

Volume VI: 6.1 Community Standards

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COMMUNITY STANDARDS	
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PURPOSE

The purpose of the Canisius College Community Standards is to outline behavioral expectations for college students and to provide information to all student community members about what types of behaviors are not tolerated at Canisius College.

The Community Standards set specific expectations for Canisius College student behavior. It lists the behaviors prohibited at the college, the process for addressing allegations of community standard violations, and the possible consequences for students who violate the standards.

INTRODUCTION

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

ARTICLE I: STATEMENT OF RESPONSIBILITIES & RIGHTS

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

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

Responsibilities & Rights

A. *Care for Persons and for Property*

Canisius takes pride in itself as a community that nurtures the growth and development of leaders marked by integrity, propriety, and decency displayed toward themselves and toward others. Members of the Canisius community are expected at all times to demonstrate respect for themselves and for others. This respect includes a responsibility to show sensitivity to differences and act justly in interactions with one another. All members of the community are entitled to and responsible for maintaining an environment of civility that is free from disparagement, intimidation, harassment, and violence of any kind. Members are expected to respect college property, the private property of other members of the college community, and the property of the larger neighborhood in which we live.

B. *Freedom of Expression and Participation*

As a Jesuit academic institution, Canisius fosters an environment in which a variety of ideas can be reasonably proposed and critically examined. In particular, student groups have a right to invite speakers to campus within reasonable limitations applied by the college. See the College 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. The college expects that those who enjoy this privilege also accept the responsibility for their actions and for maintaining order. The college also recognizes the rights of those who desire not to protest and who wish to continue to participate in the normal activities of the college. As responsible participants in the college community, students can expect fair and impartial treatment in their relations with the college and their dealings with college officials.

C. *Intellectual Responsibility*

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

D. Access and Privacy

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

E. Communication Rights and Responsibilities

Students have the right to receive information from the college on a timely basis. Students should understand that the major form of communication and correspondence at the college is college e-mail. Therefore, any college information, including but not limited to Community Standard notifications, will be shared by using a student's Canisius College assigned e-mail. It is every student's responsibility to monitor and manage their college e-mail account daily.

F. Student Bill of Rights – Sexual Violence

Canisius College is committed to providing options, support, and assistance to members of the college community that are affected by sexual assault, sexual harassment, domestic violence, dating violence, and stalking ("sexual violence"), regardless of whether the crime occurred on campus, off campus, or while studying abroad. The rights enumerated in the Student's Bill of Rights below are afforded to all students reporting sexual violence, as well as all students accused of sexual violence, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.

All students have the right to:

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

For reporting on and off-campus confidential and non-confidential reporting options, as well as available support and assistance, refer to the college's Sexual and Gender-Based Misconduct Policy.

G. Additional Rights in Cases Involving Sexual and Gender-Based Misconduct

1. Rights During the Community Standards Process

In matters involving Sexual and Gender-Based Misconduct, the college shall ensure that Community Standards process affords every student the following rights:

1. The right to request that Community Standards charges be filed against the accused;
2. The right to a process, that includes, at a minimum: (i) notice to a respondent describing the date, time, location and factual allegations concerning the violation, a reference to the specific Community Standard provisions alleged to have been violated, and possible sanctions; (ii) an opportunity to offer evidence during an investigation, and to present evidence and testimony at a hearing, where appropriate, and have access to a full and fair record of any such hearing, which shall be preserved and maintained for at least five years from such a hearing and may include a transcript, recording or other appropriate record; and (iii) access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest. In order to effectuate an appeal, a Respondent and Complainant in such cases shall receive written notice of the findings of fact, the decision and the sanction, if any, as well as the rationale for the decision and sanction. In such cases, any rights provided to a Complainant must be similarly provided to a respondent and any rights provided to a respondent must be similarly provided to a Complainant.
3. Throughout Community Standards proceedings involving an accusation of sexual assault, domestic violence, dating violence, stalking, or sexual activity that may otherwise violate the Community Standards, the right:
 - i. For the Respondent and Complainant to be accompanied by an advisor of choice who may assist and advise a Complainant or Respondent throughout the Community Standards process including during all meetings and hearings related to such process. Rules for participation of such advisor are set forth in the Conduct Conference and Hearing Panel procedures, respectively.
 - ii. To a prompt response to any complaint and to have the complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is "not responsible" until a finding of responsibility is made pursuant to the Community Standards, and other issues including, but not limited to domestic violence, dating violence, stalking or sexual assault.
 - iii. To an investigation and process that is fair, impartial and provides a meaningful opportunity to be heard, and that is not conducted by individuals with a conflict of interest.
 - iv. To have the Community Standards process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence.

