2.1 General Institutional Policies

This section of the volume sets forth various policies that address a range of laws and topics that affect the entire Canisius College community. They are listed in alphabetical order, and are identified and explained.

2.1.1 Anti-Discrimination and Harassment Policy

<table>
<thead>
<tr>
<th>ANTI-DISCRIMINATION AND HARASSMENT POLICY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective Date:</td>
</tr>
<tr>
<td>Policy Number:</td>
</tr>
<tr>
<td>Supersedes:</td>
</tr>
<tr>
<td>Issuing Authority:</td>
</tr>
<tr>
<td>Responsible Officer:</td>
</tr>
<tr>
<td>Applicability:</td>
</tr>
</tbody>
</table>

PURPOSE

The purpose of this policy is to ensure compliance with applicable federal and state laws prohibiting unlawful discrimination and harassment and to foster the college’s commitment to providing an educational and working environment free from unlawful discrimination and harassment.

POLICY

I. Statement of Policy

Canisius College strives to provide an educational and working environment that is free from all forms of discrimination and harassment and is committed to providing an environment that values diversity and emphasizes the dignity and worth of every individual, an environment in which every individual is treated with respect. As part of this commitment, Canisius College does not discriminate on the basis of age, race, religion or creed, color, sex, national or ethnic origin, sexual orientation, marital status, military status, genetic predisposition or carrier status, gender identity, gender expression, familial status, domestic violence victim status, pregnancy, citizenship or immigration status, disability, criminal conviction or any other status protected by local, state or federal law in administration of its educational policies, employment practices, admissions policies, scholarship and loan programs, and athletic and other school administered programs.

Discrimination or harassment in any form is inimical to these goals and fundamentally at odds with the values of Canisius College. They are unacceptable behaviors and will not be tolerated. Accordingly, individuals who discriminate against or harass others in violation of this policy, regardless of whether such conduct rises to the level of unlawful discrimination or harassment, may be subject to disciplinary action, up to and including termination of employment, association with the college, or dismissal from the college. The college also prohibits retaliation by any person against any person for filing or supporting a complaint under this policy.

In support of its commitment to provide an educational and working environment free from all forms of discrimination and harassment, Canisius College has adopted this policy prohibiting discrimination and harassment in all forms identified above (the “Anti-Discrimination/Harassment Policy” or the “policy”). In addition, a separate Canisius policy will govern sexual and gender-based misconduct. That separate policy, in general,
may be summarized as follows:

- **Sexual and Gender-Based Misconduct Policy:** Canisius College is committed to eliminating Sexual and Gender-Based Misconduct, preventing its recurrence, and addressing and remedying its effects. In compliance with Title IX of the Educational Amendments of 1972, the Violence Against Women Act as reauthorized by the Campus SaVE Act, the New York’s Enough is Enough Law, and other applicable federal, state and local laws, the college has adopted a Sexual and Gender-Based Misconduct Policy that specifically addresses incidents of Sex and Gender-Based Discrimination, Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Sexual Exploitation, and Stalking. The entirety of this Sexual and Gender-Based Misconduct Policy may be accessed here.

All members of the college community are expected to carefully review the Sexual and Gender-Based Misconduct Policy and are responsible for complying with its terms. Violations of the College’s Sexual and Gender-Based Misconduct Policy may result in the imposition of sanctions up to and including termination, dismissal, or expulsion.

The college has adopted this Anti-Discrimination/Harassment Policy to ensure a prompt and equitable resolution of all discrimination and harassment complaints not involving sex or gender-based discrimination or harassment. This policy is designed to do the following:

- Reaffirm the college’s commitment to providing a positive, supportive and tolerant environment for study and work, free from discrimination, harassment, and retaliation;
- Let all members of the college community know what kind of conduct is expected, and what kind of conduct is proscribed;
- Inform victims of discrimination, harassment, and retaliation of their options and rights vis-à-vis complaints of discrimination, harassment, or retaliation not involving sex or gender;
- Inform all members of the college community about the procedures available at the college for addressing, investigating, and resolving discrimination, harassment, and retaliation complaints, other than complaint related to sexual or gender-based misconduct, which as noted will be considered under the Sexual and Gender-Based Misconduct Policy (click here);
- Protect the rights of all parties to confidentiality of complaints to the extent reasonably possible; and
- Prevent retaliation against persons making complaints under this policy, as well as persons who participate in or cooperate with an investigation under this policy.

All members of the college community are expected to carefully review this policy and are responsible for complying with its terms. Violations may result in the imposition of sanctions up to and including termination, dismissal, or expulsion.

There will be instances where conduct alleged to be in violation of this Anti-Discrimination/Harassment Policy also would constitute a reported violation of the college’s Sexual and Gender-Based Misconduct Policy. When alleged misconduct relates to both a person’s sex, sexual orientation, sexual identity, gender, gender expression, or gender identity and another protected characteristic, the college will coordinate response efforts by following the process set forth in the college’s Sexual and Gender-Based Misconduct Policy to address any and all harassment and discrimination. When the alleged misconduct relates to any other protected characteristic, the college’s investigation and resolution efforts will be guided by this policy. The determination of which policy will govern is in the sole discretion of the college.

**II. Prohibited Conduct Defined**

**A. Discrimination**

Discrimination is unlawful conduct that is based upon an individual’s age, race, religion or creed, color, gender, sex, national or ethnic origin, sexual orientation, marital status, military status, genetic predisposition or carrier status, gender identity or expression, familial status, domestic violence victim status, pregnancy, citizen status, disability, criminal conviction or any other status protected by local, state or federal law.

Listed below are examples of conduct that can constitute discrimination if based on an individual’s protected characteristic(s). This list is not all-inclusive; in addition, each situation will be considered in light of the specific facts and circumstances to determine if discrimination has occurred.

- Singling out or targeting an individual for different or adverse treatment (e.g., more severe discipline, lower salary increase) because of his or her actual or perceived protected characteristic(s);
- Failing or refusing to hire or admit an individual because of his/her actual or perceived protected characteristic(s); and
- Terminating an individual from employment or an educational program or activity based on his/her actual or perceived protected characteristic.

**Other Forms of Discrimination**—In addition to the above, the following acts of discrimination are prohibited by this policy:

- Causing physical harm, verbally abusing, intimidating or engaging in other conduct that threatens the health or safety of any member of the college community based on his or her actual or perceived protected characteristic;
- Hazing (defined as acts likely to cause physical or psychological harm or social exclusion or humiliation) any member of the college community based on his or her actual or perceived protected characteristic; and
- Bullying (defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or degrade another person physically or mentally) any member of the college community based on his or her actual or perceived protected characteristic.

**B. Harassment**

Harassment is any conduct against an individual on the basis of his or her age, race, religion or creed, color, gender, sex, national or ethnic origin, sexual orientation, marital status, military status, genetic predisposition or carrier status, gender identity or expression, familial status, domestic violence victim status, pregnancy, citizen status, disability, criminal conduct or any other status protected by local, state or federal law, when the conduct is either:

- Sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit the individual’s ability to participate in or benefit from the college’s programs or activities; or
The conduct has the purpose or effect of unreasonably interfering with an individual’s employment or education.

The determination of whether an environment is “hostile” or harassing must be based on all of the circumstances, giving consideration to whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive. Also, the following factors will be among those considered by the college in assessing whether a “hostile” environment has been created, maintained or promoted: (a) the degree to which the conduct affected one or more students’ education or individual’s employment; (b) the nature, scope, frequency, duration, severity, and location of incident or incidents; (c) the intent, purpose or objective(s) of the participants involved in the conduct; and (d) the identity, number, and relationships of persons involved. While the intent of the actors involved will be considered as part of the overall assessment of whether a “hostile” environment has been created, maintained or promoted, the absence of intent to offend, demean, injure or harass will not be determinative of the issue.

A single or isolated incident of harassment may create (and may support a finding of) 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 in finding a hostile environment, particularly if the harassment is physical in nature.

The foregoing also must be interpreted in light of one of the fundamental purposes of a Canisius College education which is to teach students to think, write, and express themselves critically. This is a demanding skill and students must confront in stark and sometimes painful ways the comfortable assumptions that they bring to the college experience. Instruction in critical thinking very well may involve saying or presenting materials that are felt by individuals to be offensive or embarrassing. In such cases, students should communicate directly with the faculty member involved, the department chair or the associate dean of the applicable school. (See Section IV below regarding Academic Freedom.)

Nor is this policy intended to address normal differences of opinion that arise but are not based on a person’s protected status. In the case of students, those matters can be addressed through the procedures set forth in the Community Standards. In the case of employees, those matters can be addressed through procedures set forth in the Faculty Handbook or Volume III of Canisius College Policy Manual as applicable.

C. Sexual Harassment and Sexual Violence

For the same reasons listed above, it is the policy of Canisius College that all faculty, staff, students, and visitors work, learn, and participate in an environment free from sexual harassment and/or sexual violence, which are prohibited and may also violate federal, state and local law. Claims of sexual or gender-based harassment and/or violence are governed by the college’s separate Sexual and Gender-Based Misconduct Policy (click here).

E. Retaliation

Retaliation means any action taken against a person who has filed a complaint under this policy, or who has participated in or cooperated with an investigation or a process under this policy, in reprisal for having done so, that might dissuade a reasonable person from making or supporting a complaint or participating in a process under this policy.

III. Reporting Procedures

A. Reporting to the College

Complaints of violations of this policy, including complaints of retaliation, should be made to the college’s Title IX Coordinator (“coordinator”). The coordinator is:

Terri L. Mangione, Ph.D.
Vice President for Student Affairs/Title IX Coordinator
Old Main 102
mangiont@canisius.edu
716 888-2130

In the event that the coordinator is the subject of a complaint under this policy, the associate vice president for human resources will assume the coordinator role. If the president is the subject of a complaint, the chair of the board of trustees will assume the president’s role in the process.

Students who perceive themselves to be the victim of discrimination, harassment, or retaliation by another student may also report the incident via the reporting procedures outlined in the Community Standards.

B. External Complaints

The availability and use of this policy does not prevent a member of the college community from filing an inquiry with external agencies such as the Office for Civil Rights or the U. S. Equal Employment Opportunity Commission.

Students: Students and student applicants may file formal complaints with the following agency:

Office for Civil Rights (OCR), Headquarters
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline: (800) 421-3481
TDD: (877) 521-2172
Facsimile: (202) 453-6012
Employees, Employment Applicants, Volunteers and other 3rd Parties: Employees, applicants for employment and other 3rd Parties may file formal complaints with the following agencies:

**U. S. Equal Employment Opportunity Commission**

Two Gateway Center
Suite 1703
283-299 Market Street
Newark, NJ 07102
Phone: 1-800-669-4000
Fax: 973-645-4524
TDD: 1-800-669-6820

**The New York State Division of Human Rights**

One Fordham Plaza 4th Floor
Bronx, New York 10458
Phone: (718) 741-8400
TDD: 1-718-741-8300
Website: [https://dhr.ny.gov/](https://dhr.ny.gov/)

**The City of Buffalo Commission on Citizens’ Rights and Community Relations**

City Hall
Room 1316-C
Buffalo, NY, 14202
716-851-8000

**IV. Academic Freedom**

The Board of Trustees of the Canisius College of Buffalo, New York has accepted and endorsed as its own a definition of academic freedom published by the AAUP and AAC as set forth in the Faculty Handbook although in taking this action the board reserved to itself the interpretation and application of that published document. That definition of academic freedom is incorporated herein by reference. Conduct claimed to constitute harassment and sexual harassment must be interpreted in light of the principle of academic freedom so as to protect a faculty member’s right to teach, research, and publish freely. The college does not intend that this policy will be used to address the normal differences of opinion that may arise in the academic setting and are part of the normal process of teaching and learning.

**V. Consensual Relationships**

The college prohibits romantic and/or sexual relationships between faculty/staff members and undergraduate students regardless of whether the relationship is consensual. The college also prohibits romantic and/or sexual relationships between faculty/staff members and those graduate students over whom the faculty/staff member has direct academic/administrative responsibility or is likely to have academic/administrative responsibility for in the future (for example, because the student is in the faculty member’s department), regardless of whether the relationship would be consensual. Nor may a faculty member exercise academic responsibility over an undergraduate or a graduate student with whom the faculty member has or had a romantic and/or sexual relationship, regardless of whether the relationship was consensual. For purposes of this policy, “faculty member” includes any graduate student teaching assistants with respect to students whom they teach, supervise, or evaluate.

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

A complete version of the College’s Consensual Relations Policy is available in Volume III of the Canisius College Policy Manual.

**VI. Duties of Members of Canisius College Community**

A. All Associated with Canisius College
All members of the college community should assume the responsibility to take appropriate actions to promote and maintain an environment free from all forms of discrimination and harassment, and ensure that any discrimination and harassment is properly and promptly reported. Obviously, the college cannot take action to punish and deter discrimination and harassment if it is not aware that discrimination or harassment has occurred. Reporting acts or incidents that are believed to be in violation of any of the college’s policies or the applicable laws, including this Anti-Discrimination/Harassment Policy, is strongly encouraged, and in the case of college employees (other than those deemed Confidential Resources) is mandated as a term and condition of that employment. Persons reporting acts or incidents they believe in good faith constitute a violation of the college’s policies, applicable Community Standards, or applicable law or ordinance will be entitled to, and afforded, protection against retaliation.

B. Supervisors

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

- Inform employees and students under their direction or supervision of this policy;
- Inform visitors, independent contractors, vendors and their representatives and others transacting business with the college of this policy;
- Notify the coordinator when they receive reports of complaints of discrimination and harassment;
- Notify the coordinator when they observe or otherwise become aware of incidents of discrimination and harassment; and
- Implement any corrective actions imposed as a result of findings of discrimination and harassment.

All college employees (including student employees in a supervisory or managerial capacity) who have knowledge of incidents of discrimination or harassment—including sexual harassment or sexual violence governed by the separate Sexual and Gender-Based Misconduct Policy, or incidents which are believed to violate any other anti-harassment, anti-discrimination or behavioral policy (such as the Consensual Relationship Policy—who do not report such incidents promptly (meaning as soon as reasonably practicable) and properly (meaning to the coordinator, to another senior member of the college administration or to the employee’s supervisor), can be subject to disciplinary action up to and including dismissal or expulsion.

Note: Professional counselors and health care providers in the Counseling Center & Health Center, or those deemed “Confidential Resources” under applicable law or college policy who receive a report or learn of an incident while acting in their professional capacity, are exempt from this reporting requirement.

C. Faculty, Staff, and Students

It is the responsibility of the faculty, staff, and students to avoid behaving in a manner that is discriminatory or harassing, to discourage discrimination and harassment, and to report incidents of discrimination and harassment immediately after learning of them. This reporting responsibility arises whether or not they are the person subject to the conduct believed to be prohibited by this policy. Any faculty member, staff member, or student who believes he/she has been victimized by discrimination or harassment is encouraged to promptly report the incident to, and confer with, the coordinator. Under applicable New York law, students at the college also are afforded additional protections and assurances under the statutory Students’ Bill of Rights, which may be accessed online (click here).

VII. Procedures for Addressing with Discrimination, Harassment or Retaliation

Any person who perceives himself or herself to be the victim of discrimination, harassment, or retaliation in violation of this policy should promptly take one or more of the procedural steps described below, as applicable. It is not necessary that they all be taken or that they be taken in order. The college encourages, but does not require, that prior to invoking the Formal Complaint Procedure an individual utilize the Informal Complaint Procedure. If the Informal Complaint Procedure is utilized it may be terminated at any time and the process may be moved to the Formal Complaint Procedure. The Informal Complaint Procedure will not be used, or available to be used, for complaints involving sexual violence, which as noted above are governed by the Sexual and Gender-Based Misconduct Policy (click here).

