

# Volume II: 2.1 General Institutional Policies

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## 2.1.1 Anti-Discrimination and Harassment Policy

ANTI-DISCRIMINATION AND HARASSMENT POLICY	
<b>Effective Date:</b>	October 9, 2018
<b>Policy Number:</b>	II – 2.1.1
<b>Supersedes:</b>	Not Applicable.
<b>Issuing Authority:</b>	President
<b>Responsible Officer:</b>	Associate Vice President for Human Resources and Compliance
<b>Applicability:</b>	All members of the Canisius College community.
<b>History:</b>	Replaces prior policy effective May 8, 2017

### 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, Canisius College maintains a separate **Sexual and Gender-Based Misconduct Policy** and a separate **Sexual Harassment Prevention Policy** that will govern sexual and gender-based misconduct and harassment. These separate policies may be summarized, in general, 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](#).
- **Sexual Harassment Prevention Policy:** Canisius College is committed to maintaining a workplace free from sexual harassment. In compliance with New York State law, the college has adopted a Sexual Harassment Prevention Policy that specifically addresses sexual harassment against

employees, applicants for employment, interns and non-employees providing services in the workplace pursuant to a contract with the college or any of their employees, regardless of immigration status. Sexual harassment covered by the policy includes any harassment based on a person's sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. The policy also prohibits retaliation for reporting or complaining about sexual harassment or providing information, testifying or assisting in any investigation or proceeding involving sexual harassment. The entirety of this Sexual Harassment Prevention Policy may be accessed in Volume II.

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.

All employees also are expected to carefully review the Sexual Harassment Prevention Policy and are responsible for complying with its terms. Violations of the College's Sexual Harassment Prevention Policy may result in sanctions up to and including termination.

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 and/or Sexual Harassment Prevention 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 respective processes set forth in the college's Sexual and Gender-Based Misconduct Policy and/or Sexual Harassment Prevention 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 or policies 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](#) and/or the college's separate [Sexual Harassment Prevention Policy](#).

### **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 Associate Vice President for Human Resources and Compliance ("AVP HR"). The AVP HR is:

Linda M. Walleshauser

Associate Vice President for Human Resources & Compliance

Old Main 100

[walleshl@canisius.edu](mailto:walleshl@canisius.edu)

716 888-2244

In the event that the coordinator is the subject of a complaint under this policy, the Vice President for Business & Finance will assume the AVP HR 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

Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Web: <http://www.ed.gov/ocr>

*Employees, Employment Applicants, Volunteers and other 3<sup>rd</sup> Parties.* Employees, applicants for employment and other 3<sup>rd</sup> 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/>

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

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

**2.1.2 Constitution Day Policy**

CONSTITUTION DAY POLICY	
<b>Effective Date:</b>	[TBD]
<b>Policy Number:</b>	II – 2.1.2
<b>Supersedes:</b>	Not Applicable.
<b>Issuing Authority:</b>	President
<b>Responsible Officer:</b>	Director of the Raichle Pre-Law Center
<b>Applicability:</b>	All members of the Canisius College community.
<b>History:</b>	

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

## 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\(2\)](#) 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.

Violations of any of the above may result in appropriate disciplinary action by the college. In addition, violators may be subject to civil action and/or criminal charges.

## 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)Section 110(2)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, and 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<sup>[1]</sup>;
- 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.edu/copyright>.

### Classroom Exemptions (Face to Face)

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.*"<sup>[2]</sup>

"*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.*"<sup>[3]</sup>

### 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 sent 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

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 responsible 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

FREEDOM OF EXPRESSION POLICY	
Effective Date:	May 8, 2017
Policy Number:	II – 2.1.4
Supersedes:	Not Applicable.
Issuing Authority:	President

<b>Responsible Officer:</b>	Vice President for Academic Affairs and Vice President for Student Affairs
<b>Applicability:</b>	All members of the Canisius College community.
<b>History:</b>	

## 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*—includes 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;
- Violate 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

GAMBLING POLICY	
<b>Effective Date:</b>	May 8, 2017
<b>Policy Number:</b>	II – 2.1.5
<b>Supersedes:</b>	Not Applicable.
<b>Issuing Authority:</b>	President
<b>Responsible Officer:</b>	University Compliance Officer
<b>Applicability:</b>	All members of the Canisius College community.
<b>History:</b>	

### 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](http://www.gamblersanonymous.org)

[www.ncpgambling.org](http://www.ncpgambling.org)

## RELATED POLICIES

Not applicable.

