of the three-year period, the IHE shall retain the records until completion of the action and resolution of all issues that arise from it, or until the end of the regular three-year period, whichever is later.

IV. A student self-certifies a federal or state drug conviction in applying for aid that they are eligible. A conviction for any offense involving sale or possession of illegal drugs that occurred during a period of enrollment for which the student was receiving Title IV aid will result in loss of eligibility for any Title IV, HEA grant, loan or work-study assistance. A student regains eligibility the day after the period of ineligibility ends or when they successfully complete a qualified drug rehabilitation program. HEA Section 484(r), 34 CFR 668.40

Definitions:

- *Campus:* The grounds and buildings of the college.
- *Off-Campus:* Away from the college campus.

Health Risks:

There are obvious risks associated with alcohol and drug abuse, but there are a number of less obvious risks as well.

- Brain damage
- Death
- Diminished immune system
- Hallucinations, tremors, and convulsions
- Headaches, nausea, and/or vomiting
- Heart attacks and strokes
- High blood pressure
- Hyperactivity or sluggish behavior
- Liver, pancreas, lung, or kidney problems
- Memory loss
- Physical and psychological dependence
- Poor academic performance
- Sexually transmitted diseases, unwanted pregnancy, or unwanted sexual activity
- Violent behavior, aggressive acts, and angry feelings

For a complete list, visit the National Institute on Drug Abuse website at www.nida.nih.gov.

Legal Sanctions:

- New York State Alcoholic Beverage Control Law: http://ypdcrime.com/abc/
- New York State Controlled Substances Penal Law (Refer to NYS Penal Law Section 220.00 – 221.55): http://ypdcrime.com/penal.law/index.htm.
- Operating a Vehicle While Under the Influence of Alcohol or Drugs in New York State: https://dmv.ny.gov/about-dmv/chapter-9-alcohol-and-other-drugs

Federal Penalties and Sanctions

- Drug Enforcement Administration of U.S. Department of Justice: https://www.dea.gov/
- Federal Trafficking Penalties: https://www.dea.gov

Trocaire College will make available, upon request, to the Department of Education and to the public, the information distributed to students and employees (in this policy) and the results of the biennial review of the institution's programs that:

- Determines the effectiveness of the program and implements needed changes.
- Determines the number of drug and alcohol-related violations and fatalities that occur in the institution's campus (as defined in HEA Sec. 485(f)(6)) or as part of the institution's activities and are reported to campus officials.
- Determines the number of type of sanctions that are imposed and ensures that sanctions are consistently enforced.
- The biennial review will be made available on the Trocaire College website.
- The Annual Security Report will indicate drug and alcohol arrests and disciplinary referrals in accordance with the Clery Act.

Policy No. 802: Smoke-Free and Tobacco-Free Campus

Purpose:

1. Trocaire College is committed to protecting the health and well-being of all employees, students, and other individuals in our workplace. We recognize that smoking, breathing second-hand smoke, or using tobacco products constitutes a significant health, safety, and environmental hazard and have established a smoke-free and tobacco-free environment.
2. The purpose of this policy is to comply with the New York State Public Health Law Article 13-E, also known as the Clean Indoor Air Act. This policy is also in conjunction with Mercy Hospital of Buffalo policy on Smoke Free Environment.

Policy: Smoking, tobacco use, and vaping, including cigarettes; cigarillos; cigars; pipes; hookahs; clove cigarettes; pipe tobacco; snuff; smokeless, oral, or spit tobacco; and the use of electronic cigarettes and vaping products are prohibited at all times at Trocaire College, including in all of its buildings, grounds, either leased or owned, clinics, laboratories, classrooms, private offices, college-owned or leased vehicles and at sponsored events in all locations, except in designated smoking areas. Signs will be posted at each building's entrances and displayed in prominent, visible areas to inform all individuals entering or occupying Trocaire buildings and that smoking is prohibited. Organizers of college events are responsible for communicating and enforcing this policy.

Definitions:

- *Smoking:* "Smoking" means the act of inhaling, exhaling, burning or carrying a lighted cigar, cigarette, pipe or any other matter or substance.
- *Vaping:* "Vaping" means the use of an electronic cigarette.
- *Tobacco Products:* Tobacco Products are any product made or derived from tobacco or any product that contains nicotine, that is intended for human consumption. This does not include any product that has been approved by the U.S. Food and Drug Administration for cessation purposes.

Procedures:

1. Communication of Policy/Education: Signs bearing the message "Tobacco and Smoke Free Campus" will be posted at each campus entrance and each building will display a decal or sign that states "Tobacco and Smoke Free Facility." However, all College property is tobacco and smoke free, whether or not signs are posted. In addition to signage, this information will be posted in the student and employee handbooks

2. The sale of tobacco products and electronic cigarette/electronic aerosol delivery devices is immediately prohibited on any property owned, operated, or controlled by Trocaire and at all Trocaire sponsored off-campus events. The marketing and advertising of said products is also immediately prohibited on any property owned, operated, or controlled by Trocaire college and at all Trocaire-sponsored off-campus events.

3. Any complaints about the use of tobacco products and electronic cigarette/electronic aerosol delivery devices should be directed to the appropriate campus student conduct or employee supervisory system for resolution.

Consequences:

1. Any employee who violates this policy will be subject to progressive disciplinary action. An employee who repeatedly violates the policy may be subject to additional disciplinary actions up to and including termination from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems. Refer as needed to Trocaire Staff Handbook and Workplace Conduct Disciplinary Policy No. 888.

2. Any student who violates this policy will be subject to discipline in accordance with the college Student Code of Conduct procedures.

Policy No. 328: Weapons on Campus

Purpose: To provide a safe college environment.

Policy: Possession or use of authentic or imitation firearms, weapons, illegal fireworks, incendiary devices, explosives, or any device known to be excessively harmful to others are prohibited on-campus or at an off-campus Trocaire College sponsored events. In accordance with provisions of the Cleary Act, weapons violations must be reported in the US Dept. of Education's annual Campus Crime Survey and reported in the College's annual Campus Security report if they result in disciplinary referral or arrest.

Procedures:

1. Any student, employee, or visitor determined to be in violation of this policy will be subject to possible criminal prosecution, if applicable.

2. Students who violate this policy shall be subject to discipline in accordance with the college Student Code of Conduct Procedures, which may include suspension or dismissal from the College.