- Temporary delays should not last more than ten days except when law enforcement specifically requests and justifies a longer delay.
- v. To review and present available evidence in the case file, or otherwise in the possession or control of the college, and relevant to the conduct case, consistent with these Community Standards.
 - vi. To exclude their own prior sexual history with persons other than the other party in the judicial or conduct process or their own mental health diagnosis and/or treatment from admittance in the Community Standards stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the Community Standards stage that determines sanction.
 - vii. To receive written or electronic notice, provided in advance pursuant to these Community Standards and reasonable under the circumstances, of any meeting they are required to or are eligible to attend, of the specific rule, rules or laws alleged to have been violated and in what manner, and the sanction or sanctions that may be imposed on the respondent based upon the outcome of the Community Standards process, at which time the designated Community Standards Hearing Officer or Community Standards Hearing Panel shall provide a written statement detailing the factual findings supporting the determination and the rationale for the sanction imposed.
 - viii. To make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
 - ix. To simultaneous (among the parties) written or electronic notification of the outcome of Community Standards conduct conference or hearing panel process, including the sanction or sanctions.
 - x. To be informed of the sanction or sanctions that may be imposed on the respondent based upon the outcome of the Community Standards conduct conference or hearing panel process and the rationale for the actual sanction imposed.
 - xi. To choose whether to disclose or discuss the outcome of a Community Standards conduct conference or hearing panel process.
 - xii. To have all information obtained during the course of the Community Standards conduct conference or hearing panel process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

2. Protections, Accommodations, and Interim Measures

Complainants disclosing or reporting Sexual and Gender-Misconduct and Respondents are afforded the following protections and accommodations:

- When the Accused/Respondent is a student, to have the college issue a "No Contact Order." When a No Contact order is in effect, continued contact with the Victim/Complainant is a violation of Community Standards and will result in additional conduct charges. If the Accused /Respondent and a Victim/Complainant observe each other in a public place, it is the responsibility of the Accused/Respondent to leave the area immediately and without directly contacting the Victim/Complainant. Both the Accused/Respondent and Victim/Complainant may request a prompt review by the Title IX Coordinator of the need for and terms of a No Contact Order. Parties may submit evidence in support of their request.
- To have assistance from Public Safety or other college officials in initiating legal proceedings in family court or civil court, including but not limited to obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.
- To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a college official who can explain the order and answer questions about it including information from the order about the Accused/Respondent's responsibility to stay away from the Victim/Complainant.
- To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.
- To have assistance from Public Safety in effecting an arrest when an individual violates an Order of Protection or, if outside of New York State, an equivalent protective or restraining order within the jurisdiction of Public Safety or, if outside of the jurisdiction to call on and assist local law enforcement in effecting an arrest for violating such an order.
- When the accused is a student and presents a continuing threat to the health and safety of the community, to have the Accused/Respondent subject to interim suspension pending the outcome of the Community Standard judicial process. Parties may request a prompt review of the need for and terms of an interim suspension in accordance with the procedures set forth in Article IV. A of these Community Standards.
- To obtain reasonable and available Interim Measures that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. Such measures will be imposed by the college's Title IX Coordinator. Students (or their professional counselor or advocate) may also contact the Title IX Coordinator to request interim measures. Refer to the college's Sexual and Gender-Based Misconduct Policy for additional information.