## 2.1.6 Guest Speakers and Performers Policy

GUEST SPEAKERS AND PERFORMERS POLICY	
<b>Effective Date:</b>	May 8, 2017
<b>Policy Number:</b>	II – 2.1.6
<b>Supersedes:</b>	Not Applicable.
<b>Issuing Authority:</b>	President
<b>Responsible Officer:</b>	Vice President for Student Affairs
<b>Applicability:</b>	All members of the Canisius College community.
<b>History:</b>	

### PURPOSE

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 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. 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. departments must look at additional sources of information that could include the individual's passport visa or stamped I-94 card to determine visa classification.

**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 receipted 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.

Reimbursement by B Visa Type When Honorarium Rule is Not Exceeded		
B Visa Type	Pay honorarium?	Reimburse travel and/or incidental expenses?
B-1/VWB	Yes	Yes
B-2/VWT	Yes	No

Reimbursement by B Visa Type When Honorarium Rule is Exceeded		
B Visa Type	Pay honorarium?	Reimburse travel and/or incidental expenses?
B-1/VWB	No	Yes
B-2/VWT	No	No

**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**

INSTITUTIONAL DATA REQUESTS POLICY	
<b>Effective Date:</b>	May 8, 2017
<b>Policy Number:</b>	II – 2.1.7

<b>Supersedes:</b>	Not Applicable.
<b>Issuing Authority:</b>	President
<b>Responsible Officer:</b>	Director of Institutional Research and Effectiveness
<b>Applicability:</b>	All members of the Canisius College community.
<b>History:</b>	

## 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

POLITICAL ACTIVITIES AND SPEAKERS POLICY	
<b>Effective Date:</b>	May 8, 2017
<b>Policy Number:</b>	II – 2.1.8
<b>Supersedes:</b>	Not Applicable.
<b>Issuing Authority:</b>	President
<b>Responsible Officer:</b>	University Compliance Officer
<b>Applicability:</b>	All members of the Canisius College community.
<b>History:</b>	

## 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**

STANDARDS OF ETHICAL CONDUCT	
<b>Effective Date:</b>	May 8, 2017
<b>Policy Number:</b>	II – 2.1.9
<b>Supersedes:</b>	
<b>Issuing Authority:</b>	Board of Trustees
<b>Responsible Officer:</b>	College Compliance Officer
<b>Applicability:</b>	All Canisius College trustees, executive officers, administrators, faculty, staff, student employees, students, and others who act on behalf of the College.
<b>History:</b>	Adopted by the Canisius College Board of Trustees: May 10, 2004; Amended: November 1, 2007; Amended: August 13, 2009; Amended: October 20, 2014

**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](#)
- [Record Retention and Disposal Policy](#)
- [Research Ethics and Conduct Policy](#)
- [Sexual and Gender-Based Misconduct Policy](#)
- [Use of Non-human Animals in Research, Teaching, and Demonstrations Policy](#)
- [Whistleblower Policy](#)

**2.1.10 Student Records (FERPA) Policy**

<b>STUDENT RECORDS (FERPA) POLICY</b>	
<b>Effective Date:</b>	May 8, 2017

<b>Policy Number:</b>	II – 2.1.10
<b>Supersedes:</b>	Not Applicable.
<b>Issuing Authority:</b>	College President
<b>Responsible Officer:</b>	Registrar
<b>Applicability:</b>	All Canisius College students, as well members of the Canisius College community granted access to student educational records.
<b>History:</b>	

## 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)(i)(B)(7) - (a)(1)(i)(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.
1. 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.

