

St. John Fisher University Department of Safety & Security



Annual Security & Fire Safety Report

Reporting period

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Introduction

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires the distribution of an Annual Security Report and Annual Fire Safety Report to all current faculty, staff, and students and notice of its availability to prospective students, faculty, and staff. This document, referred to as the “Annual Security Report and Annual Fire Safety Report” or “ASR,” is one of many mechanisms designed to inform current and potential St. John Fisher community members of crime, arrest and referral statistics, current crime response, reporting, prevention and awareness policies, including policies regarding sexual assault, domestic violence, dating violence and/or stalking. Also included are campus disciplinary policies and relevant state laws, and of campus safety and security. This ASR includes crime, arrest, and referral statistics for the previous three calendar years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned or controlled by St. John Fisher, and on public property within, or immediately adjacent to and accessible from, the campus. The Fire Report at the end of the document contains current Fisher Housing fire safety protocols and fire statistics for the previous three calendar years.

This report is prepared by the St. John Fisher Department of Safety and Security in the Division of Student Affairs. For policies included in this report, Safety and Security collaborated with Student Affairs, Residential Life, Human Resources, Health and Wellness Center, the Department of Athletics, the Title IX Coordinator, as well as other departments on campus.

Statistics are gathered through reports to the Department of Safety and Security, the Dean of Students Office, the Office of Student Conduct, Residential Life, the Title IX Coordinator, and reports submitted by other Campus Security Authorities. St. John Fisher Safety and Security personnel also requested crime statistics from outside law enforcement agencies that may have jurisdiction over St. John Fisher non-campus property. This extends to police agencies in off campus locations visited or utilized by recognized student organizations. Safety and Security and the Office of Student Conduct collaborate in compiling the crime, arrest and referral statistics to ensure statistical accuracy. A copy of this report is disseminated to faculty, staff, and students in an e-mail sent in late September or early October of each fall semester. Crimes are classified using the FBI Uniform Crime Reporting Handbook, the National Incident Based Reporting System Handbook and The Handbook for Campus Safety and Security Reporting (2016). New York State Penal Law is used to define drug, liquor and weapons law violations, as well as incidents of domestic and dating violence.

Campus Safety & Security Department

The St. John Fisher Safety and Security Department is a full-service, 24-hour department with 17 security officer positions. Officers are not armed and do not have the power or authority to make arrests.

The Safety and Security Department is a full time twenty-four hour and three-hundred-sixty-five days a year operation. Our goal is to provide a safe and secure environment for students, faculty, staff and visitors to live, work and study. The Safety and Security staff is trained to respond to many types of situations including emergencies such as fire, medical illness and injuries, and criminal activity. We work closely with local, state and federal law enforcement, fire departments and EMS personnel.

All security officers are licensed by the New York Department of State and trained according to state standards. In addition, the staff receives training in basic first aid, CPR, AED, EpiPen, Narcan, conflict management techniques, first response for mental health concerns and violations of rules and laws.

Additionally, we directly act upon our motto of serve, guide and protect:

Serve – escorts, unlocks, jump-starts, investigate.

Guide – direct proper behavior, educate to rules and laws.

Protect – check suspicious persons and behavior

St. John Fisher cooperates with local police and other state and federal authorities in the exercise of their responsibilities. In addition, the institution offers security services with the primary responsibility of ensuring the security of campus properties. This is done with security consultations, patrols, and other services.

Safety and Security maintains a strong working relationship with the Monroe County Sheriff's Office and other surrounding law enforcement agencies. Staff participate in local and statewide meetings to share information and resources, as deemed necessary. Safety and Security has a Memorandum of Understanding with the Monroe County Sheriff's Office regarding the investigation of criminal incidents. The Monroe County Sheriff's Office has primary jurisdiction over the Town of Pittsford, and concurrent jurisdiction on the St. John Fisher campus.

St. John Fisher is represented on county, and state committees that address sexual assault, domestic and dating violence, stalking, mental health concerns, traffic safety, community crime watch, emergency management, alcohol and other drug abuse prevention, and threat assessment addressing campus safety concerns and behavioral interventions. Safety and Security encourages accurate and prompt reporting of all crimes to security officers or other appropriate police agencies when the victim of the crime elects to do so, or by a witness or third party if the victim is unable to do so.

Crime and Emergency Reporting

Crimes and emergencies that occur on campus should be reported to the **St. John Fisher Department of Safety and Security** by dialing (585) 385-8111 in the event of an emergency, or by calling the non-emergency number (585) 385-8025, or by visiting the department at 3690 East Avenue, Haffey Hall, Rochester, New York 14618.

For the purpose of a making a crime warning evaluation and for potential inclusion of a crime statistic in the Annual Security and Fire Safety Report, criminal offenses should be reported to Safety and Security, the Dean of Students Office, the Title IX Coordinator or the Office of Human Resources. Safety and Security strongly encourages people to report crimes so that they may be evaluated for a crime warning. Crimes that occur off campus but still in the County of Monroe can be reported to the law enforcement agency of that jurisdiction by calling 911. Safety and Security encourages all campus community members to accurately and promptly report all crimes to Safety and Security, even if it occurred off-campus.

Crimes/violations of the student code of conduct should be reported to the **Dean of Students Office** or the **Title IX Coordinator** to seek assistance or to begin an investigation. The Dean of Students Office can be contacted at 3690 East Avenue, Campus Center Suite 206, Rochester, New York 14618, (585) 385-8229. The Title IX Coordinator can be contacted at 3690 East Avenue, Campus Center Suite 206, Rochester, New York 14618, (585) 385-8232. If requested, the Dean of Students Office, the Title IX Coordinator or Safety and Security will provide assistance in notifying law enforcement of sexual assault, domestic violence, dating violence and/or stalking.

Crimes/violations of employment policies should be reported to the **Office of Human Resources**, which is located at 3690 East Avenue, Kearney Hall Suite 211, Rochester, New York 14618 (585) 385-8048. If requested, the Office of Human Resources will provide assistance in notifying law enforcement of sexual assault, domestic violence, dating violence and/or stalking. Victims of sexual assault, domestic violence, dating violence and/or stalking who do not wish to report the crime to a law enforcement official, the Dean of Students Office, the Title IX Coordinator or the Office of Human Resources are still encouraged to get help and support. Please see the Sexual Assault, Domestic Violence, Dating Violence and/or Stalking section in this report for more information.

Parking Regulations

Parking and operating a motor vehicle on the St. John Fisher Campus is a privilege. All vehicles on the Fisher campus including Park & Ride (Lot S) must be registered with the Safety and Security Department and display a valid parking permit or pass on the vehicle. Vehicle registrants and operators must comply with all parking and traffic regulations and policies regarding registration, parking, and operation of vehicles. Fisher is authorized to regulate and enforce parking of faculty, staff, students and visitors to the institution including within the Park and Ride lot. It is the responsibility of all community members and visitors to park in lined spaces in the appropriately designated lots as indicated on the Campus Parking Map.

Fisher reserves the right to wheel lock or tow, at the owner's expense, any vehicle found in violation of traffic or parking regulations. Fisher will not be responsible for the loss of, damage to, or theft of any vehicle on institution property.

Fisher reserves the right to confiscate the keys of any person who, in the judgment of the Office Safety and Security, is unable to safely operate his/her vehicle.

In addition, please review the Fisher's parking and traffic regulations on the St. John Fisher Website at <https://www.sjf.edu/services/safety-and-security/parking-information/regulations-and-fines/>.

Campus Shuttle Services

The Fisher shuttle service runs two shuttles from 7:00 AM – 6:00 PM, Monday – Friday, while classes are in session. These shuttles will pick up and drop off students approximately every 10 - 15 minutes during operating hours at the locations listed below.

Both of our campus shuttles will run on the same routes (see below); however, they will start at different locations and should serve the community in about a 15-minute loop. Any and all public health related policies or protocols in effect must be followed.

On-Campus Shuttle

Shuttle 1

Start: Murphy Hall

1. Haffey Hall
2. S-Lot
3. Alesi Building (Alesi business only)
4. Welcome Center
5. Haffey Hall
6. Murphy Hall

Shuttle 2

Start: Alesi Building

1. Welcome Center
2. Wilson Landing
3. Haffey Hall
4. Murphy Building
5. Haffey Hall
6. Alesi Building (Alesi business only)

When you approach a shuttle stop location check the sign to determine where the next stop for your shuttle will be. Each stop is numerically identified in the order in which the stops will be made.

See that you install the Ride Systems app on your phone so that you can check the status of the shuttle you are waiting for.

Off-Campus Shuttle

For student convenience, a shuttle will transport students to various off-campus locations several times per week to shop. The days and times vary. The schedule can be located on the St. John Fisher Website.

Student Shuttle - After Hours Campus Van Schedule

This shuttle service runs during the hours of 6:00 PM - 2:00 AM, Sunday through Saturday. This is a student escort "by request" service. A phone call to the Security Office at (585) 385-8025 will bring the van to your location for on-campus transport. Students, faculty, and staff can also call the security desk for a safety or medical escort. For complete shuttle information please go to the St. John Fisher Website. Any and all public health related policies or protocols in effect must be followed.

Campus Escort Service

Safety and Security offers a campus escort service for on-campus use by all students, faculty, staff, and visitors. The service operates 24 hours a day, 7 days a week. To use the escort service, call Safety and Security at (585) 385-8025 or from any blue light or courtesy phone. A security officer or student escort will be dispatched to your location.

Campus Crime Prevention & Security Awareness Education

Crime prevention is the responsibility of all members of the St. John Fisher community. In order to develop crime prevention awareness, the Safety and Security Department, the Office of Residential Life, and the Monroe County Sheriff provide crime prevention information and training by means of residence hall floor meeting, department briefings, safety brochures, flyers and electronic mail. Timely notices are issued of serious incidents and crimes.

Student Orientation

Every year during the summer orientation program, Great Beginnings, parents/families of new students are given the opportunity to receive a presentation from Safety and Security that discusses the RAVE Alert System, InformaCast, Crime Warnings, and theft deterrence. Safety and Security hosts a table at Admissions Fairs and at New Student Orientation, which allows students and parents to speak with security officers to get more information about crime prevention and security awareness.

Active Shooter Training

Safety and Security conducts an Active Shooter Response training presentation (“Avoid, Deny, Defend”) for students, faculty and staff, designed to provide an overview of an active shooter event. The instructors are experienced law enforcement trainers whose main goal is to share tactics and techniques that can and will help participants survive a crisis----specifically, to survive an active shooter incident. A portion of this training includes “Be Safe on Campus”.

Active Shooter Training is offered regularly and is available upon request to faculty, staff or student group.

Prevention Education Training

Programs provided to prevent dating violence, domestic violence, stalking, sexual assault, sexual harassment.

Get Inclusive: Sexual Assault Prevention Education (continuous):

This is an online interactive education module identifying dating violence, domestic violence, sexual assault, stalking, harassment, bystander interventions, on and off campus resources, definition of affirmative consent, risk reduction tips, and policy information including statement and definitions of prohibited conduct.

This training is required of all new students during onboarding, student athletes prior to first date of competition, and student leaders prior to their leadership role. It is made available to returning students that do not otherwise fall into one of those categories.

The Willow Center: Healthy/Unhealthy Relationships 101 (August 2022):

This training is for Resident Assistants and concerns identifying healthy and unhealthy characteristics of relationships, escalation patterns, and resource for support around unhealthy relationships and tips for bystander intervention.

Resident Assistant Training (January 2022 and August 2022):

All Resident Assistants receive this training on the role of the RA in identifying, responding to, and supporting students in their communities around sexual misconduct issues.

Title IX, Bystander Intervention, Mandated Reporter Status

- HEOP Peer Leaders (July 2022)
- Orientation Leaders (August 2022)
- New Employees (continuous, occurring during their first two weeks of employment)
- Faculty with NIH or NSF grants (continuous)
- Athletics Staff (April 2022)
- Students about to begin student teaching (continuous)

Red Flag Campaign & RESTORE and Willow Tabling (October 2022)

The Red Flag Campaign is a national campaign aimed at raising awareness of 'relationship red flags.' We add white flags in the display to suggest phrases for bystander intervention as well as invite community partners to table for awareness of resources and connection.

Safe Zone Training (December 2021)

Open to all. Designed to educate and empower participants to be agents of change against issues faced by individuals across the gender, sexual, and romantic spectrums.

Health and Wellness Training and Events

Wellness Wednesday

This is a tabling event conducted every Wednesday to help students, faculty and staff attend to their own health and wellness on a daily basis. Topics include: suicide prevention & mental health awareness, sexual health awareness, dental hygiene, stress management, domestic violence, sleep hygiene, kindness, men's health, healthy holiday habits, nutrition, vaping education, self-care, and sexual assault awareness.

Events

The Health and Wellness Center participated in, or sponsored numerous events such as: Involvement Fest, Fresh Check, Therapy Dogs, World Mental Health Day, National Coming Out Day, National Wear Red Day, Body Acceptance Pledge, Love Yourself Wellness Fair, Flag Campaign-Sexual Assault Awareness Week, and Out of the Darkness Walk for suicide prevention.

Residential Life – Resident Hall Training

Training is offered to all residential students covering a wide variety of crime and safety related topics. This training, on request, includes issues regarding personal safety, alcohol and drugs, domestic and dating violence issues among others. Fire safety related topics are covered as well.

Being Safe on Campus

This annual training is offered to all HEOP, new and transfer students, new Pharmacy 1 students via first-year and transfer student orientation. This training includes general awareness, dorm safety and off campus issues, rules and emergency situations.

Fire and Life Safety Training

The St. John Fisher fire and life safety officer provides First Aid, Heartsaver CPR, AED, Stop the Bleed, Blood Borne Pathogens, OSHA Safety/Tool Talk, Resident Assistant Fire Safety Training, Narcan, Epi-pen and Crowd Management training to any faculty, staff or student group who requests such training. In 2022, the following groups received some of these trainings:

- Safety and Security
- Facilities Services
- Wegmans School of Nursing
- Resident Assistants
- Health and Wellness Staff

Faculty & Staff Safety Training

During the on boarding of new employees, St. John Fisher offers safety training similar to that received by students, but tailored to the faculty and staff role. This training is offered twice per year to cover new faculty and staff coming to the University. Resident assistants are given this annual training prior to the start of the school year.

General Training - Reducing Risk Information

Personal Safety

The personal safety of students, faculty, staff, and visitors to St. John Fisher is the top priority of the Office of Safety and Security. Fisher encourages community members to follow this advice for their personal safety:

On Campus

- Secure valuables out of sight.
- Know your community members.
- Know the location of the nearest phone.
- Report suspicious people or events to Security.
- Do not give your keys to anyone.
- Report lost keys immediately.
- Do not prop doors open or leave doors open.
- Do not loan your credit cards or your pin numbers to anyone.

Walking

- Do not walk alone.
- Avoid unlighted areas.
- Plan your route.
- Use public walkways.
- Tell someone of your destination and expected time of return.
- Do not carry substantial amounts of cash.
- Do not stop for strangers.
- Do not hitchhike.

Driving

- Do not drive after drinking alcoholic beverages or get in a vehicle operated by someone who has been drinking.
- Know your driver and passengers.
- Lock unattended vehicles.
- Do not pick up hitchhikers.
- Do not leave valuables in vehicle.
- Obey all traffic regulations.
- Park in designated, lighted areas.
- Check your vehicle frequently.
- Report all accidents or damage to vehicles to Security.

In the Residence Halls

The residence halls are secured by a card swipe system or locked entrance. Students have access to their residence hall as well as the neighboring residence hall if their Residence Director is responsible for more than one residence hall. Safety and Security officers patrol the campus, including the residence halls, 24 hours a day, seven days a week.

Unwanted Sexual Contact or Activity

While it is never the victim's fault when crimes occur, Fisher provides suggestions based on national data that may reduce the risk of experiencing a non-consensual act or activity.

- Explicitly establish boundaries and/or limits as soon as possible. This may be with the person who is initiating contact, or with a group of friends you trust about how you plan for your day or evening to go;
- Tell an aggressor "no" clearly and firmly;
- Remove yourself from the presence of a sexual aggressor;
- Find someone nearby (a bystander) and ask for help;
- Take care of your friends and ask that they take care of you.

If you find yourself in the position of being the initiator of sexual behavior, you owe respect to yourself and your potential partner(s). These suggestions may help you reduce your risk of being accused of sexual misconduct.

- Clearly communicate your intentions to your sexual partner and give them a full opportunity to clearly communicate their intentions to you;
- Understand and respect personal boundaries. Make sure your potential partner knows that it's okay to say 'no;'
- Do not make assumptions about consent, someone's sexual availability, whether they are attracted to you, about whether they are able to consent.

Mixed messages from your partner are a clear indication that you should stop and take the time to communicate. You may be misreading each other. Your partner may not have figured out how far they want to go with you yet. You must respect the timeline for sexual activity with which your partner is comfortable.

Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage because of your gender, size, role, status, or other form of privilege.

Understand that consent to some form of sexual behavior does not automatically imply consent to any other form of sexual behavior.

Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully. If you are too intoxicated to understand verbal or nonverbal behavior, recognize it.

Good Samaritan Policy

St. John Fisher is committed to the safety, welfare, and health of all students. Students are encouraged to make responsible choices for themselves and for other community members. In cases of an emergency involving intoxication, alcohol poisoning, or drug-related medical issues, Fisher encourages students to seek medical assistance for themselves and/or others. Contacting emergency personnel in these situations will fall under the Fisher Good Samaritan Policy.

This includes:

- An individual student voluntarily contacts emergency medical assistance for themselves related to alcohol or drug use.
- An individual student voluntarily contacts emergency medical assistance on behalf of another person related to alcohol or drug use.

In all cases in which the Fisher Good Samaritan Policy applies, all students involved in an incident, including the good Samaritan(s) who made the contact and the student(s) experiencing the emergency, will meet with a representative from the office of student conduct. At the meeting, the incident will be reviewed and an appropriate response determined. This may include the following:

- Mandated counseling session(s)
- Substance abuse education and/or evaluation
- Participation in an education group or class
- Educational assignment(s)

The students involved will not receive formal student conduct action, regardless of conduct history, provided the student completes all meetings and conditions. If a student fails to attend their scheduled meeting or fails to complete the required outcomes of the meeting they will be referred to the student conduct process for failure to comply.

The Fisher Good Samaritan Policy does not excuse or protect students who repeatedly violate Fisher's Code of Conduct and its use will be limited in the number of times any one student can report endangering behavior before being subject to the student conduct process. The office of safety and security and the residential life staff are expected to follow its processes and procedures for any situation whether or not the Fisher Good Samaritan Policy may be applicable to the situation.

The Good Samaritan Policy does not apply to students experiencing alcohol or drug related emergencies that are found by a Fisher official.

When a student's role is that of an alleged respondent in any alleged violation(s) of the Fisher Sexual Misconduct Policy or the Code of Conduct concerning verbal or physical abuse or harassment, distribution of controlled substances, or property damage, or results in the student's arrest, the situation does not fall under the Fisher Good Samaritan Policy.

Safety and Security's Emergency Guidelines

General Safety information for Students, faculty and staff. If you discover an emergency situation, immediately:

Crime/Suspicious Person - Assault Violence:

- Dial 385-8111 from the red residence hall phones
- Dial (585) 385-8111 from your cell phone
- Dial 8111 from any campus office phone
- Press emergency button on a blue light phone

If necessary, campus dispatch will contact 911. When the call is answered, state the following:

- Location of the emergency
- Nature and type of emergency
- Your name
- Stay on the telephone until the dispatcher tells you to hang up. If safe to do so, stay in the area until emergency responders arrive.

Upon arrival of the emergency responders, further explain the situation as necessary and follow their instructions.

Remain calm. Your safety and the assistance you can offer depend on it.

As there are never two situations alike, these procedures are only guidelines. As is the case with all emergencies, safeguarding lives is paramount. Use common sense and do not panic.

Medical Emergency:

Serious medical emergencies often require the patient to be transported by ambulance:

- Dial 385-8111 from the red residence hall phones
- Dial (585) 385-8111 or 911 from your cell phone
- Dial 8111 from any campus office phone
- Press emergency button on a blue light phone.
- If necessary, campus dispatch will contact 911.

Injury—Cover the patient with a blanket or coat to prevent loss of body heat. Don't move an injured person.

Seizure Activity—Clear the area around the patient to protect them from further injury. Do not restrain or place anything in the patient's mouth. Most seizures last for less than one minute.

Diabetes—Patients having a diabetic reaction may act differently than usual. They may have poor coordination and sometimes even appear intoxicated. Stay with the patient until emergency responders arrive.

Chest Pain—Have the patient rest and stay with the patient until emergency responders arrive. St. John Fisher Security Officers are all certified in CPR and first aid. They are equipped with an AED (Automated External Defibrillator).

Armed Intruder/ Weapons - Bomb Threat - Suspicious package:

Do not wait if you observe a weapon, an intruder, or hear gunshots

- Dial 911 from the red residence hall phones
- Dial (585) 385-8111 or 911 from your cell phone
- Dial 8111 from any campus office phone
- Press emergency button on a blue light phone and Campus dispatch will contact 911.

When the call is answered, state the following:

- Your location
- What you've encountered
- Your name
- Stay on the telephone until the dispatcher tells you to hang up.

If possible and safe, occupants should evacuate the area. If evacuation is not an option, barricade the door, silence your cell phone, remain quiet and stay out of sight. Remain in this secured area until advised by emergency responders that it is safe to leave the area. Obey all instructions of emergency responders and advise them if there are injured persons in your area so that medical assistance is timely.

Ensure everyone's safety at all times by moving away from the intruder/package/bomb threat location and remaining calm until help arrives.

If you have observed any actions by the intruder, report this to the police once the incident is over and the area is safe. If possible, note the physical description of the intruder and in what direction the intruder is moving.

DO NOT ATTEMPT TO SECURE ANY WEAPONS

Fire

Exit the building and activate the closest pull station to alert Safety and Security. If necessary, campus dispatch will contact 911. Stay low on your knees or crawl to avoid smoke. Do not use elevators during a fire; use stairwells if they are smoke free. Alert others as you exit. Once out, stay away from the building and the responding emergency team. Do not re-enter the building for ANY reason.

When a fire alarm rings in a residence hall:

1. Wake roommates and suitemates
2. Feel the door to see if it is warm
 - A. If warm, remain in room and call for help [i.e. phone, shout]
 - B. If cool, follow steps 3 through 6
3. Close windows and doors and leave the room.
4. DO NOT USE ELEVATORS.

5. Leave the building and move to your building's designated short-term meeting place and wait for further directions. Keep out of the way of the Fire Department equipment:

Building Short-Term Meeting Place

Dorsey (North & East) - In front of Growney Stadium
Founders - Alumni Terrace
Haffey - Campus Center quad
Keough - Campus Center quad
Michaelhouse - Alumni Terrace
Murray - In front of Growney Stadium
Murphy - Parking Lot U (Front of Murphy)
Upper Quad - Campus Center Quad
Ward - LeChase Commons

6. If it has been determined that long-term evacuation is necessary, proceed to your building long-term meeting place:

Building Long-Term Meeting Place

Dorsey (North & East) - Ralph C. Wilson, Jr. Athletic Center
Founders - Ralph C. Wilson, Jr. Athletic Center (SLC)
Haffey - Ralph C. Wilson, Jr. Athletic Center (SLC)
Keough - Varsity Gym
Michaelhouse - Founders Lounges
Murray - Dorsey Lounge
Murphy - Founders Lounges
Upper Quad - Varsity Gym
Ward - Varsity Gym

7. Return to building only when instructed by a member of Safety and Security.

Health and Safety Policies and Procedures

The following are Fisher policies and procedures that are concerned with the health and safety of our students and our community.

Alcohol and Drug Intervention Policy

Fisher recognizes that education alone is not sufficient to address an individual's actual or suspected use of alcohol or drugs. For that reason, in addition to participation in educational activities, Fisher may require as a condition of continued enrollment that a student participate in mandatory evaluation, counseling, complete testing, and/or appropriate medical treatment for alcohol or drug use if:

- The student demonstrates inappropriate behavior linked to the use of alcohol or illegal drugs.
- A pattern of behavior indicates a student may be abusing alcohol or drugs.
- Fisher receives from persons who have direct contact with the student credible information that creates concern about alcohol or drug use by an individual student.

Fulfillment of any mandatory requirements in these instances is at the student's expense when a cost is involved, except with respect to drug tests. When a student is required to complete a drug test, financial responsibility will be determined by the outcome of the test. If the test is positive for drug use, the student is financially responsible; if the test is negative for drug use, Fisher is financially responsible for the drug test. If a drug test is performed to demonstrate compliance with a student conduct sanction, then the cost of the drug test is the student's responsibility. The vice president for student affairs or their designee will provide the individual student additional information about procedures at the time the student is notified of required counseling, testing, or medical treatment.

NCAA

In keeping with NCAA regulations, varsity athletes found responsible for student code of conduct violations, including alcohol and drug violations, are subject to sanctions assigned by the Athletic Department discipline committee. These sanctions are in addition to the actions and sanctions assigned to students found responsible for Fisher policy violations through the student conduct process. In addition, students who are members of varsity athletic teams may be required to fulfill NCAA requirements for drug testing, education, counseling, and other appropriate treatment when alcohol or drug use is suspected or confirmed.

Smoke/Tobacco/Vape-Free Campus Policy

This policy applies to all employees including faculty, staff, adjunct faculty, students, student workers, visitors, and vendors.

For the purpose of this policy, "tobacco or vape" is defined as all tobacco-derived or related products, including, but not limited to cigarettes, cigars, cigarillos, pipes, hookah-smoked products, clove cigarettes, vaping and vaping devices and any smokeless, spit or spitless, dissolvable, or inhaled tobacco product including but not limited to dip, chew, snuff or snus, in any form.

"Smoking" refers to inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette or pipe, or any other lighted or heated tobacco or vape product intended for inhalation, whether natural or synthetic.