H. Definitions of Confidentiality and Privacy

1. Confidentiality – means to keep secret and not to tell anyone else. Confidential resources at Canisius include our Counseling Center, Student Health Center, and our Crisis Services Advocate. These individuals will not share any information that is shared with them, unless such information leads them to believe that there is an immediate and potentially deadly threat to a person or the Canisius Community.

2. Privacy – means information will not be shared with the general public or with anyone who does not have a need to know. Private resources at Canisius include the Title IX Coordinator and other mandatory reporters. These individuals will share information only with those who need to know in order to pursue a Title IX investigation or to protect a person or the Canisius Community.

I. Obligation to Determine a Continuing Threat

Canisius College has a Threat Assessment Team. This team is comprised of relevant individuals from our Student of Concern team. When the need to determine a continuing threat occurs or when a request is made for a threat assessment by a confidential resource or a mandatory reporter related to an allegation of sexual violence the Title IX Coordinator will call an immediate meeting of the Threat Assessment Team. This meeting would include a confidential resource (if that person made the request), a mandatory reporter (if that person made the request), the Title IX Coordinator, the Title IX investigator (if an investigation has already begun), the Director of Public Safety, and other individuals deemed necessary by the Title IX Coordinator. A victim/reporting individual's privacy will be a priority while trying to maintain that person's safety as well as the health and safety of the community.

ARTICLE II: JUDICIAL AUTHORITY

Disciplinary authority is vested in college administrators, faculty members, committees, and organizations, as set forth in the Community Standards, or in other appropriate policies, rules, or regulations. Specifically, disciplinary authority for academic violations of the Community Standards is vested in faculty members, academic deans and the vice president for academic affairs. Disciplinary authority for all other violations of the Community Standards is vested in the vice president for student affairs (VPSA) or designee.

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

ARTICLE III: PROSCRIBED CONDUCT

A. Jurisdiction of the College

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

B. Conduct – Rules and Regulations

Any student or student organization, club, or athletic team alleged to have committed or alleged to have attempted to commit any of the following acts is subject to the judicial process found in Article IV. Students shall be responsible for the behavior and conduct of any guests. Any violations of the following acts by a guest may result in the student being subject to the judicial process found in Article IV:

1. Physical abuse, verbal abuse, threats, intimidation, harassment, menacing, stalking, coercion, bullying, and/or other conduct which threatens or endangers the health, well-being or safety of any person. Harassment is defined as verbal, written or physical conduct directed at a person or a where the offensive behavior is intimidating, hostile or demeaning, or could or does result in mental, emotional or physical discomfort, embarrassment, ridicule or harm.
2. Hate crimes - A person commits a hate crime when he or she commits a specified offense and either: intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.
3. All forms of sexual discrimination or sexual violence (also referred to as "Sexual and Gender-Based Misconduct"). Sexual violence includes domestic violence, dating violence, stalking and sexual assault. Sexual assault refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or other incapacity, such as being a minor or having an intellectual or other disability. Refer to the college's Sexual and Gender-Based Misconduct Policy for additional information.

Students must have affirmative consent before engaging in any sexual activity. Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression. While not required by state or federal law, Canisius strongly recommends that students ask for and receive verbal consent before engaging in sexual activity. In addition,

1. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
2. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
3. Consent may be initially given but withdrawn at any time.
4. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
5. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
6. When consent is withdrawn or can no longer be given, sexual activity must stop.
7. Retaliation by any person against any person for filing, supporting, serving as a witness, or otherwise participating a discrimination or harassment, a Sexual and Gender-Based Misconduct, or Whistleblower complaint.
8. Hazing, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a team, group, or organization. Consent of the student or participant is not a defense. Apathy or acquiescence in the presence of hazing are not neutral acts and are considered violations.
9. Behavior or conduct, which is disorderly, lewd, or indecent.
10. Use, possession or distribution of illegal drug-related paraphernalia, narcotics, or other controlled substances except as expressly permitted by federal, state and/or local law.
11. Public intoxication or the use, possession or distribution of alcoholic beverages except as expressly permitted by federal, state, and/or local law and college policies and regulations (see college Alcohol Policy). Intoxication is not a mitigating circumstance.
12. Unauthorized possession of firearms, replica firearms, ammunition, explosives, fireworks, other weapons, or replica weapons, or unauthorized use of dangerous chemicals or substances on college premises (see college Weapons and Other Dangerous Weapons Policy).
13. Tampering with/falsely activating fire or other safety equipment; causing or creating a fire, regardless of intent; and/or failing to conform to safety regulations, including but not limited to, falsely reporting an incident, failure to evacuate facilities in a timely fashion in emergency situations or in response to fire alarms, inappropriate use of the fire alarm system.
14. Attempted or actual theft of, damage to, or unauthorized possession or alteration of property of the college, property of a member of the college community or other personal or public property.
15. Attempted or actual theft or other abuse of computer resources and systems pursuant to the Acceptable Use of College Computer and Network Systems Policy. This includes downloading copyrighted material.