2. 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.
3. The student may request and receive interpretation of his or her record from the person (or designee) responsible for maintaining the record.

#### *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:

- 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;
- The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised;
- The college shall be afforded the opportunity to present testimonial and/or documentary evidence in response to any evidence presented by the student;
- 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;
- The decision will be rendered in writing within a reasonable period of time after the conclusion of the hearing;
- 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

SURVEYS POLICY	
<b>Effective Date:</b>	May 8, 2017
<b>Policy Number:</b>	II – 2.1.11
<b>Supersedes:</b>	Not Applicable.
<b>Issuing Authority:</b>	President
<b>Responsible Officer:</b>	Director of Institutional Research and Effectiveness
<b>Applicability:</b>	All members of the Canisius College community.
<b>History:</b>	

#### 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**

VOTER REGISTRATION POLICY	
<b>Effective Date:</b>	May 8, 2017
<b>Policy Number:</b>	II – 2.1.12
<b>Supersedes:</b>	Not Applicable.
<b>Issuing Authority:</b>	President

<b>Responsible Officer:</b>	Vice President for Student Affairs
<b>Applicability:</b>	All members of the Canisius College community.
<b>History:</b>	

**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**

<b>VOLUNTEERS POLICY</b>	
<b>Effective Date:</b>	May 8, 2017
<b>Policy Number:</b>	II -2.1.13
<b>Supersedes:</b>	Not Applicable.
<b>Issuing Authority:</b>	President
<b>Responsible Officer:</b>	Associate Vice President for Human Resources and Compliance
<b>Applicability:</b>	All departments of the College.
<b>History:</b>	

**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).<sup>[4]</sup> 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

WHISTLEBLOWER POLICY	
<b>Effective Date:</b>	May 8, 2017
<b>Policy Number:</b>	II-2.1.14
<b>Supersedes:</b>	
<b>Issuing Authority:</b>	Board of Trustees
<b>Responsible Officer:</b>	College Compliance Officer
<b>Applicability:</b>	All members of the Canisius College community.
<b>History:</b>	

## 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, faculty, staff, and volunteers providing substantial services to the college at the onset of their term of service and annually thereafter. Anyone who receives a copy of this policy for review shall acknowledge that they have read and understood the policy through review and acceptance on the Human Resources Portal.

### **RELATED POLICIES**

[Conflict of Interest Policy](#)

[Record Retention and Disposal Policy](#)

[Research Ethics and Conduct Policy](#)

[Standards of Ethical Conduct](#)

## **2.1.15 General Data Protection Regulation Privacy Statement**

<b>GDPR Privacy Statement</b>
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<b>Effective Date:</b>	May 25, 2018
<b>Policy Number:</b>	II-2.1.15
<b>Supersedes:</b>	
<b>Issuing Authority:</b>	President
<b>Responsible Officer:</b>	College Compliance Officer
<b>Applicability:</b>	All members of the Canisius College community.
<b>History:</b>	

This privacy statement has been designed to provide members of our campus community and third parties with information on how the College collects and processes Personal Information and Sensitive Personal Information. This statement assists specifically with compliance with the European Union [General Data Protection Regulation](#) ("GDPR").

### Lawful Basis for the Information We Collect

As an institution of higher education, Canisius College has lawful bases to collect, process, use, and maintain the Personal Information and Sensitive Personal Information of its students, employees, applicants, research subjects, donors, volunteers, and others involved in its educational, research, and community programs. The lawful bases include, without limitation, admission, registration, delivery of classroom, on-line, and study abroad education, grades, communications, employment, applied research, institutional advancement, program analysis for improvements, and records retention.

For purposes of this Privacy Notice, Sensitive Personal Information is defined as race, ethnic origin, religious or philosophical beliefs, health data, sexual orientation, and criminal convictions. Personal Information refers to any other information concerning a natural person that is created by or provided to the College from or concerning students, applicants for employment, donors, and research subjects.

In general, the College's collection and processing of Personal Information and Sensitive Personal Information will fall under the following categories:

- Processing is necessary for the purposes of the legitimate interests pursued by the College or third parties in providing education, employment, research and development, institutional advancement, and/or community programs.
- Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.
- Processing is necessary for compliance with a legal obligation to which the College is subject.
- The data subject has given consent to the processing of his or her Personal Information and Sensitive Personal Information for one or more specific purposes.

There will be some instances where the collection and processing of Personal Information and Sensitive Personal Information will be pursuant to other lawful bases.

We do not collect any Personal Information and Sensitive Personal Information through our website and other platforms, unless it is voluntarily provided by you. In such instances, we will never sell or trade the information you provide to us, unless we have your consent in doing so, or if the information is needed for legal processes.

Note: As GDPR is a new law, the conditions identified above may be subject to change as more guidance is given or precedents are set.

### How We Collect Information

At Canisius College, we may collect Personal Information from or about you in a number of ways, for example:

- From the information you voluntarily provide to us when you first express an interest in studying or working at Canisius College.
- When you voluntarily apply to study at Canisius College and complete other admissions-related processes and procedures, as well as when you enroll in courses;
- When you voluntarily apply to work at Canisius College;
- When you voluntarily communicate with us by telephone, email, or via our website in order to make inquiries or raise concerns;
- As you interact with us during your time as a student or employee for the various lawful bases outlined above;
- From third party entities who you have requested or authorized to provide information, such as your previous or current school, sixth form college or equivalent, College, or employers, as well as other third-party individuals or entities that may provide information about you;
- Information collected through disciplinary and grievance procedures;
- Information collected through the administration of student or employee housing;
- Information collected through research surveys and feedback mechanisms;
- Information collected through institutional advancement activities.

### Types of Information Collected and Why

The College collects a variety of Personal Information and Sensitive Personal Information to meet one of its lawful bases as referenced above. Examples of Personal Information and Sensitive Personal Information that the College may collect through our website or other platforms in connection with the lawful bases may include:

- Your name, and contact information such as address, email address and telephone number, as well as your date of birth, national insurance number (or other tax identification number) and your passport number or driver's license details, country of domicile and your nationality;
- Information relating to your education and employment history as applicable;
- Information about your family or personal circumstances, and both academic and extracurricular interests, for example where this is relevant to the assessment of your suitability to receive a scholarship or in order to provide you with appropriate care;
- information concerning your health and medical conditions (e.g. disability and dietary needs);
- certain criminal convictions (where voluntarily provided upon application to the institution or upon application for employment);
- information about your racial or ethnic origin; religion or similar beliefs;

- information for payroll;
- research subject information;
- medical and health information (for student health services, or travel); and
- donations.

If a data subject refuses to provide Personal Information and Sensitive Personal Information that is required by the College in connection with one of the lawful bases referenced above to collect such information, such refusal may make it impossible for the College to provide education, employment, research or other requested services.

#### Where We Store Your Information and How We Secure It

The Personal Information and Sensitive Personal Information that we collect from you or receive under your direction may be transferred to, and stored at, a destination outside the European Economic Area ("EEA"). It may also be processed by staff operating outside the EEA who work for us. By submitting your personal data, you agree to this transfer, storing or processing.

Once we have received your information, we will use reasonable policies, procedures and security features to try to prevent unauthorized access. We have security in place such as firewalls, backup and other appropriate technical security measures. We will take all steps reasonably necessary to ensure that your data is treated securely and in accordance with this Privacy Statement, as well as the College's technical and organizational security policies, procedures and measures.

Unfortunately, the transmission of information via the Internet is not completely secure. Although we will do our best to protect your personal data, we cannot guarantee the security of your personal data transmitted to our website; any transmission is at your own risk.

#### Sharing Your Information with Others

We may disclose your Personal Information and Sensitive Personal Information as follows:

- **Consent:** We may disclose Personal Information and Sensitive Personal Information if we have your consent to do so.
- **Emergency Circumstances:** We may share your Personal Information and Sensitive Personal Information when necessary to protect your interests and you are physically or legally incapable of providing consent.
- **Employment Necessity:** We may share your Personal Information and Sensitive Personal Information when necessary for administering employment or social security benefits in accordance with applicable law or any applicable collective bargaining agreement, subject to the imposition of appropriate safeguards to prevent further unauthorized disclosure.
- **Charitable Organizations:** We may share your Personal Information and Sensitive Personal Information with applicable College foundations and other not-for-profit organizations in connection with charitable giving subject to the imposition of appropriate safeguards to prevent further unauthorized disclosure.
- **Public Information:** We may share your Personal Information and Sensitive Personal Information if you have manifestly made it public.
- **Archiving:** We may share your Personal Information and Sensitive Personal Information for archiving purposes in the public interest, and for historical research, and statistical purposes.
- **Performance of a Contract:** We may share your Personal Information when necessary to administer a contract you have with the College.
- **Legal Obligation:** We may share your Personal Information and Sensitive Personal Information when the disclosure is required or permitted by international, federal, and state laws and regulations.
- **Service Providers:** We use third parties who have entered into a contract with the College to support the administration of College operations and policies. In such cases, we share your Personal Information and Sensitive Personal Information with such third parties subject to the imposition of appropriate safeguards to prevent further unauthorized disclosure.
- **College Affiliated Programs:** We may share your Personal Information and Sensitive Personal Information with parties that are affiliated with the College for the purpose of contacting you about goods, services, charitable giving, or experiences that may be of interest to you.

If your Personal Information or Sensitive Personal Information is transferred to third party service providers, we will take steps to ensure that your personal data receives the same level of protection as if it remained within the EU, including by entering into data transfer agreements or by relying on certification schemes. You have a right to obtain details of the mechanism under which your Personal Information or Sensitive Personal Information is transferred outside of the EU by contacting

Canisius College

2001 Main Street, Buffalo NY 14208-1517

Phone: (716) 883-7000

[info@canisius.edu](mailto:info@canisius.edu)

Moreover, we contractually require agents, service providers, and affiliates who may process your personal data to provide the same level of protections for personal data as required by the College.

#### Your Rights

In addition to your right to be informed of certain information contained in this privacy statement, you also have the following rights pursuant to the GDPR:

- to be notified if we intend to transfer your Personal Information or Sensitive Personal Information to another country or international organization and the identity of the recipients of your personal data;
- to be notified of the period your Personal Information or Sensitive Personal Information will be stored;
- to access and request correction of the Personal Information or Sensitive Personal Information we hold about you if it is incorrect;
- to request erasure of your Personal Information or Sensitive Personal Information under certain circumstances;
- to request that we restrict our data processing activities and, where our processing is based on your consent, you may withdraw that consent, without affecting the lawfulness of our processing based on consent before its withdrawal;
- to request from us the Personal Information or Sensitive Personal Information we hold about you which you have provided to us, in a reasonable format specified by you, including for the purpose of you transmitting that personal data to another data controller (there may be costs involved);
- to object, to our processing activities;

- to be notified of the existence of any automated decision-making regarding the use of your Personal Information or Sensitive Personal Information, including meaningful information about the logic involved and its significance and consequences of such processing;
- to file a complaint with the appropriate supervisory authority in the European Union if you feel we have not complied with applicable foreign laws regulating information created in the European Union that is transferred out of the European Union to the College.

Please note that the above rights are not absolute, and we may be entitled to refuse requests where exceptions apply.

### Cookie Policy

Cookies are files that many websites transfer to users' web browsers to enable the site to deliver personalized services or to provide persistent authentication. The information contained in a cookie typically includes information collected automatically by the web server and/or information provided voluntarily by the user.

The College's website(s) uses cookies in conjunction with a third-party technology partner(s) to analyze search engine usage and web traffic patterns. This information is used in the aggregate to monitor and enhance our web pages. It is not used to track the usage patterns of individual users.

### Disabling Cookies

If you would like to restrict the use of cookies you can control this in your Internet browser. Links to advice on how to do this for the most popular Internet browsers are provided below for convenience and will be available for the Internet browser of your choice either online or via the software help (normally available via key F1).

- **Internet Explorer:** <http://windows.microsoft.com/en-GB/windows7/Block-enable-or-allow-cookies>
- **Google Chrome:** [https://support.google.com/chrome/bin/answer.py?hl=en-GB&answer=95647&p=cpn\\_cookies](https://support.google.com/chrome/bin/answer.py?hl=en-GB&answer=95647&p=cpn_cookies)
- **Mozilla Firefox:** <http://support.mozilla.org/en-US/kb/Blocking%20cookies>
- **Apple Safari:** <http://docs.info.apple.com/article.html?artnum=32467>

### Links to Other Websites

The College website(s) may contain links to other websites not affiliated with the College. We are not responsible for the privacy practices of these other sites. We encourage you to read the privacy statements of other sites for assurance that their practices safeguard your privacy.

### Contact Us

If you have any questions about this Privacy Statement, the practices of the Site, or dealings with the Site or with us, contact:

Canisius College

2001 Main Street, Buffalo NY 14208-1517

Phone: (716) 883-7000

[info@canisius.edu](mailto:info@canisius.edu)

### Changes to this Privacy Statement

The College has the discretion to update this privacy statement at any time. When we do, we will revise the updated date at the bottom of this page. We encourage you to frequently check this page for any changes to stay informed about how we are helping to protect the personal information we collect. It is your responsibility to review this privacy statement periodically and become aware of modifications.

### Your Acceptance of These Terms

By using this website, you signify your acceptance of this privacy statement. If you do not agree to this statement, please do not use our website. Your continued use of the website following the posting of changes to this statement will be deemed your acceptance of those changes.

## 2.1.16 Sexual Harassment Prevention Policy

SEXUAL HARASSMENT PREVENTION POLICY	
<b>Effective Date:</b>	October 9, 2018
<b>Policy Number:</b>	II-2.1.16
<b>Supersedes:</b>	
<b>Issuing Authority:</b>	President
<b>Responsible Officer:</b>	Associate Vice President for Human Resources & Compliance
<b>Applicability:</b>	All members of the Canisius College community.
<b>History:</b>	

### Introduction

Canisius College (Canisius) is committed to maintaining a workplace free from sexual harassment. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Canisius's commitment to a discrimination-free work environment together with Canisius's Anti-Discrimination and Harassment Policy and Sexual and Gender-Based Misconduct Policy.

Sexual harassment is a form of workplace discrimination and is against the law.<sup>[1]</sup> All persons covered by this Policy have a legal right to a workplace free from sexual harassment and are urged to report sexual harassment by filing a complaint internally with Canisius. Complaints can also be filed with a government agency or in court under federal, state or local antidiscrimination laws.

#### **Policy:**

1. This Policy applies to the following persons regardless of immigration status: all employees, applicants for employment, interns (paid or unpaid), and contractors, subcontractors, vendors, consultants and other persons providing services in the workplace pursuant to a contract with Canisius or any of their employees who are providing services in the workplace.<sup>[2]</sup> (All of these persons are referred to in the remainder of this Policy singularly as "Covered Person" and collectively as "Covered Persons.")
2. Sexual harassment is prohibited and will not be tolerated. Any Covered Person who engages in sexual harassment will be subject to remedial and/or disciplinary action (*e.g.*, counseling, suspension or termination). Any Covered Person who believes he or she has been a target of sexual harassment should report it using the procedures explained below in the section titled "Reporting Sexual Harassment and Retaliation."
3. Retaliation is prohibited. Canisius will not tolerate any retaliatory adverse action against any Covered Person who, in good faith, reports sexual harassment or who provides information, testifies or otherwise assists in any investigation of or proceeding involving sexual harassment. Any Covered Person who engages in such retaliation will be subject to disciplinary action, up to and including termination. Any Covered Person who believes he or she has been a target of retaliation should report it using the procedures explained below in the section titled "Reporting Sexual Harassment and Retaliation."
4. Sexual harassment and retaliation are unlawful and a violation of this Policy and may subject Canisius to liability for harm to targets of such conduct. Persons who engage in sexual harassment and retaliation may also be subject to individual liability. Covered Persons of every level who engage in sexual harassment and/or retaliation, including managers and supervisors who engage in such conduct or who knowingly allow such conduct to continue, will be penalized for such misconduct.
5. All Covered Persons are encouraged to report any sexual harassment, retaliation or behaviors that violate this Policy. Canisius will provide a complaint form for reporting such conduct and filing complaints.
6. Managers and supervisors are **required** to report any complaint of sexual harassment or retaliation that they receive or any sexual harassment that they observe or become aware of to the Interim Title IX Coordinator in the Human Resources Department.
7. Canisius will conduct a prompt and thorough investigation that ensures due process for all parties whenever management receives a complaint about sexual harassment or retaliation or otherwise knows of possible sexual harassment or retaliation occurring. Canisius will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment or retaliation is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation.
8. This Policy applies to all Covered Persons and all must follow and uphold it. This Policy must be provided to all employees and will be provided to employees upon hiring.

#### **What is "Sexual Harassment"?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. This Policy prohibits sexual harassment even where it may not rise to the level of violating applicable law.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

*Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.*

Any Covered Person who feels harassed should make a report so that any violation of this Policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this Policy.

#### **Examples of sexual harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
  - Sexually oriented gestures, noises, remarks or jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
  - Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
  - Sexual or discriminatory displays or publications anywhere in the workplace, such as:

- Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

### **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

### **Retaliation**

Unlawful retaliation can be any action that could discourage a person from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (*e.g.*, threats of physical violence outside of work hours). This Policy prohibits retaliation even where it may not rise to the level of violating applicable law.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

### **Reporting Sexual Harassment and Retaliation**

**Preventing sexual harassment and retaliation is everyone's responsibility.** Canisius cannot prevent or remedy sexual harassment and retaliation unless it knows about them. Any Covered Person who has been subjected to behavior that may constitute sexual harassment or retaliation should report such behavior to his or her supervisor or manager or to the Interim Title IX Coordinator in the Human Resources Department. Anyone who witnesses or becomes aware of potential instances of sexual harassment or retaliation should report such behavior to his or her supervisor or manager or to the Interim Title IX Coordinator in the Human Resources Department.

Reports of sexual harassment and/or retaliation may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all Covered Persons are encouraged to use this complaint form ("Complaint Form"). The complaint form is also available in Volume II of the campus wide Policy Manual, the Human Resources Portal or the Human Resources Department. Covered Persons who are reporting sexual harassment or retaliation on behalf of other persons should use the complaint form and note that it is on another person's behalf.

Covered Persons who believe they have been a target of sexual harassment or retaliation may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### **Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected sexual harassment or retaliation, observe what may be sexually harassing behavior or retaliation or for any reason suspect that sexual harassment or retaliation is occurring, **are required** to report such suspected sexual harassment or retaliation to the Interim Title IX Coordinator in the Human Resources Department.

In addition to being subject to discipline if they engaged in sexually harassing conduct or retaliation themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation or otherwise knowingly allowing retaliation to continue.

### **Complaint and Investigation of Sexual Harassment and Retaliation**

**All** complaints or information about sexual harassment or retaliation will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment or retaliation will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee or other Covered Person may be required to cooperate as needed in an investigation of suspected sexual harassment or retaliation. Canisius will not tolerate retaliation against Covered Persons who file complaints, support another's complaint or participate in an investigation regarding a violation of this Policy.

While the process may vary from case-to-case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Interim Title IX Coordinator will conduct an immediate review of the allegations and take any interim actions, (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If the complaint is verbal, encourage the individual to complete the Complaint Form in writing. If he or she refuses, prepare a Complaint Form based on the verbal report.
- Take steps to obtain and preserve emails, phone records and other documents relevant to the investigation.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
    - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
    - Keep the written documentation and associated documents in a secure and confidential location.
    - Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
    - Inform the individual who reported of the right to file a complaint or charge externally as outlined below in the next section.

### **Legal Protections And External Remedies**

Sexual harassment and retaliation are not only prohibited by this Policy but are also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Canisius, Covered Persons may also pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, Covered Persons in certain industries may have additional legal protections.

#### **New York State Human Rights Law (HRL)**

The New York State Human Rights Law (HRL), codified at N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints may be filed with DHR any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Canisius does not extend the time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring an employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit, [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

#### **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified at 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discriminated against at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

#### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

**Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

**CANISIUS COLLEGE**  
**COMPLAINT FORM**  
**SEXUAL HARASSMENT AND RETALIATION**

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment and retaliation.

If you believe that you have been subjected to sexual harassment or subjected to retaliation for reporting sexual harassment or assisting in an investigation of sexual harassment, you are encouraged to complete this form and submit it to the College's Title IX Coordinator.

The Title IX Coordinator is Linda M. Walleshauser, Associate Vice President for Human Resources and Compliance, Interim Title IX Coordinator, Old Main 100, [walleshl@canisius.edu](mailto:walleshl@canisius.edu), 716-888-2244. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, Canisius will complete this form and provide you with a copy and follow its sexual harassment prevention policy by investigating the claims are outlined at the end of this form.

**For additional resources, visit:**

[ny.gov/programs/combating-sexual-harassment-workplace](http://ny.gov/programs/combating-sexual-harassment-workplace)

**YOUR INFORMATION**

Name: \_\_\_\_\_

Work Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_

\_\_\_\_\_

Job Title: \_\_\_\_\_ Email: \_\_\_\_\_

Best way to contact you:  Email  Phone  In person

**SUPERVISORY INFORMATION**

Immediate Supervisor's Name: \_\_\_\_\_

Title: \_\_\_\_\_

Work Address: \_\_\_\_\_ Work phone: \_\_\_\_\_

**COMPLAINT INFORMATION**

1. Your complaint is about:  sexual harassment  retaliation

2. Your complaint is made about:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Work Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_

\_\_\_\_\_

Relationship to you:  Supervisor  Subordinate  Co-Worker  Other

3. Please describe what happened and how it is affecting you and your work. (Please use additional sheets of paper if necessary and attach any relevant documents or evidence.)

4. Date(s) conduct occurred: \_\_\_\_\_

Is the conduct continuing?  Yes  No

5. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint.

*The last question is optional, but may help the investigation.*

6. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Investigation Procedures

If Canisius receives a complaint about alleged sexual harassment or retaliation it will follow its sexual harassment prevention policy.

An investigation involves:

- Speaking with the person making the complaint
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations will be investigated promptly and resolved as quickly as possible. The investigation will be kept confidential to the extent possible.

The findings of the investigation and basis for any decision along with any corrective actions taken will be documented and the person making the complaint and the individual(s) against whom the complaint was made will be notified. This may be done via email.

*This form may also be viewed and completed in PDF format, listed below:*

[Canisius Sexual Harassment Complaint Form October 2018 final.pdf](#)

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[1] While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such protected classes include, but are not limited to, age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

[2] Non-employees covered by this Policy include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons employed by a third-party who are providing any services, such as equipment repair or cleaning services.



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[1] For additional information regarding non-commercial use, please refer to Aufderheide, Patricia; Jaszi, Peter (2011). "Appendix D: Myths and Realities About Fair Use". *Reclaiming Fair Use: How to Put Balance Back in Copyright*. Chicago: University of Chicago Press.

[2] U.S. Copyright Office. (2010). Executive Summary - Digital Millennium Copyright Act. Retrieved from [http://www.copyright.gov/reports/studies/dmca/dmca\\_executive.html](http://www.copyright.gov/reports/studies/dmca/dmca_executive.html)

[3] U.S. Copyright Office. (2010). Statement from the Librarian of Congress on the Anticircumvention Rulemaking. Retrieved from <http://www.copyright.gov/1201/2010/Librarian-of-Congress-1201-Statement.html>

[4] Note: Current employees are not obligated to complete the forms set forth in the Appendix.