Policy

St. John Fisher, Monroe County and the New York State Health Department regulations prohibit smoking, including e-cigarettes and vaping devices, in any campus building and in any Fisher vehicle. Smoking is prohibited in the residence halls, including stairwells, lounges, lobbies, and individual rooms. Fisher maintains a smoke, tobacco and vape-free campus environment.

Effective November 2019, New York raised its smoking age from 18 to 21. The change applied to the sales of traditional tobacco products as well as electronic cigarettes and vaporizers.

St. John Fisher supports a healthy, sustainable environment for the community and has established the following smoke, tobacco and vape-free campus policy that was implemented on January 1, 2020.

- Smoking tobacco or use of tobacco or vape products is prohibited on all campus grounds; Fisher-owned or leased properties; and Fisher-owned, leased or rented vehicles, regardless of their location. This includes but is not limited to all, parking lots, fields, stadiums, and recreational areas.
- Smoking is prohibited in all enclosed areas within campus property and during lectures, conferences, meetings, and social events held at Fisher at all times.
- All tobacco products in use must be properly disposed of prior to entering any campus property or exiting a personal vehicle.
- Fisher requires campus members to respect private property bordering all campus locations by refraining from trespassing for purposes of tobacco product consumption.
- The sale, free distribution, related advertising or sponsorship of tobacco or vape products or tobacco-related merchandise is prohibited in and on all institution property (owned or leased), at all Fisher-sponsored events regardless of the venue, and in publications produced by the institution.

Compliance and Enforcement

This policy is part of Fisher's commitment to creating a healthy and sustainable environment for all members of the Fisher community and is designed to provide favorable health outcomes for all of our campus members and guests. Fisher recognizes the addictive nature of nicotine found in tobacco products and understands the difficult challenge of cessation. We expect the policy to be adhered to by all individuals on campus property. The campus also promotes and provides cessation resources for those individuals who need it. Students interested in these resources should contact the Health and Wellness Center. Faculty and staff and can access resources through the Healthy U website. The primary goal of this policy is to achieve voluntary compliance by educating faculty, staff, students, vendors, and visitors about the policy. The enforcement of the policy is a shared responsibility of all individuals in the campus community, tobacco, or vape users and non-users alike. Violations to the policy in residence halls, all campus buildings, vehicles or on the campus and other institution properties will be subject to disciplinary action.

Alcohol and Other Drug Education

GetInclusive

This training discusses the impacts of alcohol and drugs, the way they play out in social settings, and how to set boundaries for ourselves around our own substance usage. The objective is to learn tactics to take care of oneself as well as skills to intervene in harmful situations impacting others.

Referral for Other Services

If, in the opinion of the Health and Wellness Center professional staff, a student requires further evaluation and/or intervention of his/her drinking or other drug use behavior, a referral will be made for additional services in the community.

Alcohol and Drug Resources

Prevention Services

- [National Council on Alcohol and Drug Dependence \(NCADD\)](#) - Rochester Area

Alcohol and Other Drug Information

- [University Drinking: Changing the Culture](#)
- [Rethink Drinking: Alcohol and Your Health](#)
- [Drugs of Abuse Information](#) (National Institute on Drug Abuse)

Self-Help Organizations

- [Alcoholics Anonymous](#)
- [Adult Children of Alcoholics](#)
- [Narcotics Anonymous](#)

Tobacco Cessation

- [NY State Smokers' Quitline](#)
- [Stop Smoking](#) (American Lung Association)

Student Code of Conduct

The Student Code of Conduct exists to support the academic mission of the University and promote the growth and development of students.

All St. John Fisher students, faculty, staff, visitors, and guests are expected to comply with federal, state, or local laws as well as applicable Codes of Professional Standards. In addition, students and student organizations are subject to the Fisher [Student Conduct Process](#) for any of the acts of misconduct identified in the Code. The Code of Conduct can be viewed in Appendix A.

Fisher Advisory Committee on Campus Safety

The Safety Committee exists to fulfill the requirements of Article 129-A of the New York State Education Law to review Fisher's sexual misconduct policy and to provide an annual report of the safety policy recommendations to the president. The Advisory Committee on Campus Safety will provide, upon request, all campus crime statistics as reported to the United States Department of Education. This request should be made to the director of safety and security, Russell E. Reynolds at (585) 385-8025. In addition, the committee assesses safety risks by monitoring Fisher's physical security including lighting, emergency blue light phones, walkways, environmental design, traffic safety, and other life safety issues. The Fisher community (students, faculty, staff and visitors) are encouraged to make recommendations on the safety issues and policies and report any safety problems they witness to the committee. The committee works collaboratively with the Health & Wellness Center, the ADA (Americans with Disabilities Act) Committee, Facilities Services, Human Resources Department, and the Safety & Security Department.

Campus Security Authorities

What is a CSA?

A CSA is a person referred to as a Campus Security Authority by the Clery Act. CSA's are a vital part of data collection for the annual safety and security report.

The Clery Act requires St. John Fisher to provide an annual safety and security report. In addition to input from law enforcement, certain positions are designated as CSAs for the purpose of providing information for this report. CSAs are usually found in departments responsible for, but not limited to, student and campus activities, safety/security, discipline, housing, athletics, human resources, or judicial proceedings. This designation also includes any individual who has been specified by Fisher to receive and report offenses.

CSAs are responsible for reporting the number of crimes and incidents as described in the Clery Act that they become aware of to the St. John Fisher Office of Safety and Security. These numbers are then included in the federally mandated Clery Report, which is distributed every year in the beginning of October.

The following answers are based on The Handbook for Campus Crime Reporting, U.S. Department of Education, Office of Postsecondary Education (2016).

What Makes Me a CSA?

- Individuals who have responsibility for campus security.
- Any individual specified by Fisher as an individual to which students should report criminal offenses.
- An official of the University who has significant responsibility for student and campus activities, including but not limited to, Residential Life and Student Conduct.

Campus Security Authorities include:

- Title IX Coordinator
- Division of Student Affairs (non-clerical, non-clinical, non-pastoral)

- Athletic director, coaches, trainers, compliance officers
- Human Resources (non-clerical)
- Director of Disability Services
- Faculty/staff advisors to student clubs or organizations
- Faculty/staff chaperones for student events
- Faculty/staff program directors for off-site trips
- Director of Study Abroad
- Administrators at satellite locations
- Students and/or staff who monitor access to the Athletic Center, Library, or Campus Center
- Resident assistants, peer mentors, student chaperones, and event staff

CSA Responsibilities

As a CSA, you must report criminal incidents that occur on campus or at a St. John Fisher sponsored event. Crimes to report include:

- Homicide
- Aggravated assault
- Sexual assault
- Robbery
- Burglary
- Motor vehicle theft (stolen vehicles)
- Arson
- Weapon violations
- Alcohol violation (e.g. minor in possession)
- Drug violations
- Hate crimes

In addition to the crimes above, the crime must occur at one of the following locations:

- On-campus, including residence halls
- Off-campus at Fisher-sponsored events
- Public property streets (streets adjacent to the campus)

Why Is This Necessary?

- Keeping accurate crime statistics will help Fisher know where to provide prevention programs and safety awareness programs to help keep the campus safe.
- The intent of including non-law enforcement personnel as CSAs is to acknowledge that many individuals and students in particular, are hesitant about reporting crimes to the police, but may be more inclined to report incidents to the campus-affiliated individuals.
- Fisher must comply with all aspects of the Clery Act.

Reporting Incidents as a CSA

How do I report incidents to the Office of Safety and Security?

You can either report incidents individually as they are reported to you or all at once using the Office of Safety and Security's [Campus Security Authority Crime Report form](#).

What happens after the Office of Safety and Security receives an incident from a CSA?

The crime analyst collects all incidents received from CSAs. The incidents are reviewed for duplication and to verify that each incident is Clery reportable. The incidents are then classified into their proper crime and geographical categories and added to the annual Clery statistics.

What if I am unsure if an incident is a crime? Or if it should be reported under Clery?

Please report it with as much detail as possible about the incident. Do not include names of the victim or suspect. The crime analyst will determine if it is a Clery reportable crime.

If the Office of Safety and Security isn't going to investigate these crimes, what is the purpose of reporting incidents to the police department?

Many crimes do not get reported to the police. By collecting data from other sources, we are getting a more accurate number of crimes on campus. This is a resource for the campus community to use to make informed decisions about their safety.

Are there exemptions to CSA reporting incidents?

Yes, certain individuals are exempt from disclosing information:

- **Pastoral counselor:** A person who is associated with a religious order or denomination, is recognized by that religious order as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.
- **Professional counselor:** A person whose official responsibility includes providing mental health counseling to members of the institutions community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the institution but are under contract to provide counseling at the institution.
- **Licensed medical providers:** A person whose official responsibility includes providing medical health services to members of the institution's community and who is functioning within the scope of his or her license or certification. This definition applies even to medical providers who are not employees of the institution but are under contract to provide medical service at the institution.

Counselors or pastoral staff, acting in a professional capacity, are exempt from reporting incidents in a timely manner. However, they are strongly encouraged to provide general disclosure crime event attributes via our confidential CSA report processes.

The following are identified as resources for reporting crimes on a voluntary, confidential basis. Fisher maintains a Memorandum of Understanding with RESTORE, The St. John Fisher Health and Wellness Center, and Willow Domestic Violence Center where the agencies provide the University with aggregate data for the purpose of inclusion in reporting compliant with the Clery

Act. No identifying information is included in aggregate reporting from confidential reporting resources.

On-Campus Confidential Reporting:

- Health and Wellness Center, M-F 8:30 a.m. - 4:30 p.m., Wegmans School of Nursing, Suite 107, 585-385-8280. (*students, faculty, and staff*)
- Campus Ministry, M-F 8:30 a.m. - 4:30 p.m., Campus Center, 585-385-8368. (*students, faculty, and staff*)

Off-Campus Confidential Reporting Resources:

- Willow Domestic Violence Center 585-222-7233 (*students, faculty, and staff*)
- Trillium Health 585-545-7200 (*students, faculty, and staff*)
- Monroe County Sheriff's Dept. Victim Assistant Program 585-753-4389 (*students, faculty, and staff*)
- New York State Coalition Against Sexual Assault 1-800-942-6906 (*students, faculty, and staff*)
- RAINN (Rape, Abuse & Incest National Network) 1-800-656-HOPE (4673) (*students, faculty, and staff*)
- Restore: Sexual Assault Services 585-546-2777 (*students, faculty, and staff*)
- Resolve of Rochester, Inc. 585-425-1580 (*students, faculty, and staff*)
- Rochester Rainbow Union 585-244-8640
- IGNITE Advocacy Services for Abused Deaf Victims (*students, faculty, and staff*)
VP: 855-812-1001 TTY: 800-787-3224 Voice: 800-799-7233
- Employee Assistance Program 585- 475-0432 (*Employees of the University*)

St. John Fisher offers an Employee Assistance Program to all its employees. The program provides free, confidential, and professional assistance to help employees and their families resolve problems that affect their personal lives or job performance. These problems may include alcohol or drug abuse, marital difficulties, financial or legal problems, emotional difficulties, or parent/child issues.

The request for help may be initiated by you or your family. Fisher retains the services of the Strong Employee Assistance Program of Rochester (EAP). Offices are located in Rochester, Henrietta, Webster, Gates, and Newark. Day and evening hours are available. To contact EAP for more information or to make an appointment, please call 585-475-0432. All emergency or crisis calls will be handled immediately. For non-emergency calls, an appointment will be arranged.

Confidentiality is assured. The discussion of the problems is strictly between you, the employee, and/or your family and the counselor. Fisher will never have any knowledge of your contact without your permission and a signed release.

Missing Persons

When students or other persons are believed to be missing, it should be reported without delay to the Department of Safety and Security.

Upon receiving a report of a missing person, the Department of Safety and Security will conduct a thorough and timely investigation to determine the whereabouts of the person. A person will be considered missing if the person has not been seen by a roommate, classmate or faculty/staff member in a reasonable amount of time, as to suggest that the absence is cause for concern. If any community member is determined to be missing, the officer will contact and coordinate the investigation with local law enforcement (within 24 hours).

Students are encouraged to register a confidential person who will be contacted in the event they are reported missing. Additionally, if the student is under 18 years of age, the parents/guardians of the student will be notified. Confidential contact persons can be registered on Fish 'R' Net under the student menu.

As part of the investigation into a missing person, parent(s), guardian(s), and other known persons may be contacted.

Registration of Confidential Contact Information

1. All St. John Fisher students have the option of identifying an individual to be contacted by the St. John Fisher Safety & Security Department within 24 hours of a determination being made that the student is missing in accordance with this policy. This contact information will be registered confidentially and will not be disclosed except to the authorized campus officials or law enforcement personnel in furtherance of a missing person investigation.
2. The confidential contact may be someone other than the emergency contact listed and can be registered on Fish 'R' Net under the student menu. The student may register more than one confidential contact.
3. Only authorized campus officials and law enforcement officers pursuing the missing person investigation will have access to this information.
4. Each student who files confidential contact information is solely responsible for the accuracy of the contact information and for updating information as necessary. A student may update information by filing new confidential contact information through the Fish 'R' Net system.

As part of the investigation into a missing person, parent(s), guardian(s), and other known persons may be contacted.

Employee Handbook

The Employee Handbook is designed to acquaint you with St. John Fisher and provides information about working conditions and employee benefits, as well as an overview of the policies and procedures affecting your employment. It describes many of your responsibilities as an employee and outlines the programs Fisher has developed to benefit you.

Please familiarize yourself with the Handbook and use it as your first resource for questions about your employment. While the Handbook summarizes Fisher's policies and procedures, it cannot anticipate every situation or answer every question about your employment. You should see your Supervisor/Manager or the Human Resources Department regarding matters that are unclear or are of concern to you. Questions concerning the benefit plans should be referred to the Human Resources Department.

The Employee Handbook is produced and managed by the Human Resources Department. Policies and procedures in the field of human resources are subject to modification and development in the light of experience both within and outside of the University; the evolving mission, goals and objectives of the institution; and changes in regulations and laws.

As such, these policies and procedures may be reviewed periodically by the Board of Trustees or its delegates, and management of the various departments. Their reviews may result in the revision, supplementation, or elimination of the policies and procedures outlined in this Handbook. Fisher reserves the right to modify, revoke, suspend, terminate or change its personnel policies and procedures and the Handbook at any time without notice, except as required by law.

For staff employees, the policies and procedures outlined in the Handbook supersede all pre-existing policies and procedures. Certain unique statutes governing the faculty are detailed in the Faculty Statutes. Nothing in the Handbook supersedes or replaces policies and procedures specified by the Faculty Statutes.

For all staff employees, employment at Fisher is "at-will." This means that any staff employee is free to resign at any time, for any reason, with or without advance notice; likewise, this means that Fisher is free to terminate its employment of any staff employee at any time, for any reason permitted by law, with or without cause, without advance notice.

Strong Employee Assistance Program

At times, personal and work-related issues may be difficult to handle. Small problems grow into large ones and it may be unclear what to do. Guidance from a trained professional can make all the difference.

Strong EAP is one of Rochester's leaders in the provision of employee assistance program services. Strong EAP offers professional guidance to you and your family members when personal or work-related problems become difficult to manage alone. With its range of available services, depth of resources, and timely response, Strong EAP is unmatched to its local competitors.

Confidentiality

Written records of all Strong EAP services are kept private and are unavailable to employers or others without the written consent of the identified client (or legal guardian). Strong EAP guarantees strict standards of privacy and confidentiality according to State and Federal guidelines unless disclosure of information is required by law or court order.

EAP Services

Strong EAP contracts with your employer to provide short-term interventions to resolve work-related or personal problems. During an initial visit or two, a Strong EAP professional will evaluate you or your family member's reason for coming to our program and recommend the appropriate form of intervention or treatment. If you or your family member requires more than the number of visits contracted by your employer or more urgent care is required in addition to Strong EAP services, you will be referred to the most appropriate resource to meet those needs.

Employee Harassment Policy

The full policy should be referred to in the most updated version of the Employee Handbook, available at all times via the Human Resources website: <https://sjf.edu/services/human-resources/documents-and-forms/>

Employee Standards of Conduct, and Policies/Procedures for Discrimination or Harassment Complaints

Fisher does not discriminate against applicants or employees in hiring, promotion, termination or the terms and conditions of employment on the basis of race, color, religion, gender, sexual orientation, national origin, citizenship, age, disability, marital status, military status, veteran status, predisposing genetic characteristics or genetic information, arrest or conviction record, status as a victim of domestic violence, or any other characteristic protected by law.

In support of this policy, Fisher expressly prohibits any form of employee harassment based on race, color, religion, gender, sexual orientation, national origin, citizenship, age, disability, marital status, military status, veteran status, predisposing genetic characteristics, or an individual's status in any other class protected by applicable federal, state, or local law (as listed above).

All complaints will be investigated and treated as private personnel matters, with information concerning the complaint being disclosed only on a need-to-know basis in connection with its investigation and resolution.

Fisher reserves the right to take whatever action is appropriate, in its discretion, to protect the interests of the employee and the University in the event of a violation of this or any other Fisher policy. Anyone found to have committed any type of unlawful discrimination, harassment, or retaliation is subject to disciplinary action, up to and including termination of employment. At the time of employment, and in response to a complaint, employees are advised of the employee handbook and faculty statutes, if applicable, related to rights in the reporting and grievance procedure.

Fisher will offer appropriate medical and mental health support to persons who inform the University that they have been a victim of sexual misconduct and those who have been accused of sexual misconduct. Support may also include changes in academic, work, and/or living situations if reasonable alternatives exist, following a report of an alleged incident. Additionally,

the University will assist the alleged victim in reporting the incident to outside law enforcement officials if he/she chooses to pursue a criminal complaint.

St. John Fisher University fully supports all local, state, and federal laws prohibiting rape and sexual assault and will cooperate with law enforcement officials who investigate such allegations to the fullest extent allowed under the law. Students and Fisher employees should be aware that sexual assault must also be reported to and investigated by law enforcement agencies as required by State law. This may lead to the determination that the conduct represents a violation of state or federal law subject to criminal prosecution.

Regarding Complaints of Sexual Misconduct Involving a Fisher Employee as the Alleged Perpetrator:

If the alleged perpetrator is a Fisher employee, and the alleged victim is a Fisher employee, the victim should report the behavior to the Office of Human Resources (585-385-8048, Kearney Hall 211), the Office of Safety and Security (585-385-8111, Haffey Hall Lobby) or the Monroe County Sheriff's Office (911).

If the alleged perpetrator is a Fisher employee, and the alleged victim is a student, the victim should report the behavior to the Office of Safety and Security (585-385-8111, Haffey Hall Lobby), the Title IX Coordinator (585-385-8232, Campus Center 206), or the Monroe County Sheriff's Office (911).

When reported to a University official, complaints will be addressed through the process which is appropriate to the status of the alleged perpetrator. When reported to the Monroe County Sheriff's Office, the sheriff's office will follow their procedures.

Regarding Complaints of Sexual Misconduct Involving a Student as the Alleged Perpetrator:

If the alleged perpetrator is a student, and the alleged victim is a student or Fisher employee, the victim should report the behavior the Office of Safety and Security (585-385-8111, Haffey Hall Lobby), the Title IX Coordinator (585-385-8232, Campus Center 206) or the Monroe County Sheriff's Office (911).

When reported to a University official, complaints will be addressed through the Student Conduct process. When reported to the Monroe County Sheriff's Office, the sheriff's office will follow their procedures.

Regarding Complaints of Sexual Misconduct Involving Non-Members of the Campus Community:

If the alleged perpetrator is not a member of the campus community and the alleged victim is a student or Fisher employee, the victim should report the behavior the Office of Safety and Security (585-385-8111, Haffey Hall Lobby) or the Monroe County Sheriff's Office (911).

If the alleged victim is not a member of the campus community, and the alleged perpetrator is a student or Fisher employee, the victim should report the behavior to the Office of Safety and Security (585-385-8111, Haffey Hall Lobby) or the Monroe County Sheriff's Office (911).

The University has provided the following procedure to address faculty and staff complaints of unlawful discrimination or harassment.

It is the responsibility of each member of management to create an atmosphere free of discrimination and harassment, sexual or otherwise. In addition, it is the responsibility of each employee to respect the rights of co-workers, students and visitors to our facilities. Any problem concerning discrimination or harassment in violation of the University's EEO or Unlawful Harassment Policies may be addressed and resolved using the following guidelines:

1. If an employee witnesses or experiences any job-related discrimination or harassment, or has a complaint about discrimination or harassment, or believes he or she has been treated in an unlawful discriminatory manner, he or she is encouraged to voice his or her objection to the individual engaging in the conduct and firmly and directly ask that the offensive behavior stop.
2. If the employee is uncomfortable confronting the individual engaging in the behavior or if the employee has done so and the conduct continues despite the protest, the employee must promptly report the matter to his/ her immediate Supervisor/Manager or the Director of Human Resources. The Human Resources Office is located on the second floor of Kearney Hall.
3. Supervisors/Managers who receive complaints are required to immediately notify the Director of Human Resources of the complaint.
4. Upon receipt of a complaint, Human Resources will undertake an investigation ensuring confidentiality to the maximum extent possible.
5. Human Resources will ensure that the investigation is conducted in a thorough, objective manner and is considerate of the rights and emotions of all the parties involved. 6. Investigations of harassment or discrimination claims as well as other complaints will take place within a reasonable amount of time. Your complaint will be investigated as a private personnel matter.

In accordance with the Employee Handbook, an investigation of any complain, information, or knowledge of sexual assault, harassment, exploitation, dating violence, domestic violence or stalking will be prompt, thorough, and confidential to the greatest extent possible. All persons involved, including complainants, witnesses, and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation. Employees who participate in any investigation are protected against retaliation.

As per the Student Sexual Misconduct Policy (p.20), Fisher conducts a prompt and equitable investigation to gather information relevant to the determination of whether there is sufficient information, by a preponderance of the evidence, to determine that a policy violation occurred. The investigation will be impartial and will be conducted by trained individuals who have no actual bias or conflict of interest.

Grievance Procedure available to staff:

1. You are encouraged to share your concerns, seek information, provide input, and resolve problems/issues through your immediate Supervisor/ Manager. At this level, employees usually reach the simplest, quickest, and most satisfactory solution. Your Supervisor/Manager is expected to listen openly and respectfully to your concerns, clarify

issues, encourage your input, and to discuss next steps with you including potential resolutions to your problems/issues. If the problem concerns your Supervisor/Manager, you may meet with another manager in your reporting line (e.g. Department Head, Vice President, President) or the Director of Human Resources or designee. The Human Resources Office is located on the second floor of Kearney Hall.

2. If your problem involves a co-worker, we encourage you to first speak with that person. If you feel uncomfortable speaking with your coworker or if the issue is not resolved, you should speak with your immediate Supervisor/Manager.
3. If you do not feel the problem is adequately solved, you may request an appointment with the appropriate Vice President to discuss the problem further. You are encouraged to submit the problem in writing prior to the meeting. The Director of Human Resources or designee will, if desired, assist you in describing the problem.
4. If you are not satisfied, you may request an appointment with the President. Such requests will be coordinated through the Director of Human Resources. The final decision of the President will be binding.

The orderly operation of any organization is dependent on the rules and regulations established to guide its members in their day-to-day activities. The goal in establishing the rules and regulations at St. John Fisher University is to set the framework for the successful operation of the University and to protect the rights and safety of all employees.

Disciplinary action can take one of several forms, including but not limited to verbal warning, written warning, or termination, depending upon the nature and severity of the employee's conduct, the employee's prior work record and other relevant facts and circumstances. The appropriate disciplinary action to be imposed under particular circumstances will be determined by the University, and it is not guaranteed that one form of disciplinary action will necessarily precede another.

Any written documentation of employee counseling or discipline will become a part of the personnel record that is available for review by that employee. In addition, the Director of Human Resources will be available to each employee to discuss and interpret the counseling process.

In accordance with the Employee Handbook, an investigation of any complain, information, or knowledge of sexual assault, harassment, exploitation, dating violence, domestic violence or stalking will be prompt, thorough, and confidential to the greatest extent possible. All persons involved, including complainants, witnesses, and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation. Employees who participate in any investigation are protected against retaliation.

As per the Student Sexual Misconduct Policy (p.25), the University will conduct a prompt and equitable investigation to gather relevant information to the determination, by a preponderance of the evidence, whether Prohibited Conduct occurred. The investigation will be impartial and will be conducted by trained individuals who have no actual bias or conflict of interest against any party or against Complainants or Respondents generally.

Emergency Operations Center and Evacuation

The Emergency Operations Center of St. John Fisher, established in 2003 in order to support and manage Homeland Security terrorism prevention programs for the St. John Fisher campus has expanded into other areas of emergency preparedness. The team coordinates with various University and community entities to ensure that St. John Fisher students, faculty, staff, and visitors are prepared to respond to emergencies, recover from them, and mitigate against their impacts.

The Emergency Operations Center also works closely with several campus partners to develop and implement Fisher's crisis communication plan. Crisis and disaster events require campuses to not only prepare for such events, but also require an understanding of response capabilities and limitations. It is impossible to predict exactly when a crisis or disaster will occur, or the extent to which it might affect the campus. Through deliberate planning, preparing, and training, St. John Fisher can greatly minimize losses from these events.

The Emergency Operations Center, through the Fire and Life Safety Officer, is also responsible for facilitating the completion of Occupant Emergency Plans for each building on campus.