16. Using the college's Internet access in a malicious manner is a violation of the Canisius college community standards.
17. Engaging in activities that harass, degrade, intimidate, demean, slander, defame, interfere with, or threaten others through the use of electronic or social media or any other social media site.
18. Behavior or conduct resulting in the disruption or obstruction of teaching, research, administration, disciplinary proceedings, student organization, other college activities or events, including its public-service functions on- or off-campus, or other authorized non-college activities, when the act occurs on college premises.
19. Failure to comply with directions of members of the college community or emergency or service personnel acting in performance of their official duties and/or failure to identify oneself to these persons when requested to do so.
20. Obstruction of or dangerous interference with the free flow of pedestrian or vehicular traffic on college premises or at college sponsored or supervised functions.
21. Unauthorized possession, duplication or use of keys, combinations, or access cards to any college premises or unauthorized entry to or use of college property.
22. Engaging in illegal gambling activities.
23. Unauthorized or inappropriate use of college equipment and assets.
24. Unauthorized use of the college name, logo or seal.
25. Violation of Residence Life Standards of Conduct.
26. Violation of published college policies, rules, regulations, notices or statements, including, but not limited to, those contained in or pertaining to the Student Handbook, Alcohol and Drug Policies, Smoking Policies, Discrimination and Harassment Policy, Notice of Nondiscrimination, Sexual and Gender-Based Misconduct Policy, Information Technologies Policies, Housing and Dining Contract, Treatment of Animals, Speaker Policy, Parking and Traffic Policies and Regulations, and the college catalogs, as well as the Canisius College Policy Manual.
27. Abuse of the Judicial System, including, but not limited to, the following:
 - a. Failure to comply with the directive to appear before a hearing panel or hearing officer.
 - b. Falsification, distortion, or misrepresentation of information before a hearing panel or hearing officer.
 - c. Disruption or interference with the orderly conduct of a judicial proceeding.
 - d. Knowingly instituting a judicial proceeding without cause.
 - e. Influencing or attempting to influence another person to commit an abuse of the judicial system.
 - f. Attempting to discourage an individual's proper participation in, or use of the judicial system.
 - g. Attempting to influence the impartiality of a member of a hearing panel or of a hearing officer prior to, and/or during the course of, the judicial proceeding.
 - h. Inappropriate behavior or conduct (verbal or physical) and/or intimidation of any person involved in a judicial proceeding prior to, during, and/or after that judicial proceeding.
 - i. Failure to comply with a sanction imposed under the Community Standards.
 - j. Any off-campus conduct demonstrating disregard for the rights of others.
 - k. Any violation of federal, state and/or local laws/ordinances regardless of whether such violation occurred on or off the college premises.

C. Amnesty for Reporting Sexual Violence

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

D. General Amnesty

A bystander acting in good faith or a reporting individual acting in good faith, who discloses a violation of the Community Standards to college officials will not be subject to Canisius's Community Standards for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the violation of the Community Standards. The SADOS will be responsible for the implementation of the General Amnesty Policy.