A. Self-Help

An initial course of action for any faculty, staff, or student who feels that he/she has been discriminated or retaliated against or harassed may be for that person to emphatically tell or otherwise inform the alleged violator that the conduct is unwelcome, offensive, violates this policy, and must stop. This may solve the problem, and, if it does, further proceedings usually will not be necessary. It is not required that self-help be used at all, or used before utilizing any of the other procedural steps, and a decision not to confront an individual will not be viewed negatively by the college. Moreover, an individual who has been subject to an act of discrimination or harassment always has the right to pursue other methods of resolution as described below without being required to attempt to resolve the matter directly, through direct discussions with the alleged violator as part of a “self-help” effort. Also, if self-help measures prove unsuccessful, other methods of resolution as described below may be pursued.

Note: An effort at direct self-help resolution is not appropriate, and should not be attempted, where the alleged offense involves force or violence, or threat of force or violence.

B. Counseling

An individual who perceives himself/herself as victim of discrimination, harassment or retaliation should contact the coordinator for advice and counsel. This should be done promptly. The coordinator (or the coordinator’s designee) initially will:

- Help the person determine if the perception of discrimination, harassment, or retaliation is one which appears reasonable and/or supportable;
- Discuss the rights of the person under this policy;
- Discuss possible courses of action that the person could take to eliminate the unwanted conduct;
- Keep all information confidential as appropriate and reasonably possible, consistent with the needs and interests of the college and the college community;
- Decide whether the matter should be formally documented. In the ordinary course, all complaints, or reports of conduct allegedly violative of this policy, should be formally documented. If the matter is formally documented, the file will be kept by the coordinator in accordance with the college Record Retention Schedule.
C. Informal Complaint Procedure

If the person who believes that he/she has been the victim of discrimination, harassment or retaliation decides that he/she wishes to file a complaint, and that the matter should be pursued with the alleged offender, the person must notify the coordinator and provide written permission (e-mail from college e-mail address is acceptable) to initiate the informal complaint procedure. The person who believes that he/she has been the victim of discrimination, harassment or retaliation will be identified as the “reporting party” and the alleged offender will be identified as the “responding party.” The coordinator shall, usually within five business days of receiving the complaint appointment, two investigators to:

1. Apprise the responding party of the charge;
2. Elicit from the responding party an explanation of what occurred from his/her perspective;
3. Gather any other information or conduct any investigation or other interviews the investigators believe are necessary.
4. Interviews as part of the investigation process will be recorded, either in written or audio recorded form. The investigation, absent unusual or necessary circumstances identified by the coordinator, will be completed within 20 business days from the date of the complaint.

During this informal complaint procedure, it shall be the responsibility of the coordinator or the coordinator’s designee to:

- Attempt in a non-legalistic, non-threatening manner to facilitate a solution acceptable to both the reporting party and the responding party;
- Act as a mediator, if this appears to be advisable, including, if deemed appropriate by the investigators and the coordinator, conducting a meeting between the reporting party, the responding party, and the investigator, if the reporting party agrees; and
- Outline to each party the options available under this policy, including the formal procedure described below.

If, after conferring with both the reporting party, the responding party, and the investigators, the coordinator believes that an issue of discrimination, harassment, or retaliation is, or may be, present which cannot be successfully mediated, the case may proceed to the Formal Complaint Procedure phase in accordance with Section VII of this policy. A responding party does not have the option to move a charge to the Formal Complaint Procedure phase. If the coordinator believes mediation (e.g. informal dispute resolution managed by the coordinator or the coordinator’s designee) is an option, the coordinator or the coordinator’s designee will attempt mediation. If the coordinator believes an issue of discrimination, harassment, or retaliation is not present, or that mediation or other steps taken have successfully resolved the problem, the coordinator will advise the reporting party of this, and no further proceedings will result.

A written summary of the investigation and of the actions taken under this informal complaint procedure will be prepared by the coordinator and, together with any other documentation, will be maintained in a file in the office of the coordinator in accordance with the College Record Retention Schedule.

D. Formal Complaint Procedures

The Formal Complaint Resolution process utilized by college is determined by the status of the responding party:

- **Student Responding Parties:** The college’s intent is for this policy and the procedures set forth herein to be consistent with the Community Standards policy for students. Normally, a complaint by a student of discrimination, harassment, or retaliation by another student made to the coordinator will be referred to the senior associate dean of students (SADS) and will be handled in accordance with the Community Standards policy if it proceeds past the Informal Complaint Procedure phase. The college’s Community Standards procedures can be accessed here.
- **Employee Responding Parties:** When the responding party is an employee, the matter will be assessed and determined pursuant to the procedures set forth below.
- **Third Parties:** Reports against third parties will be resolved in accordance with appropriate procedures identified by the vice president for business and finance based on the role of the third party and the nature of any contractual relationship with the college. When the responding party is an employee of an affiliated entity or vendor of the college, the coordinator will, at the request of the reporting party, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in considering other appropriate alternatives if warranted, such as obtaining a *persona non grata* letter or reviewing the nature and terms of the college’s affiliation with the third party.

The following procedures apply when a complaint has been directed to the Discrimination and Harassment Hearing Panel.

a. **Composition of the Discrimination and Harassment Hearing Panel**

The Discrimination and Harassment Hearing Panel shall be comprised of three members of the Canisius community. These three individuals will receive appropriate and ongoing training. One of the three individuals will be the hearing panel chair.

b. **Pre-Hearing Procedures**

i. **Reporting Party**

A complaint alleging a violation of this policy shall be in writing and forwarded to the Hearing Panel Coordinator (HPC). The reporting party shall have a pre-hearing meeting with the HPC to discuss the following: the hearing process, the reporting party’s responsibilities while preparing for the hearing, and the available services.

At the pre-hearing meeting:

- The reporting party shall be informed that she/he is entitled to select an advisor of choice to provide assistance while preparing for the hearing and to be present at the hearing.
- The role of the advisor shall be explained (see section c below).
- The reporting party shall be informed that if she/he chooses to have an advisor during the hearing process, she/he must promptly select that advisor and furnish the name of that advisor to the HPC as soon as possible.
- The reporting party shall be informed that if she/he chooses to identify witnesses to be interviewed by an investigator or provide written statements, the names of all of these witnesses shall be presented to the HPC not more than five business days after the pre-hearing meeting.
The reporting party shall be informed of the opportunity to present a statement about the incident in question at the hearing.

The reporting party shall be informed of the opportunity to pose, in advance of the hearing, questions to be asked at the hearing, which questions shall be reviewed and considered by the HPC.

- The process of the hearing shall be explained.
- The reporting party shall be informed of the availability of the HPC to answer any procedural questions pertaining to the hearing.

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

ii. Responding Party

The responding party shall be notified by email of the complaint alleging a violation of this policy as promptly as possible, and absent unusual or extenuating circumstances not more than two business days after the report from the reporting party triggering the Formal Complaint Procedure has been furnished to the HPC. It shall be the obligation of the HPC to ensure delivery of said email notice to the responding party. A scheduled pre-hearing meeting with the HPC or the HPC’s designee shall be indicated in the notification. During the pre-hearing meeting, the responding party shall be notified of the options for responding to the complaint. The responding party shall file the response to the complaint not more than five business day after the pre-hearing meeting. Failure to respond shall not be considered an admission of responsibility; however, the hearing process shall proceed whether or not a timely response is received from the responding party, and the HPC may elect to reject or exclude from consideration all or part of any untimely response. The responding party shall have a pre-hearing meeting with the HPC to discuss the following: the hearing process, the responding party’s responsibilities while preparing for the hearing, and the available services. At the pre-hearing meeting:

- The responding party shall be informed that she/he is entitled to select an advisor of choice to provide assistance while preparing for the hearing and to be present at the hearing.
- The role of the advisor shall be explained (see section c below).
- The responding party shall be informed that if she/he chooses to have an advisor during the hearing process, she/he must promptly select that advisor and furnish the name of that advisor to the HPC as soon as possible.
- The responding party shall be informed that if she/he chooses to identify witnesses to be interviewed by an investigator or provide written statements, the names of all of these witnesses shall be presented to the HPC not more than two business days after the pre-hearing meeting.
- The responding party shall be informed of the opportunity to present a statement about the incident in question at the hearing.
- The responding party shall be informed of the opportunity to pose, in advance of the hearing, questions to be asked at the hearing, which questions shall be reviewed and considered by the HPC.
- The process of the hearing shall be explained.
- The responding party shall be informed of the availability of the HPC to answer any procedural questions pertaining to the hearing.

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

c. Advisors

The reporting party and responding party may select an advisor of choice. Advisors may be present during the pre-hearing meeting and the hearing; however, advisors shall not address the hearing panel, investigators, or anyone else present at the hearing.

Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor may be excused or excluded from the proceedings. When an advisor is removed from a meeting or hearing, that meeting or hearing may, in the discretion of the hearing panel, continue without the advisor present. Subsequently, the HPC will determine whether the advisor may be reinstated or may be replaced by a different advisor.

A party may elect to change advisors during the process, and is not locked into using the same advisor throughout.

d. Hearing Panel Preparation

The hearing panel shall receive all materials prepared by the investigators and any materials submitted by the reporting party and responding party and approved by the HPC, including questions or areas of inquiry proposed to be asked at the hearing, prior to the scheduled hearing. The hearing panel also shall meet and/or confer before the scheduled hearing in order to review the complaint and prepare for the process of the hearing.

e. Scheduling the Hearing

A hearing generally will be scheduled to take place not less than five but no more than 20 business days after the responding party has been notified of the complaint, although the scheduling of a hearing is in the discretion of the HPC and may be modified as circumstances warrant. The availability of the hearing panel members shall be the first consideration when scheduling the hearing. The scheduling of the hearing shall take into consideration only scheduled classes. The hearing may proceed without regard to pending civil or criminal litigation. Established time limits for scheduling of hearings may be altered at the discretion of the HPC.

f. Hearing

i. Attendance

The hearing shall be private and closed and shall be attended only by members of the hearing panel, college investigators, the reporting party, the responding party, their advisors and the HPC. In hearings involving more than one responding party, the HPC may permit the hearings concerning each responding party to be conducted either separately or jointly. The hearing panel may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the reporting party, and/or responding party during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the HPC. The process and manner in which the
hearing is conducted shall be in the sole discretion of the HPC, as shall the question(s) of appropriate procedure(s) to be employed in situations or under circumstances not directly addressed or considered by this policy.

ii. Hearing Panel Coordinator

The HPC shall be available to the hearing panel for consultation regarding procedures and/or sanctions at any time during the hearing, including the deliberations. The HPC may request that the hearing panel chair recess the hearing at any time. The HPC shall not be a member of the hearing panel, but may be invited to be present during hearing panel deliberations as a non-voting observer.

iii. Record of the Hearing

A single verbatim recording of the hearing, in written or audio form as determined by the HPC, shall be made. Deliberations shall not be recorded. No other recording shall be made. This recording shall be confidential and shall remain the property of, and be preserved by, the college in accordance with the Record Retention Schedule. The recording shall be available to the reporting party and responding party for use during an appeal, only in the coordinator’s office. The coordinator shall have the discretion to determine whether and on what terms a party’s advisor may access the recording in connection with an appeal.

iv. Role of the Hearing Panel Chair

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

g. Hearing Procedures

i. Process

1. The chair shall make opening remarks.
2. The reporting party shall have the opportunity to present a statement about the incident in question. The responding party shall then have the opportunity to present a statement about the incident in question.
3. An investigator shall present the investigative findings and relevant facts, along with all relevant records, exhibits, and witness statements, to the hearing panel. While those findings may include factual information about the demeanor and affect of parties and witnesses, the investigator shall decline to provide any personal opinion as to credibility of any party or witness, as credibility determinations are to be in the sole province of the hearing panel.
4. After the investigator (or investigators, if the hearing panel determines it wishes to hear from both investigators) presents investigative findings and relevant facts, the hearing panel shall consider any statements offered by the reporting party and the responding party, Therafter, the lead investigator and members of the hearing panel shall have the opportunity to question both the reporting party and the responding party, and the hearing panel may also question the investigator(s) as well as any external witnesses the hearing panel may elect to hear from.
5. The reporting party and the responding party may also propose questions to be asked at the hearing. Only questions relevant to the alleged incident shall be allowed; such determinations of relevance and propriety shall be in the sole discretion of the HPC.
6. Prior to deliberations, the reporting party and the responding party shall each be allowed to make impact statements.
7. After the presentation of all statements and evidence, and subsequent questioning, the chair shall call the panel to deliberate. The chair shall direct the reporting party and responding party to leave contact information with the HPC so that they may be contacted at the conclusion of the deliberations. The HPC shall excuse the reporting party, the responding party, and their advisors.
8. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Formal Complaint proceedings.

ii. Deliberations

Normally, deliberations shall be carried out and completed immediately following the hearing. Deliberations shall take place in private, with only the members of the hearing panel present, unless the hearing panel determines that it wishes to invite the HPC to attend all or a portion of its deliberations. The HPC in any event shall be available to the hearing panel during the deliberations for consultation regarding procedure and sanctioning. Deliberations shall not be recorded.

iii. Decision

Upon hearing all statements and after deliberations, the hearing panel shall either dismiss the complaint (in whole or in part), or find the responding party responsible for one or more portions of this policy.

Determinations of responsibility shall be made on the basis of whether it is more likely than not that the responding party violated this policy. A responding party shall be presumed not responsible for a violation of this policy until it has been demonstrated that it is more likely than not that the student committed the violation. Final decisions shall reflect the majority opinion of the hearing panel. Names of panel members shall not be attached to the final decision and the vote shall not be made public. If the hearing panel determines that the responding party shall be considered responsible for a violation of this policy, it shall then be their responsibility to determine an appropriate sanction.

iv. Communication/Implementation of Decision

The chair, upon the hearing panel’s reaching a decision, shall notify the HPC. The chair and the HPC shall be responsible for providing written notification (a formal letter sent as an email attachment is acceptable) to the reporting party and the responding party not more than two business days after the decision is rendered.

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

Requests for appeals are directed to the Community Standards Appeals Panel. Requests for appeals shall be made in writing within five business days of the written decision to the HPC. The HPC will contact the chair of the appeals panel to alert that individual to the existence of the appeal.

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

- The original hearing was not conducted in conformity with prescribed procedures;
- The facts in the case were not sufficient to establish that a violation of the policy occurred;
- The sanction imposed was not appropriate for the violation for which the responding party was found to be responsible;
- The existence of new relevant facts, sufficient to alter the decision, not brought out in the original hearing, which could not have been known to or available to the appealing party at the time of the original hearing.

The appeal process does not afford the appealing party with an opportunity to conduct a de novo hearing, nor to present information known to or available to the appealing party at the time of the hearing but not furnished to the hearing panel at that time. The appeals panel may review the single verbatim recording of the hearing, materials provided to the hearing panel during the course of the hearing or in connection with the hearing, the written appeal, and any documents submitted by the lead investigator. A decision regarding the appeal shall be rendered not more than 10 business days after receipt of the appeal.

The appeals panel may make the following determinations: 1) the sanction may be replaced with another which may be more severe, less severe, or otherwise different; 2) the matter may be remanded to the original hearing panel for reconsideration of the original determination and/or sanction; or 3) the appeals panel finds no merit to the appeal, and the decision of the hearing panel shall stand.