The Unit provides training and information on all four phases of emergency management: preparedness, response, recovery, and mitigation. When an emergency occurs, the Emergency Response Plan (ERP) is activated. The ERP delineates the response procedures for emergencies and disasters that impact the campus. When the EOC is utilized, two response organizations are established: The Command Post Center and the Directors Advisory Group. The Command Post Center is staffed by pre-identified campus personnel trained to coordinate the campus' response and recovery efforts. These members are vetted St. John Fisher personnel in middle to upper management positions from the major functional areas of the institution, including, but not limited to, the President's Office, Safety and Security, Fire and Life Safety Officer, Facilities Services, Human Resources, Buyer/Insurance Coordinator, Financial Affairs, Health and Wellness Center, Student Affairs and Diversity Initiatives, Office of the Registrar, Office of Information Technology, and Marketing and Communications. The EOC facilitates sheltering of evacuees, debris removal, restoration of services, and supports on-scene personnel (list not all-inclusive).

The location of the Command Post Center will be largely dependent on the location and nature of the emergency. Several locations have been identified as potential Command Post Centers; said areas are the K-100 conference room, Wilson Formal Lounge, COP conference room, or the Facilities conference room. If necessary, an off-campus Emergency Command Center can be established at the Alesi Building or Murphy Hall based on needs. In all other cases, the emergency director shall be responsible for instituting an effective system of communication that permits the required exchange of information.

Annual emergency response and evacuation tests are planned in coordination with Environment, Health and Safety and are often announced and publicized via campus email and various newsletters in conjunction with the tests themselves. Year 2020 would have been the scheduled year for a Ward-Haffey Tower rescue with the Brighton Fire Department in conjunction with numerous other fire departments in the area. However, due to mandated COVID-19 restrictions,

the plan was not implemented and those restriction went well into the spring 2021 and fall 2021 semesters.

This drill allows us to test our fire response and building evacuation processes, including those for individuals with disabilities. The fire department tests and trains their ability to respond to a high-rise structure fire. Security officers were dispatched in a test of our ability safely evacuate and secure the building in response to an emergency. This activity was conducted in conjunction with ERT activation.

Members of the Emergency Operations Center has primary responsibility for the development and facilitation of emergency exercises at Fisher. An After-Action Report is written following each exercise that lists the scenario, participants, date, time, location, whether the test was announced or unannounced, areas of strengths, areas of improvement, and corrective actions. The campus is committed to evaluating response capabilities through the exercise and After-Action Report process, with the goal of correcting areas of improvement identified during the exercise.

All buildings have a posted evacuation plan, and all building evacuation plans were tested during the spring and fall of 2021. All students and staff should familiarize themselves with the evacuation routes for the buildings they frequent. For more information about the Emergency Response Plan, please visit: www.sjf.edu/services/safety-and-security/emergency-response-plan/.

Blue Light Emergency Phones

Currently, there are 47 Blue Light emergency telephones located throughout campus with a direct connection to the Safety and Security Department. Blue Light emergency telephones are tested weekly by Safety and Security. The Office of Information Technology and Facilities Services provides maintenance. All emergency phones (with the exception of emergency phones located inside campus buildings and elevators) have a blue light above them. All emergency phones are labeled "Emergency."

Behavioral Intervention Team

The Behavioral Intervention Team is comprised of staff members from the Health and Wellness Center, Safety and Security, Residence Life, Dean of Student Affairs Office, and the Office of Student Conduct. The BIT is co-chaired by an Assistant Dean of Students and the Director of the Health and Wellness Center. This team discusses situations that involve students who may be struggling with mental health issues including, but not limited to, possible suicidal ideation resulting in disruptive or concerning behavior. The team's purpose is to intervene and support students with referral to campus and community resources and conduct appropriate follow-up.

Building Security and Access

Academic and Administrative Buildings

The St. John Fisher campus is open to faculty, staff, students and the general public. The academic and administrative buildings are open to the public during normal business hours. Most facilities have individual hours, and the hours may vary at different times of the year. Access to these buildings is controlled by either key or card access after normal business hours, and all of these buildings have varied levels of access. Campus security officers patrol the academic and administrative buildings on a daily basis.

Residence Halls

St. John Fisher currently has nine residence halls. Authorized access to residence hall residential areas is restricted to residents and other approved members of the St. John Fisher community. Residents gain entry by presenting their St. John Fisher ID to the card access readers 24 hours a day. Through signage and other forms of communication, all residents are cautioned against permitting strangers to enter the buildings and are urged to contact Residential Life staff or Safety and Security if they encounter strangers attempting to enter the building or the residence portions of the halls.

Security officers routinely patrol the residence halls. Residential Life staff also enforce security measures in the residence halls and work with residents to achieve a community respectful of individual and group rights and responsibilities. Residential Life and Security staff also conduct periodic educational sessions on prevention of various crimes. Safety and security work closely with Resident Assistants and the Office of Residential Life to assume safety in the residence halls.

Residence Hall Guest Policy

At St. John Fisher a guest is defined as anyone who has been invited, allowed, or accompanied onto any part of campus, including the residence halls and defines a host as the student who has invited, allowed, or accompanied a guest onto any part of campus, including the residence halls. Fisher welcomes guests under the following conditions:

- Hosts must accompany their guests at all times.
- Hosts and guests that are Fisher students will be held accountable for any damages and/or policy violations that result from their actions and/or the actions of their guests.
- If a guest violates University policy, abuses guest privileges, and/or disturbs the community, they will be expected to leave campus.
- The University reserves the right to remove any guest from campus at any time.

Athletic Facilities

Athletic facilities are typically unlocked during regular business hours during the week however, access is controlled using IDENTIPASS Photo ID Cards. Closed Circuit Cameras are used to monitor access and activities in and around the athletic facilities.

Restricted Access Facilities

St. John Fisher has several highly regulated research laboratories and chemical storage facilities on campus that require additional, specialized security measures that limit access to only authorized persons at all times.

Security and Maintenance of Campus Facilities

Security is provided in the maintenance of the St. John Fisher's facilities through a number of mechanisms, including limitations on hours of operation, policies on keys, restricting access to those bearing proper identification as Fisher faculty, staff or students, and making available outside "blue light" telephone call boxes that are connected directly to the Safety and Security dispatcher.

Specific security mechanisms may vary with the type of institution facility. Security Officers routinely patrol the entire campus and report burned out lights or landscaping issues that impact safety. Facilities Services is notified via a work order to take the necessary actions to mitigate the hazard.

Notifications

Through a variety of methods, St. John Fisher provides information to students and employees about campus security procedures and practices and encourages them to be responsible for their own security and the security of others. One method is keeping students and employees informed about crime prevention strategies and by communicating with the campus community about reported crimes or emergencies that pose serious or continuing threats to students and employees. This section highlights some of the ways in which St. John Fisher offices communicate information about crime and safety on campus.

Immediate (EMERGENCY) Notification Procedures

Fisher has partnered with RAVE Mobile Safety to provide an emergency notification system to alert students, faculty and staff of emergency conditions on campus by delivering messages to their Fisher or personal email addresses, as well as their landline and cell phones. Members of the campus community are automatically enrolled in the program with contact information from Fish 'R' Net and Banner.

If the campus needs to be evacuated, the RAVE Alert system, as well as responding Safety and Security Officers and other responsible campus officials, will provide instructions. St. John Fisher will, without unnecessary delay, and considering the safety of the community, determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. Messaging may include instructions on where to find detailed information. Safety and Security staff tests this system monthly and a campus-wide test is sent to the entire campus community once per semester.

Timely Warnings

St. John Fisher issues Crime Warnings to warn the campus community about certain crimes that present a continuing threat to the campus community and to aid in the prevention of similar crimes. Known in the Clery Act as a "timely warning," the intent of a Crime Warning is to warn of a criminal incident so that people will be better able to protect themselves. Crime warnings are issued in a manner that is timely, withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences. The Clery Act requires St. John Fisher to distribute Crime Warnings regarding certain crimes that occur within Fisher's Clery geography and represent a serious or continuing threat to the safety of students or employees. These crimes are murder/non-negligent manslaughter, manslaughter by negligence, rape, fondling, statutory rape, incest, robbery, aggravated assault, burglary, motor vehicle theft, arson, domestic violence,

dating violence and stalking. Larceny-theft, simple assault, intimidation and vandalism will be assessed for a crime warning if there is evidence they were motivated by hate or bias against a protected identity.

The director of safety and security or their designee has the authority to develop the content of a Crime Warning and authorize distribution using the guidelines listed below. The director or designee will consider the type of offense, location, nature of any threat and whether there is a continuing threat to the community or a continuing crime pattern in determining the appropriateness of a Crime Warning. These determinations will be made upon confirming the threat is ongoing by virtue of first-person investigation or confirmation from law enforcement or other emergency services authority. Some information may be withheld if there is a risk of compromising law enforcement efforts to investigate and/or solve the crime. If the victim of the crime is a person, that person will not be identified by name in a Crime Warning. Crime Warnings are issued as soon as the pertinent information is available to the Director of Safety and Security or their designee. While general distributed to the general campus population, warnings may be directed to specific campus buildings or populations when and if appropriate.

Crimes will be assessed on a case-by-case basis and Crime Warnings will be distributed as deemed necessary. Cases of aggravated assault involving known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if an individual is believed to be an ongoing threat to the larger St. John Fisher community.

Cases of sexual assault will be considered on a case-by-case basis to determine whether there is an ongoing threat to the larger St. John Fisher community, depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by Safety and Security. Crime Warnings will not typically be issued for property crimes unless there is some evidence of a pattern or a serious, continuing threat to the community. The following factors will be considered when determining whether to issue a Crime Warning:

- Where the crime occurred
- The nature of the crime (serious/non-serious, violent/non-violent)
- The nature of the threat (general threat versus limited threat to a specific person)
- Whether or not there is a continuing danger to the community or continuing crime pattern

When Safety and Security becomes aware of a situation that meets the criteria for a Crime Warning, the director of safety and security, director of marketing and communications or the director of network services develops the content of the Crime Warning, and has the authority to distribute the Crime Warning to the community. In the event a Crime Warning is needed, consideration will be given to the most appropriate means to be used to disseminate the information to the St. John Fisher community. The primary form of distribution is through the RAVE Alert System, a mass email, text and voice mail messaging system sent to the entire Fisher community. This messaging is sent by the director of safety and security or their designee, including, but not limited to, the Office of Marketing and Communications. Other forms of communication may be utilized, such as St. John Fisher social media. In addition, Crime Warning notices may also be shared by postings on www.sjf.edu, the Safety and Security homepage, press releases, postings/notices at appropriate locations. Other Campus Security Authorities learning of an incident in which a Crime Warning might be appropriate will share the information with

the Clery staff at Safety and Security to determine whether the incident meets the criteria for a Crime Warning.

A Crime Warning notice will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts:

- The date and time or time-frame of the incident;
- A brief description of the incident;
- Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips);
- Suspect description(s)/photo(s) when deemed appropriate and if there is sufficient detail;
- Police agency contact information; and
- Other information as deemed appropriate.

Safety and Security does not issue Crime Warning notice for the above listed crimes if:

- A report was not filed with safety and security or if safety and security was not notified of the crime in a manner that would allow the department to post a “timely” warning for the community (e.g. a report that was filed more than 7 days after the date of the alleged incident may not allow Safety and Security to post a “timely” warning to the community). This type of situation will be evaluated on a case-by-case basis.

The Office of Safety and Security will generally not issue crime warnings for crimes occurring beyond the immediate Clery-designated geographical area. The same procedures for determining whether to issue a Clery geography Crime Warning are used for determining whether to issue a non-Clery geography Crime Warning and will be evaluated on a case-by-case basis.

Student & Employee Registration for RAVE Alerts and Crime Warnings

The University has partnered with [RAVE Mobile Safety](#) to provide an emergency notification system to alert students, faculty, and staff of emergency conditions on campus by delivering messages to their Fisher or personal email addresses, as well as their landline and cell phones.

Members of the campus community are automatically enrolled in the program with contact information from Fish 'R' Net and Banner. To manage your account and confirm your emergency contact information, just log in to [RAVE Alert](#) using your Fisher network credentials (**email user ID and password**). Note that your cellular phone provider may charge a per-text-message fee for the delivery of emergency notifications to your phone.

If you need assistance managing your RAVE Alert account, please review OIT's [Emergency Notification System information](#) or contact the OIT Service Desk for additional information.

If the campus needs to be evacuated, the RAVE Alert system, as well as responding safety and security officers and other responsible campus officials, will provide instructions.

St. John Fisher will, without unnecessary delay, and considering the safety of the community, determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

When an emergency is reported, safety and security personnel will respond immediately and determine the nature and scope of the incident. The on-duty supervisor will notify the director of safety and security or, in his/her absence, the assistant director who will determine the need for an emergency notification. The following people are authorized to determine the content of and initiate an emergency notification: director of marketing and communications; director of safety and security; or the director of network services.

RAVE Alert and Crime Warning System Testing

Members of the Safety and Security Department tests the emergency notification system monthly and campus-wide tests are completed once per semester.

Notice of Non-Discrimination

“St. John Fisher University (“Fisher”) is committed to maintaining a community in which learning and working can be carried out in an environment of respect, open-mindedness, and integrity. The University stands opposed to all forms of discrimination, harassment, and violence and will work to prevent such behavior within the Fisher community.

Title IX Notice

Title IX of the Educational Amendments of 1972 prohibits discrimination on the basis of sex in any federally funded education program or activity and provides that:

No person...shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance...

Examples of types of gender-based discrimination prohibited by Title IX include:

- Sexual harassment occurring in connection with any academic, athletic, extracurricular, or other university program, regardless of the location;
- Sexual violence/sexual assault;
- Discrimination against a student based on sex, including in grading, provision of research opportunities, access to classes and academic programs, or access to medical services;
- Discrimination against an applicant for admission or employment because of sex;
- Discrimination against an employee based on sex, including in pay or discipline;
- Failure to provide equitable opportunity for participation in intercollegiate sports; or
- Disproportionate awards of financial assistance.

Fisher prohibits sexual or gender-based violence, sexual or gender-based harassment, sexual assault, sexual exploitation, intimate partner violence including dating violence and domestic violence, stalking, and retaliation. These forms of behavior are referred to in this policy interchangeably as "sexual misconduct" or "prohibited conduct." The University will respond promptly and equitably to reports of sexual misconduct to eliminate hostile environments created by such behavior and provide access to educational programs and activities.

Fisher recognizes that sexual misconduct affects individuals of all genders, gender identities, gender expressions, and sexual orientations. The Sexual Misconduct Policy relevant to the reporting period is included in Appendix C.

The Role of the Title IX Coordinator

Pursuant to Title IX and its regulations (34 C.F.R. Part 106), the Title IX Coordinator is the designated University official with primary responsibility for coordinating compliance with Title IX and other federal and state laws and regulations relating to sex-based discrimination.

Anyone may report sex discrimination, including sexual misconduct or sexual harassment (whether or not the person reporting is the person alleged to be the victim), in person, by mail, by telephone or electronic mail using the below-listed contact information for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving a verbal or written disclosure or report. The University's Title IX Coordinator is available to help students understand their options regarding both receiving support and reporting sexual misconduct. The Title IX Coordinator is unable to guarantee confidentiality but they will maintain privacy to the fullest extent. Additionally, the Title IX Coordinator is responsible for ensuring compliance with Title IX and its regulations, as well as the New York State Education Law 129-B.

The Title IX Coordinator, Dr. Meg Flaherty, can be reached Monday-Friday from 8:30 a.m. – 4:30 p.m. by phone at 585-385-8232, by email at titleix@sjf.edu, or after hours by contacting the Residence Director on duty, or Campus Safety & Security.

The Title IX Coordinator:

- Supports those who assist with Title IX compliance;
- Ensures that the institution policies and procedures provide prompt and equitable resolutions to allegations of prohibited conduct, including mitigating real or perceived conflicts of interest;
- Annually reviews the University's sexual harassment/misconduct policies;
- Annually reviews the University's educational programs and opportunities for the campus community regarding the topics of sexual misconduct and harassment;
- Informs campus community members about appropriate reporting processes for sexual misconduct allegations involving campus community members;
- Tracks/monitors sexual misconduct allegations involving campus community members;
- Ensures that training, education, and prevention efforts with respect to sexual misconduct allegations are provided for campus community members;
- Provides for mandatory training for those implementing the grievance procedure (Title IX Coordinator, investigators, hearing board members) regarding Fisher policies, formal process procedures, and applicable non-disclosure requirements;
- Promotes the creation and implementation of policies, procedures, and notifications designed to ensure the institution's compliance with Title IX;
- Acts as a liaison to the U.S. Department of Education's Office of Civil Rights and other state and federal agencies that enforce Title IX;
- Oversees matters related to the University's compliance with NYS Education Law 129-B.

The Title IX Coordinator maintains broad oversight responsibility but may delegate responsibilities under this Policy to designated administrators or external professionals who will have appropriate training and/or experience. When used in the Policy, the term “Title IX Coordinator” may include an appropriate designee.

Department of Education

In addition to the reporting choices below, persons may direct information about their allegations to the [Office of Civil Rights, U.S. Department of Education](#).

The OCR National Headquarters is located at:

Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100

Telephone: (800) 421-3481
Fax: (202) 453-6012; TDD: (800) 877-8339
Email: OCR@ed.gov

The Wetterling Act - Sexual Offender Registration Act

The Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act set the requirements for sexual offender registration and community notification. The Campus Sex Crimes Prevention Act of 2000 provides for the tracking of convicted sex offenders, already required to register in a State, to provide notice of each institution of higher education in the State at which that person is employed, carries on a vocation, or is a student. This registration is to be made available to law enforcement agencies with jurisdiction where the institutions of higher education are located. Institutions of higher education are required to issue a statement advising the campus community where law enforcement agency information provided by the State concerning registered sex offenders, may be obtained.

Persons seeking to obtain sex offender registration information may contact the Monroe County Sheriff’s Office website at www.monroecounty.gov/sheriff, click on the “Search Sex Offenders” link and choose Obtaining Information About Sex Offenders in New York State.

You may also obtain information on high level risk (level 3) registered sex offenders by visiting the New York Department of Criminal Justices’ Sex Offender Registry at http://www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp. For more information, you can contact the NY DCJS Sex Offender Registry at (800) 262-3257.

Bias Related Crime

Bias related crime, also known as a hate crime, is a serious matter and [bias related misconduct](#) is a violation of St. John Fisher policy. Both state and federal laws specially define hate crimes.

New York State's Hate Crimes Act of 2000 (Penal Law, Section 485) significantly increases the criminal penalties for most significant crimes, including criminal mischief, criminal trespass, harassment, stalking, assault, arson, robbery, burglary, stalking, rape, criminal sexual assault, and others, if the crime was also a hate crime. A hate crime occurs where the victim was selected on the basis of race, color, national origin, ancestry, gender, religion, religious practice, old age, disability, or sexual orientation.

Other New York laws define specific crimes with respect to bias. In particular, under the New York Civil Rights Law (Section 40-c) a person or entity that commits the crime of ordinary harassment is guilty of a class A misdemeanor (punishable by up to one year in jail), if the victim was harassed because of his or her race, creed, color, national origin, sex, marital status, sexual orientation, or disability.

Similarly, the crimes of aggravated harassment in the first and second degrees (Penal Law, Section 240) are committed when the harassment occurred because of a belief or perception about the victim's race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation. First degree aggravated harassment is a felony, punishable with imprisonment for a year, even for the first offense.

The Federal Sentencing Guidelines (18 USC Appendix 3A1.1), applicable to those who commit federal crimes, also provide for significantly increased prison terms for crimes if they are perpetrated on people or their property because of the victim's race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation.

Congress has also defined special hate-based crimes in the Federal criminal code (18 USC Sections 245, 247). It is a federal offense to use force or the threat of force to willfully injure, intimidate, or interfere with someone (or class of people) from exercising or enjoying certain federal rights, such as voting, running for office, or applying for a federal job. Those rights include enjoying the benefits of any program or activity receiving federal assistance. St. John Fisher is a recipient of federal financial assistance. It is also a federal offense to intimidate someone from participating in or deny someone the benefits of participation in federally funded programs on the basis of race, color, religion, or national origin. Federal law also makes it a crime to deface, damage, or destroy religious places because of their religious character or because of the race, color, or ethnic characteristics of anyone associated with that property. These hate-based federal crimes can all result in fines and up to a year of imprisonment, and if dangerous weapons, injuries, sexual abuse, kidnapping, death, or other violent elements are involved, prison sentences can be much longer, and punishment can even include the federal death penalty.

Daily Crime Log

Federal Law requires schools to maintain a log of criminal activity that is available for viewing during regular business hours. Our crime report log is located in the Safety and Security Office at St. John Fisher University, Haffey Hall, 3690 East Ave, Rochester, NY 14618. We assign report numbers for all reportable activities, both criminal and non-criminal. The log lists the date and time the incident, crime or fire was reported, the date and time the incident, crime or fire occurred, the nature of the incident, crime or fire, the general location and the disposition of the complaint, if this information is known at the time the log is created. According to Federal Law, an institution may withhold any of the required fields of entry if any of the following conditions apply:

- the disclosure is prohibited by law;
- if disclosure would jeopardize the confidentiality of the victim;
- if disclosure would jeopardize an ongoing criminal investigation or the safety of an individual;
- if disclosure would cause a suspect to flee or evade detection;
- if disclosure would result in the destruction of evidence.

Campus Crime Statistics - Criminal Offenses

Criminal Offenses	On Campus			Off Campus		
	Year	Housing	Other	On Campus Total	Non-Campus	Public Property
Murder/Non-negligent Manslaughter	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Negligent Manslaughter	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Rape	2022	0	0	0	0	0
	2021	5	0	5	0	0
	2020	5	0	5	0	0
Fondling	2022	0	0	0	0	0
	2021	2	0	2	0	0
	2020	1	0	1	0	0
Incest	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Robbery	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Aggravated Assault	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Motor Vehicle Theft	2022	1	0	1	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Burglary	2022	1	0	1	0	0
	2021	1	0	1	0	0
	2020	0	0	0	0	0
Arson	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0

Campus Crime Statistics - Arrests & Referrals

Arrests		Housing	Other	On Campus Total	Non-Campus	Public Property
Illegal Weapons Offenses	2022	0	0	0	0	0
	2021	0	1	1	0	0
	2020	0	0	0	0	0
Drug Law Violations	2022	0	1	1	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Liquor Law Offenses	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Referrals		Housing	Other	On Campus Total	Non-Campus	Public Property
Liquor Law Offenses	2022	75	0	75	0	0
	2021	118	0	118	0	0
	2020	132	2	134	0	0
Drug Law Violations	2022	0	0	0	0	0
	2021	3	0	3	0	0
	2020	5	0	5	0	0
Illegal Weapons Offenses	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0

Campus Crime Statistics - VAWA Offenses

VAWA Offenses		Housing	Other	On Campus Total	Non-Campus	Public Property
Domestic Violence	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Stalking	2022	0	1	1	0	0
	2021	0	0	0	0	0
	2020	2	0	2	0	0
Dating Violence	2022	0	2	2	0	0
	2021	0	1	1	0	0
	2020	1	0	1	0	0

Campus Crime Statistics - Hate Crimes

Category of Bias for Crimes reported 2022-2020 (On Campus)

Hate Crimes - On Campus	Reporting Year	Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-Negligent Manslaughter	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
*Rape	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Fondling	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Incest	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Robbery	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Aggravated Assault	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Burglary	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Arson	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Simple Assault	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Larceny-Theft	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Intimidation	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Vandalism of Property	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0

*Rape includes Sodomy and Sexual Assault with an object.

Campus Crime Statistics - Hate Crimes (cont.)

Category of Bias for Crimes reported 2022-2020 (On Campus Housing)

Hate Crimes - On Campus Housing	Reporting Year	Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-Negligent Manslaughter	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
*Rape	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Fondling	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Incest	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Robbery	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Aggravated Assault	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Burglary	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Arson	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Simple Assault	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Larceny-Theft	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Intimidation	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Vandalism of Property	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0

*Rape includes Sodomy and Sexual Assault with an object.

Campus Crime Statistics - Hate Crimes (cont.)

Category of Bias for Crimes reported 2022-2020 (Non-Campus)										
Hate Crimes - Non-Campus	Reporting Year	Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-Negligent Manslaughter	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
*Rape	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Fondling	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Incest	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Robbery	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Aggravated Assault	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Burglary	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Arson	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Simple Assault	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Larceny-Theft	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Intimidation	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Vandalism of Property	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0

*Rape includes Sodomy and Sexual Assault with an object.

Campus Crime Statistics - Hate Crimes (cont.)

Category of Bias for Crimes reported 2022-2020 (Public Property)

Hate Crimes - Public Property	Reporting Year	Total	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-Negligent Manslaughter	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Rape*	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Fondling	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Incest	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Robbery	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Aggravated Assault	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Burglary	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Arson	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Simple Assault	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Larceny-Theft	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Intimidation	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0
Vandalism of Property	2022	0	0	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0	0	0
	2020	0	0	0	0	0	0	0	0	0

*Rape includes Sodomy and Sexual Assault with an object.

Extension Site Statistics

Iona College Annual Security Report

Onondaga Community College Annual Security Report

Crime Statistics Location Definitions

The crime statistics reported are broken down geographically according to the following categories: On Campus, Residential Facility; Non-campus Property; and Public Property. The following definitions apply to these geographic categories:

Campus

(1) Any building or property owned or controlled by an institution within the same reasonable 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
(2) Any building or property that is within or reasonable contiguous to the area identified in 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).

Residential Facility

This is a subset of crimes reported on-campus. It includes crimes that occurred in institution residence, halls, student apartment housing, or Greek sponsored housing facilities, if appropriate.

Non-Campus Building or Property

(1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) 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 reasonable 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.

Clery Crime Statutes and Definitions

The Clery Act and the Violence Against Women Act mandate that St. John Fisher provide domestic violence, dating violence, sexual assault and stalking definitions applicable in its jurisdiction. New York statutes recognize that sexual assault, domestic violence, dating violence, and stalking are serious criminal offenses. It is important for all members of the St. John Fisher community to understand how these offenses are defined in law and to be aware of the penalties. Excerpted below are the definitions and penalties of sexual assault, domestic/dating violence and stalking. Also included are the definitions of consent, sexual contact, and sexual intercourse.