E. Neighborhood Respect

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

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

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

F. Violation of Law & College Discipline

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

ARTICLE IV: JUDICIAL POLICIES

A. Interim Suspension

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

B. Complaints & Hearings

1. Any member of the Canisius community may file a complaint against a student for alleged violation of the Community Standards. In cases involving Sexual and Gender-Misconduct, Canisius College students have an affirmative right to request that Community Standards charges be filed against the accused. All complaints shall be in writing and directed to the appropriate Associate Academic Dean or SADOS or designee. Complaints may be filed via incident reports, Public Safety reports, Community Standards Citations, or police reports. All complaints should be filed as soon as possible after an alleged violation of the Community Standards. However, the college is not required to respond to any allegations within a prescribed time limit.
2. The adjudication process for violations of the Community Standards is outlined in Appendix B and Appendix C. Normally, the SADOS shall assign a hearing officer for a conduct conference or convene a hearing panel, drawn from the membership of the Community Standards Hearing Panel, based upon the severity of the alleged violation of Community Standards. A complaint filed with the SADOS shall normally be directed to the Community Standards Hearing Panel if it fulfills one or more of the following criteria:
 - a. the potential sanction falls within items l, m, n, and o of Article IV, Section C; (although a lesser sanction may be imposed);
 - b. the alleged violation has wide ranging community implications or is a violation of Article III, B, 2 or 3;
 - c. the alleged violation has not been previously encountered within the college community;
 - d. However, the SADOS or designee may choose to hear any case as a conduct conference and may impose any sanction(s) listed in Article IV, Section C.
 - e. The conduct conference-hearing officer shall make a determination of responsibility for the alleged violation and, if appropriate, may impose sanction(s) found in Article IV, Section C.
 - f. The Community Standards Hearing Panel shall make a determination of responsibility for the alleged violation and impose any sanction (s) listed in Article IV, Section C.
 - g. Decisions made by the Conduct Conference Hearing Officer (HO), SADOS or designee shall be final except if sanction g through o are imposed; which may be appealed to the SDOS.
 - h. Decisions made by the Community Standards hearing Panel may only be appealed to the Community Standards Hearing Panel Appeals Panel.
 - i. The judicial process is intended to provide the student an opportunity to respond to allegations of violations of the Community Standards, thereby enabling the HO to make an informed decision about responsibility and appropriate sanctions. However, if a student fails to respond to three communications (in the form of written notification, telephone, email, text, or oral requests) attempting to schedule a meeting, or fails to attend a scheduled meeting, a decision based upon available information may be rendered in absentia. No student may be found to have violated the Community Standards solely because the student failed to appear.
 - j. In some rare situations, where the behavior is sufficiently egregious or warranted by institutional interests, the SADOS or designee may institute formal procedures even though the original complainant does not personally wish to, or is not able to proceed. In such cases the SADOS or designee shall submit the formal complaint and recuse herself/himself from any further role in the adjudication.
 - k. Any violation of the Community Standards using any form of technology in a virtual environment shall be addressed in the same manner as the equivalent violation conducted in a non-virtual environment.

C. Sanctions

1. One or more of the following sanctions may be imposed upon any student found responsible for violating the Community Standards:
 - a. Warning — A written or verbal notice to the student that the student has been found responsible for violating Community Standards.
 - b. Fines — A monetary fee may be imposed.
 - c. Restitution—Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - d. Discretionary Sanctions—Work assignments, community service, participation in or completion of college service or program, service to the college and/or other related discretionary assignments.
 - e. Educational Program or Project—Participation in or completion of a program or project specifically designed to help the student understand why the Community Standards violation was inappropriate.
 - f. Loss of Privileges — Denial of specified privileges for a defined period of time. (e.g. guest, computer, housing selection, residence hall visitation, dining services, representing the college, co-curricular activities, athletics participation, campus employment).
 - g. Residence Hall Probation — Probation is for a defined period of time and includes the probability of more severe disciplinary sanctions if the student is found responsible for violating any Community Standards during the probationary period.
 - h. Administrative Relocation—Requirement to relocate within the residence hall system on a space-available basis. Requirement to relocate to another section of the same academic course or complete a course as an independent study.
 - i. Residence Hall Suspension—Separation of the student from the residence halls for a defined period of time, after which the student is eligible to return. Conditions for readmission may be specified. The residence hall suspended student will receive no refund of residence hall or meal plan fees regardless of the timing of the suspension.
 - j. Residence Hall Expulsion — Permanent separation of the student from the residence halls. The residence hall expelled student will receive no refund of residence hall or meal plan fees regardless of the timing of the expulsion.
 - k. College Probation — A written reprimand for violation of specified Community Standards. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found responsible for violating the Community Standards during the probationary period.
 - l. College Suspension—Separation of the student from the college for a defined period of time, after which the student is eligible to return. Conditions for readmission may be specified. A notation on the transcript will be added for a suspension imposed in cases of a crime of violence,^[1] including but not limited to sexual violence.
 - m. College Expulsion — Permanent separation of the student from the college with no opportunity for readmission to the college at any time in the future. The notation on the transcript will further note if the expulsion resulted from being found responsible for a crime of violence, including but not limited to an act of sexual violence.

