TROCAIRE COLLEGE

January 1, 2019 – December 31, 2019

ANNUAL SECURITY REPORT

Trocaire College

www.trocaire.edu

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act

U.S. DEPARTMENT OF EDUCATION
www.ope.ed.gov/security

Main Campus (Choate Avenue)
360 Choate Avenue
Buffalo, NY 14220

Seneca Street Location
2262 Seneca Street
Buffalo, NY 14210

Extension Center Trocaire Achievement Complex (Transit Road)
6681 Transit Road
Williamsville, NY 14221

Prepared by:
Civil Rights Compliance Officer/Title IX Coordinator
Associate Vice President of Finance
Director of Facilities

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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.

VISION STATEMENT

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

NON-DISCRIMINATION 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, familial status, military status, veteran status, disability, domestic violence status, genetic information, or any other basis prohibited by New York state and or federal non-discrimination laws. Retaliation against any 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.

Civil Rights Compliance Officer:
Inquiries concerning the college's non-discrimination policies should be directed to:
Civil Rights Compliance Officer/Title IX Coordinator 360 Choate Avenue, Room 321
Buffalo, NY 14220
716.827.2461
CivilRightsCompliance@trocaire.edu

For further information on the notice of non-discrimination please contact:
New York Office
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

IMPORTANT PHONE NUMBERS

Security (Choate Avenue)	(716) 827-2500 or (716) 445-2104
Security (Transit Road)	(716) 827-4300 or (716) 346-7094
Security (Seneca Street)	(716) 827-4320 or (716) 346-7095
Director of Facilities	(716) 827-4338
Chief Student Affairs Officer	(716) 827-2445
Director of Wellness Center	(716) 827-2412
Associate Vice President of Finance	(716) 827-2456
Life Threatening Emergency	911

ANNUAL SECURITY REPORT DISCLOSURE

The Civil Rights Compliance Officer/Title IX Coordinator, Director of Facilities and Associate Vice President of Finance prepare this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. We encourage members of the campus community to use this report as a guide for safe practices on and off campus.

This report is prepared in cooperation with the local law enforcement agencies surrounding our three locations (Choate, Transit and Seneca) and alternate sites. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest and referral statistics include those reported to Trocaire security, designated Campus Security Authorities (including but not limited to directors, deans, department heads, faculty, and advisors to students/student organizations) and local law enforcement agencies. These statistics may also include crimes that have occurred in neighborhoods or businesses surrounding the college.

Each year, an e-mail notification is made to the Trocaire College community that describes the report and provides its web address. The full text of this report can be located on Trocaire's web site at https://my.trocaire.edu/student-services/safety-emergency/ and clicking the Annual Security Report direct link. Copies of the report may also be obtained with the Civil Rights Compliance Officer/Title IX Coordinator located at Choate Room 321 or by calling (716) 827-2461.

The web site address is available to all prospective students in their admissions packet. Prospective employees are made aware of the report when reviewing available positions at Trocaire College. Workforce Development students are made aware of the existence of the Annual Security Report and on the Workforce Development web page.

CAMPUS SECURITY

Security is located in the front entrances of all three locations. A guard is working whenever the college is open at each location. Guards aid in enforcement of federal, state, and local laws, as well as Trocaire College regulations. Trocaire does not have campus police and are not authorized to make arrests. Security guards are contracted through an outside agency.

All security guards must meet the training requirements of the State of New York Security Guard Act. The college employs an out-sourced security service whose primary objective is to encourage a safe and healthy experience that enhances the campus learning experience and

compliments the college's mission.

The Director of Facilities or Security provides support services tailored to meet the needs of the Trocaire College community. Some of the services are:

- Development and distribution of ID Cards
- Test and maintain all fire-prevention equipment and alarms
- Inspect buildings for safety compliance
- Maintain a lost and found department
- Backup security camera data
- Maintain visitors log
- Maintain daily Clery security log

A number of emergency telephones are located throughout the main building. These telephone boxes are easily identified by signage, which is mounted directly above the box. They can be used to report a criminal incident, fire, or any other type of emergency.

To reach the Choate Security from off-campus, dial (716) 827-2500 or (716) 445-2104 (cell), on-campus dial, extension 2500. Transit Road Security can be reached at (716) 827-4300 or (716) 346-7094 (cell). Seneca Street Security can be reached at (716) 826-4320 or (716) 346-7095 (cell).

Trocaire security maintains a close working relationship with the Buffalo Police Department (BPD) and the Town of Lancaster Police Department (LPD). Meetings are held between the leaders of these agencies on both a formal and informal basis. The Director of Facilities, the BPD and the LPD communicate regularly on the scene of incidents that occur in and around the College's three locations. The Director of Facilities works closely with the BPD and the LPD when incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information, as deemed necessary. There is a written memorandum of understanding between Trocaire, the LPD but not with the BPD.

Trocaire College does not have any officially recognized student organizations with off-campus locations that the BPD or the LPD monitors or reports.

We encourage all students and employees to report crimes to the local authorities and then notify campus security.

REPORTING A CRIME

All members of the campus community are urged to report criminal incidents and suspicious activity. The campus emergency number is (716) 827-2500. All reports are classified, logged and responded to thoroughly. For emergencies, please call 911 and then notify Security of the situation. Security and the Director of Facilities investigates all reports and notifies appropriate college personnel and, if necessary, the BPD or LPD. All campus telephones also include a security button to ensure easy dialing in the case of an emergency.