During the appeal process the imposition of the sanction(s) shall not occur; however, the appeals panel may impose limitations or conditions on the appealing party’s continued relationship with the college during the appeal process.

i. Failure to Appear at the Appeal Panel Hearing

The judicial process outlined above is intended to provide the responding party an opportunity to respond to allegations of violations of this policy, thereby enabling the HPC to make an informed decision about responsibility and appropriate sanctions. However, if a responding party fails to respond to three communications in the form of written notification, telephone, or electronic communication attempting to schedule a meeting or fails to attend a scheduled meeting, the hearing may proceed and a decision based upon available information may be rendered in absentia. The third and final of these communications shall inform the responding party of the fact that the hearing may proceed and a decision based upon available information may be rendered in absentia. Similarly, should the HPC learn that a reporting party is refusing to appear at a scheduled hearing, if practicable a communication should be sent by the HPC or the HPC’s designee to that reporting party informing her or him that the hearing may proceed and a decision based upon available information may be rendered in absentia. No individual may be found to have violated this policy solely because the individual failed to appear.

E. College Investigations

There are times when an individual who perceives himself/herself to be the victim of discrimination, harassment, or retaliation in violation of this policy will be reluctant to pursue the remedies provided in this section. Similarly, the college may become aware of an alleged incident of discrimination, harassment, or retaliation even though the alleged victim has not reported it. In such circumstances, the college retains the right to conduct its own investigations into such incidents and take appropriate measures even in the case of an alleged victim who is unwilling to report or pursue the matter, if in its sole discretion it determines that such investigation is in the interest of the college and/or the college community.

F. Disciplinary Sanctions

Disciplinary actions for college employees (or employees of third parties working with the college) for discriminatory, harassing, or retaliatory behavior as determined following an informal or formal hearing may include one or more of the following:

- work restrictions;
- requirement to attend training or other education or requirement to obtain counseling;
- salary reduction or limitation;
- reduction in or elimination of specified benefits;
- verbal warning;
- written warning;
- written reprimand;
- restrictions from campus (including declarations of persona non grata);
- suspension; and/or
- dismissal from employment, or severance of relationship of the third party employee or of the third party with the college.

Disciplinary actions for students for discriminatory, harassing, or retaliatory behavior as determined following an informal or formal hearing may include one or more of the sanctions set forth in the Community Standards, including:

- verbal warning;
- written warning;
- written reprimand;
- restriction or elimination of social privileges;
- restriction or elimination of privileges to participate on a college team or in a college program, class or activity, including intercollegiate athletic teams;
- restriction or elimination of housing privileges;
- restriction of access to specified campus areas or programs (such as “class, Mass and library” privileges only);
G. Malicious, False Accusations

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

VIII. Documentation under the Policy

Documentation relevant to investigations or proceedings under this policy can include informal handwritten notes taken by the coordinator, the coordinator’s designee or an investigator while speaking with an individual. It also can include documentary or testimonial evidence submitted during an investigation or a hearing; it can be a written recounting of a process or its results; or it can be an explanation of an outcome or a determination made during or at the conclusion of the process. Documentation can be in any form; it is what is created in order to better explain in the future what went on or occurred in the past. The amount of documentation which is reasonable and prudent with regard to any of the processes outlined in this policy is left to the judgment of the coordinator and the coordinator shall from time to time prescribe forms or required documents for the process established by this policy. Notwithstanding, all resolutions under this policy must be documented and maintained by the coordinator or the coordinator’s designee, even if there is no corrective action taken beyond informal mediation by the coordinator.

IX. Privacy of Information and Documentation under the Policy

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

Consistent with their obligations, the coordinator, investigators, members of any hearing or appeals panel, human resources personnel, or others involved in the processes under this policy are expected to maintain appropriate privacy during this process.

Others necessarily involved such as the reporting party, the responding party and witnesses will be encouraged by the coordinator, the investigators, and/or the hearing panel members to keep private matters about which they or others provide testimony or information. However, with regard to such individuals, the college has no means by which to guarantee or ensure privacy, or to reprimand the failure of a person to maintain such confidentiality, unless such failure otherwise violates an applicable Community Standard, college policy, work rule or professional obligation.

X. Religious Freedom

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

DEFINITIONS

See Policy section above.

PROCEDURES/GUIDELINES

See Policy section above.

RELATED POLICIES

Medical Leave of Absence Without Pay (Staff) Policy
Sexual and Gender-Based Misconduct Policy

2.1.2 Constitution Day Policy

<table>
<thead>
<tr>
<th>CONSTITUTION DAY POLICY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective Date:</td>
</tr>
<tr>
<td>Policy Number:</td>
</tr>
<tr>
<td>Supersedes:</td>
</tr>
<tr>
<td>Issuing Authority:</td>
</tr>
</tbody>
</table>
Responsible Officer: Director of the Raichle Pre-Law Center
Applicability: All members of the Canisius College community.

PURPOSE
The purpose of this policy is to comply with Consolidated Appropriations Act of 2005 (Public Law 108-477), which requires educational institutions receiving Federal funding to hold an educational program pertaining to the United States Constitution on September 17 of each year.

POLICY
Canisius College will hold an educational program pertaining to Constitution Day on or around September 17th of each year.

DEFINITIONS
Not Applicable.

PROCEDURES/GUIDELINES
Each year the Political Science Department will hold educational programming pertaining to Constitution Day.

Announcement of events scheduled to celebrate Constitution Day is communicated to the campus community via the college’s online newsletter, The Dome.

RELATED POLICIES
Not applicable.

2.1.3 Copyright and Intellectual Property Policy

COPYRIGHT & INTELLECTUAL PROPERTY POLICY

<table>
<thead>
<tr>
<th>Effective Date:</th>
<th>May 8, 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy Number:</td>
<td>II – 2.1.3</td>
</tr>
<tr>
<td>Supersedes:</td>
<td>Not Applicable.</td>
</tr>
<tr>
<td>Issuing Authority:</td>
<td>President</td>
</tr>
<tr>
<td>Responsible Officer:</td>
<td>Library Director</td>
</tr>
<tr>
<td>Applicability:</td>
<td>All members of the Canisius College community.</td>
</tr>
<tr>
<td>History:</td>
<td></td>
</tr>
</tbody>
</table>

PURPOSE
The purpose of this policy is to provide guidance and resources regarding United States copyright laws as they relate to the use of copyright protected materials in an educational setting, including guidelines regarding the fair use of copyrighted material and information regarding the Digital Millennium Copyright Act and TEACH Act. In addition, the policy sets expectation with regard to the appropriate use of intellectual property at the college.

POLICY
Canisius College is committed to following all requirements of U. S. Copyright Law. All college employees, students, contractors, volunteers are expected to adhere to the provisions of Title 17 of the United States Code, entitled “Copyrights,” and other relative federal legislation and guidelines related to the duplication, retention, and use of copyrighted materials, including but not limited to the restrictions and requirements set forth in The TEACH Act – US Copyright Law, Chapter 1, Section 110(2)US Copyright Law, Chapter 1, Section 110(2)US Copyright Law, Chapter 1, Section 110(2)US Copyright Law, Chapter 1, Section 110(2) and the Digital Millennium Copyright Act (DMCA). In addition, it is the policy of the college to abide by all contracts, non-disclosure agreements, laws, regulations, and policies of the college governing the use of intellectual property.

Members of the Canisius College community must:

- Honor all non-disclosure agreements entered into by or on behalf of the college;
- Abide by all laws, regulations, contracts and policies of the college governing the use of copyrighted materials, patented ideas, trademarks, licenses, and proprietary information;
- Refrain from any activity that constitutes infringement of intellectual property of the college or any other person; and
- Properly attribute the work and ideas of others.
Definitions

Copyright—copyright grants to the author or originator of a work of original authorship, art or a work that conveys information or ideas, the right to control how the work is used. Copyright grants to the author or originator the sole and exclusive privilege of creating multiple copies of literary or artistic productions and publishing and selling them. Copyright protection exists for original works fixed in any tangible medium of expression, including: literary works; musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic work; pictorial, graphic, and sculpture work; motion pictures and other audiovisual works; and sound recordings.

Digital Millennium Copyright Act (P.L. 105-304)—a 1998 amendment to the Copyright Act of 1976 that establishes certain limitations of copyright infringement liability for online service providers (OSPs), including colleges and universities, when certain requirements are met by the OSP. The Act contains a number of other provisions, including prohibitions on circumvention of technological protection measures among others.

Fair Use—Fair use limits the exclusive rights of copyright owners and gives the user rights to reproduce in copies or phonorecords for “purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research.”

DMCA Notice or Takedown Request—a warning or request issued from a copyright holder or a representative of the copyright holder. These copyright holders have identified computers on the college’s network as having potentially violated the DMCA and issue warnings regarding the particular infringement to the college.

Information Technology Resources—computing resources, information technologies, networks, voice messaging equipment, computer software, data networking systems, including remote and wireless and electronically stored institutional data and messages owned, controlled, or managed by the college.

Intellectual Property—property of an intellectual nature belonging to an individual or an entity, including, but not limited to, proprietary information that is protected by patent, copyright, trademark, or a non-disclosure agreement.

Technology, Education and Copyright Harmonization Act (TEACH Act) (Section 110(2) of the U.S. copyright law)—a copyright exemption that addresses teaching conducted through digital transmission. Under this law, if both the course instructor member and the college meet a number of specific guidelines (see below), the Act permits digital transmission of copyrighted works for educational purposes without obtaining permissions.

Procedures/Guidelines

Copyright at Canisius College

Information and resources intended to provide guidance to college faculty, staff, and students in an effort to support the legal use of copyrighted materials in all aspects of the Canisius College Mission are available at http://libguides.canisius.edu/copyright. In addition, the college’s Copyright Resources page provides links and brief descriptions of some excellent resources.

Fair Use

Employees and students are permitted to use and duplicate copyrighted works for educational and classroom uses, provided such activities are within the “fair use” standard. The provision of “Fair Use” is described in Section 107 of U.S. Copyright Law. Under certain circumstances, fair use permits the reproduction of copyrighted materials without requiring permission from the copyright holder.

The U.S. Copyright Office factsheet on Fair Use, FL-102, explains that “Section 107 contains a list of the various purposes for which the reproduction of a particular work may be considered fair, such as criticism, comment, news reporting, teaching, scholarship, or research.”

Section 107 also outlines four (4) factors to be considered when determining whether or not a particular use is “fair”. The Four Factors are:

- The purpose and character of the use, including whether such use is of commercial nature or is for nonprofit educational purposes: A nonprofit or noncommercial use weighs in favor of a fair use. Non-profit educational purposes, such as duplication for classroom purposes rather than commercial purposes, generally tend to support a finding of fair use[1];
- The nature of the copyrighted work: Works fall into categories such as published or unpublished, fact or fiction. Published factual works, such as form books, dictionaries or other factual works, by their nature more readily support a finding of fair use than do unpublished works or non-factual, fictional, creative works;
- The amount and substantiality of the portion used in relation to the copyrighted work as a whole: If the portion of the work copied or used in relation to the entire work is quantitatively and qualitatively insignificant that supports a finding of fair use. No specific number of words or percentage copied of the work is set as being permissible. Copying of a minor portion of a work may be found to be other than a fair use if the portion constitutes the essence or critical part of the copied or used work. Users of copyrighted works are encouraged to post links to articles and materials whenever possible rather than duplicating complete works.; and
- The effect of the use upon the potential market for, or value of, the copyrighted work: This factor is considered the most important element to be considered under the fair use analysis. Duplication or use of a copyrighted work that is not detrimental to and does not diminish the potential market for the work will support a finding of fair use.

The U.S. Copyright Office, itself, admits in FL-102 that the determination of fair use can be challenging. “The distinction between fair use and infringement may be unclear and not easily defined. There is no specific number of words, lines, or notes that may safely be taken without permission....The safest course is always to get permission from the copyright owner before using copyrighted material....When it’s impractical to obtain permission, use of copyrighted material should be avoided unless the doctrine of fair use would clearly apply to the situation.”

Resources

Resources intended to provide guidance to college faculty, staff, and students regarding fair use matters are available at http://libguides.canisius.
Instructors and students at an accredited nonprofit educational institution in the United States may —in compliance with certain stipulations—use, display, and/or perform in a classroom environment, any copyright-protected material or work without seeking the copyright holder permission normally required under U.S. copyright law. This section explains these stipulations and provides a general description of the most common types of materials covered by the face-to-face classroom exception under Section 110(1) of U.S. copyright law. Please click on the following links to learn more about what is permitted:

**Face-to-Face Classroom Stipulations:** The stipulations governing the display and performance of copyright-protected material in the classroom are few, but important:

- The copyright protected materials must be legally obtained;
- The intent and purpose of in-class use must be strictly educational;
- Distribution must be in a location designated primarily for educational purposes; and
- Both teaching and learning must be occurring simultaneously.

As with distance education, it is the individual responsibility of every instructor at Canisius College, in compliance with federal law, to make good faith determinations regarding copyright-protected materials used in class and be able to argue credibly in support of those determinations.

Displays and performances falling outside the qualifying stipulations above, may very well fall within the fair use guidelines; however, each should be carefully scrutinized for compliance before proceeding. (See Fair Use).

**Most Common Materials Covered:** Under the face-to-face classroom exemption, all types of the following copyright-protected materials may be displayed and/or performed in the normal classroom environment. The stipulation being that the intent is for educational (not entertainment) purposes.

- **Printed Materials:** Book chapters as well as newspaper, magazine and academic journal articles may, in most every instance be copied and handed out in class, the exception being consumables. In other words, such things as copies of whole textbooks (handed out chapter-by-chapter in successive classroom sessions), standardized workbooks and/or test materials, etc., intended for commercial distribution and individual purchase, may not under any circumstances be copied and given to students as a hand-out.
- **Musical Reproductions:** Audio recordings of musical performances may be played in class in most every instance. An exception would be playing background “elevator” music in a classroom. Such use does not have a teaching and/or learning component and would therefore infringe upon the rights of the copyright holder.
- **Still Images:** Visual images or “stills” as they are commonly referred to, including photos, graphs, charts, diagrams, maps, slideshows, powerpoints, etc. may be shown in the classroom in most every instance.
- **Audiovisual Materials:** Segments of TV shows, documentary films and movies, etc. —illustrative of or related to course content— are allowed in most every instance.

**TEACH Act**

The TEACH Act (Technology, Education, And Copyright Harmonization Act) modified U.S. Copyright law as it pertains to the use of copyrighted works in digital distance education. When all of its requirements are met, the TEACH Act permits the use of copyrighted materials without having to obtain prior permission from the copyright owner.

**TEACH Act Requirements for the Institution and Information Technology Department**

- The institution must be an accredited nonprofit educational institution or government body: Canisius College meets both of these requirements.
- The institution must have a copyright policy in place and inform faculty, staff, and students about the policy: The Canisius Copyright and Intellectual Property Policy meets this requirement.
- The institution must take steps to ensure that copyrighted materials are made available only to students officially enrolled in the course: This is accomplished through the synchronization of the college’s course management program with the college’s Student Information System. Only those students who are officially enrolled in a course will have access to the course content within the college’s course management program.
- The institution must provide notice to students that materials used in connection with the course may be subject to copyright protection: All courses generated in the college’s course management program include a copyright statement.
- Transmission must be made solely for and limited to students officially enrolled in the course.
- Reasonable efforts must be made to prevent students from distributing the material after viewing it.
- Technological protections must be implemented to prevent students from retaining and further distributing the course materials; e.g., video streaming.

**TEACH Act Requirements for Instructors**

- The performance or display of materials must be: under the control or actual supervision of an instructor, an integral part of the class session and analogous to what takes place in a face-to-face classroom.
- The performance or display must be directly related and of material assistance to the teaching content.
- Students must be informed that materials used in connection with the course may be subject to copyright protection.
- The instructor must use a lawfully made and acquired copy.
- Use is limited to performances and displays. TEACH does not apply to materials that are for students’ independent use and retention such as textbooks, coursepacks, or readings.
- Analog works can be converted into digital works if no digital version is already available.

**Note:** The TEACH Act and fair use operate independently of each other. Individuals may encounter situations in which TEACH does not apply to...
a specific resource; however the work might be useable under the provisions of fair use.

TEACH Act Resources

Resources intended to provide guidance to college faculty, staff, and students regarding the TEACH Act are available at http://libguides.canisius.edu/copyright.

Digital Millennium Copyright Act Exemption

The U.S. Copyright Office explains that “the Digital Millennium Copyright Act of 1998 (DMCA) was the foundation of an effort...to move the nation’s copyright law into the digital age...” and that the “...enactment of the DMCA was only the beginning of an ongoing evaluation by Congress on the relationship between technological change and U.S. copyright law.”[2]

“Section 1201(a)(1) of the copyright law requires that every three years [the Librarian of Congress] is to determine whether there are any classes of works that will be subject to exemptions from the statute’s prohibition against circumvention of technology that effectively controls access to a copyrighted work.”[3]

Exemptions to DMCA

Some recent revisions may affect higher education.

United States Copyright Office has a "Statement from the Librarian of Congress on the Anticircumvention Rulemaking" (dated 7/26/2010) in which the Librarian of Congress, James Billington, describes which types of work are to be exempt from DMCA.

Resources

Resources intended to provide guidance to college faculty, staff, and students regarding the DMCA are available at http://libguides.canisius.edu/copyright.

Digital Millennium Copyright Act Notices and Takedown Requests

The Digital Millennium Copyright Act (DMCA) provides an opportunity for college and universities such as Canisius College to shield themselves from liability for the actions of users that infringe on the copyrights of others. Any use of the college’s information technology resources to illegally transfer copyrighted material including, but not limited to, software, text, images, audio and video is strictly prohibited and may lead to serious consequences, including disciplinary action, suspension, and possible lawsuits resulting in substantial financial penalties.

In accordance with the DMCA, Canisius College has designated the vice president for student affairs to receive and respond to reports of alleged copyright infringement. This designation is listed on the college’s public facing website. Employees receiving DMCA notices and takedown requests (i.e., notices send to the college’s webmaster or a librarian) must be routed to the vice president for student affairs. See the college’s Peer-to-Peer File Sharing Policy for additional information.

The Digital Millennium Copyright Act specifies that any DMCA notice or takedown requests must be in writing (either on paper or electronic mail) and must include the following elements: a physical or electronic signature; description of the work claimed to be infringed; description of the allegedly infringing work and the location on the college's website; contact information for the complaining party; a statement that the complaining party has a good faith belief that the use of the material in the manner complained of is not authorized by the copyright owner or law; a statement that the information contained in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the copyright owner.

Upon receipt of a DMCA notice or takedown request, the vice president for student affairs will work with the appropriate area vice president to ensure that the takedown procedure outlined in the Digital Millennium Copyright Act – US Copyright Law, Chapter 5, section 512(c)(3) is followed. In addition, the vice president for student affairs (or appropriate area vice president if the violator is not a student) will notify the individual responsible for the content that the takedown has taken place, and inform them of their rights regarding counter-notice and putback procedures, which are outlined in the Digital Millennium Copyright Act – US Copyright Law, Chapter 5, section 512(g).

Asking for Permission

Please refer to the http://libguides.canisius.edu/copyright first to determine if permission is required.

When the Limitations & Exemptions Do Not Apply

If the desired use doesn’t seem to be permitted under any of the limitations & exemptions -- or, if in doubt -- it is best to seek permission from the copyright holder. This is especially true when planning to digitize a work in order to deliver it from a website or learning management system.

When asking for permission, a letter will need to be written to the copyright holder (often a permissions director or editor). The request may be sent through e-mail but, if not, a letter via the postal service or fax will work just as well. Permission must be received in writing.

In the email or letter, be specific and spell-out exactly what is being asked for, including details like how many students will be in the class and the dates the material will be available to the students. (If delivering the material to students using the college’s course management program, be sure to make the content inaccessible once that portion of the course is over.)

Resources

Resources intended to provide guidance to college faculty, staff, and students seeking permission to use copyrighted data from a copyright holder are available at http://libguides.canisius.edu/copyright.

Violation of Copyright Laws

To report a violation of copyright laws, please contact the vice president for student affairs or the appropriate area vice president. See the college’s Peer-to-Peer File Sharing Policy for additional information.

The Digital Millennium Copyright Act (DMCA) provides an opportunity for college and universities such as Canisius College to shield themselves from liability for the actions of users that infringe on the copyrights of others. Any use of the college’s information technology resources to illegally transfer copyrighted material including, but not limited to, software, text, images, audio and video is strictly prohibited and may lead to serious consequences, including disciplinary action, suspension, and possible lawsuits resulting in substantial financial penalties.
Upon obtaining knowledge that material residing on its information technology resources is infringing or that its resources are being used for infringing activities or receiving a takedown request, the college will act expeditiously to remove or disable access to the infringing materials and may deny the users responsibility further access to its resources.

Students and employees who violate the provisions of the college’s copyright policies are subject to disciplinary action pursuant to the college’s applicable disciplinary policies, as well loss of access to the college’s computer and network systems.

Visitors and others third party users who violate the provisions of the college’s copyright policies are subject to loss of access to the college’s information technology resources. Moreover, the vice president for business and finance may administer other appropriate sanctions.

In addition to the above, the receipt of, possession of, or distribution of copyrighted material without the permission of the copyright holder are a violation of the laws of the United States (Title 17, U.S. Code). Violators of copyright law could be subject to criminal and civil sanctions. A summary of the current criminal penalties for violation of federal copyright laws is as follows: the infringer may be required to pay the actual dollar amount of damages in an amount equal to the profits gained from the infringement or, alternatively, pay what are termed “statutory damages.” Statutory damages can range from $750 to $30,000 for each work infringed, unless the court finds that the infringement was willful. In such cases, the maximum penalty is increased to $150,000; the court may also award attorney fees and court costs, issue an injunction to stop the infringing acts and impound the illegal works; the infringer can be sent to jail for up to 10 years.

**RELATED POLICIES**

Acceptable Use of Information Technology Resources Policy

Copyright and Intellectual Property Property

Peer-to-Peer File Sharing Policy

### 2.1.4 Freedom of Expression Policy

<table>
<thead>
<tr>
<th>FREEDOM OF EXPRESSION POLICY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective Date:</td>
</tr>
<tr>
<td>Policy Number:</td>
</tr>
<tr>
<td>Supersedes:</td>
</tr>
<tr>
<td>Issuing Authority:</td>
</tr>
<tr>
<td>Responsible Officer:</td>
</tr>
<tr>
<td>Applicability:</td>
</tr>
</tbody>
</table>

**PURPOSE**

Canisius College values the freedom of expression and assembly. At the same time, the college recognizes that such freedom must exist within the context of the law, common decency, and responsibility for one’s actions. The college has therefore established procedures and guidelines, which seek to preserve the integrity of freedom of speech, thought, assembly and expression, including artistic expression, while at the same time preserving the right of the college to make fair, balanced, and considered judgments not to permit or exhibit expressions which are either not appropriate within the context of the mission of the college and its Catholic, Jesuit identity or in violation of federal or state law or established college policies.

**DEFINITIONS**

Artistic Expression—including but is not limited to the fine arts, the performing arts, the graphic arts or less traditional forms of creative expression, i.e., electronic, computer, etc.

**POLICY**

As a Catholic, Jesuit university, Canisius fosters an environment in which a variety of ideas can be reasonably proposed and critically examined. In particular, student groups have a right to invite speakers to campus within reasonable limitations applied by the college (see Guest Speakers and Performers Policy). The college recognizes that the free exchange of ideas and expression may produce conflict. This exchange is an important element in the pursuit of knowledge. Implicit in the pursuit of this exchange is the privilege to dissent and demonstrate in a peaceful and non-disruptive manner without unreasonable obstruction or hindrance in a manner consistent with the college’s mission, Jesuit affiliation, federal and state laws, and college policies. The college expects that those who enjoy this privilege also accept the responsibility for their actions and for maintaining order. The college also recognizes the rights of those who desire not to protest and who wish to continue to participate in the normal activities of the college. As responsible participants in the college community, students, alumni, and employees can expect fair and impartial treatment in their relations with the college and their dealings with college officials.

**PROCEDURES/GUIDELINES**
Freedom of Expression Guidelines

An individual’s expression must not:

- Deny or infringe upon the rights of other students, employees, or guests of the college community;
- Disrupt or interfere with the general operation of the college;
- Endanger the safety of any member of the college community;
- Be obscene, slanderous, or inappropriate within the context of the college’s mission or its status as a Catholic and Jesuit university;
- Demean an individual(s) on the basis of race, color, sex, religion, ancestry, national origin, age, sexual orientation, disability, veteran status, gender identification, or genetic information, or any other characteristic protected by federal, state or local law;
- Create a volume of sound that prevents members of the college from conducting their normal activities;
- Obstruct pedestrian or vehicular traffic on campus;
- Obstruct or restrict the free movement of persons in any part of property owned or leased by the college;
- Deny the normal use of offices or other facilities to the students, employees or guests of the college;
- Result in the defacement or destruction of college property;
- Demean federal, state, or local laws or established college policies.

Expressions uttered on campus or via the college’s information technology network must recognize the diversity of people and points of view. Planned demonstrations, lectures, exhibits or artistic performances, whether presented on campus or via the college’s information technology network, that may be potentially offensive or controversial, if deemed appropriate and approved in advance in accordance with established approval procedures, must be advertised as such so people can make an informed decision before attending the event. (See the Guest Speakers and Performers Policy for relevant approval procedures).

Employees and students of the college are citizens and members of an educational institution. When they speak, write or create art, they are free from institutional censorship or discipline within the guidelines above. Moreover, as members of the college, employees and students who freely choose to be part of the college have additional obligations imposed upon them. They must remember that the public might judge the college by their words and works. They must at all times exercise appropriate sensitivity, show respect for the opinions of others, and recognize that their words, actions and expressions will reflect on Canisius College. They are also responsible for making clear that they are participating in such activities only as individuals and not on behalf of, at the direction of, or with the encouragement of the college.

Inevitably there will be differing opinions or doubt regarding whether the college should permit a planned assembly, demonstration, exhibit, or artistic performance. At such times and in situations not specifically addressed in the Canisius College Policy Manual, the president will decide whether to approve the proposed assembly, demonstration, exhibit, or artistic performance.

In permitting freedom of expression within the guidelines set forth above, the college does not endorse, or relieve any person from legal liability for actions that amount to libel, slander, or obscenity. Moreover, by supporting the exercise of freedom of expression on campus, Canisius College does not sanction the messages that are being declared or the methods of expression used, unless expressly stated otherwise. Finally, the college reserves the right to (a) adopt and enforce rules and regulations as it may deem necessary and proper in order to serve the interest of health and safety, prevent disruption of the educational process or working environment, and to protect against the invasion of the rights of others; and (b) may cancel any planned assembly, demonstration, exhibit or artistic performance that creates a public health or safety concern, disrupts the educational or working environment, or uses the college as a platform to disparage the Catholic Church or mission of the college.

RELATED POLICIES

Academic Freedom Policy

Demonstrations Policy

Anti-Discrimination and Non-Harassment Policy

Notice of Non-Discrimination Statement TBA (will be added to Volume II)

Guest Speakers and Performers Policy

Sexual and Gender-Based Misconduct Policy

2.1.5 Gambling Policy

<table>
<thead>
<tr>
<th>GAMBLING POLICY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Effective Date:</strong></td>
</tr>
<tr>
<td><strong>Policy Number:</strong></td>
</tr>
<tr>
<td><strong>Supersedes:</strong></td>
</tr>
<tr>
<td><strong>Issuing Authority:</strong></td>
</tr>
<tr>
<td><strong>Responsible Officer:</strong></td>
</tr>
<tr>
<td><strong>Applicability:</strong></td>
</tr>
<tr>
<td><strong>History:</strong></td>
</tr>
</tbody>
</table>
PURPOSE
The purpose of this policy is to define Canisius College’s position related to gambling events and bookmaking activities on campus.

POLICY
Gambling while on college property or at college-sanctioned events is not acceptable behavior or permitted. The following forms of gambling or bookmaking are prohibited on college property or as part of any college activities:

- Betting on, wagering on, or selling pools on any athletic event, whether professional or amateur; or betting on brackets, fantasy leagues, video game tournaments, or internet gambling;
- Possessing on one’s person (or in a room, car, etc.) any card, book, or other device for registering bets;
- Using or knowingly permitting the use of one’s premises, computer, telephone, or other electronic communication device for illegal gambling;
- Knowingly receiving or delivering a letter, package, parcel, or electronic communication related to illegal gambling;
- Offering, soliciting, or accepting a bribe to influence the outcome of an athletic event;
- Involvement in bookmaking with respect to sporting events or games of chance;
- Playing cards or other games of chance for money;
- Participation in unauthorized raffles or lotteries; and
- Any similar acts of gambling or betting, as those terms are commonly understood or as identified under New York or federal law.

In addition to the restrictions listed above, Athletics Department staff and student-athletes must adhere to NCAA regulations, and are therefore prohibited from participating in any sports gambling activities, whether on- or off-campus, concerning any intercollegiate or professional athletics team or competition on any sport in which the NCAA sponsors a championship in any division. Moreover, college employees may not gamble while on duty regardless of location. These prohibitions apply without regard to whether the activities are legal under federal or state laws.

The college may hold, or authorize others to hold, gaming events (such as casino nights and raffles) for fundraising or other legal purposes upon approval (see Procedures/Guidelines below).

Violations of the law or of this policy may be grounds for criminal prosecution and referral for college disciplinary action.

DEFINITIONS
Gambling—playing a game of chance, with an uncertain outcome, for money or some other valuable item.

Bookmaking Activities—accepting the bets of others on the outcome of sports or other contests.

PROCEDURES/GUIDELINES
Approval of Non-Cash Gaming Events for Charitable Purposes
The vice president for student affairs and the vice president for institutional advancement (or designee) must jointly approve all raffles and sales for charitable purposes requested by students or a student organization. The vice president for institutional advancement (or designee) will approve all raffles and sales for charitable purposes requested by employees.

IRS Reporting
In compliance with IRS reporting requirements, the college will report a payment of winnings (unless the winnings are from poker, keno, bingo, or slot machines) when the amount paid is $600 or more and at least 300 times the amount of the wager.

Gambling Resources
College community members are encouraged to seek help for themselves or others in need of assistance by contacting one or more of the following offices or organizations:

On-Campus: Counseling Center (716) 888-2620

Websites:
- www.gamblersanonymous.org
- www.ncpgambling.org

RELATED POLICIES
Not applicable.

2.1.6 Guest Speakers and Performers Policy

<table>
<thead>
<tr>
<th>GUEST SPEAKERS AND PERFORMERS POLICY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective Date:</td>
</tr>
<tr>
<td>Policy Number:</td>
</tr>
</tbody>
</table>
The purpose of this policy is to assure the opportunity for the free expression and exchange of ideas, to minimize conflict between the exercise of that right and the rights of others in the effective use of Canisius College facilities, to minimize possible interference with the college’s responsibilities as an educational institution, and to preserve the college’s status as a 501(c)(3) tax exempt organization.

POLICY

The sponsorship of off-campus speakers or performers on the campus and via the college’s information technology resources is restricted to academic and co-curricular departments, the administration, and officially registered student and employee organizations and must be approved in accordance with the procedures and guidelines set forth within this policy.

The college reserves the right to adopt and enforce rules and regulations as it may deem necessary and proper in regard to the issuance of invitations to outside or off-campus speakers or performers so as to prevent disruption of the educational process or working environment, and to protect against the invasion of the rights of others. Moreover, the college president may cancel any event or lecture that creates a public health or safety concern, disrupts the educational or working environment, or uses the college as a platform to disparage the mission of the college or its Catholic, Jesuit identity. See the college’s Freedom of Expression Policy for additional information.

Finally, an invitation to speak or perform at Canisius College does not include license for unlawful activity or activity that endangers or imminently threatens to endanger the safety of any member of the community or any of the community’s physical facilities, nor any activity that disrupts or obstructs the functions of the college or imminently threatens such disruption or obstruction.

Note: This policy and corresponding procedures do not apply to speakers invited by course instructors to address students enrolled in a course they are teaching, or to internal faculty and/or staff seminars, workshops, conferences, or colloquia.

DEFINITIONS

Guest Speakers and Performers—a person or group neither attending the college, nor otherwise employed by the college, who is invited to make a public address or give a public performance or lecture outside of the classroom environment.

PROCEDURES/GUIDELINES

Sponsorship and Approval of Guest Speaker and Performers Procedures:

Individuals or organizations at Canisius College intending to invite a guest speaker or performer to campus must:

- Determine who would be an appropriate speaker or performer given the college’s mission and Catholic or Jesuit identity;
- Consult with the appropriate Senior Leadership Team member with oversight responsibility for the individual or organization sponsoring the speaker or performer concerning the qualifications and appropriateness of the proposed speaker or performer and receive preliminary approval;
- Prepare a budget (include speaker’s fees, reception costs, transportation costs, etc.) and submit a funding request to the appropriate department head. A W-9 will be required to pay the individual;
- Receive final approval from the appropriate Senior Leadership Team member. The written request to the appropriate Senior Leadership Team member must include the following: the name of the individual(s) to be invited, the group(s) to be addressed, and the subject and title of the presentation or performance; if a speaking engagement, a professional vita or description of the qualifications of the speaker to address the subject of the presentation; the purpose, time and date of the presentation or performance, facility requirements, audio-visual needs, food service needs, etc.; and any associated costs of the presentation (speaker fees, food costs, travel expenses, rental expenses, housing costs, etc.);
- Requests to invite a guest speaker running for political office must be approved by the Office of the President and otherwise meet the regulations and procedures set forth in the college’s Political Activities Policy;
- If the speaker or performance is approved by the appropriate Senior Leadership Team member, a contract rider and/or performance agreement will need to be approved by the Business and Finance Office, which will forward the approved rider and/or performance agreement to the speaker or performer; and
- Once the signed contract rider and/or performance agreement are received, the appropriate Senior Leadership Team member signs the final documents.

Approval of a guest speakers or performer(s) does not necessarily imply approval or endorsement of the views expressed by the speaker, the attendees, or the sponsoring college party or organization. The college realizes that some among the invited speakers or performers will espouse ideas that individuals and groups within the college community consider hostile to their interests, values, or feelings. Speakers or performers that may be potentially offensive or controversial, if deemed appropriate and approved in advance in accordance with established approval procedures above must be advertised as such so people can make an informed decision before attending the event.

Reservation of College Facilities

The reservation of college facilities for guest speakers or performers is required to ensure that there is orderly scheduling of facilities and
adequate preparation for the event, and that the occasion is conducted in a manner appropriate to the academic community. Reservation of college facilities and spaces must be made in accordance with applicable event management policies once approval of the event is received from the president (see Approval Guidelines).

Honorarium Payments to Foreign Nationals

U.S. law significantly restricts what employment foreign nationals may accept. Before committing to an honorarium for a foreign national, departments must ensure the person has the appropriate visa that allows such a payment. For short-term visits made for the purpose of delivering a lecture or speech, only certain visa classifications are authorized to accept an honorarium. An individual already in the U.S. may not necessarily be here in the correct visa classification. For instance, diplomats, employees of foreign governments, military personnel, or others on foreign government representative visas, employees of the World Bank or political officers attached to a foreign embassy in the U.S. hold visa classifications specific to the duties of their posts and are not permitted to earn additional income through activities such as speaking engagements. Do not assume that an international visitor holds the correct visa classification, especially if the individual is already in the U.S.

Visitor for Business B-1: Foreign Visitors present in the U.S. on a B-1 visa may be paid an honorarium; however, such individuals cannot provide services at the college for more than 9 days and must not accept payment or expenses from more than 5 institutions in the 6-month period of the visa’s duration. Other types of payments that a B-1 visa holder may receive while in the U.S. include reimbursement for expenses including accommodations, meals and travel expenses. Payments may be made directly to the provider of the service or to the nonresident visitor (all expenses must have original receipts and are subject to Canisius Travel Policy restrictions). NOTE: The 9-day/five institution rule does not apply to those who are only reimbursed for received expenses and not receiving honoraria. “B” immigration holders are not employees.

Visitor for Tourism B-2: Prior to 2006, foreign visitors in the U.S. on a B-2 visa were prohibited from receiving payments of any kind for any reason. Payments made on behalf of B-2 visa holders for such things as lodging or transportation were also prohibited. An easing of these rules came when an IRS general information letter from the Office of the Asst. Chief Council was published, allowing B-2s already in the U.S. to accept an honorarium for a speaking engagement.

Visa Waiver Program

Foreign nationals from a participating country in the Visa Waiver Program (VWP) do not have to have a visa to enter the U.S. for business or tourist travel. However, they must have a machine-readable passport valid for six months past their expected stay in the U.S. (unless a country-specific agreement provides an exemption). The foreign national may stay in the U.S. for business or tourist purposes for a maximum of 90 days. No extension of the stay is allowed.

Travelers from a VWP country must submit their request for a travel authorization to the U.S. through the ESTA Program (Electronic System for Travel Authorization). Travelers complete the ESTA on-line form before entering the U.S. prior to boarding, the carrier will electronically verify with U.S. authorities that the traveler has an approved travel authorization file through ESTA. Since the ESTA program started, some individuals who have been invited to the US as a B-1 have reportedly been admitted as a B-2 even after showing the B-1 invitation letter. If the individual is in the US for strictly business activities i.e. academic activities but their immigration stamp is B-2 then in this situation the college can reconsider making payments such as honoraria and travel to a B-2 by using the B-1 rules since the college has considered both the visa type and the purpose for the trip.

For more information on which countries are in the program, see the Department of State website about the Visa Waiver Program: http://travel.state.gov/content/visas/en/visit/visa-waiver-program.html

What Activities Can Be Paid Through an Honorarium?

An honorarium may be paid to a foreign national for "usual academic activity or activities.” These activities include lecturing, teaching and sharing of knowledge or performance.

Honorarium Rule (“9/5/6” Rule)

Foreign nationals in B-1, B-2, VWB, and VWT status may accept an honorarium and/or reimbursement of travel expenses under the following conditions:

- For “usual academic activity or activities;”
- Nine (9) days or less at Canisius;
- The individual has accepted such payment from no more than 5 educational or research institutions (including Canisius); and
- In the previous 6-month period.

If the individual does not meet the honorarium rule, then they cannot be paid for the honorarium. Foreign nationals holding a B-1/VWB or B-2/VWT visa who exceed the honorarium rule are not prohibited from giving an invited lecture at Canisius. They cannot, however, be paid an honorarium. There is nothing that says an honorarium has to be offered.

EXAMPLE

Dr. Jones from New Zealand is invited by the Geology Department to give a talk for which he will be paid an honorarium and expenses. This is his first trip on a B-1 visa to the U.S. He will be on campus for 5 days. During this trip in the U.S. he is also giving talks at four other universities. Dr. Jones has now used the full benefits provided by the honorarium rule. He will not be able to accept an honorarium from another U.S. college for another six months.

Have the visitor complete the B1/B2 Short-Term Visitor Declaration Form and submit it as backup to payment request forms: http://www.payroll.wsu.edu/pdf/b1b2ShortTermVisitorDecForm.pdf
Who is Eligible to Receive an Honorarium?

- B-1 or B-2 provided the individual meets the conditions of the honorarium rule.
- VWB (Visa Waiver Business) or VWT (Visa Waiver Tourist) provided the individual meets the conditions of the honorarium rule.

Withholding

An honorarium paid to a foreign national is subject to 30% withholding. This withholding also applies to a nonresident alien entity. Travel reimbursement is not subject to withholding because it is not considered income.

The college is generally required to withhold on the compensation payment at a 30% rate, although this rate may be reduced or eliminated if there is an income tax treaty between the United States and the foreign individual's country of residence. To claim benefits under an existing tax treaty, an eligible nonresident individual must file a form with the college (Form 8233) which requires the foreign individual to provide a taxpayer identification number and identify the treaty article providing the exemption. Tax treaty benefits are NOT automatic.

Letter of Invitation

A letter of invitation must be sent to every foreign national invited to Canisius who will receive an honorarium or reimbursement for travel expenses. The letter must come from the department that is sponsoring the activity. The letter must contain the following information:

- Name of the event or activity;
- Date of the event;
- The amount of any honorarium that will be paid if any;
- Whether travel and/or incidental expenses will be reimbursed; and
- Contact information at the sponsoring department for further information.

Attach a copy of the offer letter as backup to payment request forms.

<table>
<thead>
<tr>
<th>Reimbursement by B Visa Type When Honorarium Rule is Not Exceeded</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B Visa Type</strong></td>
</tr>
<tr>
<td>-----------------</td>
</tr>
<tr>
<td>B-1/VWB</td>
</tr>
<tr>
<td>B-2/VWT</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reimbursement by B Visa Type When Honorarium Rule is Exceeded</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B Visa Type</strong></td>
</tr>
<tr>
<td>-----------------</td>
</tr>
<tr>
<td>B-1/VWB</td>
</tr>
<tr>
<td>B-2/VWT</td>
</tr>
</tbody>
</table>

RELATED POLICIES

Event Management Policy for External Clients
Event Management Policy for Internal Users
Freedom of Expression Policy
Political Activities and Speakers Policy

2.1.7 Institutional Data Requests Policy

<table>
<thead>
<tr>
<th>INSTITUTIONAL DATA REQUESTS POLICY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Effective Date:</strong></td>
</tr>
<tr>
<td><strong>Policy Number:</strong></td>
</tr>
<tr>
<td><strong>Supersedes:</strong></td>
</tr>
<tr>
<td><strong>Issuing Authority:</strong></td>
</tr>
<tr>
<td><strong>Responsible Officer:</strong></td>
</tr>
<tr>
<td><strong>Applicability:</strong></td>
</tr>
<tr>
<td><strong>History:</strong></td>
</tr>
</tbody>
</table>
PURPOSE

The purpose of this policy is to ensure that statistical representations of Canisius College to the public and any external agencies/entities are consistent, factually correct, and reflect as positively as possible on the institution; to avoid any unnecessary duplication of effort and minimize the departmental and human resource requirements in responding to such requests; and to maintain a clearinghouse of statistical reports and responses to requests from external agencies/entities submitted by college personnel on behalf of the college or any school or department of the college.

POLICY

The Office of Institutional Research and Effectiveness is the official source for all institutional data (e.g., student enrollment, employee counts) and coordinates the collection and reporting of external data requests. In order to ensure the accuracy and consistency of institutional data supplied to external sources, the Office of Institutional Research and Effectiveness must be contacted for the integration of data gathering, analysis, and dissemination of college or any school or department of the college data to external sources.

Note: Requests for college financial data must be submitted to the Office of Business and Finance, which will work in collaboration with the Office of Institutional Research and Effectiveness in disseminating such data to external sources.

DEFINITIONS

Data Request—a request for information about Canisius College students, courses, faculty, finances, research, colleges, schools, departments, or staff that is going to be used to support the administration of the college or its programs.

PROCEDURES/GUIDELINES

Responses to Data Requests that require the provision of college data that has not been published and compiled must be coordinated through and approved by the Office of Institutional Research and Effectiveness. The Canisius College Fact Book published each year by the Office of Institutional Research contains official Canisius College data. College trustees, employees, volunteers, contractors, vendors, etc. receiving such requests may use this publication as a primary source of information for data request responses before sending the response to the Office of Institutional Research and Effectiveness for final approval.

RELATED POLICIES

Not applicable.

2.1.8 Political Activities and Speakers Policy

<table>
<thead>
<tr>
<th>POLITICAL ACTIVITIES AND SPEAKERS POLICY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective Date:</td>
</tr>
<tr>
<td>Policy Number:</td>
</tr>
<tr>
<td>Supersedes:</td>
</tr>
<tr>
<td>Issuing Authority:</td>
</tr>
<tr>
<td>Responsible Officer:</td>
</tr>
<tr>
<td>Applicability:</td>
</tr>
<tr>
<td>History:</td>
</tr>
</tbody>
</table>

PURPOSE

The purpose of this policy is to comply with IRS regulations which prohibit participation in political activities and to protect Canisius College from imposition of excise tax, penalties, or revocation of tax exempt status.

POLICY

Political Activities

Canisius College is a tax-exempt institution, qualified by the Internal Revenue Service as a 501(c)(3) corporation. It is essential that the college protect its tax-exempt status, as it exempts the college from the payment of real property and sales taxes and it qualifies contributions from alumni and friends as charitable deductions.

As a tax-exempt institution, the college as an entity and members of the college community individually are not permitted to use college resources in the pursuit of political objectives and Political Activities (see Definition section below). Individuals are permitted to make political contributions and work on campaigns, but college resources may not be used in political campaigns. This includes using college telephone, mail, e-mail, or internet facilities to promote a particular candidate or engage in fundraising. Similarly, college facilities cannot be used to host political fundraisers.
Apart from the tax-exempt issue, as a general policy, members of the college community must refrain from using college stationery or college e-mail addresses as a return address when expressing personal political views. Again, individuals are free to express their own views, but it is essential that personal views not be construed as being the views of Canisius College. See the Political Activities Guidelines below for additional information.

Requests for facility will be denied if: a suitable facility is unavailable at the time/date requested; the appearance is determined to be disruptive, given its time, topic or projected headcount, to the college’s mission; or the candidate appearing commonly espouses views or beliefs that would, were he/she a student, violate the college’s codes of conduct (such as so-called “hate speech”).

**Political Speakers**

Canisius College is routinely approached by political candidates/parties requesting the opportunity to sponsor events or address the general public from the campus. Canisius encourages the use of the college’s facilities by political candidates/parties who are interested in participating in an educational forum – as defined by Canisius College – if the requirements listed below are met. Canisius College facilities may not be utilized by political candidates/parties for rallies, fundraisers, special events etc. With regard to the use of college facilities by a political candidate or party, it is the policy of the college that:

- Any program must be free and open to the public. An “open” event is defined as one for which no fewer than one-half the available seats or spaces are available to the general college community based on a non-biased distribution of tickets (such as first-come, first-served);
- The program must include a formal presentation on the part of the political candidate and offer an opportunity for questions and answers from a panel and/or the audience;
- The program must not serve as a fundraiser for the candidate or his/her political party;
- The college reserves the right to require payment in advance from a political candidate or his/her party for costs associated with the program. This may include, but is not limited to: maintenance costs, security, utilities, audio/visual, and staff time;
- The program must not place an undue burden on the college’s staff, facilities or other resources;
- Political candidates/parties must recognize that the college is in no way endorsing the views expressed by the speaker(s), and allows such a program only in the interest of the advancement of education. The moderator must make it clear that the college does not support or oppose the candidate(s) appearing. Moreover, campaign fundraising at the event will be prohibited; and
- The college reserves the right to cancel any program or activity on campus, at any time, which poses a clear and present danger to the college or local community.

See also the Political Activities Guidelines below for additional information.

Persons wishing to approach the college with requests involving political candidates should contact the college’s associate vice president for public relations who will serve as coordinator for such a program.

**DEFINITIONS**

Political Activity/Political Activities—activity, including oral or written statements and financial support, that is directed toward the success or failure of a political party, candidate for election in a partisan political campaign for public office, a partisan political group or ballot initiative.

Political Campaign—a race between candidates for elective office, or other organized effort towards a particular election result, including for ballot initiatives.

Lobbying—influencing or intending to influence a member of Congress or state or local legislator or member of their staff.

Fundraising—soliciting contributions for political candidates, campaigns, or ballot initiatives.

Endorsement—public statements of opinion and/or contributions, monetary, in-kind, or otherwise, to political campaigns.

**PROCEDURES/GUIDELINES**

**Political Activities Guidelines**

To protect the neutrality of Canisius College in political campaigns, the college has established the following guidelines and procedures to assist members of the campus community in determining which political activities are appropriate:

- In order to preserve the college’s not-for-profit (IRS § 501(c)(3)) status, the Internal Revenue Service requires that the college refrain from participating in or intervening in any political campaign on behalf of (or in opposition to) any candidate for public office;
- Canisius College is not permitted to endorse or oppose, expressly or impliedly, any candidate for political office or political party. In addition, Canisius College must not make any financial contributions to a political campaign fund, a political party, or political action committee (PAC). Contributions to a PAC supporting specific issues pertinent to Canisius College’s tax-exempt purposes, particularly if it has a track record of commenting on such issues in non-election years, are exempted;
- Canisius College also is prohibited from commenting on specific actions, statements, or positions taken by candidates for public office, including incumbents, in the course of their campaigns. Similarly, Canisius College may not promote action (voting) with respect to issues that have become highly identified as dividing lines between candidates for political office. Comments pertaining to specific issues pertinent to Canisius College’s tax-exempt purposes, particularly if it has a track record of commenting on such issues in non-election years, are exempted;
- All address lists used by Canisius College are considered confidential and may not be shared with political candidates, parties, or PACs. Individuals may personally deliver campaign literature, but Canisius College mail facilities and computer technology resources are not to be used for addressing, emailing or otherwise distributing political materials;
- Campus organizations may use campus communications to announce political forums and discussions sponsored by officially constituted campus groups;
- No campus political activities, including services and materials, may be paid for with Canisius College funds;
Use of Canisius College properties is subject to the Canisius College Political Speakers Policy;
Funds or contributions for political candidates or campaigns, political parties, or PACS may not be solicited in the name of Canisius College or on any Canisius College facility, and College resources may not be used in soliciting such funds. If Canisius College students or employees make political contributions, they must do so as individuals and not on behalf of Canisius College. Canisius College will not reimburse students, faculty, or staff for such contributions;
Canisius College communication and support systems, including any postal service, phone system, computer network or technologies, or office machinery (photocopier, fax machine, etc.), may not be used in support of one particular candidate, political party, or PAC free of charge. If such systems are rented or sold to a candidate or campaign, the items must be made available to all other candidates on the same terms and at fair market prices;
Using message boards and forums affiliated with the Canisius College website to support particular candidates, if the statements of the provider of the information can be reasonably attributed to the institution, are prohibited. A disclaimer that states that the opinions are neither those of Canisius College nor sanctioned by Canisius College is required in those public discussion areas where the information could reasonably be attributed to Canisius College;
Providing hyperlinks to Webpages or other space on Canisius College’s website of one or more candidates for public office in a manner that favors one candidate over another is prohibited;
Canisius College students are free to express their individual and collective political views provided they understand and make clear they are not speaking for or in the name of Canisius College;
Canisius College’s name, logo, and insignia may not appear on stationery or any other material used or intended for support of a particular candidate, political party, or PAC. This prohibition also applies to any Canisius College entities supported in whole or part by Canisius College funds, such as registered student organizations;
Canisius College will not publish ratings of candidates running for public office, particularly in situations where the ratings could be viewed as reflecting the views of the college. Similarly, Canisius College resources may not be used in connection with the preparation or publication of such ratings without reimbursement at the usual and normal charge; and
Canisius College may not coordinate voter education or registration activities with political campaign events. Non-partisan voter education and registration activities on campus, however, are permitted.

RELATED POLICIES
Event Management Policy for External Clients
Event Management Policy for Internal Users

2.1.9 Standards of Ethical Conduct

<table>
<thead>
<tr>
<th>STANDARDS OF ETHICAL CONDUCT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective Date:</td>
</tr>
<tr>
<td>Policy Number:</td>
</tr>
<tr>
<td>Supersedes:</td>
</tr>
<tr>
<td>Issuing Authority:</td>
</tr>
<tr>
<td>Responsible Officer:</td>
</tr>
<tr>
<td>Applicability:</td>
</tr>
<tr>
<td>History:</td>
</tr>
</tbody>
</table>

PURPOSE
The purpose of the policy is to establish the standards of ethical conduct expected of all Canisius College members of the college community, including trustees, executive officers, administrators, faculty, staff, student employees, students, and others who act on behalf of the college.

POLICY
Canisius College (“Canisius” or the “college”) requires all members of the college community, including its trustees, executive officers, administrators, faculty, staff, student employees, students, and others who act on behalf of the college (i.e., volunteers, contractors, agents and others associated with the college) to maintain the highest standards of ethical conduct in their dealings with persons both inside and outside the college. Accordingly, the Board of Trustees of the Canisius College of Buffalo, New York has promulgated these Standards of Ethical Conduct, which sets forth the general standards to which every member of the College community is expected to adhere. These standards, which are set forth in the Procedures/Guidelines Section of this policy, have been derived from federal, state, and local laws and regulations, college policies and procedures, contractual and grant obligations, and generally accepted principles of ethical conduct.

DEFINITIONS
College Information—is any data related to the business of the college including, but not limited to: financial, personnel, student, alumni, communication, and physical resources. It includes data maintained at the departmental and office level as well as centrally, regardless of the media on which they reside. Examples include: credit card information; tax identification numbers; payroll information; check requests and associated paperwork; student, parent, and employee tuition, financial aid, and loan accounts information; student educational records as defined by FERPA; photographic images (especially of face or other identifying characteristic), fingerprints, handwriting, or other biometric data (e.g., retina scan, voice signature, facial geometry); medical or financial information for any employee, temporary worker, or student; other personal information to include date of birth, address, phone numbers, maiden names, customer numbers, social security numbers; college contracts; college research data; alumni and donor records; personnel records; college financial data; passwords; college proprietary information/data; and any other information for which access, use, or disclosure is not authorized by: a) federal, state, or local law; or b) college policy or operations.

College Personnel—Canisius College trustees, executive officers, administrators, faculty, staff, student employees, contractors, and others who act on behalf of the college.

Compliance Officer—the vice president for student affairs, who performs the function of the college’s overall ethics and compliance officer.

Computer and Network Systems—any college owned or leased computer, mobile device, or software, as well as any part of the college’s computer, data, voice or video networks physically located on any college owned, leased, or rented property or located on the property of any third party with the permission of that party. This includes devices on such networks assigned any routable and non-routable IP addresses and applies to the college’s wireless network and the network serving the college’s student residence housing and any other vendor supplied network made available to the college community.

Intellectual Property - property of an intellectual nature belonging to an individual or an entity, including, but not limited to, proprietary information that is protected by patent, copyright, trademark or a non-disclosure agreement.

Wrongful Conduct—violations of applicable state and federal laws or regulations, fraud, accounting irregularities, auditing abuse, falsification or records, improper destruction of college records, conflicts of interest, impeding a college or law enforcement investigation, violation of a government contract or grant requirement, research misconduct, serious violation of college policy, or the use of college property, resources, or authority for personal gain or other non-college-related purpose except as provided under college policy.

PROCEDURES/GUIDELINES

The Canisius College Board of Trustees has promulgated this Standards of Ethical Conduct, which sets forth the general principles to which every member of the college community is expected to adhere. These principles have been derived from federal, state, and local laws and regulations, college policies and procedures, contractual and grant obligations, and generally accepted principles of ethical conduct.

The Standards of Ethical Conduct applies to all members of the college community, including trustees, officers, administrators, faculty, staff, students, volunteers, contractors, agents and others associated with the college.

Adherence to Standards of Ethical Conduct

Members of the college community are expected to conduct themselves at all times ethically, honestly, and with integrity in all dealings in accordance with the highest professional and community ethical standards.

In addition, all members of the college community engaged in research are expected to conduct their research with integrity and intellectual honesty at all times and with appropriate regard for human subjects. To protect the rights of human subjects, all research involving human subjects is to be reviewed by the college’s Institutional Review Board (IRB). See Human Subjects Research Policy. All research involving living animal subjects is to be reviewed by the college’s Institutional Animal Care and Use Committee (IACUC). See Use of Non-human Animals in Research, Teaching, and Demonstrations Policy.

Members of the college community engaged in research are not to: fabricate data or results; change or knowingly omit data or results to misrepresent results in the research record; or intentionally misappropriate the ideas, writings, research, or findings of others. See Research Ethics and Conduct Policy. They are also expected to demonstrate accountability for sponsors’ funds and to comply with specific terms and conditions of contracts and grants.

Compliance with Applicable Laws & Regulations

Members of the college community are expected to become familiar with the laws and regulations applicable to his or her position or status with the college, and must not act in any way to intentionally breach such laws and regulations, nor should they ask others to do so. Questions and concerns about the legality or propriety of any action or failure to take action by or on behalf of the college should be referred to the appropriate vice president.

Compliance with Applicable College Policies and Procedures

Members of the college community are guided by the mission and goals of the college and are bound by the policies, procedures, and practices set forth in the Canisius College Policy Manual; catalogs, handbooks and other policy-related documents.

Each member of the college community is expected to seek clarification on a policy or other college directive he or she finds to be unclear, outdated or at odds with college objectives. It is not acceptable to ignore or disobey policies if one is not in agreement with them, or to avoid compliance by deliberately seeking loopholes.

In some cases, college employees are also governed by ethical codes or standards of their professions or disciplines. It is expected that those employees will comply with applicable professional standards in addition to laws and regulations.

Conflicts of Interest or Commitment

Every member of the college community has a duty to avoid conflicts between his or her personal interests and official responsibilities and to
comply with college policies for reporting and reviewing actual and potential conflicts of interest and conflicts of commitment. Additionally, a member may not utilize his or her position with the college for his or her personal benefit. Areas of potential conflict include the use of confidential information, college purchases not subject to competitive bids, the acceptance of gifts and, under certain conditions, outside employment. Members of the community are also expected to consider and avoid, not only an actual conflict but also, the appearance of a conflict of interest. See the college’s Conflict of Interest Policy. In all matters, community members are expected to take appropriate steps, including consultation if issues are unclear, to avoid both conflicts of interest and the appearance of such conflicts.

**Respect for the Rights and Dignity of Others**

Canisius College is committed to a work, academic, and residential environment in which all individuals are treated with respect and dignity. Each individual has the right to work, study, and live in a professional, academic, and residential atmosphere that promotes equal employment and educational opportunities and prohibits discriminatory practices, including harassment. Canisius College prohibits discrimination and harassment and provides equal opportunities for all community members and applicants regardless of race, color, religion, sex, sexual orientation, sexual identity, gender, gender expression, or gender identity, age, national origin, ancestry, citizenship, disability, gender related status, pregnancy, genetic disposition, veteran or military status, marital status, familial status or any other legally protected characteristic in accordance with federal and State law. See the Anti-Discrimination and Harassment and Sexual and Gender-Based Misconduct policies. Further, romantic or sexual relationships between faculty responsible for academic supervision, evaluation or instruction and their students are prohibited. See the Consensual Relations Policy.

**Confidential Information**

Individuals who have access to confidential, proprietary and private information are expected to be familiar and to comply with applicable laws, college policies, directives and agreements pertaining to access, use, protection and disclosure of such information. Computer security and privacy are also subject to law and college policy.

**Use of College Resources**

College resources may only be used for activities on behalf of the college. They may not be used for private gain or personal purposes except in limited circumstances permitted by existing policy where incidental personal use does not conflict with and is reasonable in relation to college duties (e.g., telephones). Members of the college community are expected to treat college property with care and to adhere to laws, policies and procedures for the acquisition, use, maintenance, record keeping and disposal of college property.

**Compliance with Contractual Terms and Grant Terms and Conditions**

Every member of the college is expected to maintain access to and to comply strictly with the terms and conditions of each college grant and contract on which he or she is working. All questions or concerns about whether a particular term or condition violates the law or whether the grantor or contractor has breached its obligations to the college should be referred promptly to the college compliance officer.

**Maintenance and Preservation of Records**

Members of the college are expected to create and maintain records and documentation which fully conform to all applicable laws and professional, and ethical standards. Every member of the college who is involved, directly or indirectly, in the preparation or submission of a bill to any governmental or private payor is expected to use his or her best efforts to ensure the bill addresses only those services rendered and products delivered and in the correct amount, supported by appropriate documentation.

**Reporting an Alleged Violation**

All trustees, faculty, administrators, staff and students have an obligation to bring suspected violations to the attention of appropriate supervisory personnel in a responsible manner. Generally, the first person to be informed should be either one’s immediate supervisor in the case of employees, or the director of the college office concerned. In those instances in which the immediate supervisor is involved in the alleged violation, the report should be made to the person at the next highest supervisory level. The process for reporting suspected violations of specific policies, such as sexual or gender-based misconduct, is usually explained as part of the policy itself. In addition, individuals may utilize the reporting procedures set forth in the college’s Whistleblower Policy.

Those who report violations in good faith and in an appropriate manner, whether or not further investigation substantiates the claim, will be free from retaliation in any form. The identity of complainants will be protected, within legal limits, and those who retaliate against them will be disciplined.

All reported violations will be investigated promptly in accordance with procedures detailed in the relevant policy.

**RELATED POLICIES**

- Acceptable Use of College Computer and Network Systems Policy
- Anti-Bribery Policy
- Anti-Discrimination and Harassment Policy
- Conflict of Interest Policy
- Copyright and Intellectual Property Policy
- Human Subjects Research (IRB) Policy
- Notice of Non-Discrimination Statement (TBA, will be included in Volume II)
- Procurement Policy and Purchasing Procedures
2.1.10 Student Records (FERPA) Policy

<table>
<thead>
<tr>
<th>STUDENT RECORDS (FERPA) POLICY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Effective Date:</strong></td>
</tr>
<tr>
<td><strong>Policy Number:</strong></td>
</tr>
<tr>
<td><strong>Supersedes:</strong></td>
</tr>
<tr>
<td><strong>Issuing Authority:</strong></td>
</tr>
<tr>
<td><strong>Responsible Officer:</strong></td>
</tr>
<tr>
<td><strong>Applicability:</strong></td>
</tr>
</tbody>
</table>

**PURPOSE**

The purpose of this policy is to describe the rights and responsibilities of students and employees regarding the confidentiality of student records, including as specified under the Family Educational Rights and Privacy Act ("FERPA").

**POLICY**

The Family Educational Rights and Privacy Act of 1974, as amended (FERPA), is the federal law governing individuals' access to student records. The guiding principle of FERPA is that education records are private and that students have the right to limit their disclosure to third parties. Consistent with FERPA, Canisius College students will be granted access to their Education Record and, except in limited circumstances as set forth in the Procedures/Guidelines section of this policy, a student’s Education Records will not be disclosed without consent.

**DEFINITIONS**

**Attendance**—attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and the period during which a student is working under a work-study program.

**College Official**—one of the following individuals: (1) person employed by Canisius College in an administrative, supervisory, academic, research or support staff position; (2) a person elected to the board of trustees; (3) a person employed by or under contract to Canisius College to perform a special task (such as an attorney or auditor); (4) a contractor, consultant, volunteer or other outside party providing services that would otherwise be provided by a Canisius College employee; or (5) student serving on an official Canisius College committee or assisting a college official in the performance of his or her tasks.

**Dates of Attendance**—the period of time during which a student attends or attended an educational agency or institution. Examples of dates of attendance include an academic year or a spring semester. The term does not include specific daily records of a student’s attendance at an educational agency or institution.

**Directory Information**—includes but is not limited to name, address, email address, phone number, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards, received, and most recent education agency or institution attended.

**Disciplinary Action or Proceeding**—the investigation, adjudication, or imposition of sanctions by the College with respect to an infraction or violation of the internal rules of conduct applicable to Canisius College students.

**Disclosure**—to permit access to or the release, transfer, or other communication of education records, or the personally identifiable information contained in those records.

**Educational Record**—all records which contain information directly related to a student and maintained by Canisius, including those files, documents, and other materials (in handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche) that contain information directly related to a student which are maintained by Canisius College or by a person acting for the college pursuant to college or departmental policy. Information that is captured as a result of a student’s various activities at the Canisius College is part of the student record. This information includes, but may not be limited to, logs, databases or other records of: websites the student has visited, purchases made at Canisius College facilities, entry day/time into Canisius College facilities, library use and biometric records.
Records that are not “Education Records” include, but are not limited to, sole possession, law enforcement, employment, medical, counseling, and post-attendance records. More specifically, the following are not considered “educational records”: (a) notes belonging to a faculty or staff member and intended for the faculty/staff member’s own use are not subject to inspection, disclosure, or challenge unless the person maintaining the notes disclosed the information to a person in the college community other than the student named in the notes (upon such a disclosure, the records are then open for review by the student); (b) security records pertaining to an investigation when the record is maintained solely for campus safety and security purposes, is revealed only to law enforcement agencies of the same jurisdiction, and is maintained separately from education records; (c) student employment records, provided the record is maintained in the normal course of business and is used only in relation to the student’s employment; (d) student records that are made or maintained by a physician, counselor, psychologist, or other recognized professional acting in that capacity are not subject to the provisions of access, disclosure, and challenge when the records are used only for treatment of a student and are made available only to persons providing the treatment; (e) records which contain only information about an individual after he or she is no longer a student at Canisius College, such as alumni records; and (f) grades on peer-graded papers before they are collected and recorded by a teacher.

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

Student—one who has attended or is attending Canisius and regarding whom Canisius maintains education records. An individual will be considered in attendance when he or she has formally enrolled in a class.

PROCEDURES/GUIDELINES

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

Release and Access to Education Records

Except as noted elsewhere in this policy, education records will not be released — nor access given — to third parties without written consent of the student unless the party meets one of the following (see (34 CFR § 99.31):

- Parents of a dependent student;
- Canisius College officials who have a legitimate educational interest in the records. This includes contractors, consultants, volunteers, or other parties to whom the college has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(B)(f) - (a)(1)(B)(2) are met (see §99.31(a)(1));
- Appropriate parties in a health or safety emergency, subject to §99.36;
- Parents/legal guardian when their children (under age 21) are found to have violated the Canisius College Alcohol or Drug Policy or any Federal, State, or local law governing the use or possession of alcohol or a controlled substance if the college determines the student committed a disciplinary violation;
- Schools in which a student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student’s enrollment or transfer, subject to the requirements of §99.34;
- An alleged victim of a crime of violence or a non-forcible sex offense of the results of a disciplinary hearing regarding the alleged perpetrator of that crime with respect to that crime;
- Comply with a judicial order or a lawfully issued subpoena;
- Anyone who is providing financial aid to the student (“financial aid” does not include any payments made by parents) if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid;
- The Bureau of Citizenship and Immigration Services (BCIS) for purposes of the Student and Exchange Visitor Program;
- Federal, State, and local officials involving an audit or evaluation of compliance with educational programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf;
- Organizations conducting certain studies for or on behalf of the college in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction;
- Military recruiters who request “Student Recruiting Information” for recruiting purpose only;
- The Internal Revenue Service (IRS) for purposes of complying with the Taxpayer Relief Act of 1997;
- Authorized representatives of the Department of Veterans Affairs for students receiving educational assistance from the agency; and
- Accrediting organizations to carry out their functions.

While the college reserves the right under the above stated circumstances to disclose information from a student’s Education Records without the student’s written consent, the college is under no obligation to do so.

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

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

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

Access to and Copies of Student Educational Records

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

1. The student may inspect and review his or her record by filling out a request form at the office where the record of interest is maintained. Students should identify in the form as precisely as possible the record or records he or she wishes to inspect. Students may not inspect and review the following:
   • Financial information submitted by parents;
   • Confidential letters and recommendations placed in their files prior to January 1, 1975;
   • Confidential letters and statements of recommendation placed in records after January 1, 1975, to which the student has waived his or her right to inspect and review;
   • Education records containing information about more than one student; however, in such cases, students will be given access to the part of the record, which pertains only to him/herself.

2. Access is to be granted promptly and no later than 30 days from the date of the request. The records custodian will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records custodian to whom the request was submitted does not maintain the records, the college official will advise the student of the correct custodian to whom the request should be addressed.

3. The student may obtain copies of documents to which he or she is entitled. When a record contains information about more than one student, the student requesting access may inspect and review only that information which relates to him or her. The college may charge for these copies at a cost not to exceed the actual cost to Canisius College.

Withholding Information

There may be conditions such as financial obligations, violations of non-academic regulations, etc., under which the college will withhold transcripts, certifications, or other information about a student. The Office of Student Records notifies the student of a hold placed on the student’s record and directs the student to the office that placed the hold.

Directory Information

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

Decisions about withholding any information should be made very carefully. Should a student decide to inform the college not to release any information, any future requests for such information from non-institutional persons or organizations will be refused. Canisius College assumes that failure to request the withholding of directory information indicates approval for disclosure.

Challenges to the Content of Records

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

Students may initiate a challenge by submitting a written request to the custodian of the particular record in question, who shall attempt to resolve the problem through informal discussions. If a challenge to a record is not satisfactorily resolved by this procedure, the student will be informed of their right to a formal hearing, the procedures to be followed concerning such a hearing, and its composition.

Upon the request of the student, a formal hearing may be held following these guidelines:

1. The hearing shall be conducted and decided within a reasonable period of time following the request for the hearing. The student shall be notified as to the time and place of any hearing;
2. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised;
3. The college shall be afforded the opportunity to present testimonial and/or documentary evidence in response to any evidence presented by the student;
4. The hearing shall be conducted, and the decision rendered, by a college official or other party who does not have a direct interest in the outcome of the hearing. The appropriate Senior Leadership Team member with oversight over the record in question shall appoint such official or other party;
5. The decision will be rendered in writing within a reasonable period of time after the conclusion of the hearing;
6. The record of the hearing and decision will be preserved in the student’s file.

Annual Notification

Canisius College will annually inform individuals in attendance of their rights under FERPA, including the right to consent to disclosure of personally identifiable information contained in their education records, the right to opt out of the disclosure of “directory information,” the right to
review and seek correction of education records, and the right to file a complaint with the Department of Education concerning the college’s alleged failure to comply with FERPA.

**Student Right to File a Complaint**

Students have the right to file written complaints with the Office of the Secretary of the U. S. Department of Education concerning the Canisius College’s alleged failure to comply with FERPA or the regulations promulgated therein. The address is:

**Family Policy Compliance Office**

U.S. Department of Education

600 Independence Avenue, SW

Washington, D.C. 20202-4605

(202) 260-3887

**Training**

Employees, volunteers, and vendors who are authorized to access student educational records are required to participate in the Canisius College FERPA online training program, which is accessible on the Canisius College intranet. Appropriate department heads are responsible for ensuring that employees and volunteers under their supervision have participated in the training program.

**Record Destruction**

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

**RELATED POLICIES**

Record Retention and Disposal Policy

Confidential Information Policy

Information Security Program

### 2.1.11 Surveys Policy

<table>
<thead>
<tr>
<th>SURVEYS POLICY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective Date:</td>
</tr>
<tr>
<td>Policy Number:</td>
</tr>
<tr>
<td>Supersedes:</td>
</tr>
<tr>
<td>Issuing Authority:</td>
</tr>
<tr>
<td>Responsible Officer:</td>
</tr>
<tr>
<td>Applicability:</td>
</tr>
<tr>
<td>History:</td>
</tr>
</tbody>
</table>

**PURPOSE**

The purpose of this policy is to ensure that surveys of prospective students, current students, alumni, employees, trustees, community members, and other stakeholders are designed, administered, analyzed, and reported in a coordinated, methodologically sound and strategic manner.

**POLICY**

All surveys intended for distribution to any members or prospective members of the Canisius College community (e.g., prospective students, current students, alumni, employees, board members, community members, and other stakeholders) must be approved in accordance with the procedures described herein. A copy of all approved surveys, datasets, and associated reports that are generated by the surveyor(s) will be provided to the Office of Institutional Research and Effectiveness electronically for retention in a survey archive.

Surveys administered as part of research projects involving human subjects requires review and action by the college’s Institutional Review Board (IRB). Only the IRB may determine if a project is exempt from review. The Office of Institutional Research and Effectiveness must review all exempt survey proposals.

Vice president approval is not required for (a) faculty-supervised survey research that contributes toward students’ academic progress, (b)
evaluation of an event by participants, (c) feedback from clients at the point of service, (d) teaching evaluation forms, (e) forms used to collect information for administrative purposes (e.g., scheduling), (f) feedback instruments used in the evaluation of employee performance, (g) forms used within a class, and (h) systems for electing students, faculty, or staff to leadership positions within college committees or organizations.

**DEFINITIONS**

**Survey**—any instrument, whether administered online, via e-mail, on paper, or in an interview format, specifically designed to elicit information for analysis.

**Respondent**—prospective students, current students, alumni, employees, trustees, community members, and other stakeholders.

**PROCEDURES/GUIDELINES**

**Approval Procedures**

Individuals and offices wishing to conduct a survey that is covered by this Policy must complete and submit a written application to the appropriate area vice president, associate vice president, or committee/board as applicable (e.g. student surveys must be approved by the vice president for student affairs; alumni surveys approved by the vice president for institutional advancement; employee surveys by the associate vice president for human resources and compliance; human research subject surveys by the IRB; etc.). Information required includes but is not limited to: a description of the survey project, including the purpose and intended use of results; the specific respondent population receiving the survey; the method of survey distribution (e.g., online or hard copy, via email, in class, at event, etc.); the time frame for administering the survey, including beginning and end dates; evidence of IRB approval (if necessary); description of any planned incentive program for respondents; and a current draft of the survey and all invitation and cover letters.

If a recurring survey has been approved in an earlier year, it will be necessary only to submit information about the proposed administration dates. Surveys that had been approved in prior years, but which have been significantly changed, must be re-approved.

The approving authority will review the survey application and provide a response to the applicant within ten (10) business days of the date the proposal was received. The answer to the following questions will be used when making decisions about approving the administration of surveys to the prospective respondents:

- Does the survey comply with college policy and not violate of federal, state or local laws?
- Is the purpose of the survey clear and is it explained to the prospective participants?
- Does the survey provide information pertaining to the mission, goals, and future planning of the college?
- Is the survey well-designed and of an appropriate length? Does it follow sound survey methods and practices? Are the questions easily understood and interpreted?
- What is the target population? Will the entire population or a sample be surveyed?
- Are the rights of perspective respondents clearly explained?
- What actions are being taken to ensure the confidentiality of the responses?
- When will the survey be conducted? What is the optimal timing to ensure it does not compete with other college surveys and activities?
- How will the results be used?
- Will the findings be disseminated to appropriate college audiences? Who will have access to the information and will it help them make better decisions as a result?
- Has the Institutional Review Board approved the project (if necessary)?
- Can the proposed survey be combined with other planned surveys?
- Are there other data available that will allow the survey to be avoided?

The approving authority will provide feedback to the applicant, either approval of the survey project as is or a change notice with feedback regarding specific changes needed for approval.

**Guidelines for Conducting a Survey**

All surveys conducted at Canisius College must adhere to the following guidelines:

- The survey form must clearly identify the group or person who is conducting the survey and include contact information (name, email address, telephone number) should the respondents have any questions about the content of the form or about the use and/or publication of survey results;
- All respondents must be notified that their participation is voluntary;
- Respondents must be notified in advance if data collected will not be anonymous;
- Respondents must be protected from risk of unreasonable harm, including any risks regarding confidentiality or privacy;
- A summary of the survey will be made available on request to all respondents;
- Information from surveys conducted by administrative offices, faculty committees, and other college committees are the property of the college. The researcher, department, or committee responsible for conducting the survey must be consulted prior to the release and distribution of the survey’s findings; and
- The use of mass e-mailing lists to promote or distribute a survey to college employees, staff, students, trustees, or alumni is limited to official surveys approved by the appropriate authority in consultation with Information Technology Services.

**Confidentiality**

Personally identifiable information may be collected only as required in relation to the expressly stated purpose of research or a project.

**Data Security**

The researcher assumes the full responsibility for the security and privacy of the data. The investigator must ensure that the host system provides security in both data transfer and storage (e.g., disassociation of responses from the ISP address, SSL encryption, and firewall and intrusion prevention technology).
The person conducting a survey is responsible for managing and releasing the data collected. Raw data from surveys are typically not shared with people outside of the college except under special circumstances. If survey data is shared, the use of the data must be approved by the appropriate Senior Leadership Team member and conform to applicable college policies and laws pertaining to privacy matters (i.e., Student Records (FERPA), Confidential Information Policy, Health Insurance Portability and Accountability Act (HIPAA), Information Security, Identity Theft Prevention).

Sanctions

Failure to adhere to the policies, procedures and guidelines relating to the use of surveys will result in a written notification to the data collector and the Senior Leadership Team member who is responsible for their department. Violators of this policy must receive clearance from the Senior Leadership Team member to administer any future surveys for a period determined by the Senior Leadership Team member. Violations of college policies pertaining to privacy matters (i.e., Student Record (FERPA), Health Insurance Portability and Accountability Act (HIPAA), Information Security, Identity Theft Prevention) may result in appropriate disciplinary measures.

RELATED POLICIES

Confidential Information Policy
Health Insurance Portability and Accountability Act Policy
Information Security Program
Institutional Data Requests Policy
Human Subjects Research (IRB) Policy
Mass Email Policy
Student Records (FERPA) Policy

2.1.12 Voter Registration Policy

<table>
<thead>
<tr>
<th>VOTER REGISTRATION POLICY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Effective Date:</strong></td>
</tr>
<tr>
<td><strong>Policy Number:</strong></td>
</tr>
<tr>
<td><strong>Supersedes:</strong></td>
</tr>
<tr>
<td><strong>Issuing Authority:</strong></td>
</tr>
<tr>
<td><strong>Responsible Officer:</strong></td>
</tr>
<tr>
<td><strong>Applicability:</strong></td>
</tr>
</tbody>
</table>

PURPOSE

The purpose of this policy is to comply with The Higher Education Amendments of 1998 (20 U.S.C. § 1094(a)(23)(A)), which requires educational institutions receiving Federal funding to make a good faith effort to distribute voter registration forms to each student in attendance.

POLICY

It is the policy of Canisius College to make voter registration forms available to every student on an annual basis.

PROCEDURES/GUIDELINES

Each year, Canisius College provides voter registration information and access to voter registration forms to enrolled students. The Office of Student Life sends an email to each student giving them a link to the voter registration form on the Erie County Board of Elections voter registration website.

In addition, the college posts the following voter registration links on the Higher Education Opportunity Act Information webpage (see https://www.canisius.edu/academics/office-academic-affairs/higher-education-opportunity-act-information):

- Voter Registration Information (includes links to voter registration forms)
- Request an Absentee Ballot

RELATED POLICIES

Not applicable.
2.1.13 Volunteers Policy

<table>
<thead>
<tr>
<th><strong>VOLUNTEERS POLICY</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Effective Date:</strong></td>
</tr>
<tr>
<td><strong>Policy Number:</strong></td>
</tr>
<tr>
<td><strong>Supersedes:</strong></td>
</tr>
<tr>
<td><strong>Issuing Authority:</strong></td>
</tr>
<tr>
<td><strong>Responsible Officer:</strong></td>
</tr>
<tr>
<td><strong>Applicability:</strong></td>
</tr>
<tr>
<td><strong>History:</strong></td>
</tr>
</tbody>
</table>

**PURPOSE**

The purpose of this policy is to provide guidance for use of volunteers by college departments, as well as reduce volunteer risk and protect the interests of the college, its volunteers, and the community it serves.

**POLICY**

College departments may use volunteers to accomplish certain work as well as extend their budgets. Volunteer services must be properly authorized by the host department and Human Resources. Authorized volunteers are agents of the college, therefore qualifications, background and suitability of the individual must be considered before offering an opportunity to volunteer. Unauthorized volunteers may not be permitted to perform any duties or services on behalf of the college. Moreover, any individual listed on a sex offender registry or who has been convicted of an offense for which he or she must register as a sex or violent offender may not serve as a volunteer. No department may discriminate in selecting volunteers based on age, race, religion or creed, color, sex, national or ethnic origin, sexual orientation, marital status, military status, genetic predisposition or carrier status, gender identity or expression, familial status, domestic victim status, pregnancy, citizen status, disability, or any other status protected by state or federal law.

Under federal law, individuals holding F-2, J-2 and H-4 visa statuses are prohibited from volunteering in the same departments and on similar projects as paid college employees. Individuals holding B-1 or B-2 visas are prohibited from volunteering in any capacity at the college.

**DEFINITIONS**

*Protected Persons*—include minors, developmentally disabled individuals regardless of age and vulnerable individuals regardless of age. Vulnerable individuals include those who are mentally incapacitated, whether temporarily or permanently, for any cause including but not limited to intoxication, drugs, or mental incompetence.

*Volunteer*—any uncompensated individual who is authorized by a college department or unit to perform humanitarian, charitable or public services on behalf of the college, or to gain personal or professional experience in specific endeavors. By definition, volunteers perform services without promise, expectation or receipt of any compensation, future employment or any other tangible benefit.

*Vulnerable Population Programs* - means college-sponsored programs and activities, including but not limited to academic programs and camps, serving protected persons.

**PROCEDURES/GUIDELINES**

**Responsibilities and Rights of College Volunteers**

Canisius College volunteers must comply with college and department policies and procedures, as well as legal requirements that govern their actions. These include but are not limited to those relating to employee conduct, safety, confidentiality, sensitive information, protected health information, college computer and network system use, financial responsibility, and drug or alcohol use. Department heads are responsible for making certain volunteers comply with all applicable policies, procedures, and laws.

Volunteers are not covered by the Fair Labor Standard Act and therefore are not considered employees for any purpose. As such, they are not eligible for compensation or benefits.

**Eligibility**

Anyone, including retirees, students, alumni, or others, may provide volunteer services to the college, with the following restrictions:

- Individuals under the age of fifteen may not become volunteers;
- In individual under the age of eighteen must obtain parental or guardian consent to volunteer;
- A current employee may not become a volunteer at the college in any capacity in which the employee is presently employed at the college, or which is essentially similar to or related to the individual’s regular work at Canisius College. A current employee may only volunteer for special events (i.e., commencement, fundraisers, etc.) upon approval of the appropriate Senior Leadership Team member;
- Any individual listed on a registry that is part of the college’s Criminal Background Check or who has been convicted of an offense for which he or she must register as a sex or violent offender may not serve as a volunteer. No department may discriminate in selecting volunteers based on age, race, religion or creed, color, sex, national or ethnic origin, sexual orientation, marital status, military status,
genetic predisposition or carrier status, gender identity or expression, familial status, domestic victim status, pregnancy, citizen status, disability, or any other status protected by state or federal law; and

- Under federal law, individuals holding F-2, J-2 and H-4 visa statuses are prohibited from volunteering in the same departments and on similar projects as paid college employees. Individuals holding B-1 or B-2 visas are prohibited from volunteering in any capacity at the college.

Selection and Assignment

When selecting and engaging a volunteer, it is the department’s responsibility to be certain the individual has adequate experience, qualifications, and training for the assigned task(s). The following procedures are required to engage a volunteer:

- Departments desiring to engage volunteers must complete a description of the duties and services to be performed by the volunteer and obtain approval from the appropriate Senior Leadership Team member;
- Each potential volunteer (or their parent/guardian) must complete a Volunteer Registration Form (see Appendix) and, if assigned to a Vulnerable Population Program, satisfactorily complete a Criminal Background Check (see the Background, Reference, and Verification Screens Policy). The form must be filed with Human Resources upon completion;
- Each volunteer must complete a Release and Waiver of Liability Form (see Appendix).[4] Non-Canisius College students under the age of eighteen must have a parent or guardian sign the form prior to beginning their service. The completed form is then forwarded to Human Resources for filing;
- Appropriate training must be completed for all volunteers prior to their beginning service at the college;
- All completed forms and description of service must be submitted to the department head for approval and then to Human Resources;
- If the individual is a returning volunteer but the break in their service is greater than one year, all applicable forms, Criminal Background Check and processes described above must be completed once again;
- If the individual is a current volunteer but their duties are changed, all applicable forms and process described above (with the exception of a Criminal Background Check) must be completed once again.

Dismissal

A volunteer’s term of service may be terminated at any time and without prior notice by the supervisor or the appropriate Senior Leadership Team member.

RELATED POLICIES

Background, Reference, and Verification Screens Policy

2.1.14 Whistleblower Policy

<table>
<thead>
<tr>
<th>WHISTLEBLOWER POLICY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective Date:</td>
</tr>
<tr>
<td>Policy Number:</td>
</tr>
<tr>
<td>Supersedes:</td>
</tr>
<tr>
<td>Issuing Authority:</td>
</tr>
<tr>
<td>Responsible Officer:</td>
</tr>
<tr>
<td>Applicability:</td>
</tr>
<tr>
<td>History:</td>
</tr>
</tbody>
</table>

PURPOSE

The purpose of this policy is to protect any Canisius College personnel or other member of the college community ("individuals") who makes a good faith disclosure of suspected wrongful conduct. This policy provides a mechanism for and encourages individuals to report wrongful conduct or raise any ethics-related questions or concerns, free from any fear of reprisals.

POLICY

College personnel have an affirmative obligation to report in good faith any actual or suspected wrongful conduct (see Definitions) to the college in accordance with the Reporting Procedures set forth in the Procedures and Guidelines section of this policy. Moreover, Canisius College encourages all other members of the college community, acting in good faith, to raise any ethics-related questions and report suspected or actual wrongful conduct.

The person who receives a report of a suspected wrongful conduct pursuant to this policy is obligated to investigate it or to refer it to the appropriate vice president or the compliance officer for investigation. The vice president or compliance officer shall promptly report the matter to the college president, and the report will be referred to and investigated by the Audit Committee in accordance with the Reporting Procedures set forth in the Procedures and Guidelines section of this policy. An individual who reports an incident of wrongful conduct shall be informed that such an investigation was undertaken and, except in cases where confidentiality of other employees or their employment records would be compromised or in other compelling circumstances, of the results of that investigation.
All college personnel are obligated to cooperate fully in the investigation of any allegation of wrongful conduct.

DEFINITIONS

Baseless Claim—an allegation made with reckless disregard for its truth or falsity.

College Personnel—Canisius College trustees, executive officers, administrators, faculty, staff, student employees, contractors, and others who act on behalf of the college.

Compliance Officer—the vice president for student affairs, who performs the function of the college’s overall ethics and compliance officer.

Good Faith Report—an allegation of wrongful conduct made by an individual who believes that wrongful conduct may have occurred. However, an allegation is not in good faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation.

Protected Disclosure—communication about actual or suspected unethical behavior or wrongful conduct engaged in by a college employee, student, volunteer, agent or contractor (who is not also the disclosing individual) based on a good faith and reasonable belief that the conduct has both occurred and is wrongful under applicable law and/or college policy.

Retaliation—adverse action against an individual because she or he has made a protected disclosure or has participated in an investigation, proceeding, or hearing involving a protected disclosure.

Wrongful Conduct—Violations of applicable state and federal laws or regulations, fraud, accounting irregularities, auditing abuse, falsification or records, improper destruction of college records, conflicts of interest, impeding a college or law enforcement investigation, violation of a government contract or grant requirement, research misconduct, serious violation of college policy, or the use of college property, resources, or authority for personal gain or other non college-related purpose except as provided under college policy.

PROCEDURES/GUIDELINES

Reporting Procedures

Members of the campus community can report suspected wrongful conduct to the college as follows:

- For college personnel, good faith reports of wrongful conduct initially should be made to the college personnel’s immediate supervisor, who will then report the matter to Human Resources. However, college personnel also may report directly to Human Resources or to a higher level of management such as the vice president for their respective division. Reports of wrongful conduct by a vice president should be made to the college president. Reports of wrongful conduct by the college president should be made to the chair of the college’s board of trustees. Reports of wrongful conduct by any member of the college’s board of trustees should be made to the chair of the board of trustees. Reports of a suspected violation by the chair of the college’s board of trustees should be made to the chair of the Audit Committee. College personnel may also report to the vice president for student affairs, who will perform the function of the college’s overall ethics and compliance officer (“compliance officer”). All reports received by supervisors, Human Resources, the vice president, the president, the chair of the board of trustees, the chair of the Audit Committee, or the compliance officer will be referred to the appropriate area vice president or, if the matter involves a fiduciary matter or the potential for litigation as determined by the college president or chair of the Audit Committee, the Audit Committee for investigation and final determination.

- Canisius College encourages all students and volunteers, acting in good faith, to raise any ethics-related questions and report suspected or actual wrongful conduct with the compliance officer. Reports of wrongful conduct received by the compliance officer will be referred to the Audit Committee for investigation and final determination.

Confidentiality. Reports of wrongful conduct may be made confidentially, and even anonymously, although the more information given, the easier it is to investigate the reports. If an individual believes that a report should be made anonymously, that report can be made to the compliance officer. The college will prescribe the methods of reporting, including any confidential hot line. The identity of individuals making reports will be protected to the extent permitted by law.

Non-Retaliation

Reporting wrongful conduct is a service to the college and will not jeopardize anyone’s employment or status with the college. Furthermore, the college will not tolerate retaliation toward or harassment of individuals who, in good faith, report an incident of wrongful conduct. College personnel who take such retaliatory or harassing actions will be subject to discipline by the college. Similarly, students and other members of the college community who take retaliatory or harassing actions will be subject to discipline by the college. Such disciplinary action may include termination, suspension, expulsion, cancellation of the applicable vendor contract, removal from campus, and/or any other action the college deems necessary.

In addition to the above, college personnel may not retaliate against an individual who has refused to obey an illegal order or directly or indirectly use or attempt to use their official authority or influence of their positions or offices to interfere with the right of an individual to make a protected disclosure.

Individuals who have been subjected to an adverse academic or employment action based on his or her good faith report of alleged wrongful conduct may contest the action by filing a written complaint with the compliance officer.

The prohibition against retaliation is not intended to prohibit supervisors and the administration from exercising legitimate supervisory responsibilities in the usual scope of their duties.

Investigation and Resolution

The appropriate area vice president or the Audit Committee if the alleged wrongful conduct involves a fiduciary matter or the potential for litigation will oversee the investigation of a report of wrongful conduct promptly and with discretion, and all information obtained will be handled on a “need to know” basis. In conducting an investigation, the college may enlist outside legal, accounting, or other advisors as appropriate to conduct any
investigation.

The college’s investigation will determine whether reasonable cause exists to believe that wrongful conduct has occurred. If reasonable cause does not exist, case will be closed. If, however, reasonable cause does exist, the matter will proceed in accordance with the college’s due process practices as follows:

- If the accused is an administrator/staff member or volunteer, the matter will be referred to the associate vice president for human resources and compliance (see Volume III of the Canisius College Policy Manual);
- If the accused is a faculty member, the matter will be forwarded to the vice president for academic affairs for resolution pursuant to procedures set forth in the Faculty Handbook;
- If the accused is a student, the matter will be forwarded to the vice president for student affairs for formal resolution under the Community Standards procedures set forth in Volume VI of the Canisius College Policy Manual; and
- If the accused is a vendor or contractor, the vice president for business and finance will enact appropriate corrective action, which may include removal from the campus(es) and termination of any applicable contractual or other arrangements.

In addition, if illegal activity is suspected, the case will be referred to local law enforcement.

Prohibition Against Retaliation

The college is committed to the protection of both the accused and the accuser in the reporting wrongful conduct. Therefore, attempts by college personnel and other members of the college community to discredit others through inappropriate use of reports made under this policy will be subject to discipline by the college. Such disciplinary action may include termination, suspension, expulsion, cancellation of the applicable vendor contract, removal from campus, and/or any other action the college deems necessary.

Athletics

College personnel are bound by that manual and should consult with the Athletic Director or the college’s compliance officer in the event of any conflict between that manual and this policy.

Baseless Claims

An individual who makes a baseless claim may be subject to disciplinary action by the college and/or legal recourse by individuals who are falsely accused.

Other Remedies and Appropriate Agencies

In addition to the internal complaint process set forth above, any member of the campus community who has information concerning allegedly unlawful conduct may contact the appropriate government agency or call the New York Attorney General’s Office.

Record Retention

The college will retain any reported complaints or concerns regarding wrongful conduct and will maintain a record of its efforts to investigate and resolve any complaints or concerns for a period of no less than seven (7) years.

Acknowledgment of Policy

This policy shall be distributed to all current trustees, officers, employees, and volunteers providing substantial services to the college at such time any individual initially commences serving the college as a trustee, officer, employee or volunteer providing substantial services to the college. Each of the individuals listed above who receives a copy of this policy shall complete and sign an acknowledgment form and return the completed and signed form to the chair of the board of trustees within five (5) business days of receipt of the policy.

RELATED POLICIES

Conflict of Interest Policy
Record Retention and Disposal Policy
Research Ethics and Conduct Policy
Standards of Ethical Conduct
[4] Note: Current employees are not obligated to complete the forms set forth in the Appendix.