- n. Revocation of Admission and/or Degree—Revoking admission to or a degree awarded from Canisius for fraud, misrepresentation, or other violations of Community Standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- o. Withholding Degree—Withholding awarding a degree otherwise earned until the completion of the process set forth in the Community Standards including the completion of all sanctions imposed, if any.
- p. The proper college authorities shall be notified of any sanction. Parent(s)/guardian(s) shall be notified of alleged violation(s) of the Community Standards and/or sanction(s) when deemed appropriate.
- q. Sanctions shall not normally be made part of the student’s permanent record except for suspension, expulsion, degree revocation, or being found responsible for a crime of violence, including but not limited to an act of sexual violence. In cases where notation on the official transcript is imposed for a crime of violence, the file shall be retained as part of the student’s permanent record. All other disciplinary records shall be kept in the student’s confidential file (paper copy and/or electronic) maintained with the SADOS for a period of seven years after separation from the college.
- r. In situations involving both a respondent(s) (or group or organization) and a complainant(s), the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the respondent(s) and complainant(s).
- s. All appropriate sanctions may be imposed upon groups and organizations. Groups and organizations may further receive the sanction of deactivation, resulting in a loss of college recognition and/or funding for a specified period of time.
- t. Failure to abide by or complete any sanction shall result in a separate violation for an abuse of the judicial system.

ARTICLE V: WITHDRAWAL & READMISSION

If a respondent voluntarily withdraws from the college while a complaint is pending, a registration hold shall be placed on the respondent’s account and the respondent shall not be permitted to re-enroll until after the complaint has been resolved. If a respondent withdraws after being accused of criminal violence, including but not limited to an act of sexual violence, a notation indicating the the student withdrew with conduct charges pending will be made on the student’s transcript. Normally, the judicial process shall continue and a decision may be rendered based on available information whether or not the respondent is available. No student may be found to have violated the Community Standards solely because the student failed to appear.

If the judicial process could not continue due to the respondent’s voluntary withdrawal, re-enrollment shall normally be denied. Permission for readmission shall be granted solely at the discretion of the VPSA or the VPSA’s designee.

ARTICLE VI: INTERPRETATION & REVISION

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

A review of the Community Standards shall be coordinated by the VPSA every three years, but the Community Standards may be revised when deemed appropriate or required by state or federal law.

RELATED POLICIES

[Acceptable Use of College Computer and Network Systems Policy](#)

[Alcohol and Drug Prevention Program Policy](#)

[Anti-Discrimination and Harassment Policy](#)

[Gambling Policy](#)

Notice of Non-Discrimination Statement (TBA, will be included in Volume II)

[Information Technology Policies](#)

[Housing Application & Forms](#)

[Use of Non-human Animals in Research, Teaching, and Demonstrations Policy](#)

[Assistance Animals Policy](#)

[Smoking and Tobacco Use Policy](#)

[Guest Speakers and Performers Policy](#)

[Political Activities and Speakers Policy](#)

[Parking Policy](#)

[College Catalog](#)

[Weapons and Other Dangerous Instruments Policy](#)

Appendix A: Code of Academic Integrity

Visit the college’s web site at <https://www.canisius.edu/academics/academic-affairs/academic-integrity-canisius> a full description of the policy.