In addition to security you may report a crime to the following areas:

1. Director of Facilities	Choate Room 337, 827-4338
2. Chief Student Affairs Officer	Choate Room 121, 827-2445
3. Chief Human Resources Officer	Choate Room 321, 827-2559

4. Or contact a Campus Security Authority (please see below)

CAMPUS SECURITY AUTHORITIES

The Clery Act requires all institutions to collect crime reports from a variety of individuals and organizations that have specific contact with students. Under Clery, a crime is "reported" when it is brought to the attention of a campus security authority or local law enforcement personnel by a victim, witness, or third party or even the offender. The function of a campus security authority is to report to the official or office designated by the institution to collect crime report information those allegations of Clery Act crimes that he or she concludes were made in good faith.

The following individuals are designated as the Trocaire College Campus Security Authorities by the criteria set in the Clery Act.

Vice Presidents/Chief Officers
Deans
Directors
Security Guards
Director of Facilities
Title IX Coordinator
Full-time Faculty Members
Faculty Club Advisors
All Full Time Student Affairs Staff (excluding Trocaire Director of Wellness Center)

DAILY LOG

Campus security maintains a daily log of crimes and incidents that occur on campus which is available for the public to view. This information is recorded by the date, time and general location, and disposition of the complaint. The daily log is available at Security at the main campus location. While all events are logged, the Director of Facilities or Associate Vice President of Finance may determine that an incident is classified and noted as "confidential" in order not to jeopardize a criminal investigation or the identity of a victim.

CONFIDENTIAL REPORTING

Trocaire College encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. 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 Director of the Wellness Center at the Wellness Office Choate Campus, Room 118 or (716) 827-2412. The Director of the Wellness Center will report aggregate data each year to the Title IX Coordinator who will include the information in the annual disclose of crime statistics.

TIMELY WARNINGS

In the event a situation arises, either on or off campus, that, in the judgment of the Director of Facilities constitutes an ongoing or continuing threat, a campus-wide "timely warning" will be

issued. The warning will be issued to all students and employees through the college's emergency notification system or email system. This warning will also include information that would promote safety and might aid in the prevention of similar crimes.

Depending on the particular 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 to security at any location or by phone at (716) 827-2500 or ext. 2500.

EMERGENCY NOTIFICATION SYSTEM (ENS)

Trocaire College has implemented an Emergency Notification System. In the event of a campus closing or other emergency situation, Trocaire's Institutional Advancement Office will activate the emergency system that sends notifications through text messaging, email, and voice messages to cell and home phone numbers. Participants 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 may also be accessed on the website by going to:
https://my.trocaire.edu/student-services/safety-emergency/

Employees and students are automatically enrolled in the ENS system at time of hire or time of enrollment using their Trocaire email address. Employees and Students can access the system and update their records at any time to include personal email addresses and phone numbers. Information on how to update the ENS system is on Trocaire's website by visiting https://my.trocaire.edu/student-services/safety-emergency/

EMERGENCY PROCEDURE AND RESPONSE

Serious injury, sickness or emergency requires immediate and clear communication with appropriate parties. If you come across an emergency situation 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 College (360 Choate Avenue, 315 or 317 Choate Avenue (houses) or 6681 Transit Road or 2262 Seneca Street) location 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 or if at Seneca call Security at (716) 827-4320. If you are unable to call 911 on your phone, ask Security to call giving details.

When reaching the site, security or front entrance employee should:

1. Confirm that 911 has been called.
2. If possible, stay with individual until ambulance arrives.
3. Notify Director of Facilities.

4. Make out incident report, located at the security desks and give to Director of Facilities and a copy to the Health Office (if individual is a student).

Procedures to Notify Campus Community

Upon notification by campus security, the Director of Facilities will investigate all college emergencies. Confirming dialogue may include conversations with security, witnesses, victim(s) and/or local authorities. The Director of Facilities or designee is responsible for confirming an emergency and determining if the Emergency Notification System (ENS) needs to be activated. The ENS system will be activated 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 in collaboration with the Director of Facilities will determine the content of the message. In absence of the Director of Facilities, the Associate VP for Finance will make the determination.

EMERGENCY NOTIFICATION

Individuals who are responsible in determining the need for ENS activation

Director of Facilities or
Associate Vice President of Finance or
President's Council Member

Individuals who can activate ENS System

Chief Enrollment & Marketing Officer or VP for Development & Community Engagement or Director of Marketing & Public Relations or Marketing Communications Specialist or Institutional Advancement Coordinator.

In the event of an emergency, the college is committed to notifying the college community of said emergency without delay unless notification would compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency.

In addition to possible use of the ENS system, the Chief Enrollment Officer or VP for Development & Community Engagement will utilize college email to inform the college community of information regarding an emergency situation. If appropriate, radio and television alerts will be used by the Chief Enrollment Officer or designee to inform the neighboring community of any immediate threats that may impact them.

Testing Emergency Response and Evacuation Procedures

The purpose of testing the emergency and response procedures is to prepare the Trocaire community in case an emergency ever emerges. At Trocaire, unannounced fire drills are scheduled each semester by the Director of Facilities. An announced ENS system test is also scheduled by the Institutional Advancement office.

The Director of Facilities will facilitate a "tabletop exercise" once a year with those Trocaire individuals responsible for responding to an emergency incident. Local law enforcement, firefighters and first responders will be invited. Simulated scenarios will be provided with an assessment at the end to obtain feedback from participants. The goal of this exercise is so everyone understands his or her role and responsibility in case of an emergency.

The emergency and response procedures will be sent out once a year in the Annual Security

report as well as included in the ENS announced test. This will be done via email before testing of the ENS system. All test dates, times, description and whether it was announced or unannounced will be kept by the Chief Enrollment Officer for seven years.

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. For information regarding access to campus facilities, contact the Director of Facilities at (716) 827-4338 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. Building hours are updated annually and posted on Trocaire's website. Emergencies may necessitate changes or alterations to any posted schedules.

The Director of Facilities, security personnel, and maintenance routinely check for security issues such as properly working lighting, locks, alarms and landscaping. The Security Advisory Committee meets minimally once a semester to discuss security issues.

FIRE RESPONSE AND PROCEDURE

If a fire cannot be controlled with an extinguisher, an alarm should be activated and efforts to evacuate the building undertaken. 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.

Fire drills are an important aspect of student safety. Fire drills will be completed each semester and will be scheduled by the Director of Facilities.

Trocaire College is a smoke free campus. Smoking is not permitted anywhere on campus.

SECURITY ADVISORY COMMITTEE

The Security Advisory Committee was established at the college in response to the requirements of New York State Education Law (Article 129-A). This Committee is comprised of College Administration, Faculty, Staff, and Students.

The Committee shall review current campus security policies and procedures and make recommendations for their improvement. It shall specifically review current policies and procedures for:

a. educating the college community, including security personnel and those persons who advise or supervise students, about sexual assault pursuant to Article 129-A of the New York State Education Law;
b. educating the campus community about personal safety and crime prevention;
c. reporting sexual assaults and dealing with victims during investigations;
d. referring complaints to appropriate authorities;
e. counseling victims; and
f. responding to inquiries from concerned persons.

Students wishing to participate in this committee are encouraged to contact the Director of Student Engagement.

Employees wishing to participate in the committee can volunteer through the Senior Vice President.

The Committee provides a report to the college president on its findings and recommendations at least once each academic year.

CRIME PREVENTION

During new student and transfer orientations students are informed of the security measures established by the college. Students are informed of safety awareness and told of best practices while at the college.

A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

Crime prevention at Trocaire College is based upon the dual concepts of eliminating or minimizing criminal opportunities and encouraging students and employees to be responsible for their own security and the security of others. The following is a listing of the crime prevention projects employed by Trocaire College.

New and Transfer Student Orientation: Information regarding college safety and security is part of the orientation presentation.

Crime Prevention Materials: Crime prevention brochures and postings related to motor vehicle security, bicycle security, health services and employee security are provided to staff and students throughout the year.

Fire Alarm System: A central station monitors and maintains fire alarm systems on campus.

Facilities Surveys: Comprehensive surveys of exterior lighting, exterior doors and grounds are conducted each year by the Director of Facilities.

Video Surveillance: Video surveillance cameras are located in strategic areas and are monitored by College Security and the Facilities Office.

Architectural Design: The Director of Facilities makes recommendations relating to physical and electronic security systems for new and renovated college facilities.

Enhanced Emergency Telephone System: All telephone calls made to 911 from a college phone are identified and the telephone number and location of the telephone are displayed on a screen to College Security. This enhanced emergency telephone system was installed to ensure that College Security knows the origin of an emergency call, even if the caller is unable to communicate verbally.

Training: Both students and employees have the opportunity to take online trainings through the

college's compliance training system on a variety of safety and security related matters.

The college provides training/programs to both staff and students on crime prevention. The Security advisory committee reviews annually all safety and security policies and provides the President with recommendations on security measures.

STUDENT CODE OF CONDUCT

Trocaire College has high regard for its students and for all members of the College Community. Trocaire expects its students to obey all applicable federal, state and local laws; to behave in ethical, professional and courteous ways and to observe the specific policies and standards which govern a student's behavior at the college.

The Code of Conduct reflects general principals of behavior accepted at the college. Any type of dishonest, abusive or destructive behavior may be subject to disciplinary actions. Any member of the College Community may file a Discipline Incident Report of an alleged violation of the Student Code of Conduct. Discipline Incident reports are available in the Chief Student Affairs Officer office. All Trocaire students are responsible for knowing the Code of Conduct which is included in the student handbook.

Procedures:
The following are considered to be specific violations of the Student Code of Conduct. Violations of the Student Code of Conduct shall include but are not limited to:

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 includes, but is not limited to, fighting or deliberate behavior that could instigate violence or abuse, intimidation and harassment either in person or via electronic format of phone calls, email, texting, instant messaging or through web based or social media outlets.
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 Federal, NY State, Erie County or the City of Buffalo regulations or laws.
3. Sexual Misconduct. Violations of Trocaire's Policy against Sex Discrimination (Reg. No. 124) which includes but are not limited to sexual harassment, sexual violence, dating violence, domestic violence, and stalking.
4. Computer Abuse as defined in Trocaire's Technology Acceptable Use Policy, including not intentionally accessing transmitting, copying or creating material that violates the schools code of conduct (including but not limited to material that is offensive, obscene, harassing, insulting or otherwise abusive or discriminatory) whether in language or meaning.
5. 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 (See policy #604).

6. Possession or use of firearms, weapons, illegal fireworks, incendiary devices, explosives or any device known to be excessively harmful or resembles such items.
7. Tampering with fire alarms and/or other fire safety equipment. Refusing to leave the building during an alarm.
8. Theft, destruction, damage or defacement of college property or the property of others.
9. Intentional disruption or obstruction of college activities including administration, classes, campus services, or organized events, and of the use of college premises. In this regard, students are responsible for their conduct as well as that of any guests or family members they bring on campus.
10. Illegal gambling.
11. Games of chance (unless sanctioned by the college).
12. Any form of tobacco use, including e-cigarettes on-campus.
13. Hazing, which is any act that endangers the mental or physical health or safety of any student, or that destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in any group or organization.
14. Unauthorized solicitation of money in the form of any type of donation or as any charge for goods or services on any College premises.
15. 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.
16. Failure to comply with a direction(s) of any College official acting in performance of his/her duty.
17. Violation of any other college policies, regulations or procedures or inciting other person(s) to do so.
18. Behavior that could harm the physical, emotional safety or well-being of any member of the campus community.

DISCIPLINARY PROCEDURES REGARDING VIOLATIONS OF THE STUDENT CODE OF CONDUCT

Any student, college employee, or college official may file a Discipline Incident Report of an alleged violation of the Student Code of Conduct, which includes time, place, and circumstances surrounding the situation. Discipline Incidents Reports must be submitted to either the Chief Student Affairs Officer, or designee, within five (5) business days of the point at which the alleged violation could have reasonably known to occur.

Procedures:

1. Discipline Incident Report forms should be utilized to report violations of the Student Code of Conduct. Incident Report forms are available online at https://trocaire.edu/app/uploads/2020/09/Trocaire-College-Student-Handbook_Handbk_2020-2021.pdf
2. The report is reviewed by the Chief Student Affairs Officer or designee, who will start the investigation and will either dismiss the case, if the report does not warrant discipline proceedings or notify the respondent(s) of the alleged violation within five (5) business days.
3. A time and place for meeting with the student(s) is determined by the Chief Student Affairs Officer or designee, to try to resolve the charges brought against the student(s).
4. If violations involve more than one student, the disciplinary process may be conducted separately.

5. Incident reports could be shared with those student(s) in violation of the Student Code of Conduct.
6. If the student(s) in violation fails to respond or attend the above mentioned meeting, a disciplinary decision will still be rendered.
7. Within five (5) business days following the investigation, follow-up written notification will be sent to inform the student of the decision and the proposed disciplinary action.
8. The following possible sanctions may be imposed singularly or in any combination. The Chief Student Affairs Officer or designee is not limited to the following sanctions as they may impose other sanction(s) considered appropriate.

Possible Sanctions:

a. Verbal Warning.
b. Written 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 or other reimbursement for damages to property.
d. Community Service: A stated number of hours of donated service.
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 (including clinicals and internships), activities, or campus.
g. Disciplinary Dismissal: Termination of status as a student of the College.
h. Transcription Notation (see Policy # 329, Transcription Notations and Appeals Policy).

If the student wishes to appeal the disciplinary action proposed by the Chief Student Affairs Officer or designee, the student must submit a written request within five (5) business days of receiving written notification for review of the decision by the Judicial Appeals Board (Reg. No. 605). This letter of request is to be directed to the Chairperson of the Judicial Appeals Board in care of the Office of the President.

If the charge(s) of violation does not violate the Student Code of Conduct or the Chief Student Affairs Officer or designee, decides the student charged is not responsible for the violation, there shall be no subsequent proceedings under the Student Code of Conduct Policy and all privileges the student is eligible for shall be reinstated. If the charge violates other College policy, the student may be charged under this policy.

Summarily suspension shall be imposed by the Chief Student Affairs Officer or designee, if a situation indicates that there is possible danger involved pending investigation, in order to protect the campus community or a student's physical or emotional safety and well-being.

STUDENT DISCIPLINE APPEALS BOARD

The Student Discipline Appeals Board is assembled if a student wishes to challenge disciplinary sanctions imposed due to a Student Code of Conduct violation (Policy 600 & 601) or if either the Complainant or Respondent is dissatisfied with the final determinations made under the Policy Against Sexual Misconduct, Dating Violence, Domestic Violence & Stalking (Policy #124). That

person may file an appeal with the Appeals Boards due to the results of either the investigation, sanctions or the interim accommodations and safety measures outlined in Policy #124.

A student who wishes to challenge the disciplinary sanctions proposed by the Chief Student Affairs Officer or designee due to a Code of Conduct violation of Policy #600 or the Complainant or Respondent dissatisfied with either the investigation, sanctions or the interim accommodations and safety measures outlined in Policy #124, may request a review by the Student Discipline Appeals Board. The grounds for the appeal will be limited to the following:

- 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.
- There were procedural irregularities that substantially affected the outcome of the case to the detriment of the Complainant or the Respondent.
- The sanction is substantially disproportionate to the factual findings.

The decision of the Student Discipline Appeals Board is final.

Procedures:

1. If a student wishes to challenge the disciplinary sanctions issued by the Chief Student Affairs Officer or designee, he/she must submit a written request for review to the Student Discipline Appeals Board within five (5) business days of receiving written notification of said sanctions. This request should be directed to the Student Discipline Appeals Board in care of the Office of the President.

2. The written request must show evidence of meeting one of the aforementioned grounds of the appeal process.

3. The Chief Student Affairs Officer or designee will inform the other party that the appeals process has been initiated.

4. The Student Discipline Appeals Board could consist of the following:
   - Faculty members appointed by the Faculty Senate.
   - Staff members appointed by the Staff Advisory Council.
   - Student members appointed by the Student Association.
   - One Administrator, appointed by the President to act as chairperson, excluding the Chief Student Affairs Officer or designee.

A quorum of the Student Discipline Appeals Board shall consist of three members, an odd total number and a majority vote will be necessary in deciding all cases.

5. The Student Discipline Appeals Board will determine if the appeal meets the grounds of the appeal process. The Chairperson will send a letter within five (5) business days of receiving the written appeal outlining if the submission met the grounds for the appeal process. This decision is final.

6. If the Student Discipline Appeals Board determines that the written appeal did meet the grounds of the appeal process, the student must be notified of the date, time, and place of the review at least five (5) business days in advance of the date. The review will be within at least (10) ten business days after the submission of the appeal.

7. Students may have a silent advocate of his/her choice present during the appeal process. The advocate may not participate directly in the hearing, but may only render advice to the student.

8. The student must submit the name of his/her silent advocate to the Chairperson of the Student Discipline Appeals Board within twenty-four (24) hours in advance of the review to be allowed into the appeal meeting.

9. If the student appealing the disciplinary sanction does not appear for the Student Discipline Appeals Meeting, then the original sanction will stand.

10. The chairperson will read the Student Discipline Appeals Board procedures at the onset of the proceedings.

11. The Student Discipline Appeals Board Chairperson will lead introductions of every person in the meeting and the purpose of his/her presence will be identified.

12. All presenters should address the Student Discipline Appeals Board only.

13. The Chief Student Affairs Officer or designee will present his/her findings to the Student Discipline Appeals Board. The student appealing the disciplinary decision will present their case, specifically providing a foundation for contesting the sanctions imposed by the Chief Student Affairs Officer, or designee.

14. Both the Chief Student Affairs Officer or designee and the student appealing the disciplinary decision may bring in witnesses to speak on their behalf. The Chairperson will bring in one witness at a time to speak.

15. Following each presentation, the Student Discipline Appeals Board may ask questions of all parties, including witnesses for clarification.

16. Both sides may respond to any statements made in an orderly fashion directed by the chairperson of the Student Discipline Appeals Board.

17. The Student Discipline Appeals Board reserves the rights to call for an executive session at any time if so warranted.

18. Following the presentations and questions, the Student Discipline Judicial Board shall go into executive session to render a decision.

19. The Chairperson of the Student Discipline Judicial Appeals Board will provide the decision, in writing to the student and Chief Student Affairs Officer, or designee within two (2) business days of the conclusion of the appeal process.

20. The decision of the Student Discipline Appeals Board is final.

No student whose case is pending review by Student Discipline the Judicial Appeals Board shall be barred from classes or campus functions, except if a situation indicates that there is a possible danger, in order to protect the campus community or a student's physical or emotional safety and well-being.

BIAS RELATED (HATE) CRIME POLICY

Purpose
In compliance with the New York State Education Law, Section 6436, Bias Related Crime Act of 2000, the following information is designed to outline to the Trocaire College Community the applicable laws on bias related crimes and the penalties for the commission of bias related crimes, the procedures for reporting crimes and the nature of and common circumstances relating to bias related crimes.
https://www.nysenate.gov/legislation/laws/PEN/P4TYA485

Policy
Trocaire College shall inform incoming students about bias related crime prevention measures through programs which may include workshops, seminars, discussion groups, and film 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.

Such information shall include, but not be limited to:

1. 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;
2. the penalties for commission of bias related crimes;
3. the procedures in effect at the college for dealing with bias related crime;
4. the availability of counseling and other support services for the victims of bias related crime;
5. the nature of and common circumstances relating to bias related crime on college campuses; and
6. the methods the college employs to advise and to update students about security procedures.

According to NYS Penal Code section §485.05, a person commits a hate crime when he or she commits a specified offense and either:

(a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or

(b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

A specified offense is an offense as defined by any of the following provisions of the New York State Penal Law:

- Assault in the third, second or first degree
- Aggravated assault upon a person less than eleven years old
- Menacing in the first, second or third degree
- Reckless endangerment in the second or first degree
- Manslaughter in the second or first degree
- Murder in the second degree; stalking in the fourth, third second or first degree
- Rape in the first degree
- Criminal sexual act in the first degree
- Sexual abuse in the first degree
- Aggravated sexual abuse in the second or first degree
- Unlawful imprisonment in the second or first degree
- Kidnapping in the second or first degree
- Coercion in the second or first degree
- Criminal trespass in the third, second or first degree
- Burglary in the third, second or first degree
- Criminal mischief in the fourth, third, second or first degree
- Arson in the fourth, third, second or first degree
- Petit larceny
- Grand larceny in the fourth, third, second or first degree
- Robbery in the third, second or first degree
- Harassment in the first degree
- Aggravated harassment in the second degree
- Any attempt or conspiracy to commit any of the foregoing offenses

Penalties for Commission of Bias Related Crimes: New York State Penal Law 485.10

1. When a person is convicted of a hate crime pursuant to this article, and the specified offense is a violent felony offense, as defined in section 70.02 of this chapter, the hate crime shall be deemed a violent felony offense.
2. When a person is convicted of a hate crime pursuant to this article and the specified offense is a misdemeanor or a class C, D or E felony, the hate crime shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant's conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.
3. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class B felony:
    a. the maximum term of the indeterminate sentence must be at least six years if the defendant is sentenced pursuant to section 70.00 of this chapter;
    b. the term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to section 70.02 of this chapter;
    c. the term of the determinate sentence must be at least twelve years if the defendant is sentenced pursuant to section 70.04 of this chapter;
    d. the maximum term of the indeterminate sentence must be at least four years if the defendant is sentenced pursuant to section 70.05 of this chapter; and
    e. the maximum term of the indeterminate sentence or the term of the determinate sentence must be at least ten years if the defendant is sentenced pursuant to section 70.06 of this chapter.

4. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class A-1 felony, the minimum period of the indeterminate sentence shall be not less than twenty years.
5. In addition to any of the dispositions authorized by this chapter, the court may require as part of the sentence imposed upon a person convicted of a hate crime pursuant to this article, that the defendant complete a program, training session or counseling session directed at hate crime prevention and education, where the court determines such program, training session or counseling session is appropriate, available and was developed or authorized by the court or local agencies in cooperation with organizations serving the affected community.

Procedures

1. The Student Handbook will contain information on bias related crime and its prevention. Such information will include:
    a. The content of this regulation.
    b. The content of the College's regulations on Discrimination & Harassment Grievance Procedure (Regulation 129), Student Code of Conduct (Regulation 600) and Disciplinary Procedures Regarding Violations of the Student Code of Conduct (Regulation # 601).

2. Reporting a Bias Related Crime: If you are a victim of a bias-related crime, or you know or suspect that a member of the college community is a victim of a bias-related crime, the following services are available to you:
    a. Trocaire College Security:
        Main Campus: 827-2500
        Transit Road: 827-4300
        Seneca Street: 827-4320
    b. Chief Student Affairs Officer
    c. Director of the Wellness Center
    d. Buffalo Police Department: Dial 911

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) & HEOA Sec. 120 (a) (2) (B)-(C). 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 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 policy.

The health and safety of every student at the 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 Complainant 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 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, contact Counseling Services at 716.827.2579.
https://my.trocaire.edu/student-services/counseling-services/

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, pancreas, kidneys and lungs problems
- 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, lung, and kidney problems
- Memory loss

- Physical and psychological dependence
- Poor academic performance
- Sexually transmitted diseases, unwanted pregnancy, unwanted sexual activity
- Violent behavior, aggressive acts, and angry feelings

For a complete list, go to the National Institute on Drug Abuse web site 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:
http://ypdcrime.com/penal.law/index.htm. Refer to NYS Penal Law Section 220.00 – 221.55.

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 the U.S. Department of Justice website: http://www.dea.gov/druginfo/factsheets.shtml

Federal Trafficking Penalties can be found at:
https://www.dea.gov/sites/default/files/drug_of_abuse.pdf

Procedures

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 institutions 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.

DRUG AND ALCOHOL INFORMATION AND PREVENTION

The Trocaire College report on Drug and Alcohol Information and Prevention can be found at https://my.trocaire.edu/app/uploads/2018/04/Drug-and-Alcohol-Information-and-Prevention-Report-2018-2020.pdf Abuse of alcohol and drugs can have a serious impact on professional, academic, and personal life. Trocaire College encourages members of the community who may be experiencing difficulty with drugs or alcohol to contact one of the resources provided. Online drug and alcohol awareness training is provided for students and staff.

POLICY 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 Officer and Title IX Coordinator
The Civil Rights Compliance Officer ("CRC Officer")/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 CRC Officer/Title IX Coordinator is also responsible for conducting the investigation of an alleged violation of the policy. The CRC Officer/ 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 CRC Officer/Title IX Coordinator can be reached at 360 Choate Avenue, Buffalo, NY 14220 at (716) 827-2461 or via e-mail at civilrightscompliance@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.

Accused
Person accused or respondent 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 the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

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 Complainant or bystander to a crime or incident more than necessary to comply with applicable laws, including informing appropriate institutional officials.

Complainant 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.

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.

STUDENTS' BILL OF RIGHTS
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 Complainant 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 Complainant 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 Complainant, 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 Complainant 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, or Chief Student Affairs Officer, or Dean for Student Success, or designee, and as dictated by the situation and the needs of the

Complainant, 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 Complainant 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:

- Director of the Wellness Center 360 Choate Ave., Room 112, (716) 827-2412.

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: https://pandys.org
- GLBTQ Domestic Violence Project: https://www.bwjp.org/resource-center/resource-results/glbtq-domestic-violence-project.html
- 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 here: 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. Complainants 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 Complainants 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:

- CRC Officer/Title IX Coordinator; 360 Choate Ave., Room 321 (716) 827-2461
- Chief Student Affairs Officer; 360 Choate, Ave., Room 121, (716) 827-2445
- Security (for all locations), 360 Choate Ave., (716) 827-2500

In addition to these disclosure/reporting options, Complainants 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. https://consentfirst.troopers.ny.gov/

- To receive assistance from the CRC Officer/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 Complainants 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 official shall also explain whether he or she is authorized to offer the Complainant confidentiality or privacy, and shall inform the Complainant of other reporting options;

- To disclose confidentially the incident to institutional representatives, who may offer confidentiality pursuant to applicable laws and can assist in obtaining services for Complainants;

- 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 Complainants;

- To file a report of sexual violence, domestic violence, dating violence, and/or stalking, and the right to consult the CRC Officer/Title IX Coordinator for information and assistance. Reports will be investigated in accordance with institution policy and the Complainant's identity shall remain private at all times if said Complainant wishes to maintain privacy.

- When the Respondent is an employee, a Complainant may also report the incident to the Office of Human Resources or may request that the above referenced 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 Complainant, 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, and

- 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 Complainants to a college representative, the following information shall be presented to the Complainant: "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.**

Plain Language Explanation of Confidentiality:
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.

Requesting Confidentiality: How Trocaire Will Weigh the Request and determine Continuing Threat:
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 CRC Officer/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 disclosed.

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 individual. 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 Complainant 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 Complainant or victim/survivor will be notified and the College will take immediate action as necessary to protect and assist the Complainant

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 Complainant 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 Complainant or victim/survivor). A Complainant 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 parents' 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 Complainant.

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 Complainant would be a violation of college policy subject to additional conduct charges; if the Respondent and a Complainant 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 Complainant.

   Both the Respondent and Complainant shall, upon request and 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 Respondents to access applicable institution buildings and property at a time when such buildings and property are not being accessed by the Complainant.

B. To have assistance from either Security, the Chief Student Affairs Officer 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 Chief Student Affairs Officer 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 Complainant shall, upon request and consistent with Trocaire's policies and procedures be afforded a prompt review, reasonable under the circumstances, of the need for and 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 effect a change in academic, employment, transportation or other applicable arrangements 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 Complainant shall, upon request and 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 accused 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 accused 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, where appropriate, and have access to a full and fair record of any such hearing, which shall be preserved and maintained for at least five years from such a hearing and may include a transcript, recording or other appropriate record; and

3. Access to at least one level of appeal of a determination before a panel, which may include one or more students that is fair and impartial and does not include individuals with a conflict of interest. In order to effectuate an appeal, a Respondent and Complainant 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 Complainant must be similarly provided to a Respondent and any rights provided to a Respondent must be similarly provided to a Complainant.

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 Complainant, 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/videoconferencing 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 investigatory officer 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 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 CRC Officer/Title IX Coordinator, 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 Complainant and Respondent.

Impact of Criminal Investigation

Where the Complainant 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 CRC Officer/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 CRC Officer/Title IX Coordinator will direct the Complainant, 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 Complainant (if participating), Respondent, and pertinent witnesses, and reviewing other relevant information. Occasionally, a different or less formal response to the report may be warranted. At any time during the course of an investigation, the Complainant, 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 five years.

5. Support Persons. The Complainant and Respondent may have a support person (silent advocate) accompany them through the process. A support person may not speak for Complainant or Respondent, present evidence or question witnesses. The Complainant 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 CRC Officer/Title IX Coordinator or his/her designee.

6. Investigation Outcome. The CRC Officer/Title IX Coordinator or his/her designee will prepare a written report and recommendation at the conclusion of an investigation. The Investigator's written report and recommendation will generally contain, at a minimum:
    a. summary of the investigation;
    b. the Investigator's findings, including a recommendation concerning whether the Respondent should be found responsible for the alleged sexual misconduct;
    c. a summary of the Investigator's rationale in support of the findings; and
    d. If applicable, a recommendation regarding any actions the College will take to provide accommodations to the Complainant or safety measure(s) for the College community.

7. If the Civil Rights Compliance/ Title IX Officer concludes that the Non-Discrimination policy was not violated, s/he will communicate their findings with the Complainant 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 sanctions and/or remedies, the matter will be referred to the appropriate President's Council Member. If the Respondent is a student, the Chief Student Affairs Officer, 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 the Chief Human Resources Officer, 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 Complainant (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 Chief Student Affairs Officer 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 of the College.
h) Transcription Notation: (See Policy #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 Complainant 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 Complainant. Respondents and Complainant 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 Complainant 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 Complainant 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.

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.

EDUCATION PROGRAMS FOR SEXUAL VIOLENCE, DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING

Trocaire College has education programs to promote the awareness of rape, acquaintance rape, dating violence, domestic violence, sexual assault, and stalking. These education programs include primary prevention and awareness programs for incoming students and new employees. These education programs will include: a statement that these crimes are prohibited at the College; definitions of consent, domestic violence, dating violence, sexual assault, and stalking; safe and positive bystander intervention when there is a risk of one of those incidents; information on risk reduction to recognize warning signs of abusive behavior and avoiding potential attacks; and information about the institutional disciplinary procedures. Each semester the college holds activities to educate the college community about these issues and what can be done. The Title IX Coordinator and Director of

Wellness also present in each college seminar and college success class about these issues and their respective roles on campus. Each semester Crisis Services also presents on campus about these issues and all presentations are open to the college community. Employees and students are also provided online training on prevention and identifying dating violence, domestic violence, sexual assault, and stalking.

COUNSELING SERVICES

The College Counselor is located in Room 118 at the Choate Campus. Students are free to walk in or schedule appointments to discuss any problems: academic, relational, stress, family, alcohol/substance abuse, victims of sexual assault or victims of harassment or Department of Social Services issues. If a needed service cannot be provided, an appropriate referral will be made. All counseling records are confidential and release of information about a student will be made only with written consent of the student. Transit Road students can schedule an appointment by calling 827-2412.

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus "Professional Counselors", when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged; if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

The rulemaking committee defines counselors as:

Professional Counselor
An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

SEX OFFENDER REGISTRY

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In New York State, convicted sex offenders must register with the New York State Division of Criminal Justice. You can link to this information, which appears on the New York State Division of Criminal Justice Services website, by accessing the Sex Offender Registry at http://www.criminaljustice.ny.gov/nsor/ or from an independent website at www.parentsformeganslaw.org

CRIME STATISTICS

The College Safety Department records information relevant to any crime-related activity occurring on campus. Statistics are published annually and are available to anyone upon request. They are also available on the U.S. Department of Education website (HTTP://OPE.ED.GOV/SECURITY) "OPE ID: 00281200"or by contacting the Civil Rights Compliance Officer/Title IX Coordinator located at Choate Room 321 or by calling (716) 827-2461. The Civil Rights Compliance Officer/Title IX Coordinator will provide upon request all campus crime statistics as reported to the United States Department of Education.

CHOATE AVENUE CRIME STATISTICS

Criminal Offense	Year	On Campus Property	Non Campus Property	Public Property
Criminal homicide: murder and non-negligent manslaughter	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Manslaughter by negligence	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Rape (forcible/non-forcible)	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Fondling	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Incest	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Statutory Rape	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Robbery	2017	**0**	**0**	**0**
	2018	**0**	**0**	0
	2019	**0**	**0**	**0**
Aggravated assault	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**1#**	**0**
Burglary	2017	**0**	**00**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	0
Motor vehicle theft	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**1#**

[#] 1 Burglary at 261 S Legion Dr

1#: One incident of vehicle theft at Mercy Hospital, 565 Abbott

VAWA Offenses	Year	On Campus Property	Non Campus Property	Public Property
Domestic Violence	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Dating Violence	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Stalking	2017	**0**	**0**	**0**
	2018	**1**	**0**	**0**
	2019	**0**	**0**	**0**

#1 stalking on Choate Ave campus

Hate Crimes	Year	On Campus Property	No n Campu	Public Property
Larceny-theft	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0***
	2019	**0#**	**0**	**0***
Simple assault	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0***
Intimidation	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Destruction/damage/vandalism of property	2017	**0**	**0**	**0**
	2018	**1**	**0**	**0**
	2019	**0**	**0**	**0**

0* no hate crime related larcenies reported, larceny was non-hate crime related

Arrests and Referrals for Disciplinary Action	Year	On Campus Property	Non Campus Property	Public Property
Arrests:	2017	**0**	**0**	**0**
Weapons: Carrying, Possessing, etc	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Disciplinary Referrals:	2017	**0**	**0**	**0**
Weapons: Carrying, Possessing, etc	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Arrests:	2017	**0**	**0**	**0**
Drug abuse violations	2018	**0**	**0**	**2****
	2019	**0**	**0**	**0**
Disciplinary Referrals:	2017	**0**	**0**	**0**
Drug abuse violations	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Arrests:	2017	**0**	**0**	**0**
Liquor law violations	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Disciplinary Referrals:	2017	**0**	**0**	**0**
Liquor law violations	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**

** 2 drug arrests at Mercy Hospital, 565 Abbott Road

THE RUSSELL J. SALVATORE SCHOOL OF HOSPITALITY AND BUSINESS MANAGEMENT CRIME STATISTICS

Criminal Offense	Year	On Campus Property	Non Campus Property	Public Property
Criminal homicide: murder and non-negligent manslaughter	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Manslaughter by negligence	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Rape (forcible/non-forcible)	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Fondling	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Incest	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Statutory Rape	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Robbery	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Aggravated assault	20176	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Burglary	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Motor vehicle theft	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**

VAWA Offenses	Year	On Campus Property	Non Campus Property	Public Property
Domestic Violence	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Dating Violence	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Stalking	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**

Hate Crimes	Year	On Campus Property	Non Campus Property	Public Property
Larceny-theft	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Simple assault	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Intimidation	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Destruction/damage/vandalism of property	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**

Arrests and Referrals for Disciplinary Action	Year	On Campus Property	Non Campus Property	Public Property
Arrests: **Weapons: Carrying, Possessing, etc**	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Disciplinary Referrals: **Weapons: Carrying, Possessing, etc**	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Arrests: **Drug abuse violations**	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Disciplinary Referrals: **Drug abuse violations**	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Arrests: **Liquor law violations**	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Disciplinary Referrals: **Liquor law violations**	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**

SENECA STREET CRIME STATISTICS

Criminal Offense	Year	On Campus Property	Non Campus Property	Public Property
Criminal homicide: murder and non-negligent manslaughter	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Manslaughter by negligence	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Rape (forcible/non-forcible)	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Fondling	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Incest	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Statutory Rape	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Robbery	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Aggravated assault	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Burglary	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Motor vehicle theft	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**

VAWA Offenses	Year	On Campus Property	Non Campus Property	Public Property
Domestic Violence	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Dating Violence	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Stalking	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**

Hate Crimes	Year	On Campus Property	Non Campus Property	Public Property
Larceny-theft	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Simple assault	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Intimidation	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Destruction/damage/vandalism of property	2017	**0**	**0**	**0**
	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**

Arrests and Referrals for Disciplinary Action	Year	On Campus Property	Non Campus Property	Public Property
Arrests:	2017	**0**	**0**	**0**
Weapons: Carrying, Possessing, etc	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Disciplinary Referrals:	2017	**0**	**0**	**0**
Weapons: Carrying, Possessing, etc	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Arrests:	2017	**0**	**0**	**0**
Drug abuse violations	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Disciplinary Referrals:	2017	**0**	**0**	**0**
Drug abuse violations	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Arrests:	2017	**0**	**0**	**0**
Liquor law violations	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**
Disciplinary Referrals:	2017	**0**	**0**	**0**
Liquor law violations	2018	**0**	**0**	**0**
	2019	**0**	**0**	**0**

*** Seneca Street Crime Statistics are combined with Choate Avenue Crime Statistics for purposes of reporting on U.S. Department of Education 2018 Campus Safety and Security Survey

TROCAIRE COLLEGE GEOGRAPHY

Geography definitions from Clery Act:

On-Campus

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Non-Campus

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Choate Campus
360 Choate Avenue
Buffalo, NY 14220

On-Campus:

- Building
- Reserved parking spots
- Mercy Hospital ramp
- Walking path from Mercy Hospital Ramp to tunnel connecting the College
- Salem Lutheran Church parking lot
- Trocaire Houses
  - 315 Choate Avenue
  - 317 Choate Avenue

Non-Campus:

- Knights of Columbus parking area
- Knights of Columbus hall and bathroom
- Life-Long Learning off-campus sites

Marian Professional Building
515 Abbott Road
Buffalo, NY 14220

Administrative Regional Training Center
144 Genesee Street
Buffalo, NY 14203

Public Property:

- Streets and sidewalks adjacent to college on Choate Avenue and Mercy Drive
- Streets and sidewalks adjacent to Salem Lutheran Church Parking Area

Seneca Street Location
2262 Seneca Street
Buffalo, NY 14210

On-Campus:

- Building
- Parking spaces directly behind building

Non-Campus:

- None

Public Property:

- Streets and sidewalks adjacent to building

Transit Road Location
6681 Transit Road
Williamsville, NY 14221

On-Campus:

- Extension Center Building
- Back of building to the fence
- First 7 rows of parking spaces directly in front of building

Non-Campus:

- None

Public Property:

- Roadway leading from Transit Road to the college, including the circle