Crime Definitions:

The following definitions are those outlined in the US Department of Justice Uniform Crime Reporting Manual which colleges and universities are required to use in reporting crime statistics.

Criminal Homicide Murder and Non-negligent Manslaughter: The willful (non-negligent) killing of one human being by another. This includes any death by injuries received in a fight, argument, quarrel, assault or the commission of a crime.

Negligent Manslaughter: The killing of a person through gross negligence. This includes any death caused by the gross negligence of another

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (Simple assaults are excluded).

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (This does not include thefts from motor vehicles). A motor vehicle is any self-propelled vehicle that runs on land surface and not on rails such as sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, trail bikes, mopeds, all-terrain vehicles, self-propelled motor homes, snowmobiles, golf carts and motorized wheelchairs. This includes all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned - including joyriding.

Arson: Any willful or malicious burning or attempt to burn, with or without the intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Sex Offenses

Rape: is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females. Attempts or assaults to commit rape are also included in the statistics presented here. Statutory rape and incest are excluded.

Forcible: Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will, where the victim is incapable of giving consent. This includes attempts.

Forcible Rape: The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

Forcible Sodomy: Oral or anal sexual intercourse with another person; forcibly and against the person's will; or not forcibly or against the person's will where the victim is incapable of giving

consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sexual Assault with An Object: The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body or another person; forcibly and against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. (An object or instrument is anything used by the offender other than the offender's genitalia).

Forcible Fondling: The touching of the private parts of another person for the purpose of sexual gratification, forcibly and against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Non-forcible: Any unlawful, non-forcible sexual intercourse.

Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Incest: Non-forcible sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.

Hate Crimes

Any criminal offense (as listed above) committed against a person or property which is motivated, in whole or part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, national origin, religion, ethnicity, sexual orientation, gender identity, or disability. The disclosure above includes all crimes reported in the general disclosures as well as any other crime involving bodily injury and reported to local police or campus security authorities.

The Clery Act Categories of Bias:

Race: A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).

Gender: A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

Religion: A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g. Catholics, Jews, Protestants, atheists).

Sexual Orientation: A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).

Ethnicity/National Origin: A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and tradition (e.g., Arabs, Hispanics).

Disability: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Gender Identity: A preformed negative opinion or attitude toward a person or group based on their actual or perceived gender identity (bias against transgender or gender non-conforming individuals).

National Origin: A preformed negative opinion or attitude toward any group of people based on their actual or perceived country of birth.

In conjunction with the Clery Act, hate crimes include any of the offenses listed above and the offenses motivated by bias below:

Larceny - Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR). Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/damage/Vandalism of Property: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

VAWA (Violence Against Women Act) Offenses

Dating Violence (42 U.S.C 13925(a)): A violation committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement with consideration of: The length of the relationship, the type of relationship, the frequency of interaction between the persons involved in the relationship. For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence (42 U.S.C 13925(a)): The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the

victim under the domestic or family violence laws of the jurisdiction, or by 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.

Stalking (42 U.S.C 13925(a)): A course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or to suffer substantial emotional distress.

Note: Course of conduct requires 2 or more acts

Arrests and Referrals for Disciplinary Action

The Clery Act requires reporting of arrests and referrals for disciplinary actions for the following violations:

Arrest: An Arrest is defined as a person processed by arrest, citation or summons.

Referral for Disciplinary Action: The referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.

Weapons: (carrying, possessing, etc.): The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification also encompasses weapons offenses that are regulatory in nature.

Drug Abuse Violations: The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

Liquor Law Violations: The violation of state or local laws or ordinances prohibiting: the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

New York State Sex Offenses

NYS Sex offenses; Lack of Consent: Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim. Lack of consent results from: Forcible compulsion; or Incapacity to consent; or Where the offense charged is sexual abuse or forcible touching, any circumstances in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or Where the offense charged is rape in the third degree as defined in subdivision three of section 130.40 in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's

situation would have understood such person's words and acts as an expression of lack of consent to such act under all circumstances.

- A person is deemed incapable of consent when he or she is:
 - Less than 17 years old; **or**
 - Mentally disabled; **or**
 - Mentally incapacitated; **or**
 - Physically helpless

Sexual Misconduct: Sexual intercourse with another person without such person's consent; or engages in oral sexual conduct or anal sexual conduct with another person without such person's consent. Class A Misdemeanor.

Rape: Sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than seventeen years old; **or** being eighteen years old or more, engages in sexual intercourse with another person less than fifteen years old; **or** by reason of being mentally disabled or mentally incapacitated; **or** by forcible compulsion; or who is incapable of consent by reason of being physically helpless. Depending on the degree charged, penalties range from a Class E to Class B felony.

Sexual Abuse: Subjects another person to sexual contact without the latter's consent; **or** by forcible compulsion; **or** when such other person is incapable of consent by reason of age; **or** by reason of being physically helpless; **or** when the other person is less than eleven years old. Depending on the degree charged, penalties range from a Class B misdemeanor to Class D felony.

Aggravated Sexual Abuse: He or she inserts a foreign object or finger in the vagina, urethra, penis, or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than seventeen years old; causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than seventeen years old. Using force, being physically helpless, and age of the victim impacts severity of the criminal charge and penalties. Depending on the degree charged, penalties range from a Class E to Class B felony.

Stalking: When a person intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; **or** causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; **or** is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct. Depending on the degree charged, penalties range from a Class B misdemeanor to a Class D felony.

St. John Fisher Student Disciplinary Procedures

St. John Fisher University seeks to create and maintain an environment that supports its mission. The Student Conduct System is grounded in the principles of reasonableness and fairness for the entire community. In addition to the overview below, the detailed Student Disciplinary Procedures are included in Appendix B.

Overview

The University views all undergraduate, graduate, and professional students (hereafter referred to as "student(s)") as adults and expects that they will act with the requisite maturity and responsibility. In addition to being subject to any internal action that Fisher may initiate, an alleged violator may also be referred to law enforcement officials and students may also face criminal charges separate and independent from the student conduct process. Fisher reserves the right to take whatever actions it deems necessary and appropriate to ensure community safety at the time of an incident.

The vice president of student affairs administers regulations governing most aspects of the Fisher community that students are likely to encounter and has authority in all student conduct matters. The assistant dean of students supervises the Student Conduct System.

The following information (Appendix B), policies and procedures apply in all cases of alleged violations the Student Code of Conduct by any student except where a provision is specifically made for other procedures (e.g., sexual misconduct, academic integrity and/or failure to maintain academic or professional standards).

Cases that involve sexual misconduct have reporting and resolution options that are separate from this process and can be reviewed in detail online (sexual misconduct process) or with the Title IX Coordinator.

The Student Code of Conduct applies to behavior that occurs on-campus. Students may also be held accountable for allegations of misconduct which happen off campus property if, in the judgment of the institution, the ongoing effects of the alleged behavior impact the Fisher community and/or any member of the community. Additionally, the Student Code of Conduct applies to behaviors in the context of a Fisher-related or sponsored educational program or activity, regardless of the location, including study abroad, internships, or athletic activities or through the use of Fisher-owned or provided technology resources.

Annual Fire Safety Report

Fire Statistics 2022						
Location	Date	Fire	Cause	Injuries	Deaths	Damage
3690 East Ave.	None	N/A	N/A	N/A	N/A	N/A
Fire Statistics 2021						
Location	Date	Fire	Cause	Injuries	Deaths	Damage
3690 East Ave.	None	N/A	N/A	N/A	N/A	N/A
Fire Statistics 2020						
Location	Date	Fire	Cause	Injuries	Deaths	Damage
3690 East Ave.	None	N/A	N/A	N/A	N/A	N/A

Location	Fire Alarm Monitored 24/7/365	Fire Alarms and Smoke Detectors	Sprinkler System	Horns and Strobes	Annual Fire Drills
Dorsey Hall (North and East)	Yes	Yes	Yes	Yes	Minimum 2
Founders Hall	Yes	Yes	Yes	Yes	Minimum 2
Haffey Hall	Yes	Yes	Yes	Yes	Minimum 2
Keough Hall	Yes	Yes	Yes	Yes	Minimum 2
Michaelhouse	Yes	Yes	No	Yes	Minimum 2
Murphy Hall	Yes	Yes	No	Yes	Minimum 2
Murray Hall	Yes	Yes	Yes	Yes	Minimum 2
Upper Quad	Yes	Yes	Yes	Yes	Minimum 2
Ward Hall	Yes	Yes	Yes	Yes	Minimum 2

Fire and Emergency Procedures

For the safety of persons and property, Fisher has established the following procedures, all of which comply with state and local laws concerning standards and practices in fire safety.

State law requires periodic fire drills and obliges all persons on campus to obey safety regulations during fire drills. Fire alarm systems provide rapid means of notifying all occupants of a building that an emergency exists. Abuse of these systems could result in a complacent attitude among building occupants, which may result in injury or loss of life when the alarm is ignored in an actual emergency. Commission of a false fire alarm is a criminal offense punishable by a fine and/or imprisonment.

General Procedures

If you discover or suspect a fire in any campus building:

- Activate the building fire alarm system by pulling the lever of one of the fire alarm stations in the corridor.
- Dial (585) 385-8111 or 911. State that there is a fire at St. John Fisher and identify the building and the location of the fire within the building.
- Evacuate the building by alerting everyone and directing them to the nearest exit. **DO NOT USE ELEVATORS.**

Fire Alarms

- **DO NOT IGNORE THE FIRE ALARM.**
- Feel the door to see if it is warm (if warm, remain in room and call for help [i.e. phone, shout]). Test the intensity of heat in the corridors by touching the inside of the door or doorknob.
- Wake roommates and suitemates.
- Close windows and doors as you leave. Lock your room door if there is no presence of fire or smoke in your room or in the hallway.
- **DO NOT USE ELEVATORS.** Walk to the nearest stairwell. If the stairwell is blocked by smoke or fire, use the other exit(s) located in your hallway. If you have special needs, wait for emergency personnel in your designated evacuation area. If you have special needs that have not been disclosed to Fisher, please contact the fire marshal at (585) 385-8025 to discuss your evacuation plan.
- Leave the building and move to your building's designated meeting area (see table below) and wait for further directions.
- Keep out of the way of the fire department equipment.
- Return to building only when instructed by a member of Safety and Security.

Procedures for Individuals with Disabilities

For the protection of individuals with disabilities who have difficulty exiting (evacuating) using stairways during a fire drill or an actual emergency as well as for the safety of all members of the campus community:

- All persons should know the evacuation routes of the campus buildings so they are prepared when a fire evacuation/horn sound.
- Persons with limited mobility must go to the designated area of refuge until assistance arrives.
- **USE OF AN ELEVATOR OR CHAIR LIFT BY ANYONE DURING A DRILL OR ACTUAL EMERGENCY IS PROHIBITED.** Elevators can shut down automatically during an alarm.

Persons with disabilities **must meet with Safety and Security within the first two weeks of the semester** to identify designated areas of refuge for both residential and academic buildings and review evacuation plans.

Residence Halls

When the alarm sounds in a residence hall:

- A person with a mobility-related disability must remain in a residential room or go to the designated area of refuge, ex: an enclosed stairway or lounge.
- Use cell phone or the hall's emergency red phone to call Safety and Security at (585) 385-8111 and give your location and name.
- Safety and Security will notify the emergency response personnel

Long and Short-term Meeting Areas by Residence Hall

Dorsey Hall (North and East)

Short-term Meeting Place: In front of Growney Stadium

Long-term Meeting Place: Ralph C. Wilson, Jr. Athletic Center (SLC)

Founders Hall

Short-term Meeting Place: Between Growney & Polisseni

Long-term Meeting Place: Ralph C. Wilson, Jr. Athletic Center (SLC)

Haffey Hall

Short-term Meeting Place: Campus Center quad

Long-term Meeting Place: Ralph C. Wilson, Jr. Athletic Center (SLC)

Keough Hall

Short-term Meeting Place: Campus Center quad

Long-term Meeting Place: Varsity Gym

Michaelhouse

Short-term Meeting Place: Between Growney & Polisseni

Long-term Meeting Place: Founders Lounges

Murray Hall

Short-term Meeting Place: In front of Growney Stadium

Long-term Meeting Place: Dorsey Lounge

Murphy Hall

Short-term Meeting Place: Parking Lot U (Front of Murphy)

Long-term Meeting Place: Founders Lounges

Upper Quad

Short-term Meeting Place: Campus Center Quad

Long-term Meeting Place: Varsity Gym

Ward Hall

Short-term Meeting Place: LeChase Commons

Long-term Meeting Place: Varsity Gym

Fire related Safety Violations

- Tampering with, disturbing or rendering useless fire/safety equipment (e.g. fire extinguishers, smoke detectors, fire alarm system, exit signs, emergency lighting)
- Tampering with, disturbing, or rendering useless any elevator device or systems
- Failure to exit the building during a fire alarm or drill except as authorized in a documented safety plan
- Use of elevators or chair lifts during a fire alarm or drill
- Blocking the path of egress
- Creating a fire hazard
- Possession and/or use of a fire hazard(s) (See list on SJF website)
- Unauthorized ignition of a fire in Fisher facilities or on Fisher property
- Storage of any motor vehicle (motor cycle) or internal combustion machine within any University building
- Possession and/or use of fireworks

Residence Related Fire Safety Violations

- New York State Multiple Dwelling Laws prohibit cooking in Residence Hall rooms.
- Fastening any combustible material to any ceilings or covering any fire alarm equipment is prohibited.
- Appliances must have a UL-approved label attached to the item and be in good condition. Appliances should be left unplugged when not in use.
- Microwaves may be permitted in Residence Hall rooms within the following guidelines: they may be no larger than 0.7 cubic feet and 120 volts, and they can only be used for reheating purposes.
- Refrigerators may be no more than 1.5 amps.
- Air conditioning units and freezer units are not permitted in student rooms unless supplied by the institution.

Fire Safety Training

- **Fire Drills** – at least three times during academic year- first residential hall drill completed prior to end of September.
- **High Rise fire training** - every two years – includes all Monroe County responding Fire Agencies.
- **RA Training** - Twice each Academic year (Fall / Spring) Satisfies NYS OFPC Requirement for RA Training
- **S'mores and More** – Fall (Sept/Oct) - Residence Hall occupant Training – night time recreational fire with extinguisher training

- **Fire Safety Jeopardy for Resident assistants** - Spring (yearly)
- **Fire Extinguisher Training** - (Fisher Community in September) in cooperation with the NYS OFPC - fire extinguisher training using a propane fire pan.
- **Hot Works, General Precaution against Fires** - yearly - OSHA 29CFR1910.251-255 Subpart Q - course presented to Facilities personnel as part of monthly training
- **NYS Crowd Manager Training** - on demand - Fisher faculty, staff, event planners & workers
- **CO Detectors - use and Response** - yearly Security personnel (December)
- **Understanding the Fire Alarm System** - yearly Security personnel (December)
- **Fire Safety Jeopardy for Security personnel** - yearly (December)
- **Various Fisher Community Fire Safety training (poster sessions)**

Moving forward Calendar Year 2023

Fire safety improvements are part of any capital building or renovation project to ensure that fire protection best practices as well as Codes are met. Consideration is placed on Fire Department Accessibility, reducing vegetation around structures, CO detector placement in any structure containing a combustion source, correct Code compliant signage for occupancy limits, FDC's, riser rooms, and FACP rooms as required.

In addition, improvement/replacement projects are ongoing to replace outdated end of life AED's and fire alarm control panels with current and sustainable technology to gain compliance to the 2020 NFPA Code changes for detectors. Additional AED's are also being placed in high occupancy areas.

Appendix A: Code of Conduct

- 1. Dishonesty
 - 1.01 Knowingly furnishing false information to the University
 - 1.02 Forgery, alteration or use of University documents or instruments of identification with intent to defraud
 - 1.03 Misuse of Fisher ID
 - 1.03.1. As a meal card
 - 1.03.2. Use in the library
 - 1.03.3. As misidentification
 - 1.04 Tampering with the election process of any University-recognized student organization
 - 1.05 Possession and/or use of false identification, altered identification or any other misrepresentation of one's identity
- 2. Intoxicants
 - 2.01 Alcohol
 - 2.01.1. Being in the presence of alcohol under the legal drinking age
 - 2.01.2. Possession of alcohol under the legal drinking age
 - 2.01.3. Consumption of alcohol under the legal drinking age
 - 2.01.4. Selling of alcohol
 - 2.01.5. Of age consumption of alcohol with a person(s) under the legal drinking age present
 - 2.01.6. Being in the presence of alcohol with an underage person(s) present
 - 2.01.7. Distribution or delivery of alcohol to person(s) under the legal drinking age
 - 2.01.8. The sale of, supplying, possession, and/or consumption of alcohol at a student-sponsored event(s) and/or Fisher events at which underage persons are present, without the written approval of the vice president for student affairs or their designee
 - 2.01.9. Possession of kegs, beer balls, and/or multiple serving containers
 - 2.01.10. Participation in drinking games
 - 2.01.11. Possession of alcohol paraphernalia including funnels, beer pong tables, bar setups, etc.
 - 2.01.12. Possession and/or consumption of alcohol in any area of campus except residence hall rooms as permitted by the [residence hall regulations](#), without the written approval of the vice president for student affairs or their designee
 - 2.01.13 Manufacturing of alcohol
 - 2.02 Controlled Substances
 - 2.02.1. Being in the presence of controlled substance(s)
 - 2.02.2. Possession of controlled substance(s) except as expressly permitted by law
 - 2.02.3. Use of controlled substance(s) except as expressly permitted by law
 - 2.02.4. Purchase of controlled substance(s)
 - 2.02.5. Distribution and/or sale and/or delivery of controlled substance(s)
 - 2.02.6. Manufacturing of controlled substance(s)
 - 2.02.7. Possession of drug paraphernalia

- 2.02.8. Possession and/or use of a prescription drug without a documented prescription
 - 2.03 Substances used to cause impairment including intoxication or hallucination
 - 2.03.1. Being in the presence of substances used to cause impairment
 - 2.03.2. Possession of substances used to cause impairment
 - 2.03.3. Use and/or buying of substances to cause impairment
 - 2.03.4. Distribution and/or sale and/or delivery of substances to cause impairment
 - 2.03.5. Manufacturing substances to cause impairment
 - 2.04 Driving while impaired
 - 2.05 Public intoxication
 - 3. [Discrimination and/or Discriminatory Harassment](#)
 - 3.02 Hate Crimes
 - 4. *
 - 5. Abuse, Harm, or Harassment
 - 5.01 Verbal Abuse
 - 5.02 Harm
 - 5.02.1 Actual
 - 5.02.2 Attempted
 - 5.03 Harassment
 - 5.03.1 Verbal
 - 5.03.2 Written
 - 5.03.3 Physical
 - 5.04 [Stalking](#)
 - 5.05 Threat to use force
 - 5.06 [Intimidation](#)
 - 6. [Hazing](#)
 - 7. Property Offenses
 - 7.01 Theft
 - 7.01.1 Actual
 - 7.01.2 Attempted
 - 7.02 Damage to property
 - 7.02.1 Actual
 - 7.02.2 Attempted
 - 7.03 Removal of property
 - 7.03.1 Actual
 - 7.03.2 Attempted
 - 7.04 Destruction of property
 - 7.04.1 Actual
 - 7.04.2 Attempted
 - 7.05 Tampering
 - 7.05.1 Actual
 - 7.05.2 Attempted
 - 7.06 Possession of lost, stolen, or misplaced property
 - 7.07 [University Posting Policy](#)
 - 7.08 Vandalism
 - 8. Misuse of University Records

- 8.01 Unauthorized examination, use, removal, or destruction of either electronic and hard copies of any University records, files, papers, or documents
- 8.02 Unauthorized possession, use or manufacture of parking permit(s)
- 9. Misuse of Computer Systems
 - 9.01 [Appropriate Use Policy](#)
 - 9.02 Unauthorized use of computing facilities or system time
 - 9.03 Unauthorized use of another individual's identification and password
 - 9.04 Use of computing facilities or systems to interfere with the work of another
 - 9.05 Use of computing facilities or systems to interfere with the operation of the University computing system
 - 9.06 [Digital Millennium Copyright Policy](#)
 - 9.07 Unauthorized entry into a file to use, read, or change the contents, or for any other unauthorized purpose
 - 9.08 Unauthorized transfer of a file
 - 9.09 Use of computing facilities and systems to send obscene or abusive messages
- 10. Disruption of University Operations and [Public Order](#)
 - 10.01 Disruption of University activities (teaching, research, administration, programs, services, operations, etc.)
 - 10.02 Obstructing access to and/or from the campus or any part of campus
 - 10.03 Infringement upon the rights of others or actions that prejudice the maintenance of public order
 - 10.04 Disturbing the living environment and/or any member within
- 11. Gambling
 - 11.01 Betting, wagering, or selling pools for money on any athletic event, professional or amateur
 - 11.02 Playing card or dice games for money
 - 11.03 Possessing any card, book, or other device for registering bets
 - 11.04 Involvement in unauthorized raffles or lotteries
- 12. Security Violations
 - 12.01 Compromising the security of any part of campus
 - 12.01.1. Failure to produce a valid ID card
 - 12.01.2. Possession, use, distribution, or duplication of keys or other facilities access devices (e.g. swipe cards) to University rooms or buildings without consent or authorization
 - 12.01.3. Interfering with the intended security function of a door or window (e.g. propping doors)
 - 12.02 Unauthorized presence on the campus
 - 12.02.1. Classrooms, laboratories, offices, or buildings
 - 12.02.2. Residence halls or residence hall rooms
 - 12.02.3. Athletic facilities
 - 12.02.4. Programming spaces
 - 12.02.6. Unauthorized areas such as roofs, maintenance areas, housekeeping closets, electrical rooms, and the like
 - 12.03 Providing access to anyone declared to have persona non grata (PNG) status by the University

- 12.04 Possession and/or operation of a drone, unmanned aircraft, or unmanned aircraft system upon or in the airspace of the St. John Fisher campus without the express written permission of the director of safety and security
- 13. Safety Violations
 - 13.01 Making a false report of an emergency to any campus or off-campus official and/or misuse of emergency buttons
 - 13.02 Roller-skating, rollerblading, in-line skating, scootering, skateboarding, bicycling and the like, on outside stairwells and/or inside any University building
 - 13.03 Unauthorized animal in University building
 - 13.04 Possession and/or use of any **weapon**
 - 13.05 Possession and/or use of any item that may be mistaken for an actual weapon
 - 13.06 Possession and/or use of explosives
 - 13.07 Possession and /or use of ammunition
 - 13.08 Smoking of any sort, including electronic smoking devices, within 50 feet from campus buildings or inside of any University building
 - 13.09 Participation in non-alcoholic drinking games
 - 13.10 The possession and use of non-medical motorized vehicle, including hoverboards, on University property
- 14. Fire Safety Violations
 - 14.01 Tampering with, disturbing or rendering useless fire/safety equipment (e.g. fire extinguishers, smoke detectors, fire alarm system, exit signs, emergency lighting).
 - 14.02 Tampering with, disturbing, or rendering useless any elevator device or systems
 - 14.03 Failure to exit the building during a fire alarm or drill except as authorized in a documented safety plan
 - 14.04 Use of elevators or chair lifts during a fire alarm or drill
 - 14.05 Blocking the path of egress
 - 14.06 Creating a fire hazard
 - 14.07 Possession and/or use of a **fire hazard(s)**
 - 14.08 Unauthorized ignition of a fire in University facilities or on University property
 - 14.09 Storage of any motor vehicle or internal combustion machine within any University building
 - 14.10 Possession and/or use of fireworks
- 15. Failure to Comply
 - 15.01 With directions, verbal or written, of a University official or a resident assistant acting in performance of their duties
 - 15.02 With a sanction assigned as a result of a Student Conduct hearing, an **interim action**, disciplinary restrictions or actions, and/or behavioral contract
 - 15.03 With **Persona Non Grata (PNG)** status
 - 15.03.1. Campus
 - 15.03.2. Residence halls
 - 15.04 With public health directives
- 16. Interference with the Student Conduct Process
 - 16.01 Falsification, distortion, or misrepresentation of information

- 16.01.1 In a Student Conduct Hearing
 - 16.01.2 During the documentation process
 - 16.02 Disruption or interference
 - 16.02.01 Of a Student Conduct Hearing
 - 16.02.02 During the documentation process
 - 16.03 Attempting to influence a Student Conduct Hearing Committee Member, Hearing Officer, Resident Assistant, University Staff, Complainant, Respondent, and/or Witness
 - 16.03.01 Prior to or during a Student Conduct Hearing
 - 16.03.02 During the documentation process
 - 16.04 Discouraging an individual's proper participation and/or use
 - 16.04.01 Of the Student Conduct Process
 - 16.04.02 Of the documentation process
 - 16.05 Harassment and/or intimidation of a Student Conduct Hearing Committee Member, Hearing Officer, Resident Assistant, University Staff, Complainant, Respondent, or Witness
 - 16.05.01 During or after a Student Conduct Hearing
 - 16.05.02 During or after the documentation process
- 17. Behavior by a [student's guest](#) that violates any University policy
- 18. General Misconduct
 - 18.01 Conduct unbecoming of a member of the St. John Fisher Community
 - 18.02 Conduct which could be interpreted as disorderly, lewd, or indecent
 - 18.03 Conduct that is a violation of federal, state, or local law
 - 18.04 Misconduct committed off University property that relates to safety, security, or property of person and/or of the University and/or the Fisher community, the integrity of the education process, the good name of the University, or the general welfare of the institution
- 19. Violation of any regulations promulgated by the University including:
 - 19.01 [Residence Hall Regulations](#) and/or the [Residence Hall License \[pdf\]](#)
 - 19.02 [Parking and Traffic Regulations](#)
 - 19.03 [Office of Information Technology Policies](#)
 - 19.04 [Academic Integrity Policy](#)
 - 19.05 [Sexual Misconduct Policy](#)
 - 19.06 Professional Standards
 - 19.07 Policies as written in the University Catalog
 - 19.08 Any other documented University policy
 - 19.09 Any [policies and procedures](#) related to COVID-19, including the Cardinal Health and Safety Pledge.

** Code of Conduct was last updated August 20, 2020 (#4 is intentionally left blank).*

Appendix B: Student Conduct Process

Overview

St. John Fisher University adheres to a student conduct process that aligns with the University's mission statement and the values of the Fisher creed. With a goal of promoting student development and community-based solutions, all undergraduate, graduate, and professional students (hereafter referred to as "student(s)") are expected to act with maturity and responsibility. In addition to being subject to any internal action that Fisher may initiate, an alleged violator may also be referred to law enforcement officials and students may also face criminal charges separate and independent from the student conduct process. The University reserves the right to take whatever actions it deems necessary and appropriate to ensure community safety at the time of an incident.

The Vice President of Student Affairs administers regulations governing most aspects of the Fisher community that students are likely to encounter and has authority in all student conduct matters. The Director of Student Conduct administrates the day to day operations of the student conduct process.

The following information, policies, and procedures apply in all cases of alleged violations the Student Code of Conduct by any student except where a provision is specifically made for other procedures (e.g., [sexual misconduct](#), [academic integrity](#), and/or failure to maintain academic or professional standards).

Cases that involve sexual misconduct have reporting and resolution options that are separate from this process and can be reviewed in detail online ([sexual misconduct process](#)) or with the Title IX Coordinator.

Jurisdiction

The Student Code of Conduct applies to behavior that occurs on-campus. Students may also be held accountable for allegations of misconduct which happen off University property if, in the judgment of the University, the ongoing effects of the alleged behavior impact the University community and/or any member of the community. Additionally, the Student Code of Conduct applies to behaviors in the context of a University-related or sponsored educational program or activity, regardless of the location, including study abroad, internships, or athletic activities or through the use of University-owned or provided technology resources.

Filing a Complaint

Any person with a complaint against any member of the University community may report their concerns to the Office of Safety and Security. Additionally, the nature of the problem and possible courses of action may be discussed with the assistant director of student conduct. At their discretion, the provost, as well as the appropriate dean or their designee, may forward complaints to the Student Conduct Process as well.

Although reports will be accepted at any time, an incident or complaint should be reported within forty-eight (48) hours as the passage of time will impede efforts to investigate and appropriately resolve alleged violations of the [Student Code of Conduct](#).

Incident Reports

If there is reason to believe University policy has been violated, an incident report will be created and forwarded to the Director of Student Conduct. The Director of Student Conduct will review the report, evaluate the information and determine the next appropriate actions. Depending on the circumstances of the alleged violation and the severity of possible sanctions, the Director of Student Conduct will determine how the incident is addressed through the student conduct process.

Types of Hearings

Restorative Conference

A Restorative Conference gives students the option to accept responsibility for their charges and move directly into a developmental conversation with their hearing officer. The goal of this conference is to come to a mutual agreement on outcomes that will sufficiently resolve the incident and repair the harm the respondent caused. While most Restorative Conferences are one-on-one meetings, the hearing officer does have the right to invite other individuals to the Restorative Conference, including those impacted by the respondent's behavior, with the permission of the involved persons.

Student Conduct Administrative Hearing

A Student Conduct Administrative Hearing (hereafter referred to as an "Administrative Hearing") takes place between the respondent and the assigned hearing officer. Administrative Hearings are private and closed to anyone but the respondent and the assigned hearing officer. Hearing officers are staff members who have been trained in Student Conduct procedures.

Student Conduct Committee Hearing

A Student Conduct Committee Hearing (hereafter referred to as a "Committee Hearing") takes place between the respondent, complainant, the Student Conduct Committee and any witnesses with firsthand knowledge. Committee Hearings are private and closed to everyone except the involved persons. At their discretion, the assistant director of student conduct may request that a representative from the Office of Safety and Security be present throughout the hearing as well, not to give information but to provide safety.

Note: See below for [definitions of hearing participants](#).

The Student Conduct Hearing Committee (hereafter referred to as the "Hearing Committee") is composed of faculty, staff, and students who have been trained in Student Conduct procedures. The committee is chaired by the Director of Student Conduct, or their designee.

Hearing Participants

The Respondent

The respondent is the student accused of violating the Student Code of Conduct.

Notification of Hearing Procedures for the Respondent

The respondent will receive written notification of their meeting through their University email address or by mail (either by hand delivery, or USPS to mailing address of record). This notification is referred to as an appearance letter. It is the respondent's responsibility to check their mail and University email address for such notifications.

The respondent will receive the appearance letter within five (5) business days of the completion of the final incident report with the following information:

- A. The nature of the complaint
- B. The code(s) allegedly violated
- C. Options for the type of meetings available
- D. Contact information for the hearing officer or committee chair
- E. The need to be prepared to either acknowledge or deny responsibility for the alleged violation(s)
- F. Procedures set to occur if the respondent chooses not to attend the hearing
- G. Information about requesting accommodations for the Student Conduct Hearing through Student Accessibility Services
- H. Committee Hearing appearance letters will also include:
 - a. The process for requesting witnesses
 - b. The opportunity for a pre-hearing meeting

Hearing Attendance by Respondent

The respondent is strongly encouraged, but not required, to attend their hearing per the instructions in their appearance letter. If the respondent has a conflict with the date and/or time of the hearing it is their responsibility to contact the hearing officer or committee chair directly to reschedule. Hearings will take place without the respondent if they fail to appear.

Respondents are afforded the opportunity of 24 hours' notice between the time in which they receive an appearance letter and the time of the student conduct. The respondent may choose to expedite the hearing process by declining this opportunity and proceeding with the hearing without 24 hours' notice with the agreement of the complainant as applicable.

The Complainant

The complainant is any person reporting a problem or incident to the University. Complainants do not participate in Administrative Hearings however, while not required, a complainant may participate in a Committee Hearing or Restorative Conference. In the instance of the University being the complainant, a member of the Office of Safety and Security or a designated University official may act as the complainant on the University's behalf.

Hearing Attendance by Complainant

If the complainant wants to participate in a Committee Hearing but has a conflict with the date and/or time of the hearing it is their responsibility to contact the committee chair directly to reschedule. Hearings will take place without the complainant if they fail to appear.

Complainants are afforded the opportunity of 24 hours' notice between the time in which they receive an appearance letter and the time of the hearing. The complainant may choose to expedite the hearing process by declining this opportunity and proceeding with the hearing without 24 hours' notice with the agreement of the respondent as applicable.

Witnesses

Witness Participation Administrative Hearings

An Administrative Hearing is closed to anyone except the respondent and the assigned hearing officer; witnesses are not permitted to attend. The respondent may directly request any witnesses with firsthand knowledge fill out a statement of fact through the Office of Safety and Security. Statements must be completed at least 48 hours before the scheduled hearing.

Witness Participation in Committee Hearings

The respondent and complainant may both, separately, request that witnesses with firsthand knowledge attend the Committee Hearing. Requests for witnesses must be made to the Office of Student Conduct at least 48 hours before the scheduled hearing. If a witness is unavailable to attend the hearing procedures, the witness may fill out a statement of fact form through the Office of Safety and Security. Statements must be completed at least 48 hours before the scheduled hearing.

Additionally, the Office of Student Conduct has the discretion to request that witnesses with firsthand knowledge of the incident, but who have not been requested by the respondent(s) and/or complainant(s), participate in the hearing or Restorative Conference.

It is the responsibility of the person requesting the witness to ensure witness attends the scheduled hearing. If a witness does not appear, the hearing procedures will continue without the benefit of participation of the witness.

Although a witness may be requested to participate in a Student Conduct Hearing, they are not required or obligated to participate. Retaliation against any witness is strictly prohibited.

Whenever possible, witnesses will be contacted prior to hearing procedures with information and options regarding their participation in the hearing procedures, resources, retaliation, nondisclosure information, and information about requesting accommodations for the Student Conduct Hearing through Student Accessibility Services. Witnesses may also schedule a pre-hearing meeting to discuss hearing procedures and their participation in the hearing process. Witnesses are not notified of the outcome of the hearing.

Please Note: A *witnesses cannot* also serve in the role of legal counsel.

Legal Counsel

A student may not be accompanied by legal counsel, unless criminal charges are pending or foreseeable. In those cases, legal counsel may accompany the student to meetings and the hearing for the sole purpose of advising the student. Legal counsel requests must be submitted to the Office of Student Conduct at least 48 hours in advance of the first scheduled meeting or hearing in which legal counsel will be present.

Legal counsel is not permitted to directly address anyone other than their client at any time including asking any question or speaking on behalf of their client. Should legal counsel violate the terms of this role they will be asked to leave the meeting or hearing procedures and will no longer be permitted to participate in meetings or the student conduct hearing process. It is the responsibility of the student requesting legal counsel to insure compliance with this policy. It is the responsibility of the student requesting legal counsel to ensure that they attend scheduled

meetings and/or hearing. If legal counsel does not appear, the meetings/hearing procedures will continue without the benefit of their participation.

Please Note: *Legal counsel cannot* also serve in the role of a witness.

Hearing Procedures

Restorative Conference

The following is a general description of the student conduct hearing procedures for Restorative Conference. These procedures may vary as appropriate for specific Restorative Conference.

1. The hearing officer will confirm the respondent's desire to accept responsibility for all charges.
2. The hearing officer and the respondent will discuss the incident, the harm that was caused, and discuss possible outcomes to resolve the incident.
3. When applicable, other participants present will discuss the behavior that occurred and the impact it had on themselves and the community.
4. The individuals present will mutually agree on the appropriate outcomes to for the incident.
5. The hearing officer will review record keeping procedures and confidentiality procedures.

Please Note: *No audio or other recording of a Restorative Conference is permitted by any person.*

Administrative Hearings

The following is a general description of the student conduct hearing procedures for Administrative Hearings. These procedures may vary as appropriate for specific Administrative Hearings.

1. The hearing officer will review the respondent's Due Process Opportunities in the student conduct process.
2. The hearing officer will review the incident report(s).
3. The hearing officer will review the student's appearance letter including the alleged violations.
4. The respondent may:
 - a) take responsibility for the alleged violations; or
 - b) present their account of the incident or behavior in question, including presenting relevant information and responding to any information provided in writing by any witnesses.
5. The hearing officer will have the opportunity to ask the respondent any relevant questions in regard to the incident.
6. The hearing officer will summarize to the respondent their understanding of the incident or behavior in question and ask if there is anything else the respondent would like to share.

7. The hearing officer will consider the information presented and determine responsibility for the violation(s), and any sanction(s) to be applied in the event the respondent is found responsible for the violation(s).
8. The respondent will be informed of the outcome of the hearing verbally at the closing of the hearing or may be told that more information is needed before making a decision.
 - a) If the respondent is found not responsible, no further action will be taken.
 - b) If the respondent is found responsible, any sanctions will be effective immediately.
 - c) If more information is needed, the respondent will be provided with a date by which the decision will be made.
9. The hearing officer will review record keeping procedures, confidentiality procedures and opportunity for appeal.

Please Note: *No audio or other recording of an Administrative Hearing is permitted by any person.*

Committee Hearings

The following is a general description of the student conduct hearing procedures for Committee Hearings. These procedures may vary as appropriate for specific hearings.

1. Everyone present in the Committee Hearing, including the committee, respondent, complainant, witnesses and legal counsel, will be introduced, their roles in the process and expectations of behavior will be clarified and the respondent's and complainant's Due Process Opportunities will be reviewed.
2. The witnesses will leave the hearing room. All persons but the Hearing Committee will then be excused from the hearing room while the Hearing Committee considers the information presented and
3. A member of the Hearing Committee will review the appearance letter(s), which includes the alleged violations, as well as the incident report(s).
4. The complainant and respondent present their accounts of the incident, including presenting relevant information and responding to information provided in writing by any witnesses.
5. Members of the Hearing Committee will ask the complainant and respondent relevant questions regarding the incident.
6. Witnesses will be invited into the hearing room individually to provide any relevant firsthand information regarding the incident. At this time, members of the Hearing Committee will ask the witness any relevant questions in regard to the incident. The witness will leave the room after sharing their information.
7. A member of the Hearing Committee will summarize its understanding of the incident.
8. The complainant and respondent will be offered an opportunity to make a summary statement to the Hearing Committee.
9. All persons but the Hearing Committee will then be excused from the hearing room while they consider the information presented and determine responsibility for the violation(s),

and any sanction(s) to be applied in the event the respondent is found responsible for the violation(s).

10. Once a decision is made, the respondent will be invited back into the room and receive information regarding the finding of responsibility for alleged violations, any sanction assigned and rationale for the decision(s).
 - a. If the respondent is found not responsible, no further action will be taken.
 - b. If the respondent is found responsible, any sanctions will be effective immediately.
 - c. If more information is needed, the respondent will be provided with a date by which the decision will be made.
11. A member of the Hearing Committee will review record keeping procedures, confidentiality procedures and opportunity for appeal.

Please Note: *Committee Hearings will be audio recorded by the University. No audio or other recording of a Committee Hearing is permitted by any other person.*

Procedure for Determining Responsibility

In order to determine responsibility regarding any alleged violations the hearing officer or Hearing Committee reviews all information presented through the report(s), complainant, respondent, and any witnesses. The Hearing Committee or hearing officer does not consider a respondent's previous findings of responsibility when determining responsibility in the current matter. The determination of responsibility for a violation(s) of the Student Code of Conduct will be made if, in the judgment of the hearing officer or the majority of Student Conduct Hearing Committee members present in the hearing, that the conduct was more likely than not to have occurred as alleged (i.e.- the "preponderance of the evidence").

University Sanctions

After a finding of responsibility, the hearing officer or Hearing Committee will determine the appropriate sanctions for the respondent. A respondent's prior findings of responsibility and previous sanctions will be taken into consideration when new sanctioning decisions are assigned.

The following sanctions, or modifications or combinations of them, may be applied:

Primary Sanctions

Respondents who are found responsible for violating the Student Code of Conduct will be assigned a primary sanction at the conclusion of the hearing process.

- A. **Written Warning:** A Written Warning serves as an expression of concern regarding behavior and as notice that upon a finding of responsibility in any other future violations, a student may be held accountable to increasingly significant sanctions. Written Warnings do not have an expiration date.
- B. **Disciplinary Probation/Disciplinary Probation Extension:** Disciplinary Probation is a status imposed for a specific period of time during which a student must demonstrate behavior that aligns with the Student Code of Conduct. Students on Disciplinary Probation may be restricted from certain privileges and/or lose eligibility for activities at the University. Additionally, any finding of responsibility in future violations may result in extending the time period of Disciplinary Probation status and/or increasingly

significant sanctions. For assignments of Disciplinary Probation of two years or more, students may request a Probationary Status Review after 18 months.

- C. ***Suspension***: Suspension from the University means a temporary termination of student status. The student may not re-enroll at St. John Fisher University for a prescribed period of time. Before re-enrollment at the University, the student will need to meet with the assistant dean of students, or his/her designee, to discuss the student's progress in completing any assigned sanctions associated with the suspension and eligibility to resume enrollment at St. John Fisher University. Upon any re-enrollment, the student will be placed on Disciplinary Probation for the remainder of the academic career. The student's transcript will reflect "W" (withdrawn) for all courses in which the student was enrolled for the semester. Tuition, room and board charges, as applicable, will be prorated based on the University Refund Policy. The date used to determine any refund is the date of this finding or the date of any interim action related to this finding, whichever date is earlier. Persons suspended from the University are considered to be Persona Non Grata (PNG) from the University until any successful re-enrollment at the University.

Before re-enrollment at the University, the student will need to meet with the assistant dean of students, or their designee, to discuss the student's progress in completing all assigned sanctions associated with the suspension and to determine eligibility to resume enrollment at St. John Fisher University. Upon any re-enrollment, the student will be placed on Disciplinary Probation for the remainder of their academic career.

- D. ***Expulsion***: Expulsion from the University means permanent termination of student status. The transcript will reflect "W" (withdrawn) for all courses in which the student was enrolled for the semester. Tuition, room and board charges, as applicable, will be prorated based on the University Refund Policy. The date used to determine any refund is the date of this finding or the date of any interim action related to this finding, whichever date is earlier. Persons expelled from the University are considered to be Persona Non Grata (PNG) from the University.

Secondary Sanctions

In addition to the primary sanction, the hearing officer or Hearing Committee may assign the respondent secondary sanctions which can include any, or a combination of, of the following:

- ***Change in Residence***: A change in a resident student's current on-campus residence to another location within the University housing system as assigned by the Office of Residential Life.
- ***Removal from Residence***: A student's housing assignment will be canceled and the student will need to make alternate arrangements for housing off campus. Room and board charges are prorated per the University Refund Policy.
- ***Compulsory Service***: A specific number of hours to be spent working with an agency, organization, or office approved by the hearing officer, committee chair, or the Office of Student Conduct.
- ***Educational Assignment***: An assignment for the purpose of gaining additional knowledge, information, or perspective regarding a specific topic. Educational assignments may include, but are not limited to: reflection papers, informational bulletin

board, and/or attending a campus program or event. It is expected that educational assignments comply with the Academic Integrity Policy.

- **Loss of Privilege:** from specific campus privileges, opportunities or activities, in part or in total, including but not limited to:
 - Parking and/or driving on campus
 - Campus jobs
 - Participation in extracurricular activities (e.g. clubs and organizations, etc.)
 - Participation in University events (University-sponsored activities, on or off campus events, senior week, etc.)
 - Hosting a prospective student and/or guest on campus
 - Participating in future housing selection processes
 - Access to the University's information technology resources (e.g. internet, computer lab access, etc.)
 - Participation in commencement activities and/or ceremonies
- **External Referral:** Referral to an off-campus agency for the purposes of evaluation and/or education.
- **Internal Referral:** Referral to a specific department or campus official for the purposes of evaluation and/or monitoring and/or education. Referrals may include, but are not limited to, medical interventions, Mental Health Counseling, meetings with the University's Fire and Life Safety Officer, etc.
- **Fines:** A fine is placed directly on the student account. All financial obligations must be satisfied prior to or at the time of course registration for the next semester or graduation from the University.
 - A specific fine of \$250 will be assigned to any student found responsible for covering/disabling a smoke detector.
- **Restitution:** The monetary amount of restitution for any property damage or loss is placed on the student account. All financial obligations must be satisfied prior to or at the time of course registration for the next semester or graduation from the University.
- **Persona Non Grata (PNG):** A student may be declared persona non grata and prohibited from accessing designated areas of campus or the campus in its entirety.

Please Note: *Any sanction imposed by the original hearing officer or Hearing Committee will be in effect as stated in the decision letter until the conclusion of the appeal process, unless the assistant dean of students or the vice president of student affairs grants a written exception.*

Notification of Outcome

Respondent Notification

After the conclusion of a hearing, the respondent will receive written notification of the outcome through their University email address or by mail (to mailing address of record). This notification is referred to as a decision letter. It is the respondent's responsibility to check their University email address and USPS mail for such notifications. The respondent will receive the decision letter within five (5) business days including the following information:

- A. The date that the hearing took place and a summary of the incident

- B. The code(s) in which the respondent was found responsible, if any
- C. The primary sanction the respondent was assigned
- D. Any secondary sanction(s) the respondent was assigned, if any, which will include criteria for completion of the sanction as appropriate
- E. Information regarding the Appeals Process
- F. Contact information for the hearing officer

Complainant Notification

Ordinarily, complainants will not be informed of the outcome of a student conduct hearing. However, at the discretion of the Office of Student Conduct, if the outcome of a student conduct hearing has a direct impact on the complainant (i.e. a No Contact Order), this information may be shared with the complainant.

Parental Notification

Ordinarily, parents or legal guardians will not receive notification from the University about violations of the Student Code of Conduct. However, if a student is held responsible for a violation of alcohol or drug policies, or if the student is found responsible for a serious violation of University policies, the parent or legal guardian, at the discretion of the assistant dean of students, or his/her designee, may receive notice documenting the violation and the outcome of a Student Conduct Hearing. Federal regulations permit this notification without the student's consent for those students who are dependents, under the age of 21. This notification would be mailed to the home address of record. The student will also receive a copy of this notification.

Athletic Notification

The Department of Athletics is notified of the outcome of all student conduct hearings and appeal hearings for any student on an athletic roster at the time of the hearing. Student athletes found responsible for University violations through the Student Conduct Process are also subject to actions/sanctions assigned by the Athletic Department Discipline Committee. Actions/sanctions assigned by the Athletic Department Discipline Committee are made independently from of the Office of Student Conduct and are in addition to any actions and/or sanctions assigned during the Student Conduct Process. Students who are members of University athletic teams are required to fulfill NCAA requirements for drug testing, education, counseling and other appropriate treatment when drug use is suspected or confirmed.

Appealing a Decision

Appeals

After the receipt of the decision letter, the respondent may choose to submit a request for an appeal hearing, based on the grounds below, through the [Appeal Hearing Request Form](#). The request for an appeal must be received within five (5) business days after the receipt of the decision letter. The Vice President of Student Affairs and Dean of Students, or their designee, serves as the appeal officer and will review the request for the appeal.

The Vice President of Student Affairs and Dean of Students, or their designee, will consider the information contained in the appeal request, relevant information contained in the student's conduct file, and may also consult with the original hearing officer for background information

regarding the original Student Conduct Hearing. The assistant dean, or their designee, will determine whether or not a request for an appeal will be granted based on this information.

The respondent will be notified of the status of their appeal request within five (5) business days of the submission of the Appeal Hearing Request Form.

Grounds for Appeal

When requesting an appeal hearing, the appealing student must demonstrate in writing that one or more of the following applies to their situation:

1. The original hearing was inconsistent with the established student conduct procedures.
2. The sanction imposed was not in keeping with the gravity of the violation.
3. New information is available now that was not available at the time of the hearing which may substantially change the outcome.

An appeal hearing will be considered only on the ground(s) alleged by the student.

The Vice President of Student Affairs and Dean of Students, or their designee, or in cases that involve sexual misconduct or gender-based discrimination a review panel, make the determination to either approve or deny the appeal hearing request by considering the information contained in the appeal request, any relevant information contained in the student's conduct file, and/or information from consulting with the original hearing officer regarding the original Student Conduct Hearing.

The respondent, and complainant (in cases involving sexual misconduct or gender-based discrimination), will be notified of the status of their appeal request within five business days of the submission of the Appeal Hearing Request Form.

Attendance at the Appeal Hearing

Appealing Student

The appealing student is the person requesting an appeal. They are able to appear before the Vice President of Student Affairs and Dean of Students, or designee, or the Appeal Hearing Committee during the appeal hearing and be present while any witness is contributing information.

Witnesses

Witnesses are not allowed in any Appeal Hearing unless an appeal is based on ground #3 (see above) and requires firsthand knowledge from a witness who was not identified at the time of the original investigation or hearing. The respondent may request that new witness with firsthand knowledge attend the appeal hearing. Requests for witnesses must be made to the Office of Student Conduct at least 48 hours before the scheduled hearing.

Additionally, the Vice President of Student Affairs and Dean of Students, or their designee, has the discretion to request that witnesses with firsthand knowledge of the incident, but who have not been requested by the respondent(s), attend the hearing.

It is the responsibility of the student requesting the witness, to ensure witness attends the scheduled hearing. If a witness does not appear, the hearing procedures will continue without the benefit of participation of the witness.

Although a witness may be requested to attend an appeal hearing, they are not required or obligated to attend or participate. Retaliation against any witness is strictly prohibited.

Whenever possible, witnesses will be contacted prior to hearing procedures with information and options regarding their participation in the hearing procedures, resources, retaliation, nondisclosure information, and information about requesting accommodations for the appeal hearing through Student Accessibility Services. Witnesses may also schedule a pre-hearing meeting with the assigned officer to discuss appeal hearing procedures and their participation in the hearing process. Witnesses are not notified of the outcome of the hearing procedures.

Please Note: A witness cannot also serve in the role of legal counsel.

Appeal Hearing Procedures

If an appeal hearing is granted, the Vice President of Student Affairs and Dean of Students, at their discretion, may meet with the appellant individually, assign the appeal hearing to a designee, or convene an Appeal Hearing Committee. If an Appeal Hearing Committee is used, the membership of the committee may include a combination of students, faculty, and staff who have been trained in the Student Conduct Process. The assistant dean, or their designee, will serve as the chairperson of the Appeal Hearing Committee.

Individual Appeal Hearing

An individual appeal hearing takes place between the respondent and the Vice President of Student Affairs and Dean of Students or their designee. Individual Appeal Hearings are private and closed to anyone but the respondent and the Appeal hearing officer. The following is a general description of the Individual Appeal Hearing procedures. These procedures may vary as appropriate for specific Individual Appeal Hearings.

1. The appeal hearing officer will present and review the student's appeal request.
2. The appealing student will be given the opportunity to present relevant information to the appeal hearing officer.
3. The appeal hearing officer will summarize to the appealing student their understanding of the appeal request and ask if there is anything else they would like to share.
4. The Appeal hearing officer will consider the information presented and make a decision regarding the student's request for an appeal. The appeal hearing officer, may modify the decision and/or sanctions by reducing or increasing them at their discretion.
5. The appealing student will be informed of the outcome of the appeal hearing verbally at the closing of the hearing or may be told that more information is needed before making a decision.
6. The appeal hearing officer will review record keeping procedures and confidentiality procedures and the hearing will be concluded.

The decision made by the appeal hearing officer is final. There is no further opportunity to appeal the decision made in the individual appeal hearing.

Appeal Committee Hearing

The following is a general description of the procedures in an Appeal Committee Hearing. Appeal Committee Hearings are private and closed to everyone except the involved persons. These procedures may vary as appropriate for specific appeal committee hearings.

1. The chair of the Appeal Hearing Committee will facilitate the hearing.
2. Everyone present in the Appeal Hearing will be introduced and their roles in the process clarified.
3. The chair will present and review the appealing student's request.
4. The appealing student will be given the opportunity to present relevant information to the Appeal Hearing Committee.
5. Members of the Appeal Hearing Committee will have an opportunity to ask questions of the appealing student.
6. The appealing student has had the opportunity to make a summary statement to the Appeal Hearing Committee.
7. All persons besides the Appeal Hearing Committee will be excused from the hearing room while the Appeal Hearing Committee reviews all the documentation and information provided. The Appeal Hearing Committee will deliberate and decide based on majority vote.
8. The Appeal Hearing Committee may modify the decision and/or sanctions by reducing or increasing them at their discretion. Alternately, the Appeal Hearing Committee may decide to postpone deciding as information is needed. If more information is needed before deciding, those involved will be provided with a date by which the decision will be made.
9. After a decision is made, the appealing student will be asked to return to the room, the decision and rationale for decision will be reviewed, the chair of the Appeal Hearing Committee will review record keeping procedures and confidentiality procedures and the hearing concluded.

The decision made by the Appeal Hearing Committee is final. There is no further opportunity to appeal the decision made at the Appeal Committee Hearing.

Notification of Appeal Outcome

In addition to any verbal communication at the end of an appeal hearing, the appealing student will receive written notification (known as an appeal hearing decision letter) within five (5) business days. Additionally, for cases involving student athletes, the Athletic Department will be notified per University policy.

Statement of Nondisclosure

The University will not require any party involved in the Student Conduct Process to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of information related to the outcome of the student conduct procedures. However, the University encourages all parties to respect the privacy of other participants when considering the re-disclosure of information.

Please Note: *This policy 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 considered retaliation, which can result in separate student conduct action.*

Student Conduct Records

All documentation of Student Conduct Hearings becomes part of the student's student conduct file, part of the student's educational record, which is maintained in the Office of Student Conduct. Records may be released to University officials on a "need-to-know" basis. Student conduct records may be released to persons and agencies external to the University with the student's permission, or in compliance with the law. Records subpoenaed or ordered by a judge may be released without a student's permission. A record may also be released if it is in the University's legal interest to do so.

All student conduct files will be maintained for seven (7) years after the most recent recorded incident. These student conduct records are destroyed at the end of the appropriate time period. Records pertaining to students who are suspended or expelled will be maintained permanently.

Transcript Notations

If a student is held responsible for a violation of the Student Code of Conduct which may also constitute a crime of violence, as defined by the Clery Act, the student's transcript will include the following notation:

- If suspended: "Suspended after a finding of responsibility for a code of conduct violation"
- If expelled: "Expelled after a finding responsibility for a code of conduct violation"

Transcript Notation Review

When a student is suspended from the University and a notation has been placed on their transcript, the student may request a review of the notation for removal. Reviews may be requested no sooner than one year after the suspension period has concluded.

To request a review, the student must submit a letter to the assistant dean of students requesting the removal of the notation which also includes the following information:

- A personal statement detailing the student's time away from the University and outlining both positive contributions the student has made to the community and personal growth.
- Two (2) character reference letters. (Letters from family members are not acceptable.)

The assistant dean, or their designee, will review the request and may require additional information. The assistant dean, their designee or, at their discretion a committee, will review the student's materials and may subsequently require to speak to or meet with the student regarding the request for re-enrollment before making a decision.

If a notation is removed from a transcript this does not erase the student's conduct history; it modifies the student's transcript upon the request being granted.

Please Note: Notations placed on the transcript of a student who is expelled from the University are permanent.

Appendix C: Sexual Misconduct Policy

Title IX and Sexual Misconduct Policy

St. John Fisher University (“Fisher”) is committed to maintaining a community in which learning and working can be carried out in an environment of respect, open-mindedness, and integrity. Fisher stands opposed to all forms of discrimination, harassment, and violence and will work to prevent such behavior within the community.

This Sexual Misconduct Policy (“Policy”) prohibits behavior that violates Title IX of the Education Amendments of 1972 (“Title IX”), Title VII of the Civil Rights Act of 1964, and New York’s Enough is Enough Law (Education Law 129-B). This Policy complies with these laws as well as the requirements under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act (“Clery Act”), as amended by the Violence Against Women Reauthorization Act of 2013. The requirement to not discriminate in the education program or activity of the University extends to admission and employment.

This Policy treats the federal and state laws named above as the baseline for addressing sexual misconduct, and as such the type of behavior prohibited in this Policy include and extend the forms of unlawful conduct defined by federal and state law. Whereas this Policy provides multiple options for resolution of complaints that build on existing laws, regulations, and guidance, and as federal and state laws, regulations, and guidance detail provisions in conjunction with definitions of prohibited conduct, with specific attention to the provisions of Title IX and its federal regulation.

The University prohibits sexual or gender-based violence, sexual or gender-based harassment, sexual assault, sexual exploitation, intimate partner violence including dating violence and domestic violence, stalking, and retaliation. These forms of prohibited behavior are referred to in this Policy interchangeably as “Sexual Misconduct” or “Prohibited Conduct.” The University will respond promptly and equitably to reports of Sexual Misconduct and Prohibited Conduct to eliminate hostile environments created by such behavior and provide equal access to educational programs and activities. This Policy authorizes the University’s Title IX Coordinator, or an authorized designee, to conduct an initial review of reported allegations to determine the proper course of the University’s prompt and equitable responsive actions.

Among its protections, this Policy prohibits Sexual Harassment under Title IX. On May 19, 2020, the United States Department of Education issued a Final Rule, effective August 14, 2020, addressing Sexual Harassment as defined under Title IX and amending part 106 of Title 34 of the Code of Federal Regulations (“Title IX Rule”). This Policy incorporates by reference and implements the requirements of the Title IX Rule. Upon the University’s actual knowledge of Title IX Sexual Harassment as reported to either the Title IX Coordinator or any University official authorized to institute corrective actions, Title IX requires responsive actions by the University (including Supportive Measures) and the implementation of a Grievance Process upon the filing of a Formal Complaint to investigate and adjudicate the reported alleged Title IX Sexual Harassment. Any inquiries about the application of Title IX and its federal regulations to the University (including the Title IX Rule) may be referred to the University’s Title IX Coordinator, the Assistant Secretary of the Department of Education, or both. The Department’s Office for Civil Rights has published its contact information at <https://ocrcas.ed.gov/contact-ocr>.

The University recognizes that sexual misconduct affects individuals of all genders, gender identities, gender expressions, and sexual orientations. All protections under this Policy are equitably provided to individuals regardless of such status.

Defined Roles Related to Sexual Misconduct Policy Reports

Bystander - a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is a violation of this Policy or other University policies.

Complainant – any individual who has reported being or is alleged to be the victim of conduct that is prohibited by this Policy.

Reporting Party – Any person who discloses or reports conduct that is prohibited by this Policy. The person may or may not be the victim or survivor of the alleged conduct. Reports may be made via phone, mail, electronic mail, or in person using the contact information for the Title IX Coordinator, or by any other means that result in the Title IX Coordinator receiving the person’s verbal or written disclosure or report.

Respondent - the individual accused of violating this Policy

Applicability of this Policy

This Policy is applicable to Prohibited Conduct involving students, faculty, staff, or third parties. Student status under this Policy applies to undergraduate, graduate, and part-time students. In cases where the Respondent is a student, this Policy will apply. In cases where the Respondent is an employee accused of Title IX Sexual Harassment and a Formal Complaint is filed (as defined below), the Title IX Grievance Process stated herein shall apply. In all other cases where the Respondent is an employee of the University, the procedures for resolving sexual misconduct complaints outlined in the Employee Handbook will apply.

All services and protections under this Policy are available to all students equally and applicable to conduct that has a reasonable connection to the University.

Jurisdiction

This Policy covers Prohibited Conduct that occurs:

- On campus
- Off campus, with a reasonable connection to the University
- In the context of a University-related or sponsored educational program or activity, regardless of the location, including study abroad, internships, or athletic activities
- Through the use of University-owned or provided technology resources, or
- When the conduct has continuing adverse effects and creates or continues a hostile environment on campus

The University’s Title IX Coordinator will determine whether the University has jurisdiction or disciplinary authority over the Respondent or the conduct, and whether the reported alleged conduct is specifically subject to the requirements of Title IX. In cases where the University does not have jurisdiction over the alleged conduct, the University will take reasonably available steps to support a Complainant or other community members and provide assistance in identifying external reporting mechanisms.

As part of the University's evaluation of whether alleged Sexual Harassment is covered by Title IX and subject to the Title IX Grievance Process described below, the University will determine if the alleged conduct occurred within its "education program or activity" as defined under Title IX's scope to mean:

(1) any on-campus premises; (2) any off-campus premises that the University has substantial control over, which includes buildings or property owned or controlled by a recognized student organization; and (3) activity occurring within computer or internet network, digital platforms, and computer hardware or software owned or operated by, or used in the operations of the University's programs or activities over which the University has substantial control. Also, Title IX covers only sexual harassment that occurred within the United States.

If alleged Prohibited Conduct is determined to have occurred outside of the University's "education program or activity" or outside of the United States, and is thereby not subject to Title IX, the University retains its authority to address, investigate and adjudicate such Prohibited Conduct under other provisions of this Policy, its Code of Conduct or any other applicable policy.

The Role of the Title IX Coordinator

Pursuant to Title IX and its regulations (34 C.F.R. Part 106), the Title IX Coordinator is the designated University official with primary responsibility for coordinating compliance with Title IX and other federal and state laws and regulations relating to sex-based discrimination.

Anyone may report sex discrimination, including sexual misconduct or sexual harassment (whether or not the person reporting is the person alleged to be the victim), in person, by mail, by telephone or electronic mail using the below-listed contact information for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving a verbal or written disclosure or report. The University's Title IX Coordinator is available to help students understand their options regarding both receiving support and reporting sexual misconduct. The Title IX Coordinator is unable to guarantee confidentiality but they will maintain privacy to the fullest extent. Additionally, the Title IX Coordinator is responsible for ensuring compliance with Title IX and its regulations, as well as the New York State Education Law 129-B.

The Title IX Coordinator, Meg Flaherty, can be reached Monday-Friday from 8:30 a.m. – 4:30 p.m. by phone at 585-385-8232, by email at titleix@sjf.edu, or after hours by contacting the Residence Director on duty, or Campus Safety & Security.

The Title IX Coordinator:

- Supports those who assist with Title IX compliance;
- Ensures that the University policies and procedures provide prompt and equitable resolutions to allegations of prohibited conduct, including mitigating real or perceived conflicts of interest;
- Annually reviews the University's sexual harassment/misconduct policies;
- Annually reviews the University's educational programs and opportunities for the campus community regarding the topics of sexual misconduct and harassment;
- Informs campus community members about appropriate reporting processes for sexual misconduct allegations involving campus community members;
- Tracks/monitors sexual misconduct allegations involving campus community members;
- Ensures that training, education, and prevention efforts with respect to sexual misconduct

allegations are provided for campus community members;

- Provides for mandatory training for those implementing the grievance procedure (Title IX Coordinator, investigators, hearing board members) regarding University policies, formal process procedures, and applicable non-disclosure requirements;
- Promotes the creation and implementation of policies, procedures, and notifications designed to ensure the University's compliance with Title IX;
- Acts as a liaison to the U.S. Department of Education's Office of Civil Rights and other state and federal agencies that enforce Title IX;
- Oversees matters related to the University's compliance with NYS Education Law 129-B.

The Title IX Coordinator maintains broad oversight responsibility but may delegate responsibilities under this Policy to designated administrators or external professionals who will have appropriate training and/or experience. When used in this Policy, the term "Title IX Coordinator" may include an appropriate designee.

Student Rights and Information

Student Bill of Rights Regarding Sexual Misconduct

The University is committed to providing options, support, and assistance to individuals reporting sexual or gender-based violence, sexual assault, domestic violence, dating violence, and/or stalking to ensure that they can continue to participate in University-wide and campus programs, activities, and employment. All individuals reporting 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 afforded by New York State Education Law 129-B section 6443, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad.

All St. John Fisher Students have the right to:

- Make a report to local law enforcement and/or state police
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously
- Make a decision about whether or not to disclose a crime or violation and participate in the conduct or criminal justice process free from pressure by the University
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard
- Be treated with dignity and to receive from the University courteous, fair, and respectful health care and counseling services, where available
- 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
- Describe the incident to as few University representatives as practicable and not to be required to unnecessarily repeat a description of the incident
- Be protected from retaliation by the University, any student, the Accused and/or the Respondent, and/or their friends, family and acquaintances within the jurisdiction of the University
- Access to at least one level of appeal of a determination

- Be accompanied by an advisor of choice who may assist and advise a Complainant, or Respondent throughout the Disciplinary Resolution and/or Grievance Process including during all meetings and hearings related to such process
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or Disciplinary Resolution and/or Grievance Process of the University

Additional Rights for Complainants:

- Make a report to the Department of Safety & Security, local law enforcement, and/or state police, or choose not to report
- Report the incident to the University
- Have emergency access to the University's Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a Complainant to provide information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and detailing that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney. Such officials shall also explain whether he or she is authorized to offer the Complainant confidentiality or privacy, and shall inform the Complainant of other reporting options
- Disclose confidentially the incident to University representatives who may offer confidentiality pursuant to applicable laws and can assist in obtaining services for Complainants
- Disclose confidentially the incident and obtain services from the state or local government
- Disclose the incident to the University representatives who can offer privacy or confidentiality, as appropriate, and can assist in obtaining resources for Complainants
- File a report of sexual assault, domestic violence, dating violence, and/or stalking and the right to consult the Title IX Coordinator and other appropriate University representatives for information and assistance. Reports shall be investigated in accordance with institution policy and Complainant's identity shall remain private at all times if said Complainant wishes to maintain privacy
- Disclose, if the Accused is an employee of the University, the incident to the University's Department of Human Resources or the right to request that a confidential or private employee assist in reporting to the appropriate Human Resources authority
- Receive assistance from appropriate institution representatives in initiating legal proceedings in family court or civil court
- To be protected by the University from retaliation for reporting an incident
- To receive assistance and resources from the University, whether or not the Complainant chooses to participate in the University's investigation and/or Title IX Grievance or Disciplinary Resolution Processes
- Withdraw a complaint or involvement from the University process at any time

Definitions of Prohibited Conduct

Sexual Assault

The University defines sexual assault as including non-consensual sexual intercourse and non-consensual sexual contact, which are further defined as:

- *Non-Consensual Sexual Intercourse:*
 - Any penetration (anal, oral, or vaginal), however slight, with any body part (e.g. penis, tongue, finger, hand) or object, by a person upon another person that is without Affirmative Consent or by force or coercion;
 - Sexual intercourse with a person who is under the statutory age of consent (which under New York law is 17 years old); or
 - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law (incest).
- *Non-Consensual Sexual Contact:*
 - Any intentional touching, however slight, the intimate parts of another (including over clothing), causing another to touch one's intimate parts, or disrobing or exposure of another without Affirmative Consent. Intimate parts may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner;
 - The same conduct not forcibly or against the person's will where the person is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.

Sexual Exploitation

Occurs when one person takes the non-consensual or abusive sexual advantage of others for self-serving advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another person;
- Non-consensual digital, video, or audio recording of nudity or sexual activity;
- Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity;
- Engaging in voyeurism;
- Knowingly exposing someone to or transmitting an STI or blood born infection such as Hepatitis or HIV to another person;
- Intentionally or recklessly exposing one's genitals in non-consensual circumstances, or inducing another to expose their genitals.

Title IX Sexual Harassment

Under Title IX, any conduct on the basis of sex, which occurs within the University's education program or activity in the United States, that entails one or more of the following elements constitutes Sexual Harassment and will be subject to a Title IX Grievance Process upon the Filing of a Formal Complaint:

- A University employee conditioning the provision of a University aid, benefit, or service on an individual's participation in unwelcome sexual conduct (so-called *quid pro quo*)

- harassment);
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity;
- Sexual Assault (as defined by the Clery Act), which includes any sexual act directed against another person, without consent of the victim including instances where the victim is incapable of giving consent;
- Dating violence as defined in the Violence Against Women Act ("VAWA") amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of the relationship; (iii) the frequency of interaction between the persons involved in the relationship.
- Domestic violence (as defined by the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under New York's domestic or family violence laws or by 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 New York.
- Stalking (as defined by the VAWA amendments to the Clery Act) meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to
 - (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

To the extent that reported conduct meets any of the above-described elements of the Title IX Sexual Harassment, but is not jurisdictionally subject to Title IX because it occurred outside of the University's education program or activity or outside of the United States, the University retains the authority to address such conduct and undertake responsive actions, including an investigation and adjudication under its Disciplinary Resolution Process.

Gender Based Harassment

This Policy also prohibits unwelcome verbal, written, online, and/or physical conduct that is sexual, sex-based, gender-based, based on gender identity, gender expression, and/or sexual orientation, which creates a hostile environment when:

- (1) Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work, or participation in any aspect of a University program or activity; or
- (2) Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's educational experience or creates an intimidating, or abusive educational environment. i.e. it is sufficiently serious, pervasive, or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment.

A single isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical.

The fact that a person is offended is not alone enough to establish a violation of this Policy. The University evaluates complaints based on a "reasonable person" standard, taking into account the totality of the circumstances, including the context of the interaction.

Examples of conduct that may constitute sexual harassment as defined above may include a severe, persistent or pervasive pattern of unwelcome conduct that includes one or more of the following:

- **Physical conduct:** Unwelcome touching, physical assault, impeding, restraining, or blocking movements, unwanted sexual advances within the employment context.
- **Verbal conduct:** Making or using derogatory comments, epithets, slurs, or humor; graphic verbal commentaries about an individual's body; or sexually degrading words used to describe an individual.
- **Visual conduct:** Leering; making sexual gestures; displaying of suggestive objects, pictures, cartoons, or posters in a public space or forum if deemed severe, persistent, or pervasive by a reasonable party.
- **Written conduct:** letters, notes, or electronic communications containing comments, words, or images described above.
- **Quid Pro Quo (this for that):** unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, by a person having power or authority over another, when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational or employment progress, development, or performance. This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational or employment program.

Intimate Partner Violence

Intimate-partner violence, also referred to as dating violence, domestic violence, and relationship violence, includes any act of violence or threatened act of violence or abuse against a person who is, or has been involved in, a sexual, dating, domestic, or other intimate relationship with another person. It may involve one act or an ongoing pattern of behavior. Intimate-partner violence may take the form of threats, assault, or violence or threat of violence to one's self, one's sexual or romantic partner, or to the family members or friends of the sexual or romantic partner.

Dating Violence

The term "dating violence" means violence committed by a person:

- A. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- B. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship.
 - ii. The type of relationship.
 - iii. The frequency of interaction between the persons involved in the relationship.

Domestic Violence

The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by 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.

Stalking

Engaging in a course of conduct directed at a specific individual that would cause a reasonable person (under similar circumstances and with similar identities to the Complainant) to fear for their safety or the safety of others, or suffer substantial emotional distress. Acts that together constitute stalking may be direct actions or may be communicated by a third party, and can include acts in which the stalker directly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person or interferes with a person’s property. “Substantial emotional distress” is significant mental suffering or anguish, whether or not medical or professional treatment or counseling is sought.

Prohibition Against Retaliation

The University prohibits retaliation against anyone for filing a complaint or participating in any manner in an investigation or hearing in response to an allegation of discrimination or harassment, including allegations of Sexual Misconduct. The University recognizes that retaliation can take many forms including intimidation, threats, coercion, or discrimination, and may be committed by an individual or a group against an individual or a group, and that a Respondent can also be the subject of retaliation by the Complainant or a third party.

Affirmative Consent

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in the sexual activity. Consent can be given by words or actions, as long as those words or action 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.

Guidance for consent:

- Consent to any sexual act or prior consensual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent may be initially given but withdrawn at any time.
- A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive.
- Consent to engage in sexual activity with a person(s) does not imply consent to engage in sexual activity with another person(s).
- Individuals with previous or current intimate relationships do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be voluntary and mutually understandable communication that clearly indicates a willingness to engage in sexual activity each time.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

- Consent cannot be given when a person is incapacitated or when the person initiating the sexual activity should have reasonably known about the incapacitation. Incapacitation 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, and other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

Affirmative consent cannot be obtained through the use of force:

Force is the use or threat of physical violence, intimidation, or coercion to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. For this use of force to be demonstrated, there is no requirement that a Complainant resists the sexual advance or request. However, resistance by the Complainant will be viewed as a clear demonstration of non-consent.

- **Intimidation:** Intimidation includes intentionally directing verbal, written, or electronic threats of violence or other threatening behavior(s) toward another person or group that reasonably leads the targeted person(s) to fear for their physical well-being. Intimidation also includes fear inducing behavior(s) that deter or prevent the targeted person(s) from taking legitimate actions that they may otherwise take.
- **Coercion:** Coercion is the improper use of pressure to compel another individual to initiate or continue sexual activity against their will. Coercion can include a wide range of behaviors, including manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to "out" someone based on sexual orientation, gender identity, or gender expression, or threatening to harm oneself if the other party does not engage in the sexual activity.

Sexual Activity:

"Sexual Activity" has the same meaning as "sexual act" and "sexual contact" as provided in 18 U.S.C. § 2246(2) and 18 U.S.C. § 2246(3). Therefore, the term "sexual activity" includes the following:

- contact between the penis and the vulva or the penis and the anus, and for purposes of this definition contact involving the penis occurs upon penetration, however slight;
- contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
- 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;
- the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 17 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or
- 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.

Individuals must obtain Affirmative Consent prior to engaging in sexual activity.

Employee/Student Sexual Relationships

Students are not peers of University employees. Therefore, regardless of whether a sexual relationship between a student and a University employee is “consensual,” and regardless of whether or not the relationship constitutes sexual harassment, such relationships are prohibited. All University employees, including full and part-time, are prohibited from entering into any sexual relationships with students. Employees have a responsibility to disclose any potential or perceived covered relationships to their manager and Human Resources. Allegations of University employee/student sexual relationships should be reported to Human Resources (585-385-8048; hr@sjf.edu) located in Kearney Hall, Room K-211. In cases where an employee of the University is a Respondent, the procedures detailed in the Employee Handbook apply.

<https://www.sjf.edu/media/services/humanresources/documents/EmployeeHandbook.pdf>

For students, the University assigns sanctions when there is a finding of responsibility following the University’s Disciplinary Resolution process for an allegation of sexual assault, harassment, exploitation, dating violence, domestic violence, or stalking. Potential outcomes of the Disciplinary Resolution Process include, but are not limited to:

- Disciplinary Probation/Disciplinary Probation Extension
- Suspension
- Expulsion
- Written Warning
- Change in Residence
- Removal from Residence
- Compulsory Service
- Educational Assignment
- Loss of Privilege
- External referral to an off-campus agency or evaluation and/or education
- Internal referral to a specific department or University official for education and/or monitoring and/or education.
- Fines
- Restitution
- Persona Non Grata (PNG)

For employees, any employee who engages in harassment or retaliation, as determined through the appropriate investigation process, will be subject to remedial and/or disciplinary action, up to and including termination.

Understanding Privacy and Confidentiality

St. John Fisher is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. Throughout the process, every effort will be made to protect the privacy of

interests of all individuals involved in a manner consistent with the need for a thorough review of the report. Students should be aware, however, that privacy and confidentiality have distinct meanings under this Policy

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).

At St. John Fisher University, reports of sexual misconduct made directly to the Campus Minister or to a staff member in the Health and Wellness Center are confidential. These are the ONLY resources at St. John Fisher University where confidential reports can be made. Confidential means that the information is protected from being disclosed to anyone else, unless required or permitted by law.

Confidential off-campus resources are identified below as "Additional Confidential Resources: Off-Campus."

Privacy may be offered by an individual when such individual is unable to offer confidentiality under the law but will still not disclose information learned from a Complainant or bystander more than necessary to comply with the law, including informing appropriate University officials. Even University officials and employees, including Responsible 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 related only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

Responsible Employees

With the exception of those employees specified as Confidential Resources, all University employees, including faculty, staff, administrators, and students who are Resident Assistants, and Peer Mentors are Responsible Employees. Responsible Employees are required to share fully with the Title IX Coordinator, as promptly as practical, any disclosure of Prohibited Conduct of which they are aware. The information that should be reported includes but is not limited to the identities of the parties involved, if known. Faculty are not required to make reports to the Title IX Coordinator when they learn of allegations of Prohibited Conduct through classroom writing assignments or class-related discussions unless the Complainant expressly requests reporting.

Clery Act Reporting

Under the Clery Act, the University must report statistics about certain offenses in its annual security report and provide those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. Individuals can access the University's Clery Act annual security report on the Department of Safety and Security website.

If a report of misconduct discloses a serious or continued threat to the University community, the University may issue a campus wide timely warning to protect the health or safety of the community. The timely warning can take the form of an email and/or the University's designated emergency notification system. The timely warning will not include any identifying information about the Complainant.

The release of the Respondent's name to the general public is guided by the Family Educational Rights and Privacy Act (FERPA) and the Clery Act.

Campus and Community Resources

A Reporting Individual has many options, including seeking counseling or assistance from a confidential resource, making a report under this policy and/or making a report to law enforcement. The University encourages prompt reporting of Prohibited Conduct to the Title IX Coordinator and (where appropriate) to law enforcement. The University also recognizes that deciding among these options can be difficult and is a personal decision for each student.

Emergency Resources and Law Enforcement

Emergency medical assistance, campus safety, and local law enforcement assistance are available 24/7 both on and off campus. Individuals are encouraged to seek medical treatment as soon as possible following an incident that may pose a threat to safety or physical well-being or following a potential criminal offense. Not only can internal and external injuries be treated, but measures can be taken to combat the possibilities of disease or pregnancy, as well as to collect evidence that could be relevant to criminal charges that may be brought or that might be needed to obtain a protection order.

In an emergency, please contact the Department of Safety & Security at (585) 385-8111 or local law enforcement by dialing 911.

Emergency Medical Care Resources:

UR Medicine Urgent Care, Pittsford, 585-203-1055

Rochester Regional Health Immediate Care, Penfield, 585-388-5280

Immediate Care East, Victor, 585-398-1275

Urgent Care by Lifetime Health, Rochester, 585-338-1200

Within 96 hours of an assault, an individual can get a Sexual Assault Forensic Examination (or "SAFE," commonly referred to as a rape kit) at a local hospital. Completing a SAFE will not require a report to the police, but will help an individual preserve evidence in case they decide at a later date to file a police report. Before obtaining a SAFE, a person should avoid showering, washing, changing clothes, combing hair, drinking, eating, or altering their physical appearance. There should be no charge for a rape kit, but there may be charges for medical or counseling services off campus, and in some cases, insurance may be billed for services. An individual should notify hospital personnel if they do not want their insurance policyholder to be notified about their access to these services.

The New York State Office of Victim Services may also be able to assist in compensating you (victims/survivors) for health care and counseling services, including emergency funds.

More information may be found here: <https://ovs.ny.gov/forensic-rape-examination-free-direct-reimbursement-program> or by calling 1-800-247-8035

Local Hospitals with a Sexual Assault Forensic Examiner (SAFE) Program and Sexual Assault Nurse Examiner (SANE):

Strong Memorial Hospital - Emergency Department, 601 Elmwood Ave., Rochester, NY 14642
Rochester General Hospital - Pediatric Emergency Department, 1425 Portland Ave., Rochester, NY 14621.

Additional Confidential Resources

On-Campus:

Health and Wellness Center, M-F 8:30 a.m. - 4:30 p.m., Wegmans School of Nursing, Suite 107, 585-385-8280.

Campus Ministry, M-F 8:30 a.m. - 4:30 p.m., Campus Center, 585-385-8368.

Off-Campus:

Willow Domestic Violence Center

24-hours a day, Free, Confidential

585-222-7233(talk) 585-348-7233 (text)

SERVICES: 24/7 hotline, emergency shelter, counseling, support groups, children's services, court advocacy, Latina services, dating violence education, prevention education.

Restore: Sexual Assault Services 24-hours a day, Free, confidential

Rochester (Monroe County) Hotline: 585-546-2777

Genesee, Livingston, Orleans & Wyoming Counties Hotline: 800-527-1757

114 University Avenue, Rochester, NY 14605

SERVICES: trained counselors provide crisis intervention and support services to women, children, and men who are survivors of sexual assault, provide information to enable informed choices concerning medical, legal and counseling needs, offer advocacy and information about client's rights, provide short- term counseling sessions, and legal and medical accompaniment.

New York State Police Campus Sexual Assault Victims

Unit 5831 Groveland Station Road

Mount Morris, New York 14510

1-844-845-7269

<https://consentfirst.troopers.ny.gov/>

Monroe County Sheriff's Dept. Victim Assistant Program

585-753-4389

789 Linden Avenue, Rochester 14625

SERVICES: crisis support, short-term counseling, referrals, advocacy, case status, and court procedure information.

Center for Dispute Settlement

Reynolds Arcade Building, Suite 800 (8th Floor)

16 Main St., Rochester, NY

<http://www.cdsadr.org>

585-546-5110

info@cdsadr.org

Trillium Health

Monday-Friday (hours vary daily)

259 Monroe Avenue, Rochester, NY 14607

585-545-7200

SERVICES: medical care, specialized LGBT Care, on-site pharmacy and lab services, HIV prevention and testing, women's gynecological services, and supportive services.

New York State Coalition Against Sexual Assault

24-hours a day, Free, Confidential
New York State Hotline for Sexual Assault and Domestic Violence: 1-800-942-6906

RAINN (Rape, Abuse & Incest National Network)
24-hours a day, Free, Confidential
1-800-656-HOPE (4673)

SERVICES: support from a trained staff member, help finding a local health facility trained to care for survivors of sexual assault that offers services like sexual assault forensic exams, help to talk through what happened, local resources to assist with your next steps toward healing and recovery, referrals for long term support, information about the laws in your community, basic information about medical concerns.

Resolve of Rochester, Inc.
Free, Confidential 585-425-1580
P.O. Box 21, Fairport, NY 14450

SERVICES: serves individuals transition from domestic violence, who need individual or group counseling, advocacy, or community referrals as they heal from abuse.

IGNITE Advocacy Services for Abused Deaf Victims

VP: 855-812-1001 TTY: 800-787-3224 Voice: 800-799-7233

SERVICES: supports the needs of Deaf, Deaf Blind, and Hard of Hearing survivors of domestic violence and sexual violence, anonymity and confidentiality are strictly honored.

Reporting Prohibited Conduct

At the first disclosure by a Complainant to a University representative and upon the Complainant's initial meeting with the Title IX Coordinator, the Complainant will be informed,

"You have the right to make a report to Department of Safety and Security, local law enforcement, and/or state police or choose not to report; to report the incident to St. John Fisher University; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution."

A Complainant has several choices for both reporting Prohibited Conduct as well as getting more information about their options for reporting and support from the Title IX Coordinator or an authorized designee. A Complainant may choose to use any of the following reporting options simultaneously.

Reporting to the University

A Complainant may choose to share information with the University, receive resources and support, and pursue no resolution process at that time. When this is the expressed preference, the Complainant is provided resources and informed of Supportive Measures.

A Complainant can also choose to make a report regarding sexual misconduct to the Title IX Coordinator or Department of Safety and Security. When this is the expressed preference, the Complainant is provided resources, informed of Supportive Measures, and has the opportunity to discuss resolution options.

The **Title IX Coordinator** can be reached Monday-Friday, from 8:30 am - 4:30 pm, Campus Center 206, by phone at 585-385-8232, or by emailing

titleix@sjf.edu. After hours, Complainants can contact the Title IX Coordinator through the Residence Director on duty or through Department of Safety and Security.

The **Department of Safety and Security** can be reached 24 hours a day 7 days a week by phone at (585) 385-8111 or in person at the Haffey Hall Lobby.

If what is reported is a violent felony, New York State law requires the University to report the alleged offense to law enforcement within 24 hours of receiving the report. The University's Director of Safety and Security will determine if an incident requires reporting. If law enforcement is contacted, the Complainant may choose their level of participation with law enforcement.

Allegations involving an employee of the University may be reported to the **Office of Human Resources** [(585) 385-8048; hr@sjf.edu] located in Kearney Hall 211. The Title IX Coordinator is available to assist a Complainant in making such a report. The Complainant may also request that a confidential or private employee assist in making the report.

Reporting to Law Enforcement

A report may be made to **Monroe County Sheriff's Department** Victim Assistance Program at 585-753- 4389 (<http://www.monroecountysheriff.info/>) or by calling 911.

A report can also be made with the **New York State Police** at:

New York State Police
Campus Sexual Assault Victims Unit
1220 Washington Ave, Building 22
Albany, New York 12226
Dedicated 24-hour hotline: 1-844-845-7269

The University will assist any person in contacting law enforcement officials to report an allegation of sexual misconduct. Additionally, any campus community member may independently report. Law enforcement follows its own procedures. If you choose to contact law enforcement directly, law enforcement may not inform the University of your report. If you wish to make the University aware and involved, please contact the Title IX Coordinator or the Department of Safety and Security.

Upon reviewing the facts of the case, law enforcement may decide to prosecute the matter and further participation with law enforcement may be required. Once criminal charges are initiated, charges can be withdrawn only with the proper consent of the **District Attorney's Office**. The University will act on any information law enforcement shares with the University if there is a concern for the safety of the University community.

St. John Fisher University fully supports all local, state, and federal laws prohibiting sexual misconduct and will cooperate with law enforcement officials who investigate such allegations to the fullest extent allowed under the law. In all cases reported to law enforcement, the University will coordinate its investigations and responses with those of law enforcement. A concurrent investigation will not prevent the University from conducting its own investigation and conduct processes, except for temporary delays requested by law enforcement.

Additional Reporting Options

In addition to the reporting choices above, persons may direct information about their allegations to the Office of Civil Rights, U.S. Department of Education:

<https://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>

The OCR National Headquarters is located at:

US Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education
Building 400 Maryland Avenue, SW
Washington, DC 20202-1100

Telephone: 800-421-3481

FAX: 202-453-6012; TDD: 800-877-8339

Email: OCR@ed.gov

Requests for Anonymity

Once a report has been shared with the Title IX Coordinator, a Complainant may request that their identity not be shared with the Respondent (request for anonymity), that no investigation occur, or that no disciplinary action be pursued. The University will carefully balance this request in the context of the University's commitment to provide a safe and non-discriminatory environment for all community members.

Alcohol and/or Drug Use Amnesty

A Complainant or bystander acting in good faith that discloses any incident of domestic violence, dating violence, stalking, sexual harassment, or sexual assault to University officials or law enforcement will not be subject to the St. John Fisher University's Student Code of Conduct for violation of the alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, sexual harassment, or sexual assault.

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

False Reports

The University will not tolerate intentional false reporting of incidents. The University expects truthful and accurate reports as an allegation of sexual misconduct is serious and may have severe consequences for the individuals involved. A good-faith complaint that results in a finding of not responsible is not considered a false or fabricated accusation of sexual misconduct. However, when a Complainant or witness is found to have fabricated allegations or given false information with malicious intent or in bad faith, the Complainant or witness may be subject to disciplinary action. It is a violation of the Code of Student Conduct to make an intentionally false report of any policy violation, and may also be a violation of state criminal statutes and civil defamation

laws.

Statement of Non-Disclosure

The University will not require any party involved in activities or processes detailed in this Policy to abide by a nondisclosure agreement, in writing or otherwise, that would prevent re-disclosure of information related to procedures, unless otherwise specified by Federal privacy laws (e.g. FERPA). However, the University encourages all parties to respect the privacy of those involved and the integrity of the process when considering disclosure of information.

Supportive Measures

Non-disciplinary, non-punitive individualized supportive measures and services are offered as appropriate and reasonably available to the Complainant, Respondent and/or witnesses. Such measures are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening any party, including measures designed to protect the safety of all parties and the University's campus and education environment, or to deter further sexual misconduct or harassment. Supportive measures may include, but are not limited to, University No-Contact Orders, changes in academic, work, parking, and/or living situations, if reasonable alternatives exist. The University will maintain as confidential any provided supportive measures, to the extent that maintaining such confidentiality would not impair the University's ability to provide and effectuate such measures.

Supportive Measures are available to the Complainant, the Respondent and/or witnesses whether or not:

- A Formal Complaint is filed
- A report results in an investigation by the University
- A report results in the initiation of either a Title IX Grievance Process or a Disciplinary Resolution
- The Complainant, Respondent and/or witnesses choose to participate in the University's investigation

Interim Actions

The Title IX Coordinator may assign an interim action or actions at any time following the receipt of information of an allegation of Prohibited Conduct that is apparently reliable and relates to the safety and/or welfare of any person, University property, or any University function. The assignment of an interim action(s) restricts the Respondent from certain privileges at the University in the interest of safety and/or the well-being of the community or the student themselves; it does not mean the Respondent has been found or presumed to be responsible for the alleged conduct or for any violation of this Policy or the Student Code of Conduct. No such action shall impair any rights of disabled individuals under Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

The evaluation of an interim action must treat Complainants and Respondents equitably and consider all reasonable and appropriate alternatives to minimize an interruption to a student's participation in the University's education program or activities, while protecting the University's community pending an investigation and determination regarding the alleged conduct.

Interim actions against a student may include the following:

- Modification or suspension of the ability of a student to be present in specific areas or buildings on campus
- Modification or suspension of the ability of a student to be present on University property in its entirety
- Modification or suspension of the ability to attend class(es)
- Modification or suspension of the ability to participate in a University-related activity or activities
- The issuance of a No Contact Order.

Interim suspension, or emergency removal, pending the outcome of the processes detailed in this Policy will occur only when the Respondent (either a student or an employee) is determined to present an immediate threat to the health and safety of the University community. In making this determination, the University will conduct a prompt individualized safety and risk analysis, considering the particular Respondent and specific circumstances arising from the allegations posing an immediate threat to a person's health or safety.

In the specific case of an interim suspension or emergency removal of a Respondent (either a student or an employee) who has been reported to be the alleged perpetrator of Title IX Sexual Harassment, as defined above, the Respondent shall have the opportunity to challenge the decision immediately following the interim suspension or emergency removal by providing written notice to the Title IX Coordinator.

The University retains the authority to place a non-student Respondent on administrative leave during the pendency of a Title IX Grievance Process. Further, a non-student Respondent accused of Prohibited Conduct or sexual misconduct of any nature shall remain subject to interim actions as applicable and permitted under University rules and policies governing employment.

The interim action(s) will be communicated in writing to the affected parties, by email or USPS mail, and will be effective immediately. Failure or refusal to take receipt of notification will not negate or postpone the implementation of said interim action.

Interim actions are in effect from the time of issuance until the Title IX Coordinator determines that the reason for imposing the interim action no longer exists and the student receives written notice that the interim action is no longer applicable or until the resolution of the matter.

Both the Respondent and the Complainant shall, upon request, be afforded a prompt review, as reasonable under the circumstances, of the need for and terms of interim actions, including potential modification, and shall be allowed to submit a request in writing and evidence in support of the request to the Title IX Coordinator. The other party may be notified regarding any requests made for changes or modifications. The Title IX Coordinator will conduct a prompt review, as reasonable under the circumstances, of the need for and terms of the interim actions, and will notify both parties of the decision to modify or not.

No Contact Orders

The conditions of a No Contact Order, whether as an interim action or a University sanction, are as follows:

As the University deems appropriate, a No Contact Order separates two or more parties from each other in the interest of safety and/or the well-being of the students or the community.

Students with a No Contact Order should have:

- No physical contact with the other party
- Should a student who is the subject to a No Contact Order (the Accused/Respondent or a third party) find themselves in the same location as the protected party (the Complainant/Reporting Party), it is the responsibility of the covered person to remove themselves in a reasonable time and manner without directly contacting the protected party.
- No verbal contact with the other party
- No written contact with the other party
- No telephone contact with the other party
- No electronic contact with the other party
- No contact with the other party/parties via third parties

When a University facility is limited (e.g. dining hall, athletic facility, etc.) the University may establish an equitable schedule for both parties to access and utilize University facilities, services, and programs.

If contact is made in violations of the No Contact Order, the following steps should be taken:

- Immediately report the contact to either the Office of Safety & Security (585-385-8111 or Haffey Hall Lobby) or the Title IX Coordinator (585-385-8232 or titleix@sjf.edu, 206 Campus Center);
- If the contact is written or electronic, attempt to save and not delete it. Please bring this information with you when you report to the Office of Safety and Security or the Title IX Coordinator;
- Do not respond to the contact. Whether it is in person, verbal, writing, electronic, third party, etc. responding to the contact may be considered a violation of the policy and could result in additional interim or student conduct action.

When the University determines on the basis a good faith report that a No Contact Order has been violated, the University will take action through the Student Conduct Process. A range of measures may result, including:

- Additional interim action(s) or sanction(s) (e.g. interim suspension, residence hall changes, etc.)
- Contacting law enforcement for a formal order of protection or appropriate action
- Referral to the Student Conduct Hearing Process, which entails the full range of potential outcomes detailed on the St. John Fisher University Student Conduct website

Both the Respondent and the Complainant shall, upon request, 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 the request. The other party will be notified regarding any requests made for changes or modifications. The Title IX Coordinator will conduct a prompt review, reasonable under the circumstances, of the need for and terms of the No Contact Order, and will notify both parties of the decision to modify or not.

Orders of Protection

A Complainant can get assistance from the Office of Safety & Security (585-385-8111) and the Title IX Coordinator to obtain an order of protection or equivalent protection order. The Complainant

will have an opportunity to receive a copy of the order or protection when received by the University. They further will have an opportunity to meet or speak with the Department of Safety & Security officials who can explain the order and answer questions about it (including information from the order about the Accused's responsibility to stay away from the protected person(s) and the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension). Complainants can receive assistance from the Department of Safety & Security to call on and assist local law enforcement in order to effect an arrest.

The University's Process to Investigate and Resolve Reports of Prohibited Conduct

The Three Options

The University is committed to providing a prompt, thorough, equitable, and impartial resolution of all reported violations of this Policy. The University uses three processes to resolve reports of Prohibited Conduct under this Policy, as applicable:

- **Title IX Grievance Process:** required procedures for a grievance process consistent with the Department of Education's Title IX Rule to address allegations of Title IX Sexual Harassment, which proceed upon the filing of a "Formal Complaint." A Formal Complaint is a document – including an electronic submission – filed by a Complainant with a signature or other indication that the Complainant is the person submitted the document, or signed by the Title IX Coordinator, alleging that the Respondent engaged in Title IX Sexual Harassment (as defined above) that occurred within the University's "education program or activity" (as defined above), and requesting the initiation of procedures consistent with Title IX's requirements to investigate and adjudicate the alleged conduct. At the time of the filing of the Formal Complaint, the Complainant must be participating or attempting to participate in the University's education program or activity.
- **Disciplinary Resolution Process:** formal procedures that involve an investigation, adjudication and, if appropriate, the imposition of sanctions in all matters of alleged Sexual Misconduct and Prohibited Conduct that are not subject to a Title IX Grievance Process.
- **Informal Resolution:** a framework that includes informal or restorative options for resolving reports that typically do not involve disciplinary action against a Respondent.

The Title IX Coordinator will determine the appropriate resolution process after conducting an Initial Review of the reported information, consulting with the Complainant, considering campus safety, and evaluating the University's obligation to maintain an environment free from harassment and discrimination.

Standard of Proof

In all stages of procedure under either the Title IX Grievance Process or the Disciplinary Resolution Process, the University applies the preponderance of the evidence standard of proof (more likely than not) when determining whether the Policy has been violated.

Time Frame for Resolution

The University will seek to complete the appropriate resolution process as promptly as possible,

consistent with the need to conduct sensitive and informed fact-gathering to ensure an equitable and unbiased resolution. This Policy designates reasonably prompt timeframes for the major stages of the investigation and resolution process (typically set forth in business days), but the University may extend any timeframe in this Policy for good cause. An extension may be required for good cause to ensure the integrity and thoroughness of the investigation; to comply with a request by law enforcement; in response to the unavailability of the parties or witnesses; or for other legitimate reasons, such as intervening breaks in the University calendar, University finals periods, the complexity of the investigation, the volume of information, number of witnesses, length of the written record, and/or the severity and extent of the alleged misconduct.

While requests for delays by the parties may be considered, the University cannot unduly or unreasonably delay the prompt resolution of a report under this Policy. Reasonable requests for delays by the parties may serve to extend the time period for resolution of the report. The Title IX Coordinator has the authority to determine whether an extension is required or warranted by the circumstances. The University will notify the parties in writing of any extension of the timeframes for good cause, the reason for the extension and the length of the extension.

Advisor of Choice

Each party has the right to consult with an advisor of their choosing. Except as noted below under the Title IX Grievance Process, the advisor may be any person, including an attorney, who is not otherwise a party or witness involved in the investigation or whose role in the process does not otherwise create a conflict of interest. The parties may be accompanied by their respective advisor at any meeting or proceeding related to the resolution of a report under this Policy. While the advisor may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties or otherwise participate in, or in any manner delay, disrupt or interfere with meetings and/or proceedings, except as to the advisor's right to conduct cross-examination during a hearing held under the Title IX Grievance Process. The University will not unduly delay the scheduling of meetings or proceedings based on an advisor's unavailability. An advisor may be asked to meet with the Title IX Coordinator in advance of any proceedings to understand the expectations of the role, privacy considerations, and appropriate decorum.

Under a Title IX Grievance Process, the following provisions also apply:

- An advisor of choice may be any person the Complainant or Respondent choose, including an individual who is otherwise involved in the incident(s) or resolution process.
- As detailed below, the advisor may ask relevant questions of the other party and/or any witnesses for the purposes of cross-examination during the hearing.

Initial Review

The Title IX Coordinator is responsible for an Initial Review of disclosures and/or reports of potential violations of the Title IX and Sexual Misconduct Policy. The goal of this Initial Review is to provide an integrated and coordinated response to reports of sexual misconduct. The Initial Review will consider the nature of the report, the safety of the individual and of the campus community, and the Complainant's expressed preference for resolution. The Initial Review will proceed to the point where a reasonable assessment of the safety of all involved parties and the community can be made.

In order to protect the safety of the campus community, the Title IX Coordinator may need to

proceed with an investigation even if a Complainant specifically requests that the matter not be pursued. The Title IX Coordinator may also initiate an investigation of potential violations of this Policy even absent a formal report or identified Complainant or Respondent and even if a report has been withdrawn. In such a circumstance, the Title IX Coordinator will take into account the Complainant's articulated concerns, the safety of the campus community, fairness to all individuals involved, and the University's obligations under Title IX. The Title IX Coordinator will balance the Complainant's request against the following factors in reaching a determination on whether the request can be honored:

- the totality of the known circumstances;
- whether the Respondent has a history of violent behavior or is a repeat offender;
- whether the incident represents escalation in unlawful conduct on behalf of the Respondent from previously noted behavior;
- the increased risk that the Respondent will commit additional acts of violence;
- whether the Respondent used a weapon or force;
- whether the Complainant is a minor; and
- whether the University possesses other means to obtain relevant evidence such as security footage;
- whether available information reveals a pattern of perpetration at a given location or by a particular group;
- fairness considerations for both the Complainant and the Respondent;
- the University's obligation to provide a safe and non-discriminatory environment; and
- any other available and relevant information.

Based upon the Title IX Coordinator's Initial Review, the University will proceed with one of the following options:

1. Proceed under the **Title IX Grievance Process**. This process requires a Formal Complaint, as noted above, alleging Title IX Sexual Harassment within the University's education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Process to investigate and adjudicate the allegations. A Complainant must file the Formal Complaint with the Title IX Coordinator.
2. Proceed under the **Disciplinary Resolution Process**. This process addresses all alleged Sexual Misconduct that does not fall within the definition of Title IX Sexual Harassment and is therefore not subject to the Title IX Grievance Process. This process will occur when a Complainant requests an investigation of the alleged Sexual Misconduct, where the Title IX Coordinator determines to proceed with an investigation even when a Complainant requests that no investigation be

pursued, or where an Informal Resolution is not appropriate or available.

3. Proceed with **Informal Resolution (available only under certain conditions)**. This will always require the consent of the Complainant. The consent of the Respondent is also required when the form of resolution involves the Respondent.
4. If **outside the scope** of this Policy, refer the matter to another appropriate office or department for resolution under the relevant policy.
 - a. In the event that a report alleges violations of both the St. John Fisher Code of Conduct and this Policy (in accordance with amnesty for alcohol and drug use as specified in this Policy), the allegations will be separated and documentation will be appropriately redacted to preserve the privacy of individuals involved. The charges relevant to the Code of Conduct will be referred to the Student Conduct or Office or Human Resources for resolution.
5. If the Complainant expresses a preference to share information, but not pursue any further action at this time, and there is no immediate or continuing threat to an individual or the campus community, **the disclosure will be documented with the Title IX Coordinator only.**

Dismissal of a Formal Complaint Alleging Title IX Sexual Harassment

In certain instances, the University must dismiss a Formal Complaint and not proceed further with a Title IX Grievance Process. In other instances, the University has the discretion to dismiss a Formal Complaint or any of its allegations, but is not required to do so. In the event that the University dismisses a Formal Complaint, it still retains the right to take all appropriate actions under this Policy's Disciplinary Resolution Process or an Informal Resolution, as well as may be appropriate under any other code of conduct or policy.

Mandatory Dismissal of a Formal Complaint

The University must dismiss a Formal Complaint and must not proceed further with a Title IX Grievance Process when (i) the alleged conduct would not constitute Title IX Sexual Harassment (as defined above), even if proved, (ii) did not occur in the University's education program or activity, or (iii) did not occur against a person in the United States.

Permissive Dismissal of a Formal Complaint

The University may dismiss a Formal Complaint, but is not required to do so, if at any time during the investigation or hearing under the Title IX Grievance Process: (i) the Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any of its allegations, (ii) the Respondent is no longer enrolled at the University or a University employee, or (iii) specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or its allegations.

Right to Appeal the Dismissal of a Formal Complaint

Both parties will receive written notice of the dismissal of a Formal Complaint and decision not to proceed further with a Title IX Grievance Process, which will state the University's reasons for

the action. Either party may appeal the dismissal of a Formal Complaint. Within five (5) business days after the written notice of the dismissal, an appeal must be submitted in writing to the Vice President of Student Affairs and Dean of Students, Campus Center 206, or mthornton@sjf.edu in cases involving a student Respondent. In any case involving an Employee respondent, the appeal must be submitted to the Assistant Vice President of Human Resources or Provost, as designated by the Title IX Coordinator.

The limited grounds for an appeal of the dismissal of a Formal Complaint are as follows:

- A procedural irregularity affected the outcome of the dismissal determination;
- New evidence that was not reasonably available at the time of the dismissal determination that could have affected its outcome;
- The Title IX Coordinator or the person who made the dismissal determination had a conflict of interest or bias against an individual party, or for or against complainants or respondents in general, that affected the outcome.

Informal Resolution

If all parties voluntarily agree in writing to participate in an Informal Resolution that does not involve a full investigation and adjudication after receiving full disclosure of the allegations and their options under a Title IX Grievance Process or a Disciplinary Resolution Process and if the University determines that the particular Title IX complaint is appropriate for such a process, the University may facilitate an Informal Resolution, including mediation, to assist the parties in reaching a voluntary resolution. Before the parties agree to participate in an Informal Resolution, the University shall inform them in writing of the extent of confidentiality parameters that will apply to the process and whether any statements or evidence discussed or exchanged during the process may be used in either a Title IX Grievance Process or Disciplinary Resolution Process. Upon its completion, the result of an Informal Resolution may not be appealed by either party. An Informal Resolution is available any time up to a final decision under a Title IX Grievance Process or a Disciplinary Resolution Process.

Additionally, in an Informal Resolution of matters addressing Title IX Sexual Harassment, the following provisions also apply:

- An Informal Resolution will not be required as a condition of continued enrollment, or participation in a University program or activity.
- An Informal Resolution may not occur unless a Formal Complaint has been filed.
- Completing an Informal Resolution precludes the parties from resuming a Title IX Grievance Process arising from the same allegations. However, any time prior to agreeing to a resolution, any party may withdraw from the Informal Resolution and resume the Title IX Grievance Process.
- Informal Resolutions are not permitted to resolve a Formal Complaint alleging sexual harassment of a student by a University employee.

The Title IX Grievance and Disciplinary Resolution Processes

For Formal Complaints alleging Title IX Sexual Harassment, the University will proceed under the Title IX Grievance Process, consistent with the requirements of the Department of Education's Title IX Rule. If any provision in this Policy may be deemed to be inconsistent with the Title IX Rule, the Title IX Rule's requirements supersede and control the application of the

University's Title IX Grievance Process. For all other matters not subject to the Title IX Grievance Process and involving alleged Prohibited Conduct under this Policy, the University will proceed under its Disciplinary Resolution Process. The processes are substantially similar in many respects and involve a notice of allegations, investigation, adjudication through a hearing, and a right to an appeal. Specific differences between the two processes are noted below.

Throughout their participation and responsibilities in either process, the Title IX Coordinator, the investigator, decision-makers, or any person designated to facilitate an Informal Resolution, may not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. The Respondent is presumed to be not responsible for the alleged conduct until a determination of responsibility is made at the conclusion of the process.

Notice of Allegations

At the outset of the investigative process under the Title IX Grievance Process or the Disciplinary Resolution Process, the University shall provide a written notice to all parties who are known, which will include the following information:

- Notice of the applicable process (Title IX Grievance Process or Disciplinary Resolution Process), including information about the availability of an Informal Resolution.
- Notice of the allegations potentially constituting a policy violation, and sufficient details known at the time the notice is issued, such as the identities of the parties involved in the incident, if known, including the Complainant, the conduct at issue, and date and location of the alleged incident, if known.
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations at issue, including evidence that the University does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source.

If, in the course of an investigation, the University decides to investigate allegations about a party that are not included in the previously issued notice and entail Prohibited Conduct under this Policy, the University will notify the parties of the additional allegations. The parties will be provided sufficient time to review the additional allegations before any initial interview on such matters.

Investigation

Under the Title IX Grievance Process or the Disciplinary Resolution Process, the University will conduct a prompt and equitable investigation to gather relevant information to the determination, by a preponderance of the evidence, whether Prohibited Conduct occurred. The investigation will be impartial and will be conducted by trained individuals who have no actual bias or conflict of interest against any party or against Complainants or Respondents generally.

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest with the University, not the Complainant and Respondent. The University cannot access, consider, disclose or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and which are made and maintained in connection with the provision to the party, unless the University obtains that party's voluntary, written consent to do so.

The Title IX Coordinator has the discretion to consolidate multiple reports into a single investigation if evidence relevant to one incident is relevant to the others. Consolidation might involve multiple Complainants and a single Respondent, multiple Respondents, or conduct that is temporally or logically connected.

In the investigation process, a Complainant and Respondent should expect that:

- The investigation will be prompt, thorough, and equitable.
- The investigation will include interviews with all reasonably available involved parties, including witnesses and other persons with first-hand knowledge.
- The Complainant and Respondent will have the opportunity to ask questions of each other and witnesses ("cross-examine") via the investigators.
- The Complainant and Respondent shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- There will be a complete review of any related, relevant documents.
- The disclosure of facts to parties and witnesses will be limited to what is reasonably necessary to conduct a fair and thorough investigation.
- Participants in the investigation will be advised of the importance of maintaining privacy throughout the process, but the University shall not restrict the ability of each party to discuss the allegations under investigation or to gather or present relevant evidence.
- At any time during the investigation, the investigator will make recommendations to appropriate University officials for Supportive Measures for the Complainant, Respondent, and/or witnesses.
- An investigation will result in a written report that, at a minimum, includes a statement of the allegations, the issues, and a summary of the information being forwarded to the Title IX Coordinator.
- The University will inform the parties at regular intervals of the status or progress of the process.

Timing of the Investigation

The goal of the University is to complete the fact-gathering portion of the investigation within approximately fifty (50) business days, depending upon the complexity of the case and the availability of witnesses and relevant evidence.

Review of Case Materials

When the investigation is complete, the investigator(s) complete a Report of Investigation for the

Title IX Coordinator. Upon receipt of the report, the Title IX Coordinator will notify the Respondent and the Complainant of the conclusion of the Investigation phase and their right to review the entirety of the case file (subject to appropriate redaction, including as permitted and/or required by law) and review and comment on their respective statements and evidence prior to the hearing. Following the opportunity for review and comment, the Title IX Coordinator forwards the case to a Sexual Misconduct Committee Hearing and initiates scheduling and notifications of a Sexual Misconduct Committee Hearing.

During an Investigation under the Title IX Grievance Process, the following provisions also apply:

- Prior to the completion of the Investigation Report, the University will send to each party and the party's advisor, if any, the evidence subject to review in a watermarked electronic or hard copy format.
- Parties have ten (10) business days to submit a written response, which the investigator(s) will consider prior to completion of the Investigation Report.
- Following receipt and consideration of written responses, the investigator(s) will finalize the report and it will be sent to the parties. Parties will have at least ten (10) business days to review the report before the hearing.

Suspension-In-Process (Applicable to the Disciplinary Resolution Process)

Following receipt of the Report of Investigation, if the Title IX Coordinator is unable to determine that a policy violation occurred and accordingly a Sexual Misconduct Hearing Committee would not be able to adjudicate the case, the Complainant and Respondent will be notified that the process has been suspended-in-process. Both parties may submit a written appeal of the suspension-in-process, and each party will have an opportunity to respond to such an appeal. Any appeal will be reviewed by a committee, pursuant to this Policy. New information or evidence may lift the suspension-in-process and may be submitted to the Title IX Coordinator at any time.

This suspension-in-process option does not apply to a case in a Title IX Grievance Process. As noted above, under the Title IX Grievance Process, the Title IX Coordinator reviews the Formal Complaint to determine whether its allegations require a Mandatory Dismissal or may be subject to a Permissive Dismissal.

Sexual Misconduct Committee Hearing

A Sexual Misconduct Committee Hearing (hereafter referred to as the "Hearing") takes place between the Respondent, Complainant, the Sexual Misconduct Hearing Committee (hereafter referred to as the "Committee") and any witnesses with first-hand knowledge of the relevant facts. The Title IX Coordinator and/or University Counsel may be present to monitor the proceedings. Hearings are private and closed to everyone except the involved persons. At their discretion, the Committee chair may request that a representative from the Department of Safety and Security be present throughout the hearing as well to ensure the safety of the proceedings and participants.

Notice/Appearance Letter

The Respondent and Complainant will receive an "appearance letter" for a Hearing with the following information:

- The date, time, location and factual allegations concerning the violation
- The specific codes and University policies allegedly violated

- Possible sanctions
- The time, date, and location of the Hearing and contact information of the Committee chair
- The need to be present and prepared for participation in the Hearing and that the Hearing will proceed at the scheduled time, date, and location if the you choose not to attend or participate in the Hearing
- Information about requesting accommodations for the Hearing through the Student Accessibility Services
- The opportunity to have an advisor present in the pre-Hearing meeting and at the Hearing, including a party's right to request that the University appoint an advisor to conduct the permitted cross-examination of witnesses during a Hearing held under the Title IX Grievance Process
- The process for requesting witnesses with first-hand knowledge of the relevant facts
- Options for alternative accommodations for participation in the Hearing, including not being in the same space as the other party
- Information regarding community resources, information regarding retaliation, and information regarding nondisclosure of information

The Respondent's appearance letter will further contain the option to acknowledge full, partial, or no responsibility for the alleged violations.

Barring unusual or exigent circumstances, the Complainant and Respondent will be served the appearance letter at least five (5) business days prior to the hearing date. Both parties will be served the appearance letter through their University email address. It is the responsibility of the parties involved to check their University email address for this and all official communication from the University.

Witnesses

The Complainant and Respondent may both request that witnesses with first-hand knowledge of relevant facts participate in a Hearing. Witnesses may not participate solely to speak about an individual's character. [Requests for witnesses](#) must be made to the Title IX Coordinator at least 48 hours before the Hearing.

In hearings held as part of the Disciplinary Resolution Process only, if a witness is unavailable to attend the Hearing, the witness may fill out a statement of fact form through the Department of Safety and Security that will be used in lieu of the witness's testimony at the Hearing. Statements must be completed at least 48 hours before the Hearing. In a Title IX Grievance Process, the witness must attend the hearing and be subject to cross-examination in order for the witness' prior statements to be considered.

The Title IX Coordinator has the discretion to request that witnesses with first-hand knowledge of relevant facts participate in the Hearing even if the witness has not been requested by the Respondent(s) and/or Complainant(s).

It is the responsibility of the person requesting the witness to ensure the witness attends the Hearing. If a witness does not appear at the scheduled date and time of the Hearing, the Hearing will proceed without the participation of the witness. Although a witness may be requested to participate in a Hearing, they are not required or obligated to participate. Retaliation against any witness is a violation of this Policy.

Whenever possible, witnesses will be contacted prior to the Hearing with information and options regarding their participation in the Hearing, resources, retaliation, nondisclosure information, and information about requesting accommodations for the Hearing through the Student Accessibility Services. Witnesses may also schedule a pre-hearing meeting with the Title IX Coordinator to discuss hearing procedures and their participation in the process.

As appropriate, witnesses may be contacted after the Hearing with information regarding resources, retaliation, and non-disclosure information. Witnesses are not notified of the outcome of the Hearing.

Advisors

Advisor requests must be submitted to the Title IX Coordinator at least 48 hours before the Hearing. It is the responsibility of the person requesting the advisor to ensure the advisor attends the Hearing. In a hearing held under the Disciplinary Resolution Process, if an advisor does not appear at the scheduled date and time of the Hearing, the Hearing will continue without the participation of the advisor. Although an advisor may be requested to attend the Hearing, they are not required or obligated to attend or participate, except as to the party's right to have an advisor conduct a cross-examination of witnesses during a Hearing under a Title IX Grievance Process. Retaliation against any requested advisor is strictly prohibited. The Title IX Coordinator will assess requests by a party for more than one advisor and retains full discretion whether to approve such requests.

Except as to the party advisor's right to conduct cross-examination in a Hearing under a Title IX Grievance Process, the advisor is not permitted to directly address anyone other than their advisee, at any time, including asking any question or speaking on behalf of their advisee. Should an advisor violate the terms of this role they will be asked to leave the Hearing by the Committee Chair and will be asked to leave the room where the Hearing is being conducted. The Complainant and Respondent must ensure that their advisor complies with this Policy.

Whenever possible, the advisor will receive written information prior to the Hearing regarding their participation in the Hearing, resources, retaliation, and nondisclosure information. The advisor will not receive written notification of the outcome of the Hearing.

Hearing Attendance

The Respondent and Complainant are encouraged, but not required, to attend the Hearing. If the Respondent or Complainant has a conflict with the date and/or time of the Hearing it is their responsibility to contact the Title IX Coordinator directly to reschedule. The Title IX Coordinator will assess requests by a party for a change in the date and/or time of the Hearing, and will grant a change for good cause. The Hearing may take place without the Respondent and/or Complainant if they fail to appear at the scheduled time and place.

Hearing Proceedings

The following is a general description of procedures for the Hearing. These procedures may vary as appropriate for specific Hearings.

1. Everyone present in the Hearing (including the Committee, Respondent, Complainant, witnesses, and advisors) will be introduced, their role in the process and expectations of behavior will be explained and review Hearing Proceedings.
2. The witnesses will leave the Hearing room.
3. Members of the Committee will review the Hearing materials which include the alleged

violations, and the findings of fact from the report(s) of investigation. The review of materials will be sufficient to provide a summary of the investigation phase of the process assuming the Respondent and Complainant have reviewed the case materials prior to the Hearing.

4. The Complainant and Respondent respond to the report(s) of investigation and case materials.
5. Members of the Committee will ask the Complainant and Respondent relevant questions regarding the incident and case materials.
6. Witnesses will be invited into the hearing room individually to provide any relevant first-hand information. At this time, members of the Committee will ask the witness any relevant questions in regard to the incident. The witness will leave the room after sharing their information.
7. During the Hearing under the Disciplinary Resolution Process, both the Complainant and the Respondent will have an opportunity to submit questions to the Committee chairperson for consideration to present to any witnesses (including each other) for cross-examination purposes. During the Hearing under the Title IX Grievance Process, the parties' advisors shall be entitled to conduct live cross-examination of a party or witness.
8. The Complainant and Respondent will be offered an opportunity to make a summary statement.
9. The Chair will review the privacy of the proceedings and case materials, interim measures, that the Complainant and Respondent will be simultaneously notified of the Committee decision via their University e-mail, the appeal process, and that any interim actions or measures remain in place until otherwise notified.
10. The Complainant and Respondent submit their Impact Statement to the Chair of the Committee.
11. All persons but the Committee are dismissed and the Committee considers the case materials and information presented to determine responsibility or non-responsibility for the alleged violation(s) and appropriate sanctions (if applicable).
 - a. If there is a finding of responsibility, the Committee reads and reviews the Impact Statements, taking them into consideration when determining potential sanction(s).

Hearings will be recorded by the University. Committee deliberations will not be recorded. No audio or other recording of a Hearing is permitted by any other person. The recordings of the hearing will be preserved and maintained for at least seven (7) years from the Hearing, and parties will have fair access to the record.

Particular Hearing Provisions Applicable to the Title IX Grievance Process:

- The Hearing panelists cannot be the Title IX Coordinator or investigator(s).
- The parties cannot waive the right to a live hearing.
- If a Complainant or Respondent does not have an advisor present at the live hearing, the University will provide, without fee or charge, to that party an advisor.
- During the live hearing, a party's advisor is permitted to ask relevant questions of the other party or witnesses (live cross-examination).
- Questions and evidence about a Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about a Complainant's prior sexual behavior are offered to prove that someone other than the Respondent

committed the conduct alleged by the Complainant, or if questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

- Before a Complainant, Respondent, or witness answers a cross-examination question, the Committee must first determine whether the question is relevant and, if applicable, explain a decision to exclude a question as not relevant.
- If deemed reliable and relevant by the Committee, and not otherwise excluded under this Policy, the Committee may consider the statements of persons who were not present at the hearing, or persons who were present at the hearing but who nevertheless were not subject to cross-examination.
- The University may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered pursuant to the Investigation and Hearing processes.
- The Committee will not draw inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Procedure for Determining Responsibility

The Complainant and Respondent will receive simultaneous written notification of the outcome of the Hearing which will include the allegations potentially constituting Prohibited Conduct, a description of the procedural steps taken during the process, the factual findings supporting the determination, the rationale and conclusions applying the provisions of this Policy to the facts, the sanction(s) if applicable. The parties will also be notified of their right to appeal and the process for completing an appeal in the written notice of outcome. In cases hearing under a Disciplinary Process Resolution, sanctions assigned will be effective immediately.

In order to determine responsibility regarding any alleged violations, the Committee reviews all relevant information (inculpatory and exculpatory) presented through the investigation and hearing processes. The Committee does not consider a Respondent's previous findings of responsibility when determining responsibility in the current matter. The determination of responsibility for a violation of this Policy and/or the student code of conduct will be made if in the judgment of the Committee that the conduct was more likely than not to have occurred ("the preponderance of the evidence" standard of proof).

Prior Sexual History/Mental Health Information: A party may present evidence of their *own* prior sexual history with persons other than the other party, and mental health diagnoses and/or treatment, and may prohibit the *other* party from seeking to present testimony or other evidence of the same.

The sexual history of the Complainant or Respondent will never be used to prove character or reputation. Evidence related to the prior sexual history of the parties is generally not used in determining whether a violation of this Policy has occurred and will only be considered when a determination is made that it is directly relevant to the investigation. For example, if Affirmative Consent is at issue, the sexual history between the parties may be relevant to determine the nature and manner of communications between the parties, which may inform the determination whether Affirmative Consent was sought and reasonably appeared to have been given during the incident in question. As set forth in the Affirmative Consent definition, even in the context of a relationship,

Consent on one occasion does not constitute Affirmative Consent on a subsequent occasion. In addition, prior sexual history may be relevant to explain injury, to provide proof of a pattern, or to address another specific issue raised in the investigation. The investigator will determine the relevance of this information and both parties will be informed if evidence of prior sexual history is deemed relevant.

Prior Incidents: Past findings of domestic violence, dating violence, stalking, or sexual assault through University or law enforcement processes may be admissible at the disciplinary stage that determines sanction (if applicable). Similarly, previous findings of responsibility for false reporting as defined in this Policy may be taken into consideration at the time of deliberation and sanctioning (if applicable).

Impact Statements

Impact statements are presented at the Hearing after a finding of responsibility where the Committee is deliberating on appropriate sanctions, if any. A Complainant's impact statement is a written statement describing the impact of the prohibited conduct and expressing a preference about the potential sanctions to be imposed. A Respondent's impact statement is a written statement explaining any factors that the respondent believes should mitigate or otherwise be considered in determining the potential sanctions imposed.

Potential Outcomes

When there is a finding of responsibility, University sanctions will be assigned. For students, these may include, but are not limited to: written warnings, disciplinary probation, suspension, expulsion, as well as educational assignments and referrals. The complete list of University sanctions applicable to students is listed on the [Student Code of Conduct website](#).

If the Hearing results in suspension, the student may not re-enroll at the University for a prescribed period of time. Before re-enrollment at the University, the student will need to meet with the Title IX Coordinator to discuss the student's progress in completing any assigned sanctions associated with the suspension and eligibility to resume enrollment at St. John Fisher University. Upon any re-enrollment, the student will be placed on Disciplinary Probation for the remainder of the academic career. The student's transcript will reflect "W" (withdrawn) for all courses in which the student was enrolled for the semester. Tuition, room and board charges, as applicable, will be prorated based on the University Refund Policy. The date used to determine any refund is the date of this finding or the date of any interim action related to this finding, whichever date is earlier. Persons suspended from the University are considered to be Persona Non Grata (PNG) from the University until any successful re-enrollment at the University.

Disciplinary action and sanctions for staff employees and faculty members will be determined by the Assistant Vice President of Human Resources and/or the employee's manager and/or higher administration, in accordance with the University's existing employment practices. Sanctions against a faculty member are subject to the Faculty Statutes as applicable.

Appeal Process

Under the Title IX Grievance Process and the Disciplinary Resolution Process, both parties have the right to one level of appeal. Requests for an appeal should be made by completing an [Appeal Request Form](#). The Appeal Request Form must be received within five (5) business days of the receipt of the written notification of outcome letter.

When requesting an appeal, the appealing party must demonstrate in writing that one or more of the following applies to their situation:

- Procedural irregularity that affected the outcome of the matter (i.e. University's failure to follow its procedures);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, the investigator(s) or decision-maker(s) had a conflict of interest or bias against for or against an individual party, or for or against Complainants or Respondents in general, that affected the outcome of the matter; or
- The sanction imposed was not in keeping with the gravity of the violation

Both parties are notified when an appeal is requested, and notified again within five (5) business days if the appeal request has been granted. From the time of the notification that the appeal is requested, parties have five (5) business days to review and respond to the request.

An impartial review panel, free from conflicts of interest, reviews the Appeal Request Form. The Appeal Panel can dismiss the appeal for failing to state a ground for appeal, affirm the original findings, amend the original sanctions, send the case back to the Hearing Committee, or convene a new Hearing Committee. In cases where sanction(s) are amended or rejected, a rationale will be specified. The Respondent and Complainant will be notified simultaneously of the written outcome of the appeal request within a prompt timeframe, reasonable under the circumstances. The review panel does not rehear cases.

Effect of Withdrawal and Transcript Notation

For those crimes of violence, as defined by the Clery Act, that St. John Fisher University is required by federal law to include in its Annual Security Report, the transcripts of students found responsible after a hearing and appeal, if any, shall include the following notation:

- "Suspended after a finding of responsibility for a code of conduct violation"
- "Expelled after a finding responsibility for a code of conduct violation"

Additionally, the transcript of any student who withdraws from the University following the receipt of a notice of investigation and declines to complete the disciplinary process shall include the following notation:

- "Withdrew with conduct charges pending"

Transcript Notation Review Process

When a student is suspended from the University, a notation has been placed on her/his transcript and the student may request a review of the notation for removal.

To request a review, the student must submit a letter to the Title IX Coordinator requesting the removal of the notation which also includes the following information:

- A personal statement detailing the student's time away from the University and outlining both positive contributions the student has made to the community and personal growth.
- Two (2) character reference letters. (Letters from family members are not acceptable.)

The Title IX Coordinator will review the request and may require additional information. Following a review of the request, the Title IX Coordinator may subsequently require speaking to or meeting with the student regarding the request before making a decision.

If a notation is removed from a transcript this does not erase the student's conduct history; it modifies the student's transcript upon the request being granted. In no case shall the transcript notation for suspension be removed prior to one year after the conclusion of the suspension. Notations for expulsion shall not be removed from transcripts.

Student Conduct Records

Documentation from all processes and any appeals become part of the students' student conduct file, considered to be part of the student's educational record, and are maintained by the Title IX Coordinator. Outcomes may be released to University officials on a "need-to-know" basis. Student records may be released to persons and agencies external to the University with the student's permission, or in compliance with the law. Records subpoenaed or ordered by a judge may be released without a student's permission. A record may also be released if it is in the University's legal interest to do so.

In cases where the University is the Complainant in an Informal Resolution or Disciplinary Resolution, the final results of the proceeding may be disclosed to the victim in the allegation, in accordance with FERPA. The final results are defined as the decision or determination made by the decision-makers, the name of the student, the violation committed, and any sanction (if applicable) imposed by the University against the student. Sanction information may include a description of the action, the date of imposition, and its duration. The recipient is prohibited from re-disclosing the information provided.

All student conduct files are maintained for seven (7) years after the most recent finding of responsibility. These student conduct records are destroyed at the end of the appropriate time period. Records pertaining to students who are suspended or expelled are maintained permanently.

Emergency Telephone Numbers

Safety and Security Department	(585) 385-8111
Monroe County Sheriff	911
Ambulance	911
Brighton Fire	911
NYS Police Sexual Assault Hotline	(844) 845-7269
Campus Counseling Center	(585) 385-8280
Rape Crisis Service	(585) 546-2777
Life Line	(800) 310-1160
National Suicide Prevention Lifeline	(800) 273-8255

CE Center Entrance ME Main Entrance
 EE East Entrance SE South Entrance

PARKING	24 HOURS	WEEKDAYS AFTER 5 P.M. AND WEEKENDS
	Visitor	A, B, C, F, I, L, S, W, X, Z
Commuter	A, C, F, I, S	D, E
Chapel	M (in designated spaces)	
Resident	J, P, S, T, U	
Faculty/Staff	A, C, D, E, F, I, M, N, Q, R, S, X	
Reserved	G, H, K, L, Y	
First-Year	V, W, Z	
	A, B, D, E, F, G, I, J, L, M, N, P, R, S, T, U, X, Y	



BUILDINGS & FACILITIES

- 20A **Baseball Field-Dugan Yard**
- 5 **Basil Hall** ⚡
- 10C **Dennis '72 & Denise Tepas Commons**
Terrace at Tepas Commons
- 10A **Donald E. Bain Campus Center**
Campus Ministry, The Cardinal Shop (University Bookstore)
Residential Life Office, Student Affairs, Student Organizations
- 13 **Dorsey Hall**
- 24 **Facilities Building** ⚡
- 6 **Fay Building**
- 20C **Field Events**
- 21 **Founders Hall**
- 18 **Golisano Academic Gateway**
Cyber Café, DePeters Family Center for Innovation and Teaching Excellence
- 12 **Growney Stadium**
- 10 **Haffey Hall** ⚡
Dining Hall, Elaine Wilson Formal Lounge, Safety and Security
- 15 **Hermance Family Chapel of St. Basil the Great** ⚡
- 2 **Integrated Science and Health Sciences Building** ⚡
- 19 **James S. Alesi Academic Center**
- 1 **Joseph S. Skalny Welcome Center** ⚡
Admissions, Alumni/Advancement, Patricia O'Keefe Ross Gallery
- 16 **Kearney Hall** ⚡
Cleary Family Auditorium, Financial Aid, President's Office, Registrar's Office, Student Accounts
- 12A **Keating Terrace**

- 14 **Keough Hall**
- 17 **Lavery Library** ⚡
Center for Career and Academic Planning
- 9A **Manning & Napier Varsity Gym**
- 22 **Michaelhouse Complex**
Pellicano Wrestling Pavilion, SONO Grill
- 20 **Murphy Hall** ⚡
Arts Center, Sub Shoppe
- 11 **Murray Hall**
- 7 **Pioch Hall**
Pioch Commons Café
- 23 **Polisseni Track and Field Complex**
- 9B **Practice Field**
- 9 **Ralph C. Wilson, Jr. Athletic Center** ⚡
- 3 **Ralph C. Wilson, Jr. School of Education**
- 2B **Joseph S. Skalny Science Center**
- 20B **Softball Field**
- 14A **Upper Quad Hall**
- 4 **Victor E. Salerno Center for American Enterprise**
- 12B **W. J. Pellicano Pavilion**
- 10B **Ward Hall**
Dining Hall
- 8 **Wegmans School of Nursing** ⚡
Health and Wellness Center
- 2A **Wegmans School of Pharmacy**

-  AED (Automated External Defibrillator)
-  Accessible Entrances
-  EV Charging