Appendix B: Conduct Conference Procedures

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

A. Procedures:

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

B. Advisors

The respondent may select an advisor of choice. The advisor may be present during conference, procedural review and appeals process; however, the advisor shall not address the HO or SADOS (or designee) or anyone else participating in these processes. The advisor may confer quietly with the advisee 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 will be asked to leave the conference. When an advisor is removed from a conference, that conference will typically continue without the advisor present.

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

C. Procedural Review

The student may request in writing a procedural review of the conduct conference by the SADOS or designee. The written request shall be submitted to the SADOS or designee not more than five business days after written notification of the decision/sanction is received. The SADOS or designee shall review the case. If it is determined that there was procedural error, normally, the case shall be remanded to the hearing officer originally assigned to the complaint for further consideration. If the SADOS is the hearing officer, the request for a procedural review shall be submitted to the VPSA.

D. Appeal

Requests for appeals of decisions by a HO (only if sanctions g-o are imposed) are directed to the SADOS or designee. Requests for appeals shall be made in writing within five business days of the written decision. In cases involving multiple parties, all parties may file an appeal but as an individual party. If the written appeal is not filed on time it will be dismissed. A party is allowed only one appeal.

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

1. the facts in the case were not sufficient to establish that a violation of the Community Standards occurred;
2. the sanction imposed was not appropriate for the violation of the Community Standards for which the student was found to be responsible;
3. the existence of new relevant facts, sufficient to alter the decision, which were not brought out in the original conduct conference, and which could not have been known to or available to the appellant at the time of the original conduct conference.

If an appeal is granted by the SADOS or designee, the following determination may be instituted: a) the sanction may be replaced with another which may be more severe, less severe, or otherwise different; b) the matter may be remanded to the original hearing officer for reconsideration of the original determination and/or sanction; or c) the matter may be directed to a new hearing officer for a new conduct conference. If the SADOS or designee finds no merit to the appeal, the decision of the hearing officer shall stand. During the appeal process, the imposition of the sanction(s) shall not occur; however, the SADOS or designee may impose limitations to conditions on the appealing respondent's continued relationship with the college during the appeal process. The decision made in the appeal process is final.

E. Failure to Appear

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

Appendix C: Hearing Procedures

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

1. Composition of the Community Standards Hearing Panel

The Community Standards Hearing Panel shall be comprised of 3 members of the Canisius Community. These 3 individuals will receive appropriate and on-going training. One of the 3 individuals will be the Hearing Panel Chairperson.

2. Pre-Hearing Procedures

A. Complainant

A complaint alleging a violation of the Community Standards shall be filed in writing with the Hearing Panel Coordinator (HPC). The complainant (who may elect to bring an advisor of choice) shall have a pre-hearing meeting with the HPC to discuss the following: the hearing process, the complainant's responsibilities while preparing for the hearing, and the available services.

At the pre-hearing meeting:

1. The complainant 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.
2. The role of the advisor shall be explained.

3. The complainant shall be informed that if he or she chooses to have an advisor during the hearing process, the name of that advisor shall be presented to the HPC as soon as possible.
4. The complainant shall be informed that if he or she 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.
5. The complainant shall be informed of the opportunity to present a statement about the incident in question at the hearing.
6. The process of the hearing shall be explained.
7. The complainant shall be informed of the availability of the HPC to answer any procedural questions pertaining to the hearing.

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

B. Respondent

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

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

1. The respondent 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.
2. The role of the advisor shall be explained.
3. The respondent shall be informed that if he or she chooses to have an advisor during the hearing process, the name of that advisor shall be presented to the HPC as soon as possible.
4. The respondent shall be informed that if he or she 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.
5. The respondent shall be informed of the opportunity to present a statement about the incident in question at the hearing.
6. The process of the hearing shall be explained.
7. The respondent shall be informed of the availability of the HPC to answer any procedural questions pertaining to the hearing.
8. The respondent shall be responsible for securing an advisor and determining and contacting appropriate witnesses prior to submitting their names to the HPC.