3. Employees who violate this policy are subject to discipline as outlined in the Collective Bargaining Agreement and/or in the Employee Handbook.

4. If a weapon is noticed on Trocaire College property or a college-sponsored event, contact security, the event organizer, or 911 immediately.

Policy No. 522: Identifying and Providing Access to Students with Disabilities

Purpose: To describe the College's approach to identifying and providing equal access to qualified students with disabilities.

Policy: Trocaire College is committed to ensuring equal access to its academic programs, services, and activities on campus to otherwise qualified individuals with disabilities in accordance with guidelines established by Section 504 of the Rehabilitation Act of 1973 Americans with Disabilities Act (ADA) of 1990 and by the Americans with Disabilities Act Amendments Act of 2008. Accessibility Services provides advocacy, support and approval of appropriate reasonable accommodations for qualified students with disabilities.

Definitions:

Trocaire College adopts the definitions used by the United States Department of Justice for the purposes of Title II of the Americans with Disabilities Act and the Rehabilitation Act. Consistent with these, Trocaire College also adopts the following to clarify the scope of the definition of disability.

a. Student with a disability means a person who:
   1. is enrolled as a student in the College, or seeks to enroll as a student in the College, and who has a physical or mental impairment that substantially limits a major life activity;
   2. has a record of having such an impairment; or
   3. is regarded as having such an impairment.

The ADA uses the term, substantially limits in the definition of a disability. Substantially limits do not necessarily mean a severe condition, but it does mean a condition that created an impairment when compared to most people in the population. Determining whether a disability or condition is substantially limiting must be done on a case-by-case basis. Not every condition will meet this standard.

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Major life activities also include major body functions, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

b. Qualified student with a disability means a student with a disability who meets the academic and technical standards requisite to admission or participation in the education program or activity, with or without the provision of academic accommodations.

c. Temporary Disabilities: Students with temporary disabilities/injuries may also seek accommodations. The process will be the same, on a case-by-case basis, taking into consideration the duration or the expected duration of the impairment as well as the limitation(s) on life activities. The accommodation letter may show an end or expiration date depending on the length of time needed for the accommodation.

Identifying Students with Disabilities:
It is the responsibility of all students who are seeking disability related accommodations to contact Accessibility Services and self-identify as a student with a disability. Accessibility Services are housed in the Wellness Center at Trocaire College. Accessibility Services is the central point of contact for making requests to determine eligibility for reasonable accommodations in accordance with applicable laws.

Providing Access and Accommodations:
Students will be asked to be part of an interactive process to determine reasonable accommodations. Students should be prepared to provide documentation from a licensed provider regarding their disability diagnosis, current functioning and recommendations for accommodations. Students must complete an intake with Accessibility Services to determine what accommodations they may be eligible for. In an intake meeting with Accessibility Services, requests for accommodations are

evaluated based on the review of documentation provided as well as the student's self-report and observations regarding current functioning.
Students are required to renew accommodations each semester in which they are enrolled. Prior to the start of each semester, Accessibility Services will contact students via Trocaire email who received accommodation the previous semester to remind them to complete renewal form. Students may choose to maintain their same accommodations or discuss any changes needed. Depending on the nature of student's disability and/or request for updated accommodations, updated documentation may be requested.

Requests for accommodations are reviewed individually, on a case-by-case basis, to determine whether there are any reasonable accommodations or available options that would permit the student to satisfy the standards. An accommodation is not reasonable if it requires a substantial modification in an essential element of the curriculum, if it lowers academic standards or poses an undue administrative or financial burden.

Accommodations start at the time a student is found eligible and cannot be granted retroactively.

Procedures:

1. Information regarding the related procedures can be found on the Trocaire website: Accessibility Services.

2. If a student feels they have been discriminated against due to student's disability, they should refer to Policy No. 129, Discrimination, Harassment, and Grievance Procedure.

Policy No. 125: Service Animals on Campus

Purpose: Describes conditions and procedures of service animals on premises of Trocaire College campuses.

Policy: In accordance with the Americans with Disabilities Act (ADA), service animals are permitted at the College for persons with a disability as defined by the ADA. Under the ADA, service animals are defined as dogs, that are individually trained to do work or perform tasks for people with disabilities, including physical, sensory, psychiatric, intellectual, or other mental disability. The work or task a dog has been trained to provide must be directly related to the person's disability. Examples of such work or tasks include, but are not limited to:

- Alerting people who are deaf or hard of hearing to the presence of sounds or people.
- Assisting with mobility or physical disabilities, including pulling a wheelchair or retrieving items.
- Detecting the onset of seizures and assisting during or after seizures.
- Alerting to allergens or medical conditions such as blood sugar changes.

If the need for the service animal is not obvious, the College may ask only two questions:

- Is the dog a service animal required because of a disability?
- What work or task has the service animal been trained to perform?

The College cannot require documentation such as proof that the animal has been certified, trained or licensed as a service animal, or require the animal to wear an identifying vest.

In addition to the provisions about service dogs, ADA regulations have a separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities. Entities covered by the ADA shall make reasonable modifications in policies, practices and procedures to permit miniature horses that have been trained to do work or perform tasks for the benefit of the individual with a disability. The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility.

The assessment factors are:

1. whether the miniature horse is housebroken;
2. whether the miniature horse is under the owner's control;
3. whether the facility can accommodate the miniature horse's type, size, and weight; and
4. whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

The same provisions that apply to service dogs also apply to miniature horses.

Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA, therefore are not covered under this policy.

Procedures:

Registering Service Animals

- Students with a disability who use service animals may, but are not required to, register with Accessibility Services. Accessibility Services is a function of the Wellness Center at Trocaire College and provides access to disability related services, resources, and support. Students can reach Accessibility Services at 716-827-2480 or visit the Wellness Center website. The service animal and student handler are expected to adhere to the following responsibilities outlined.
- Service animals accompanying visitors to campus are permitted access, under the ADA, and do not have to formally notify the campus of the animal's presence. Service animals accompanying individuals with disabilities are welcome in all areas of campus that are open to the public, except for places where there is a health, environmental, or safety hazard. Visitors and their service animals are expected to adhere to the following responsibilities.

Guidelines:

Responsibilities of the Service Animal Handler

- Control of the Service Animal

  The service animal must always remain under the handler's control in all campus settings. This includes:
  - Using a leash, harness, or tether unless such devices interfere with the service animal's ability to perform its tasks. In these cases, the handler must maintain effective control through voice commands, hand signals, or other methods.
  - Not posing aggression toward individuals or other animals.
  - Ensuring the service animal does not engage in disruptive behavior and noises that are not related to the animal's task.
- Care and Supervision

  The handler is solely responsible for the care and supervision of the service animal, which includes:

    - Providing food and water.
    - Regular grooming and maintenance of hygiene to prevent disruptions.
    - Ensuring the animal is in good health.
    - Taking the animal to designated toileting areas and disposing of waste in a clean and sanitary manner.
- Responsibility for Damages

  The handler is liable for any property damage or injuries caused by the service animal.
    - Repair or replacement costs will be assessed in accordance with Trocaire's standard procedures for property damage caused by individuals. Circumstances may be vetted through Trocaire's Legal Team, if needed.
- Health and Vaccinations

  The handler is responsible for ensuring their service animal meets the following vaccinations and health requirements:
    - Comply with City of Buffalo and Erie County dog control and licensing laws for animal rights and owner obligations, including ensuring the service dog is current with immunizations and has a rabies vaccination tag. Documentation of vaccinations may be required by the College.

Access and Limited Exclusions of Service Animals on Campus

- Access to Facilities

  Service animals are permitted to accompany their handler in all public areas of campus where individuals are allowed to go, including classrooms, dining facilities, library and other public spaces.
- Limited Exclusions

  A service animal may be excluded or denied from specific areas where its presence would fundamentally alter the nature of a service, program, or activity or where safety or sterile conditions must be maintained. For example, a sterile environment in a medical or research lab or laboratories with hazardous materials. Before making a decision regarding exclusion, the College will engage in an interactive process with handler to explore potential solutions or accommodations. The determination will be made on a case-by-case basis. Examples of accommodations may include designating a safe observational area or modifying seating arrangements.
- Other limited exclusions

  The following may result in the removal of the service animal from campus:
    - Service animal is not housebroken or
    - Service animal is out of control and the handler does not take effective action to control it. Dependent on the nature of the situation, College employee will give student handler the opportunity to swiftly correct behavior.

If handler fails to take control of the service animal or refuses to do so, the College employee may request that the service animal be removed from the premises. If needed, Campus Security will be alerted to contact 911 to assist in removing the service animal from the premises. The decision and specific reason for exclusion of service animal must be documented. When there is a legitimate reason that a service animal is excluded, the handler will continue to have access to programs, services, and activities without the service animal.

Service Animal Etiquette
In accordance with the ADA, service animals are working animals, not pets. To ensure that service animals can perform their tasks effectively and without interference:

No Interaction Without Permission

- Other students, faculty, and staff are prohibited from petting, feeding, distracting, or otherwise interacting with a service animal without the permission of the handler.

Respect for the Handler

- Individuals must avoid making noises, gestures, or engaging in behavior that distracts the service animal from its work.
- Asking the handler personal questions about their disability is also prohibited unless the handler voluntarily shares such information.

Resolution of Concerns or Complaints
It is the policy of Trocaire College to comply with all laws governing access by and discrimination against students with disabilities, including Section 504 of the Rehabilitation Act of 1973.

Students with disabilities who have concerns or questions about any matter affecting the use of a service animal should contact Accessibility Services/Wellness Director at 716-827-2480, and review the disability accommodation process described on the Wellness Center website. Access concerns will be addressed in a manner that allows students with disabilities to be appropriately accommodated, as needed.

Any claims of discrimination based on a disability or failure to provide reasonable accommodations regarding the use of a service animal on campus may seek assistance from or file a complaint with the College's Civil Rights & Title IX Compliance office, please contact:

Civil Rights Compliance Officer/ Title IX Coordinator
Room 337, Buffalo, NY 14220, 716.827.2461
CivilRightsCompliance@Trocaire.edu

Employee requests for disability accommodation(s), including requests to have a service animal at work, are handled through the Human Resources office. Please call this office at 716.827.2461 for information and assistance. The information above is based on guidance from the ADA and the Department of Justice (DOJ). For more information, please visit Frequently Asked Questions about Service Animals and ADA Requirements: Service Animals.

Policy No. 564: Student Policy on Mandatory Immunizations

Purpose:

1. To comply with New York State Public Health Law § 2165 and Title 10 New York Codes, Rules and Regulations Subpart 66-2 (10 NYCRR Subpart 66-2), which requires all students taking six (6) credits or more in a degree granting institution to provide proof of immunization against measles, mumps, and rubella; those born before 1957 do not need to submit proof of immunization.

2. To comply with New York State Public Health Law § 2167, which requires the distribution of information to students regarding meningococcal/ meningitis and students to provide a signed response regarding receipt of such information.

3. To protect the overall health, safety, and welfare of Trocaire College.

Definitions: The term *student* means a person attending an institution and, in the case of a student attending college, *student* means a person who is registered to attend or who attends classes at an institution, who is enrolled for at least six semester hours or the equivalent per semester, or at least four semester hours per quarter.

Policy: New York State Public Health Law 2165 provides the requirements for attendance at a post-secondary institution regarding immunization against measles, mumps, and rubella.

Students must provide the College with certification from a health care provider or other acceptable evidence that they have received appropriate immunization against measles, mumps, and rubella; or evidence of immunity by history of disease or serological evidence. Acceptable evidence of immunity includes two vaccinations against measles and 1 vaccination for mumps and rubella; two doses of the combined measles, mumps, rubella (MMR) vaccine; or, verified immunity by history of disease or laboratory titer.

New York State PHL Section 2167 requires post-secondary institutions to distribute information about meningococcal disease and vaccination to the students, or parents or guardians of students under the age of 18.

Trocaire College shall distribute, in a form provided or approved by the NYS Commissioner of Health, written information about meningococcal meningitis and meningitis immunization to all students. The information provided by the institution shall include, but not be limited to, the following:

- a description of the disease and means of transmission;
- the benefits, risks, and effectiveness of immunization;
- the availability and cost of immunization, including an indication of whether or not the institution offers meningococcal meningitis immunization services.

Trocaire College shall also distribute, in a form provided or approved by the Commissioner of Health, a response form, to be completed by the student or, where the student is under the age of eighteen years, such student's parent or guardian, which shall include the following:

- The student, or if under the age of eighteen years the parent or guardian of the student, certifies that the student has already received immunization against meningococcal meningitis within the ten years preceding the date of the response form;
- The student, or if under the age of eighteen years the parent or guardian of such student, has received and reviewed the information provided by the institution, understands the risks of meningococcal meningitis and the benefits of immunization, and has decided that the student shall not obtain immunization against meningococcal meningitis.
- The student, or if under the age of eighteen years the parent or guardian of such student, shall indicate his or her decision in a box or space placed appropriately on the form and shall return the completed form to the college.

Additional Guidance:

- Students enrolled in one of Trocaire's health professional programs may need to submit additional health and immunization records required of academic programs and by the

clinical sites. The college does not control the health and immunization requirements of the clinical sites, and it is the student's sole responsibility to come into compliance with the clinical site's requirements before beginning a clinical rotation at the site. To access a list of current requirements for health profession programs, students can access the program's current policy manual located on the program's webpage.

- Trocaire reserves the right to adjust the college's health and safety requirements at any time and will communicate any material changes in our policies to the affected individuals. The College reserves the right to make such changes as it determines, in its sole discretion, to be necessary or advisable in its regulations, policies and practices. Changes to rules and policies may occur at any time and could be applied to currently matriculated students as well as those seeking admission or those who have been admitted but have not started to attend the college.

Compliance Deadlines

Any student entering the college who has failed to turn in their mandatory immunization requirements will not be able to register for classes until the required documents are cleared by the Wellness Center. Students will be notified of the necessity to comply with both the immunization laws and college policy and how they can come into compliance with these requirements. Students may come into compliance with these requirements at the time of enrollment.

Trocaire College shall not permit any student to attend the institution in excess of 30 calendar days without complying with this policy; provided, however, that such 30-day period may be extended to not more than 45 calendar days for a student from out of state or another country who can show a good faith effort to comply with § 66-2.3.

Students must provide the College with a completed meningococcal/ meningitis response form to indicate when they were vaccinated, or if they are declining the vaccination. Any student who indicates a history of vaccination must submit certification of vaccination against meningitis within the last five years.

If New York State law changes and/or mandates additional immunizations for students attending post-secondary colleges and universities, this policy will cover those requirements to the extent practicable.

Proof of honorable discharge from the armed services by providing a copy of DD214 form within ten (10) years from the date of the application to Trocaire College shall enable a student to matriculate pending actual receipt of armed forces immunization records.

In Process

A student is considered in process and allowed to attend classes if they have presented documentation from a physician of immunization that shows the student is in the process of completing the immunization requirements of PHL Section 2165.

To be "in process" the student must have received at least one dose of live measles virus vaccine, have complied with the requirements for mumps and rubella, and have an appointment to return to a health practitioner for the second dose of measles if this appointment is scheduled no more than 90 days since administration of the first dose of measles virus vaccine.

Exception to the Immunization Requirement
There is no exemption to the meningococcal/ meningitis vaccination response form. This form must be filled out by all students entering the college.

The exceptions to the requirements concerning immunization against measles, mumps and rubella are as follows:

a. Birth Date: If a student is born prior to January 1, 1957, that student does not need to provide proof of immunization to measles, mumps, and rubella because they are considered to have developed immunity.

b. Medical Exemption: If a licensed physician, physician assistant, or nurse practitioner, or licensed midwife caring for a pregnant student certifies in writing that the student has a health condition which is a valid contraindication to receiving a specific vaccine, then a permanent or temporary (for resolvable conditions such as pregnancy) exemption may be granted. This statement must specify those immunizations which may be detrimental and the length of time they may be detrimental. Provisions need to be made to review records of temporarily exempted persons periodically to see if contraindications still exist. In the event of an outbreak, medically exempt individuals should be protected from exposure. This may include exclusion from classes or campus.

c. Religious Exemption: A student may be exempt from vaccination if, in the opinion of the institution, that student or student's parent(s) or guardian of those less than 18 years old holds genuine and sincere religious beliefs which are contrary to the practice of immunization. The student requesting exemption may or may not be a member of an established religious organization. Requests for exemptions must be written and signed by the student if 18 years of age or older, or parent(s), or guardian if under the age of 18. The institution may require supporting documents. It is not required that a religious exemption statement be notarized. In the event of an outbreak, religious exempt individuals should be protected from exposure. This may include exclusion from classes or campus.

Procedures:

1. New students will receive information on current procedures for submitting health and immunization records, as well as current mandatory immunization requirements for enrollment as part of the new student packets from the Admissions Office. Copies of all forms, to include a meningococcal/ meningitis response form, and current procedures for submitting health and immunization records are also available on the Trocaire College website.

2. Students are required to follow all current procedures for submitting health and immunization records to the Wellness Center before being cleared for class registration. Students may contact the Wellness Center for assistance with the current procedure for submitting health and immunization records through email at WellnessCenter@trocaire.edu, phone: 716-827-2579, or by visiting the Wellness Center in room 120 on the main campus.

Policy No. 889: Non-Enrolled Minors on Campus

Purpose: The following policy outlines the conditions under which non-enrolled minors are permitted at Trocaire College.

Policy: This policy addresses the presence of minors who are not enrolled in courses or programs on the college campus. Enrolled minors (students) are subject to all the policies and procedures associated with being a student at Trocaire College, including those found in the College Catalog, the Student Handbook, and in the College's general policies and will not be further discussed here. Minors who are not enrolled in college courses or programs are considered 'guests.' Non-enrolled minors are not permitted in any designated learning space(s) at any time (see definition of *learning spaces*). When in non-learning spaces, minors must be under direct supervision and control by their parent or legal guardian at all times.

Definitions:

- *Minor*: A minor, in New York State, is defined as a person who is under eighteen (18) years of age. This is defined by the General Obligations Law § 1-202, Domestic Relations Law § 2, and Public Health Law § 2504.
- *Enrolled Minor(s)*: Any minor who is admitted and registered with Trocaire College for coursework. This includes both non-credit and credit-bearing courses and/or programs.
- *Non-enrolled Minor(s)*: Any minor who is not enrolled at Trocaire College in any credit or non-credit course(s) or program(s).
- *Learning Spaces*: Learning spaces include all spaces on campus that provide or directly support learning. These include instructor offices during posted office hours or other instructional time, classrooms, the library, Palisano Learning Center, computer labs, Mercy Action Project locations, tutoring spaces, supplemental instruction offices, study rooms and/or study spaces, internships, externships, on or off campus clinical sites, simulation labs, biology labs, and/or other academic program-based labs.

Procedures:

1. Non-enrolled minors are not permitted in any learning space as defined. Any faculty, staff, administrator, or auxiliary personnel may ask non-enrolled minors and their parent or guardian to leave learning spaces at any time. As necessary, personnel may call security for assistance.

2. Non-enrolled minors are permitted, providing they are under direct supervision and control of their parent or legal guardian, to enter those areas of campus that are not designated as learning spaces.

3. Disregard of this policy may cause campus security to remove offending individuals from campus. If offending individuals are students, such students will be potentially subject to further disciplinary action via student disciplinary policies as outlined in the Student Handbook.

Policy No. 540: Mercy Action Project (MAP) Graduation Requirement

Purpose: To promote a culture committed to personal enrichment and service in the spirit of the Sisters of Mercy and in keeping with the mission, values, and tradition of Trocaire College, all students will complete a Mercy Action Project (MAP) co-curricular learning experience as a graduation requirement. The purpose of MAP is to:

- Support student learning while meeting community needs in ways that uphold the mission of Trocaire College

- Promote student success by enhancing the Mercy Mission, civic engagement, personal reflection, and academic growth
- Encourage a college-wide culture of service
- Foster citizenship, academic and social skills, and Mercy values
- Be mutually beneficial to the student, community partner, and recipients of service

Policy: Students in all programs (Certificate, Associate, Baccalaureate) must complete at least one (1) MAP learning experience prior to completing their academic program in order to be eligible to graduate. MAP is a tuition-free, non-credit, value-added, co-curricular learning experience. MAP provides service opportunities that integrate the College's mission through an action-reflection approach that connects service to a student's career path.

MAP components include:

- Understanding Trocaire's Mission (Mission Workshop)
    - Covers College mission, vision, and core value outcomes; Mercy heritage and history of Trocaire; components of MAP
- Living Trocaire's Mission (12 hours of service in the community)
    - Related to student's academic program
- Integrating Trocaire's Mission (Reflection/Debrief)
    - Facilitated by Mercy Mission Manager
- Students will also complete a reflection piece for assessment

Expected Student Learning Outcomes include upon completing the mission workshop and service experience, students will be able to:

1. Identify key elements of a Catholic and Mercy education, including the core value outcomes of Trocaire College (mercy, dignity, service, holistic education)
2. Articulate the vital connection between compassionate service to others and our Mercy heritage of meeting the unmet need.

Outcomes will be assessed, measured, and reported to the Mercy Mission Manager.

Procedures:

1. Students who continue in their academic career by entering another program and have documented completion of a service-based learning experience in a previous program at Trocaire College, are not required to (but may) participate in MAP in their new academic program.

2. Students will receive a checklist of the required components for MAP.

3. If a student is registered for MAP and does not meet all requirements within the semester for which they are registered, the Mercy Mission Manager will communicate with the student to determine if the student will receive additional time to complete requirements or if re-registration in a future semester is needed.

4. If a student wishes to appeal a decision, the appeal will be resolved with the Mercy Mission Manager as follows:
    a. Student completes online Student Complaint/Concern form, under Academics, on

MyTrocaire.

b. The concern will be channeled to the Mercy Mission Manager, who will communicate with the student.
c. Then, if needed, the college President will communicate with the student for final adjudication.

5. Students who successfully complete MAP will earn a transcript notation: "Completed;" students who do not successfully complete MAP (according to checklist of required components) will earn a "Not Completed" and will need to complete prior to graduation.

6. If student does not complete the MAP requirement by the end of their academic program, the student will be ineligible to graduate.

7. Policy applies to all current and incoming students.

*Note: Procedures represent a current summary and are subject to change; detailed overview and procedures can be found on the College website under "Mercy Action Project".

Policy No. 557: Fundraising by Student Organizations

Purpose: To regulate the fundraising activities by student organizations

Policy: Trocaire College endorses the fundraising of student organizations to assist in increasing their organizational budgets. No student organization is permitted to initiate or engage in any form of fundraising on College property without prior written approval of the Student Association when in session and the Coordinator of Student Life. Permission for fundraising will only be granted to current college-recognized student organizations.

Off-campus fundraising on behalf of the College or any of its constituencies is not permitted without the prior written permission of the Coordinator of Student Life. Organizations must schedule on campus fundraising events with the Coordinator of Student Life. A "Fundraiser Request Form" must be completed and submitted to the Student Life Office at least three (3) weeks prior to the event.

The fundraising activity must offer a benefit that is consistent with the student organization's mission and the mission of the College.

Procedures:

1. The purpose for which the funds are raised must not violate any principles articulated in the Trocaire College Student Handbook and Policy Manual.

2. All student organizations or their advisors must have approval from the Student Association or the Coordinator of Student Life in their absence, three (3) weeks prior to the start of any fundraising activity.

3. Student organizations planning to schedule a fundraising activity or event must check the event calendar on the Trocaire website to secure an open date and time. The student organization must complete and submit an online room reservation form.

4. It shall be the responsibility of the organization to monitor, clean up, and remove all materials at the site of the fundraiser when concluded.

5. When requesting an apparel sale, student organizations must first receive a quote through the Trocaire Bookstore before requesting quotes from other merchandisers. Organizations must follow the College style guide when creating designs. All designs must be approved by the Communication Department.

6. Student organizations may raise funds for off-campus charities which hold 501© (3) status. The sponsoring student organization must have either a representative or pamphlets/literature of the charitable organization present at the fundraising event. Allocated Student Association funds from the College cannot be used for donations.

7. Student organizations must consult with the director of development before soliciting and or securing financial support from individuals and businesses who are external to the College for College-related fundraising purposes.

8. The Fundraising Completion Form, along with collected funds, must be turned into the Student Life Office for deposit within one (1) business day after the event.

Guest Speaker Policy for Student Organizations

Purpose: Defines the process and requirements for student organizations on hosting an outside guest speaker.

Policy: The Guest Speaker Policy for student organizations at Trocaire College encourages its recognized student organizations to sponsor guest speakers who will contribute to the role of the College as a forum for intellectual discussion, debate, investigation, and/or artistic expression. The speaker must directly reflect on the mission of the student organization sponsoring the event. Individual students interested in inviting a guest speaker must seek sponsorship from a recognized organization.

It is understood that providing a forum in no way implies Trocaire College's approval or endorsement of the views expressed by the speaker. Additionally, guest speakers must be aware of the fact that Trocaire College is a Catholic institution and agree to be respectful of its values and mission.

It is the responsibility of the organization's advisor to be present for the speaker/event. All costs associated with the speaker/association will be covered by the host organization.

Procedures:

1. The organization submits completed Event Request Form to the Office of Student Life.
2. Final approval will be made by the Coordinator of Student Life or designee.

Policy No. 182: Acceptable Use of Technology-Employees, Students, and Guests

Purpose: Describes the college's policy related to use of technology applications and related equipment by employees, students, and official guests of the College.

Policy: All employees, students, and guests are held accountable for their conduct when using college-owned or provided technology applications and related equipment. Such conduct will conform to acceptable use as governed by the college, as well as by all applicable state and federal laws and regulations. This policy applies to all employees including faculty, staff, administration, students, and any guest users such as vendors, guest speakers, community partners, and others when using college-supplied technology applications and equipment, or when using personal equipment while on college premises.

Definitions:

Technology: Technology and technology resources as defined for this policy consist of electronic equipment including computing devices and peripherals (computers, laptops, tablets, and cell phones), scanners, printers, fax machines, and other devices, computer networks, as well as software programs and applications including email and internet access.

Procedures:

1. The College provides access to diverse, state-of-the-art technological tools to support knowledge transfer, enhance instruction, facilitate resource sharing, promote innovation, and support communication, as well as to support the College's mission, business, and student support functions. Access to the College's technological resources is a privilege granted by the College, not a right.

2. Individuals requiring access to the College's technological resources must contact the Office of Technology and Information Services (OTIS). OTIS will evaluate the request and provide the individual with appropriate access to technological resources as appropriate to their need, role, and function. If conflicts arise over decisions made by OTIS in granting access, users may appeal the decision to the College administration.

3. All users of college technology are asked to work only within areas of the College's technology infrastructure in which they have been provided authorized access and use only the technological resources to which they have been granted privileges. This includes
   a. accessing and using only assigned and authorized accounts and technology resources;
   b. not accessing applications, data, or networks for which they are not authorized; and
   c. not viewing, using, or copying passwords which have not been officially assigned to them.

4. All users of college technology are expected to respect and protect the integrity and security of the technology equipment and applications for which they have been officially granted access. This includes but is not limited to computers, laptops, tablets, cell phones, scanners, printers, software applications, and access to College networks and storage media associated with the networks. Users are restricted from destroying or damaging data, software applications, and technology equipment covered by this policy.

5. All users are expected to adhere to the College's Code of Conduct to ensure that they, either intentionally or unintentionally, do not access, transmit, copy, or create material that is

offensive, obscene, harassing, insulting, or otherwise abusive or discriminatory whether in language or meaning.

6. All users are restricted from using technology resources to access, transmit, copy, or create material that is illegal or to engage in other acts that are criminal or violate the school's Code of Conduct.

7. College technology resources may not be used for commercial activity or personal financial gain. Users may not use college technology resources to buy, sell, advertise, or otherwise conduct business unrelated to the business of the College.

8. All users are restricted from damaging the College's technology resources and may not alter College technology equipment or software applications without express permission from the College.

Guidelines:

- Users are expected to report security risks or violations of this policy to the OTIS.
- The OTIS reserves the right to examine, use, and disclose data and information found on the College's information networks to further the health, safety, and / or security of any student or other person, or to protect the College from illegal activity or the College's property. The OTIS may also supply this information to the College administration upon request and in the context of disciplinary actions and/or to authorities investigating illegal activities within the limits of applicable state and federal laws and regulations.

Consequences:

Any violation(s) of this acceptable use policy will be communicated by the OTIS to the College administration. Violation of this policy may result in disciplinary action including but not limited to:

1. Being banned from access to some or all technology resources.
2. Being required to make full financial restitution in instances where there are damages, losses, or fines.
3. Being prosecuted if criminal activity is involved.

Policy No. 357: Closing of the College for Weather or Other Emergencies

Purpose: To describe the policies and procedures for closing the college due to inclement weather or other emergencies.

Policy: The College provides for orderly decision-making and notification of staff, faculty, students, and vendors when it becomes necessary to close the college and/or one or more of its sites for inclement weather or another emergency.

Procedures:

1. The Chief Academic Affairs Officer and the Vice President of Finance and Administration confer to evaluate the need to close the school.

2. If they believe that the school should close, they make such recommendation to the college President, who makes the final decision. In the event that the President is unavailable or the urgency of the situation otherwise dictates it, the Chief Academic Affairs Officer and the

Vice President of Finance and Administration can make the decision.

3. Upon a decision to close, the following processes will be followed:
   - The Chief Academic Affairs Officer contacts the Chief External Affairs Officer, who begins the process of providing notice to the media and who places the information on the college website.
     - The Chief External Affairs Officer keeps an updated listing of radio/TV telephone and related security code numbers and notifies the media regarding emergency closures.
   - All media inquiries are to be referred to the Chief External Affairs Officer
   - The Chief Academic Affairs Officer also contacts the Chief Information Officer, who implements the Emergency Notification System (ENS) to provide alerts and messages to all employees and students.
   - The Vice President of Finance and Administration notifies the Director of Facilities, Security, the Bookstore, Transportation Services, owners of leased parking lots, and any other vendors as appropriate.

4. To the extent possible, closing decisions impacting the current day are published by 6:00AM for day activities, and 4:00PM for evening activities.

5. Announcements will state if closing pertains to day classes, evening classes, or both, and which location is impacted.

6. On days or evenings when the main campus is closed, all affiliated classes at clinical sites are considered closed.

7. Employees are expected to work from home on days when the college is closed for inclement weather or other emergencies. Individuals who cannot work from home should take a VSP day. Faculty are expected to communicate with students via email and/or the college's official Learning Management System (LMS) and to provide instruction or materials sufficient to meet the requirements of the Semester/Credit Hour Policy and Compliance Policy No. 705. Students are expected to check their email and/or the LMS for instructions from faculty. Employees with questions should confer with their supervisor.

Guidelines:

1. Weather-related closings are based on the weather of the WNY region and are not limited to a specific neighborhood.

2. All members of the college community are expected to listen to the public radio and TV announcements for weather closings.

Assessment of Late Fees for Veteran Students and Dependents

In accordance with Title 38 US Code 3679 subsection (e), Trocaire College adopts the following additional provisions for any students using U.S. Department of Veterans Affairs (VA) Post 9/11 GI Bill® (Ch. 33) or Vocational Rehabilitation & Employment (Ch. 31) benefits, while payment to

the institution is pending from the VA.

Trocaire College will not:

- Prevent the student's enrollment.
- Assess a late penalty fee to the student.
- Require the student to secure alternative or additional funding.
- Deny the student access to any resources (classes, libraries, or other institutional facilities) available to other students who have satisfied their tuition and fee bills to the institution.

However, to qualify for this provision, such students are required to:

- Produce the VA Certificate of Eligibility (COE) or Form 28-1905 by the first day of the semester (per academic calendar).
- Submit a request to be certified.
- Provide additional information needed to properly certify the enrollment as described in other institutional policies.

SECTION VI: SAFETY & SECURITY

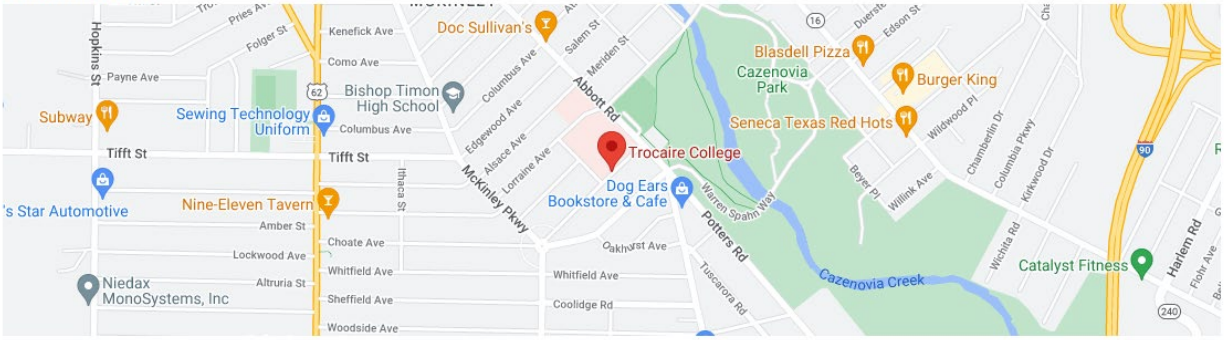
Emergency Contact Numbers

716-827-2500 Security Desk Choate Campus or HELP (2500) from any college phone
716-445-2104 Choate Security (Mobile)
716-827-4300 Transit Security or 716-346-7094 (Mobile)
716-827-2445 Director of the Wellness Center
911: Buffalo Police Department

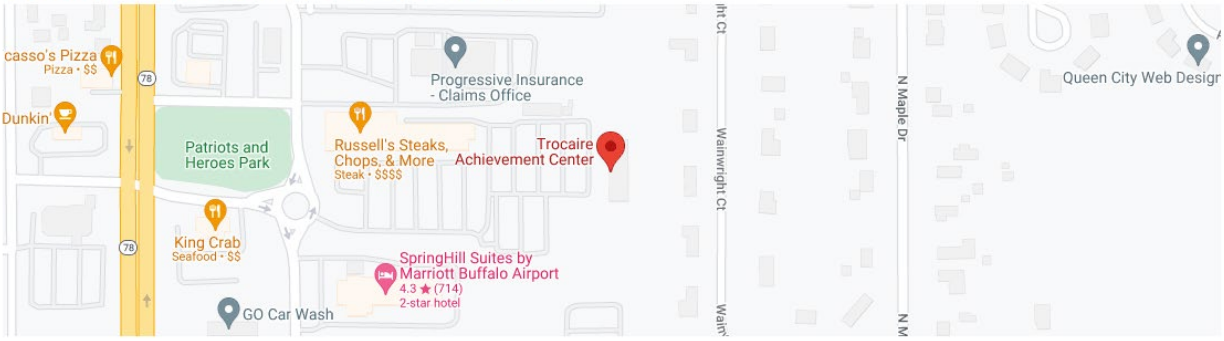
All house phones at each location have a security button on the menu which when pushed will dial directly to the related security desk. The Choate Campus also has emergency push buttons and phones throughout the building. Using these mechanisms will alert the City of Buffalo Police Central Dispatch and the police will be notified. Campus Safety and Security at Trocaire College works with students, faculty, and staff to ensure their security throughout the campus. Trocaire employs uniformed guards through a private security service and are stationed at each location (Choate and Transit). Guards work closely with the Buffalo and Lancaster Police and Fire Departments.

Campus Map

Main Campus



Extension Center Trocaire Achievement Complex



Ongoing Safety Messages

Please make yourself aware of your surroundings, so that you know how to respond in an emergency. Evacuation routes are posted throughout the campus. Should the need arise to evacuate,

please adhere to the appropriate route for your location as these routes have been determined to be the safest and fastest. Shelter in place and lock down procedures are outlined in the Employee and Student Handbooks.

Crime Prevention

The key to a safe and secure environment in any area is crime prevention. Campus Safety and Security utilizes uniformed guards when classes are in session. The college also utilizes security cameras which are installed in several areas on campus. Crime prevention is a joint effort, however, and cannot be accomplished without the assistance of the entire Trocaire community of students, faculty, and staff. The security committee has composed a list of several crime prevention and safety tips which are distributed at the beginning of each semester.

In addition to uniformed security officers, there is a campus-wide Security Advisory Committee comprised of faculty, staff, administration, and students. Although Trocaire is a safe campus, it is in the middle of an urban area where students are often expected to walk to and from their vehicles. The following list contains some helpful safety tips:

- Walk in groups or with someone else.
- Travel in well-lit areas.
- Be aware of traffic: drivers might not see you!
- Always lock your car and remove valuable items from your vehicle.
- If it is snowy and icy, please watch your step.
- Call 911 if you notice any suspicious activity.
- Put away cell phones to avoid distracted walking.
- Look both ways before crossing the street.
- When possible, stay on the sidewalk; if you must use the street, walk facing traffic.
- Walk with confidence and keep your head up.

Annual Security Report Information

In keeping with the Cleary Act, we provide vital information and statistics about incidents on and around the campus community in an annual security report published on the Trocaire College website. Statistics are published annually and are available to anyone upon request. They are also available on the U.S. Department of Education website: https://ope.ed.gov/campussafety/#/, OPE ID: 00281200, or by contacting the Director of Facilities at 716-827-4338. The Advisory Committee on Campus Safety will provide upon request all campus crime statistics as reported to the United States Department of Education.

Please visit the most recent Annual Security report to review. For additional information, contact the Vice President for Finance & Administration, Choate Campus Room 332, or 716-310-2861.

Crime Reporting Statistics Policy

The Security Advisory Committee will provide upon request all campus crime statistics as reported to the United States Department of Education. By October 1st of each year, the college will publish the Annual Security Report to the college community, which includes the campus crime statistics for the year and other campus safety policies and procedures. This information will be sent via email and placed on the Trocaire College website.

The college catalog, student handbook and website shall designate how to access the campus crime statistics that are filed annually with the United States Department of Education.

The college catalog, student handbook and website shall state "The Security Advisory Committee will provide upon request all campus crime statistics reported to the United States Department of Education".

The information in the college catalog, student handbook and web site shall include the United States Department of Education's website address for campus crime statistics and a campus phone number for a designated campus contact who is authorized to provide such statistics for the college.

Investigation of Violent Felony Offenses

The college provides for the investigation of any violent felony offense occurring at or on the grounds of the college. In addition, the college provides for the investigation of a report of a missing student, if appropriate.

All violent felonies reported to the college or to campus security, occurring on campus or on college-owned property, will be reported to the appropriate law enforcement agency for investigation. Violent felonies reported on the Choate Avenue campus will be reported to the City of Buffalo Police Department. Violent felonies reported on the Transit Road location will be reported to the Town of Lancaster Police Department.

Article 129-A of the New York State Education law provides for the reporting of any missing student who resides in a college facility. Trocaire College has no resident students.

Timely Warning

Purpose: This policy provides guidance on issuing Clery timely warnings.

Policy: In the event a situation arises, either on or off campus, that, in the judgment of the Vice President of Finance & Administration, constitutes an ongoing or continuing threat, a campus-wide "timely warning" will be issued. If the Vice President of Finance & Administration is away from campus a member of Leadership Council will make the decision on if a Clery timely warning should be issued. The warning will be issued through the college's emergency notification system (ENS). This warning will also include information that would promote safety and might aid in the prevention of similar crimes. Depending on the circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the Emergency Notification System may be activated through the procedures outlined under Emergency Procedure and Response.

Anyone with information warranting a timely warning should report the circumstances immediately to security and the Vice President of Finance & Administration. Call Security at ext. 2500 or press the security direct extension button on all college phones. If you are at Transit Road, call Security at 716-827-4300.

Emergency Notification System

Trocaire College has implemented an Emergency Notification System. In the event of a campus closing or other emergency, Trocaire's Communications Office will activate the emergency system that sends notifications through text messaging, email, and voice messages to cell and home phone numbers. You will be able to include up to six phone numbers, two email addresses, and a text message number as notification contacts. School closings due to inclement weather will also activate the notification system.

Instructions

1. Decide which phone number(s) and/or e-mails you want to use.
2. Go to Emergency Notification System to login.
    - Log In:
        - If you already have an account, sign in using your Trocaire email address and your password you created when you signed up originally.
        - If you do not remember your password, use the "forgot password" option.
    - Sign Up:
        - If you have never signed up, click the "Sign Me Up!" Button.
        - Enter your first name, last name, Trocaire email address, and create a password.
        - Check the box to agree with the user agreement after reviewing.
        - Click continue.
        - You will then be prompted for your ID number. This is the last 5 digits of your Student ID. You can find this on your schedule or ID Card.
        - You can now set your contact preferences.

Emergency Procedures and Response

Serious injury, sickness or emergency requires immediate and clear communication with appropriate parties. If you come across an emergency or another individual who needs assistance, please follow the following procedures:

1. Remain calm and keep individual comfortable.
2. Call 911 directly. Give the exact address of the college location (360 Choate Avenue or 6681 Transit Road), and brief, concise, and specific details of the incident.
3. Call Security at ext. 2500 or press the security direct extension button on all college phones. If at Transit Road, call security at 716-827-4300. If you are unable to call 911 on your phone, ask security to call giving details. It is important to call security so they can properly direct safety personnel and secure the scene.

When reaching the site, security should:

1. Confirm that 911 has been called.
2. If possible, stay with the individual until an ambulance arrives.
3. Notify the Vice President of Finance & Administration.
4. Fill out an incident report and give it to the Chief Financial Officer.

Procedures to Notify Campus Community

Upon notification by campus security, the Chief Financial Officer will investigate all college emergencies. Confirming dialogue may include conversations with security, witnesses, victim(s) and/or local authorities. The Chief Financial Officer is responsible for confirming an emergency and

determining if the Emergency Notification System (ENS) needs to be activated. The ENS system will be activated as soon as possible if there is an immediate or impending threat to the college community. The entire Trocaire community will be notified of any immediate threats regardless of building location. The individual activating the ENS system will determine the content of the message in issuing a Timely Warning to the College community.

Access to College Facilities

Most college buildings and facilities are accessible to members of the college community, prospective students, and visitors during normal business hours, Monday through Friday, and limited designated hours on Saturdays and Sundays. For information regarding access to campus facilities, contact the Director of Facilities at 716-826-1200 or 716-387-1083. The college does not have residential facilities.

During business hours, the college will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all college facilities is by key, if issued, or by admittance via the Director of Facilities. Emergencies may necessitate changes or alterations to any posted schedules.

The Facilities staff, security personnel, and maintenance routinely check for security issues such as properly working lighting, locks, alarms, and landscaping.

Limited Voluntary Confidential Reporting

Trocaire College encourages anyone who is the victim or witness to any crime to promptly report the incident to the police and Trocaire Security. Because police reports are public records under state law, Trocaire Security cannot hold reports of crime in confidence.

If someone is interested in making a confidential report, please contact the Mission Officer at 827-2451. The Mission Officer will report aggregate data each year to the Title IX Coordinator who will include the information in the annual disclosure of crime statistics. The only time the Mission Officer breaks confidentiality is when the person is at risk to themselves or others.

Fire

If a fire cannot be controlled with an extinguisher, an alarm should be activated, and the building should be evacuated. Persons evacuating the building should proceed to the nearest marked exit and assist those who are physically challenged. No person should return to an evacuated building unless told to by a member of the college's administration or a member of campus security.
This information can also be found in the Annual Campus Security report.