C. Advisors

The complainant and respondent may 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 will be asked to leave the meeting. When an advisor is removed from a meeting or hearing, that meeting or hearing will typically continue without the advisor present. Subsequently, the HPC or Title IX Coordinator in cases involving Sexual or Gender-based Misconduct will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

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 complainant and respondent and approved by the HPC prior to the scheduled hearing. The hearing panel shall meet before the scheduled hearing in order to review the complaint and prepare for the process of the hearing.

E. Scheduling the Hearing

A hearing shall be scheduled to take place not less than ten but no more than 20 business days after the respondent has been notified of the complaint. The availability of the hearing panel members shall be the first consideration when scheduling the hearing. The scheduling of the hearing shall take into consideration only scheduled classes. Normally, the hearing shall proceed without regard to pending civil or criminal litigation. Established time limits for scheduling of hearings may be altered at the discretion of the HPC.

3. Hearing

A. Attendance

The hearing shall be private and closed and shall be attended only by members of the hearing panel, college investigators, the complainant, the respondent, their advisors and the HPC. In hearings involving more than one respondent, the HPC, in his/her discretion may permit the hearings concerning each respondent 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 complainant, and/or respondent during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the HPC.

B. Hearing Panel Coordinator (HPC)

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

C. Record of the Hearing

A single verbatim recording of the hearing shall be made by the HPC. Deliberations shall not be recorded. No other recording shall be made. This record shall be confidential and shall remain the property of and be preserved by the college for seven years from the date of the hearing. The recording shall be available to the complainant and respondent for use during an appeal and in the Office of Student Affairs.

D. Role of the Hearing Panel Chairperson

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

4. Hearing Procedures

A. Process

- The chair shall make opening remarks.
- The complainant shall have the opportunity to present a statement about the incident in question. The respondent shall then have the opportunity to present a statement about the incident in question.
- The lead investigator shall present his/her findings, along with all relevant records, exhibits, and witness statements, to the hearing panel.
- After the statements by the complainant, the respondent, and the lead investigator, members of the hearing panel shall have the opportunity to question both the complainant, the respondent, and the lead investigator. Only questions relevant to the alleged incident, and not repetitive of the hearing panel's questioning, shall be allowed.
- Members of the hearing panel shall have the opportunity to ask final questions. Prior to deliberations, the complainant and the respondent shall each be allowed to make student impact statements.
- After the presentation of all statements and evidence, and subsequent questioning, the chairperson shall call the panel to deliberate. The chairperson shall direct the complainant and respondent to leave contact information with the HPC so that they may be contacted at the conclusion of the deliberations. The HPC shall excuse the complainant, the respondent, and their advisors.
- Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Community Standards proceedings.

B. Deliberations

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

C. Decision

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

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

D. Communication/Implementation of Decision

The chairperson, upon the 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 complainant and the respondent not more than two business day after the decision is rendered. If no appeal is filed, the sanction of the hearing panel shall be imposed.

E. Appeals

Requests for appeals are directed to the Community Standards Hearing Panel Appeals Panel. Requests for appeals shall be made in writing within five business days of the written decision. Contact information for the Chair of the Appeals Panel shall be provided to both the complainant and respondent in the written notification of the hearing panel's decision. In cases involving multiple parties, all parties may file an appeal but as an individual party. If the written appeal is not filed on time it will be dismissed. A party is allowed only one appeal.

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

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

The Appeals Panel may review the single verbatim recording of the hearing, the written appeal, and any documents submitted by the lead investigator, and 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 the Appeals Panel finds no merit to the appeal, the decision of the hearing panel shall stand.

During the appeal process the imposition of the sanction(s) shall not occur; however, the appeals Pane may impose limitations or conditions on the appealing respondent's continued relationship with the college during the appeals process. The decision made in the appeal process is final.



? Unknown Attachment

? Unknown Attachment

[1] Violent crimes shall include those crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII).